

Westmoreland City Council Meeting
September 10, 2020 minutes

The Westmoreland City Council met for its monthly meeting on September 10, 2020 at the Westmoreland Community Center.

Governing Body members present: Mayor, Mark Goodenow; Councilmembers, Jim Smith, Jeff Rosell, Mark Jack and Ashley Rice.

Governing Body members absent: Councilmember Waide Purvis.

City Staff present: Maintenance Supervisor, Robert Krohn; City Attorney, Summer Dierks; City Treasurer, Teri Varriale and City Clerk, Vicki Zentner.

Others present: Stewart and Erin Duncan, residents; Mike and Jeanna Duncan, requestors and Cale Prater, reporter with *The Smoke Signal*.

There being a quorum present, Mayor Goodenow called the meeting to order at 7:00 PM.

Additions/Deletions/Approval of Agenda:

There being no additions or deletions to the prepared agenda, Councilmember Jack moved to approve the prepared agenda as presented. Councilmember Rice seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Purvis being absent.

Approval of August 13, 2020 meeting minutes:

Councilmember Jack moved to approve the minutes of the August 13, 2020 council meeting as presented. Councilmember Rice seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Purvis being absent.

Approval of monthly bills:

Councilmember Jack moved to approve the payment of the monthly bills as presented. Councilmember Smith seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Purvis being absent.

Public comments:

There were no public comments on non-agenda items.

Request for blocking off 4th Street-Main to State Street:

Mike Duncan addressed the council and asked permission to have 4th Street blocked off from Main to State Street for the purpose of holding a benefit poker run, beer garden and music on September 26, 2020 from 9:00 AM to 10:00 PM for his sister who is battling cancer. Mr. Duncan anticipates between 100 to 150 UTV participants to be in town that day.

Councilmember Rosell informed Mr. Duncan that he would need to obtain a special CMB (Cereal Malt Beverage) permit from the city for the beer garden.

There being no further discussion, Councilmember Jack moved to allow 4th Street to be blocked off from Main to State Street on September 26, 2020 from 9:00 AM to 11:00 PM for the benefit. Councilmember Smith seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Purvis being absent.

Councilmember Jack moved to allow the issuance of a special CMB license on September 26, 2020 from 9:00 AM to 11:00 PM for the beer garden at the event. Councilmember Smith seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Purvis being absent.

Mike and Jeanna Duncan thanked the council and exited the meeting at 7:07 PM.

Discussion on maintaining easement between 3rd and 4th Streets:

Mayor Goodenow informed the council that there had not been an alley in the easement in question and that the city had just been informed of such and would no longer help with the maintenance of the easement.

Mr. and Mrs. Duncan stated the water run off from 3rd Street runs fast along this area and that it effects five (5) properties. The water runs so fast and the slope is so steep, there are now rather large ruts.

Councilmember Rosell asked Maintenance Supervisor Krohn if the city ever maintained the easement. Krohn replied that they only tried to "spruce" it up. He also stated that the city needed to have access to the sewer line that runs along the area and more than likely, Evergy, Kansas Gas and the fiber optic company have an easement for access to their services as well.

Mr. Duncan stated that he would be happy with seeding grass in the area if he could get it to take hold.

Councilmember Rosell stated he felt that this was an issue between landowners and the other utility companies and the city should stay out of it. He suggested that the

Duncans start with contacting the other utility companies before they start to do anything with the situation.

(Stewart and Erin Duncan exited the meeting at 7:20 PM).

Tele-conference with Governmental Assistance Services regarding administration of a KDHE loan for the Rock Creek bank erosion project:

Due to Garrett Nordstrom with Governmental Assistance Services (GAS) not able to attend the council meeting due to a previous engagement, he participated in the discussion via speaker phone.

Mr. Nordstrom informed the council that GAS would be willing to administer the KDHE loan application for the city in regards to the Rock Creek bank erosion project and that GAS would not charge the city for this service since his company had previously submitted an application for a grant for the city park that was not granted. The only cost to the city would be for an environmental survey at a cost of \$2,750.

Councilmember Jack moved to hiring GAS and paying for the environmental survey at a cost of \$2,750. Councilmember Smith seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Purvis being absent.

Setting date for city-wide fall cleanup day:

Councilmember Rice moved to hold the city-wide cleanup day for Saturday, October 10, 2020 from 8:00 AM to 1:00 PM at the city shop and to obtain three (3) roll off dumpsters. Councilmember Smith seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Purvis being absent.

Councilmember Smith stated that six (6) to eight (8) volunteer firemen will be available to help pickup large items for residents that day. City Hall will send out postcards to all residents with the date, time and allowable items. Citizens may also bring their items to the city shop grounds on that day. There is no charge for this service.

Ordinance #576-new rates for voluntary recycling program:

City Clerk Zentner informed the council that Ordinance #576 amended the rates for the voluntary recycling program from Ordinance #559.

Councilmember Rosell moved to approve Ordinance #576. Councilmember Smith seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Purvis being absent.

The new recycling rates will take effect with the September billing.

Discussion of changes to Ordinance #489 (zoning):

City Attorney Dierks informed the council that the changes to Ordinance #489 had been previously talked about at the February, 2020 council meeting in regards to carports, fences allowed in front yards and storage containers.

Carports had not been addressed in the original zoning ordinance as an acceptable structure but were considered as needing a conditional use hearing and approval by the city's planning and zoning board. By incorporating them into the original zoning ordinance with certain requirements, there would not be a need for the hearing process.

Fences in front yards had not been allowed at all in the original zoning ordinance, however, several residents had requested that they be allowed and the planning and zoning board had recommended that they be allowed with restrictions and height and ease of access by city personnel and emergency personnel as well.

Storage containers, however, were to still be required to be a conditional use subject to review by the planning and zoning board.

Another item that needed to be addressed was allowing the construction of a new building to be erected in the original plat of the prior building grandfathered in by the zoning administrator.

Attorney Dierks would also like to incorporate Ordinance #534 into Ordinance #489 so as to keep all zoning requirements in one Ordinance instead of several, which could be confusing to others.

Councilmember Rosell said he felt that the council needed to look over both Ordinances and have a special meeting to review and discuss the ordinances.

A special meeting with the council, planning and zoning board members and Attorney Dierks will be scheduled at a later date.

Attorney Dierks will send a new draft of the ordinance before the special meeting for the council to review.

Campbell Street Agreement:

Attorney Dierks informed the council that the county didn't want to re-negotiate the agreement between the city and the county should the costs of improving Campbell Street be more than the estimated costs. However, she was not comfortable with the wording and wanted to make sure that the council didn't have to pay more of their share for the project than they were comfortable with.

Councilmember Jack said he was not alarmed with the agreement, but, if Attorney Dierks was not comfortable with the wording, then he felt it should be re-written with a cap for the total project.

Councilmember Rosell stated that he had two (2) concerns about the agreement. The first concern was that the county engineer was leaving at the end of the year and the second concern was with the cost coming in higher than the estimate. He felt that perhaps there should be wording along the lines "*they (the city) shall not pay more than their third of \$300,000*".

After some more discussion, the council asked Attorney Dierks to put wording in the agreement that the city would not pay more than their one-third share of \$290,000 for the project. This agreement should also be finalized and signed by both parties before the end of 2020.

Future agenda items:

There were no future agenda items discussed.

Councilmember Rosell asked that the city clerk send a letter to Mr. Wege regarding the council's acceptance of his offer to have his vacant building removed by December 31, 2020.

Staff Reports-

City Agent:

The city agent was not in attendance.

Pool Manager:

The pool manager was not in attendance. It was noted that the pool is now closed for the season and maintenance was waiting for cleaning of the bathhouse by pool staff to take place before winterizing the pool could be done.

Treasurer's Report:

Councilmember Jack moved to approve the treasurer's report as presented. Councilmember Rice seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Purvis being absent.

Treasurer, Teri Varriale, informed the council that they needed to make a decision on whether to opt out of the employee share social security tax deferral as in the President's memorandum from August 8, 2020.

Councilmember Rosell moved to opt out of the employee share social security tax deferral as recommended by Varriale. Councilmember Rice seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Purvis being absent.

(Cale Prater exited the meeting at 7:53 PM).

Maintenance Report:

Supervisor Krohn reported the following for the month of August-

- UTILITIES
 1. Collected yearly TTHMA-HAA water sample and sent to KDHE lab.
 2. Met with KRWA to look at standing water issue at 606 S. Pine. Using a listening device along with no presence of chlorine when tested, it was determined there was not a water leak and probably just a healthy underground spring.
 3. Third quarter lagoon sample results showed Effluent BOD level was slightly higher than permit limits likely due to algae on the ponds surface and ammonia levels slightly higher than permit limits.
- STREETS
 1. Painted parking areas on Main St., 2nd St., and the Community Center
 2. Replaced faulty time clock in the school zone light at 5th & Main
 3. Installed new warning flags on the speed limit and stop signs on Campbell St.
 4. Repaired alley culvert on 1st, between Main St. and State St.
- PARKS
 1. Replaced flag pole light at City Park
 2. Mowed and sprayed weeds
 3. Fleming Brothers Constr. Poured the pad and sidewalk for the Marilyn Frank shelter building at the RV Park
 4. Placed topsoil around new pad/sidewalk for the Marilyn Frank shelter building at the RV Park
 5. Installed new water service and hydrant for the Marilyn Frank shelter building at the RV Park
 6. Removed dead tree at Dechairo Park and ball diamond
- CEMETERY
 1. Mowed and sprayed weeds
 2. Completed one (1) work order for a full burial
- POOL
 1. Valburg Electric installed new contactor switch for the pool pump
- BUILDINGS
 2. Roof and gutter replacement will begin on city buildings as soon as materials ordered have been received
- PLANNING AND ZONING
 1. Issued a building permit for a deck at 604 Scott Dr.
 2. Issued a building permit for a carport (conditional use approved) at 104 S. 4th

3. Issued a building permit for a house addition at 308 N. Walnut
 4. Issued a building permit for a shelter building at 407 Highway 99
 5. There will be a second hearing for a variance approval of no set backs for a new duplex to be built at 510 Armer
 6. There will be a hearing for a variance approval of no set backs for an accessory use building that footings were poured after the owner was told what the set backs were and where the approximate property line was. The discussion was also had that the city would not pay for a survey and that the water meter would be the point the measurement would be made from to the eave line of the accessory use building.
- **EQUIPMENT**
 1. Installed tool box, fuel transfer tank, headache rack and switched equipment over from the GMC truck to the Silverado truck

Krohn also reported that he had met with RCS and Corp of Engineers regarding the Rock Creek bank erosion project and there were no issues with the scope of the project. The city will, however, need to obtain a construction easement from the landowner across the creek. Fence replacement and road work should be paid from the grant funds.

Clerk's Report:

City Clerk Zentner read a thank you note from the Rock Creek After Prom Committee thanking the council and maintenance staff for the use of the ball diamond and mowing of the grounds so that the students could have their After-Prom event.

Zentner also expressed concerns from some of the campers at the RV Park regarding the burn pile being in use over the Labor Day weekend.

Council Reports-

Streets-Councilmember Rosell had nothing more to report.

Utilities-Councilmember Jack stated that he felt landlords should sign a document stating that they would be responsible for water usage after a tenant moves out and the landlord wants the water left on for cleaning and that they will notify city hall when they are finished cleaning and are responsible to pay the bill.

Attorney Dierks will look at the ordinance for any verbage that would pertain to this issue.

Animal Control-Councilmember Smith had nothing to report.

Planning and Zoning-Councilmember Smith had nothing more to report.

Pool-Councilmember Rice had nothing more to report.

Fire Department-Councilmember Jack had nothing to report.


Mayor-Mayor Goodenow had nothing to report.

City Attorney-Attorney Dierks had nothing more to report.

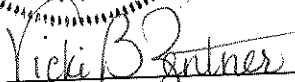
There being no further business brought before the council, Councilmember Smith moved to adjourn the meeting. Councilmember Rice seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Purvis being absent.

Mayor Goodenow declared the meeting adjourned at 8:04 PM.

Approved by the Governing Body on October 8, 2020.

Signed: 
Mark A. Goodenow, Mayor




Vicki B. Zentner, City Clerk