

## Meeting Minutes

**Attendees:** Mayor Brady Gragg, Ken Stringer, Grant Bowlin, Dan Ravenscraft, Trent Clark & Kathryn Coleman

Others In Attendance: Officer Tom Moore, Anne Morrow, Andrew Hanna, Terry Ullum, Bob Roland, Bruce and Linda Dietler

**6:59pm:** Mayor Brady Gragg calls the City Council Meeting to order.

Additions to Agenda:

- Mayor would like to call an executive session at the end of the meeting.

**Motion to Approve: Accept the agenda with this addition. Ravenscraft, second by Bowlin. Ayes Carried: 7:01pm**

Approval of August meeting Minutes:

**Clark motions to approve the August Meeting Minutes as written, Bowlin seconds. Ayes Carried: 7:03pm**

## Open to Public

Resident of Whitewater, **Bruce Dietler** and his wife Linda has lived in Whitewater for 25 years and this was the first meeting they have attended in those years. Appreciates the city and has seen the good work that the city clerk and city superintendent have been doing. They bought their house, which should have been torn down and instead they rebuilt it themselves with the plan to stay here because they like the town. The concern that has arisen in the last few years that there are others in town who don't appear to appreciate Whitewater as much as they do, in the fact that their places are looking less than desirable. With the development of the Whitewater Lakes Addition the desire is to increase more people into this town and increase the values of the properties, the city has done a wonderful job with the curb, sidewalk enhancements and the building renovation downtown. But there are other places in town that do not look real "whippy". With the city clerk processing and digitizing the city codes, how many of you have read and know what is to be enforced and what is not? If you do, Why aren't they being enforced? There are sidewalks where people can trip and get badly hurt, and then someone can be sued. There are locations where there are derelict cars sitting well over three weeks, which I understand is the cities threshold, where's the action? Another place along Elm that looks like a chop shop, but it still exists within city limits, a couple of other locations that have things spilling out all over their yards and driveways, this is not the kind of things you want happening in our town. If you've got the ordinances, enforce them, if your not going to enforce them, get off the board and get somebody on here who will! I say that with great respect, I appreciate everything that goes on in the town but more could go on to enhance the value of the properties we chose to maintain.

**Linda Dietler** – about 2 years ago her cousins came in an RV and the city said they were not allowed to park in front of their house or their driveway because they would block the sidewalk, they respected the city's rules and they had to park so far away. However there is an RV parked in someone's lawn, what is going on there? We respect the laws and try to obey them, we don't want to come against these people we just want to encourage them to do the right thing and clean up. We would appreciate it if you could help them to do the right thing, encourage them to clean up and if they don't, take action. We want our city to be a blessing for everybody.

**Mayor Gragg** – Thank you for your comments, the city council as you have seen in the newsletter, Anne (city clerk) has been working diligently to get the city ordinances that we do have in place digitized so that we can go through them, they are difficult to understand right now. They are all over the place and it is difficult to find codes and then enforce them. Time has been spent on trying to find zoning easements and the listed code wasn't even there to coincide with what was there. So we are trying to clean that up right now.

**Bowlin** – On top of that, First, we are also trying to bring them into a more current or updated status to the point they do not go against State Laws. Some of them are unconstitutional at this point so we are currently getting everything looked at to where they will be current when it comes to State Statutes, etc. That we are not trying to enforce something that is illegal. Secondly, it was tabled slightly, but there has been good conversation about outsourcing an Ordinance Officer, type of situation. We are at a point in this town without an Ordinance Officer; we must rely on neighbors' complaints. Written, documented and signed; some of which take more signatures than others before the city can act. In the past we didn't get complaints, but now, sometimes we don't get enough. Every single instance you brought up is on our radar, we all live here and see it. A couple of them know the system well and play their games. I'm in support of bringing that Code Compliance third party in, but we need to have our codes to where they are enforceable.

## **ORDER OF BUSINESS**

**Water Tower Allocation Report, 7:17pm: - (In Packet, Copy of Contract with Viking in 2019, Minutes from 2019 meeting, documents showing where the money came out of and when the checks were issued, Fee Schedule.)**

**Morrow** – To answer questions on the Water Tower Contract and where the money is, has gone and where we are in that schedule, I have done some digging and contacted folks within Viking and found out that they had outdated contact information for the city to attest to why we have not seen any billing from them until now. We are updated with them on contacts and who is here at the City Office. In searching minutes, I found out when they approved the contract but did not detail where the money would be paid out of. That said, looking in other records it looks like most of the payments came out of a combo of Water and Other up to 2021. No payments were made in 2022, in 2023 a large payment was made which included the \$40,000 being questioned during last month's meeting. **The payment schedule is listed, and we are all paid up even though some of the work has not been done or completed yet.** We have paid for 2024 which according to the pay schedule and contract leaves us with the 2025 amount of \$8502. I was able to ask questions, and the Viking reps were good to work with, there is a local guy out of Hesston and then a billing lady in Omaha, their headquarters, that I worked with to get everything sorted.

**Ravenscraft** – Water tower maintenance is so important.

**Morrow** – Just remember that the end of this contract is 2025, so we will have to investigate for the future if we want to continue with Viking or somewhere else.

**Bowlin** – this does cover the work that needs to be done that has been postponed?

**Morrow** – Yes, it's basically prepaid at this point.

**Mayor Gragg** – Thank you Anne & Terry for digging that up.

## **Tree Removal (Safety and Appearance), 7:20pm:**

**Hanna** – Mr. McCoy who is trying to sell his house has a tree on W. Carr St. that splits the phone line and claiming that it is on city easement and wants the city to pay for it to be removed. I did talk to Jerry Mitchell in Potwin and got a quote of \$400 and the city can clean it up. On that note we have done some digging on information concerning trees and easements from other Kansas cities: General Tree Regulations – property owners are responsible in maintaining the trees in the right-of-way, including trimming and removing dead, hazardous trees. Lenexa KS – property owners must maintain trees, shrubs

on private property and the public right-of-way next to your property, the right-of-way is typically 12-15 ft from the back of the curb, ... I don't see how this is the city's responsibility.

**Mayor Gragg** – What does our city codes say? **Morrow** – I tried to look that up because I know I've seen something but I couldn't locate it so that is why we looked at other cities in Kansas.

**Hanna** – This location is not really a road, its a gravel road or alley. But this is up to you guys on how you want to proceed.

**Stringer** – Look at all the ones owned by the COOP back behind my neighbor, I mean she is HOT. Limbs from those trees have hit her fence several times. (It has been reported.)

**Hanna** – I have talked with them a few times and they continue to say, “Well, it's the middle of harvest.” --- Discussions on various other trees around town in easements along alleys, quite a few trees in town that are problems.

This particular tree is definitely dead and he is insistent that the city should pay for it. Again, I am willing to clean it up if he would pay for it to cut it down. We can partner with him in that way. That is your decision. It's definitely hanging over the road and splitting a power line, but the trunk is not near the gravel.

**Stringer** – This is not something we should take on.

**Clark** – I'd probably look into taking the route you brought up: See if Mr. McCoy is willing to pay Jerry Mitchell to get it done and you can come in and help clean it up.

**Ravenscraft** – I don't know that he (Mitchell) carries personal insurance to cover things and that is one reason the city shouldn't be the one hiring him to do that because liability would fall on the city if we were the ones hiring him. It's totally different if individuals hire him.

**Coleman** – Is that house for sale? **Answer:** Yes

**Clark** – If the city were to do this one, with so many around town, this would open up a can of worms because everyone would expect the city to take care of the trees. We've got to have a precedent set.

**Bowlin** – Jerry down at the pizza place had to pay for his to be cut down didn't he? **Answer:** Yes

**Ravenscraft & Coleman** – Wish we had something we could show from our ordinances to quote to Mr. McCoy in a letter.

**Mayor Gragg** – When we were looking into the sidewalk ordinances, they matched Wichita, and that is a common ordinance or law that the property owner is responsible for any plants within the easement. We just can't find it in ours, or it isn't worded very clearly.

**Morrow** – And that is why as we are going through our codes, we may need to add or take away some verbiage or reword areas to clear things up when it comes to our codes. We can make new ordinances or resolutions if needed.

**Consensus of the Council:** *Mr. McCoy is responsible for taking care of the tree in question and the city will help clean up. The Mayor will draft a letter to Mr. McCoy to inform him of the Council's decision.*

### Fire Hydrant Repairs, 7:30pm:

**Hanna** – Online shopping for parts or pieces needed to repair our hydrants requested by Mr. Bartlett, Fire Chief. FIREHOSEDIRECT website. The threads on some of them are damaged to where they cannot get their hoses on and it has been difficult to locate a tool to remove them, 8-sided wrench, may need to fabricate one or file the threads down by hand. Caps & Gaskets = \$1119.96.

I was able to get pieces out of an older hydrant to learn about it some and see if it is doable. I'm learning to rebuild them and will continue to learn more about it. Will keep looking into seeing if we can find a wrench, any suggestions are welcomed.

**Ravenscraft** – Are we sure these are the right things or should we order just a couple, to see.

**Hanna** – We have matched the parts to the hydrants we will be working on so the parts match.

**Stringer motions to approve \$1200 for the parts for the hydrant repairs and that those funds be from the General Fund. Second by Ravenscraft. Ayes Carried: 7:38pm**

### Water Valve Project, 7:39pm:

**Hanna** – 2 different bids for water valve replacements – replacing valves. One bid is just labor with a parts list to replace the parts we have on hand. That is the one coming in at \$4148.85

**Clark** – Is this something that you can eventually do on your own, instead of hiring out?

**Hanna** – If I'm around it enough to see how its done and be taught then yes, its very possible that this is something we can eventually do on our own. This one is just cutting a new one in.

**Stringer** – If you were to prioritize, how many of them need to be done right away? **Answer:** Four  
If we gave you the authority to do say those four, that would provide some good lessons on how to get it done. Then you could go in and do the rest for much less.

**Ravenscraft** – Did we table the exercising of the valves, where did we leave that?

**Hanna** – Yes, the question was asked about breaks while KWRA are exercising and I have not followed up with them concerning that question. There always is that risk but they also do these things all the time. The one on 2nd and Locust was never fixed it was just stated to never use it. And so we have to shut off more people to fix an area than we should because that valve can't be used.

**Stringer** – If we went with Graber Backhoe and you watched the process, see how its done, do those 4, you then get comfortable with it, then we can possibly do away with all that labor cost because you guys are already paid for your labor.

**Bowlin** – We pay significantly for what I was under the impression a guy who can come in and start digging holes, because that was a big complaint with the previous one. We were having to outsource all of this, and now we are outsourcing it again.

**Hanna** – I can dig the hole.

**Bowlin** – You are City Maintenance, not just City Maintenance Supervisor you got to do the work and not just hire the work out.

**Hanna** – you are right. I can dig the hole, I don't know how to replace the pipe. I'm willing to learn, but I got to have a teacher.

**Bowlin** – We had one but we ran him off.

**Clark** – I'm okay with approving that one with Graber Backhoe, like same thing you said, get your feet wet, and learning it.

**Stringer** – I agree, the man's willing to learn; he needs help to learn. It's not something you pick up in school. He needs the opportunity to learn and I'm glad you are willing to dig it.

**Clark** – I think what Grant's saying is just from here on out once you get a couple under your belt.

**Hanna** – Brandon has taught me a lot already with the water leaks. Hope to learn some tips and tricks.

**Clark motions that we replace this one valve with Graber Backhoe for \$4,148.85 (to be taken out of the Water Fund) and the City Maintenance Crew learn through the process in hopes to be able to do future replacements on their own. Second by Coleman. Ayes carried: 7:51pm**

### Lagoon Sludge Update, 7:52pm:

**Hanna** – We are 5th in line for KWRA to come measure ours. This is at no charge. This is not cleaning it out just getting the measurements as suggested at inspection.

### Mower Quotes, 7:53pm:

**Hanna** – This is a continuation from last month concerning the need for a new mower. These are replacement quotes. 3 different quotes, two quotes are on the same machine from two different companies, Ravenscraft & Moridge. The old machine has a trade-in value of \$500. (passed around quote pages)

**Ravenscraft** – We could probably adjust the setup and do the same price, it will probably come through us anyway. To be fair maybe get a quote from Maximum Tractor as well, you really are dealing with only one company. They should all be close to the same price. Did they give an estimate on what it would cost to get that one fixed? **Answer:** No, I brought it to you for that.



**Clark** – Is the one you got now diesel? **Answer:** Both are diesel. The one in question is a 2006 model, 3500 hours, its suggested that most engines get to 4000 before they need an overhaul. We put about 600 on it a year.

**Ravenscraft** – Basically, you're not going to get another year out of that machine even if you put \$1500 (just a ballpark figure) of repairs into it, its just flat worn out. There's no one saying the city couldn't go out and buy a mid-mount mower or something, it may be a bit cheaper, full-efficient.

**Clark** – I really don't want to spend the money, but we are kind of stuck between a rock and a hard spot.

**Mayor Gragg** – Is this an expense you are needing in 2024 or could this wait until Spring of 2025?

**Hanna:** It could wait until Spring of next year, as you know mowing slows during the winter, there is still life in the machine, and we do have a bit more mowing this season, so it does need to happen before next mowing season.

**Clark** – Are there any big sales coming up?

**Ravenscraft** – There is a big Harvest Sale going on currently, but I honestly haven't looked it up to see.

**Mayor Gragg** – My concern is that we didn't take this into account when we wrote the 2025 budget, so it's not budgeted – but if there is money available, there is money in the fund that can support that and still leave money available for emergencies then I'm not against it.

**Stringer** – Where is that money coming out of?

**Ullum** – We have an Equipment Reserve Fund that was established in 2023 that has \$20,794 currently in it. If we spend it in 2024 it will not carry over into 2025. If we do not spend it in 2024 that is the exact same number that will carry into 2025 unless we add some money to that specific fund. We can add from the General Fund if need be. These specific funds that are line items we cannot take funds out of there and put towards something else, it must be used for what it was specified as, the Equipment Reserve Fund.

**Ravenscraft** – Unfortunately, a mower is something you have got to have.

**Coleman** – It seems like the consensus is, we are going to have to do it, and it really doesn't matter if we do it this year or next year, but it's just another big expense. We can wait until Spring; we don't have to decide tonight. The need just won't change from now and then. \*

\*Ravenscraft will investigate pricing to make sure prices aren't expected to increase within that time frame.

**Bowlin** – I think I've been clear on my stance on spending money. It's not important unless it's on infrastructure like streets, sewers or water.

*--- Tabled until next month to gain a little more information on possible price increases in the new year.*

## **Financial Report – Terry Ullum, 8:07pm**

- The biggest expense that came out in August was our Bond payments, \$72,000. A little over \$20,000 of that will end in 2026. All other expenses are routine.

**Bowlin** – What are professional fees? **Answer:** Attorney, Judge, those types of people.

## **Motion to Approve Financial Report: Stringer, second by Ravenscraft. Ayes Carried: 8:10pm**

- The City Superintendent & City Clerk or Office Itemized Card Statements were provided for the council. The city has only 2 cards.

**Ravenscraft** – What did we get at the Vanderbilts store? Was that the boots we talked about getting for everybody? **Answer:** Yes

**Clark** – Thank you, could we get this every month; I figure since we are watching spending everywhere else, credit cards would be good as well? **Answer:** Yes, and if you want any more specifics on a certain line item, we have it all in detail and go through it every month to make sure it is all matched up.

There was a spending cap established at some point where there was a limit of like \$500, I can't remember what that limit was, unless approved by the council...

**Ullum** – I think that number is low for the times we are in currently, I've got some new/updated policies that I'm building up, we will present those procedures and policies to the council one of

these days to adjust as the council may see fit. We are following some of those guidelines, but the dollars need to be adjusted, \$500 is nothing anymore.

**Mayor Gragg** – I thought we had adjusted that maybe last fall to \$600? I could be wrong.

## PERSONNEL REPORTS

### Police Report – Tom Moore, 8:15pm

- 4 traffic stops
- Delt with some dogs in town
- Next spring, I would like to set something up through Zebco, like getting free rods and reels, tackle boxes for kids, and create a fun weekend event here at the fishing pond. I wasn't sure who I needed to talk to about that or who's pond that is. Or if it needs to be stocked. This was done in Benton, they had like 100 kids with their parents, the parents have to be out there with their kids, and thought it would be a fun thing to be done for the kids. I didn't know who to ask. **Answer:** I think is has been annexed into the City but remains probably is private property, its not clear.

**Clark** – I think that sounds like a good idea.

**Mayor Gragg** – So like a meet and greet type of thing over at the park, hand out a pole, let the kids go fish? Sounds like a good event.

**Ravenscraft** – I had kids climbing up on my building, playing a game. I'm not sure who they were, but some of the roof isn't in the best condition and I know other buildings are probably worse.

**Bowlin** – I think its in Havey County but have you heard much about the Homeless Encampment south of town. The ones we told to move on, now have permission to be out there by the land owner. And I guess the neighbors are not happy.

**Officer Moore** – I had heard about it from someone here in town and so I drove out there. But yes, it is in the next county. Many people don't think we will have a problem, but we will have one. Every town will have a problem soon enough. I seriously think some of these bigger cities are bussing them out this way and dropping them off.

### Clerk's Report – Anne Morrow, 8:20pm

- Email from IdeaTek about a Groundbreaking Ceremony/Reception to be here in Whitewater Oct. 1, 1-3pm, Reception to be held at the Library. They would love to have as many from the City Council present as possible. This is more of a golden shovel, photo op, they have not finished their map of how they will do Whitewater, but they are almost done developing that.
- **Complaint Forms** – Inform the Council of all the complaint forms the office has received to date, along with what follow up or action was able to happen upon receiving said complaints. When I can, I ask Officer Moore to check on the situations when he can so they can take care of the situations before I send an official letter to the individuals from the city concerning their violations. There are some other places around town that haven't been Officially Complained about that are worse than some that have been complained about. They are on our radar but without a Public Officer or Code Compliance Officer, the city must rely on the Complaint Forms before any official action can take place.

**Officer Moore** – some of these places that are in bad shape, the owners are in bad shape and can't take care of the issues, it is going to take the community. Maybe some of the churches can help, I know it's not their job, but Potwin started this "Paint Your Town", the churches and community have painted something like 3 houses now. Some of the elderly who may not be able to do it will need help.

**Bowlin** – We tried that type of thing with a few houses in town and got told to shut it down because they guy said our actions were "racist" because we were offering to help. That was just one case.

**Coleman** – A person at Centre Point has approached me and offered to assist the city if there are any of those types of situations.

**Officer Moore** – Unfortunately, like Grant said, people are going to be offended by anything someone does, especially a city council or a town trying to help them.

**Bowlin** – We weren't coming at these folks with condemnation or like we were going to condemn their property, it was a valid issue about a back patio area that had collapsed or something, we had carpenters, people donating to put the basic structure back up, and they didn't like that idea. The fact that we were even approaching them, they felt singled out and offended.

----- discussions on various complaints and the issues with not being able to enforce some of the codes.

**Morrow** - I have talked to our Attorney about some of the issues we are seeing, and I will be sending letters to some of these violators who have shown no action through the conversations leading us to this point. And I can have Officer Moore deliver letters if needed. All this to say, we've got complaints coming in which is good, but it's hard for me nor is it really my place to go investigate these complaints. I'm ready and willing to write letters, get the conversations going concerning the findings but as someone who lives and works in the city I don't feel comfortable doing that.

**Bowlin** – Is there a timeline with the codification people? That way, we have our codes up to date and can hire a 3rd party. Until we have everything up to date we need to make sure as a council we aren't just making a list and saying here's our list, that doesn't look good. But with these Complaint Forms, now we have a list to work with currently.

- **Ranson CityCode** – I have sent them all of our City Code Book, recently scanned and filed all the Ordinances and have sent them onto Ranson and our City Attorney, I have now started scanning and filing all the Resolutions to send on. So they are probably starting to work their way through it all. I do not have a timeframe but will check on that.

**Ravenscraft** – Have other towns about our size hired someone. **Answer:** Nobody wants to take on that job. Everyone that I have talked to is basically hoping to find someone.

**Officer Moore** – Towanda had this older lady that would be out there taking pictures and people would be coming out giving here a hard time and I felt bad for her. I'd rather be a cop than an Ordinance Officer. Because, when you start dealing with properties, 80-90% of the people think they can do whatever they want with their own property.

**Morrow** – And it's not like we are trying to enforce some willy nilly rules either, It's like when we were growing up and our parents had rules, we hated but they were to keep us safe and healthy. Looking out for what is best for us. We must work with what we've got at this point and now that we have these Complaint Forms coming in I want to move forward with these and I'm doing what I can, but I also can't take the time out of my day to investigate some of them. I don't know what the temporary solution is, would it be okay is a couple of you were to be the Public Officers for a quarter, then trade off to a couple of other council members?

**Bowlin** – I think we went that route with our Health & Safety and it was a bit of a gray area. The Council isn't supposed to be on those types of committees.

**Morrow** – I have the authority to designate the Public Officer, and I know you as council members want what is best for the city too, so right there that is good criteria to stand on.

**Officer Moore** – If you tell me what the reports are, I can go in and get a feel for what types we are dealing with, and then we will know what the next steps will be from there because many people will clean up, if they are asked. So I will help her in that way.

**Stringer** – The way our codes read. She appoints a Compliance Officer, they go out and investigate, reports, the letters go out, then it comes back before a three-party council (is that right?), appointed by the mayor, then they review it, give them a time frame to get things done and if they don't it then goes before our judge. *(this is correct for some cases, it depends on the type violations)*

**Public Comment by Linda Dietler** – Could you put something in the next newsletter that the city is working on these issues that require properties or animals to be compliant to the Whitewater Codes. That could be a way to encourage the local community to do what is necessary.

**Public Comment Bob Roland** – Will the codes be somewhere where people can find them, get to know them and read them?

**Morrow** – Yes, they will be on our website for anyone to find. I will have copies in the office and continue to make simple handouts about topics and the City Code reminders in the monthly newsletters. Unfortunately, some are long, and I can't get it all in the newsletter. But again, we are in the process of cleaning them up and hopefully easier to look at, so we aren't there yet. Thank you, I appreciate your suggestions.

## **Maintenance Report – Andrew Hanna**

- This report was skipped this meeting.

## **New/Unfinished Business**

### **Signage Around Town, 8:50pm**

There has been a request for speed limit signs at the 1st and 2nd Street areas along N. Main.

There is a request for a STOP sign at the area of Vine and S. Oak.

**Morrow** – There are quite a few signs around town that are hard to read, or look at, but these two request directly from our citizens.

**Stringer** – When I was approached by that issue of the stop sign, I told them to make a complaint. But apparently when the kids playing ball are coming through there on Vine, they are going fast even with the dip there. There are kids who play on that corner and the main problem is during the summer and baseball season. East/West traffic.

**Coleman** – There isn't a stop sign over at the school there on S. Oak and Topeka is there?

**Answer:** No there is not.

----- Public Comments concerning some other road issues that aren't marked.

**Morrow** – So, we need to do something like a sign assessment to see what signs need to be replaced, what type we need to put in certain areas and get them ordered and placed.

**Mayor Gragg** – I don't think that is a bad idea; I know there are some handicap signs that are faded, and so on, we might even look to see about grant money for something like that.

**Bowlin** – Maybe the County too, they do the Central and Main streets, I think.

**Mayor Gragg** – If there is a speed limit sign needed at N. Main going South, I think we need to go ahead and get a sign.

**Bowlin** – This is not a negative comment, just a comment, but ever since we put up those digital speed limit signs, they are not in good spots in my opinion. They were not put in the best spots, convenient yes, maybe we need to move them around.

**Ravenscraft motions to install a speed limit sign on North Main, for South bound traffic. Second by Bowlin. Ayes Carried: 8:58pm**

## **Agenda Items for October 28, 2024**

- Scout House Cost Analysis and Scouts Feedback
- Mower Discussion
- Update on CityCode progress
- Complaint Form Monthly Report

## **Mayor's Report – Brady Gragg, 9:05pm**

**Mayor Gragg calls for a recess into an Executive Session for HR Employee Evaluation Discussions and to resume at 9:25pm. Second by Bowlin. Ayes Carried: 9:06pm (Stringer opposed)**

- **Motion to extend the session to 9:40pm by Bowlin, second by Coleman. Ayes carried: 9:25pm**
- **Resume regular meeting at 9:40pm**



***Bowlin motions to give a performance based raise to Anne Morrow, the city clerk, of \$1.29, effective October 1, 2024, second by Ravenscraft. Ayes Carried: 9:41pm***

***Bowlin motions to bring the September Council Meeting to an end, Second by Clark. Ayes carried: 9:42pm***

**Meeting Adjourned – 9:42pm**