

Westmoreland City Council Meeting
October 8, 2020 minutes

The Westmoreland City Council held its monthly meeting on October 8, 2020 at the Westmoreland Community Center.

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

Governing Body members absent: Councilmember Ashley Rice.

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

Others present: Resident, Bruce Meininger; Dustin Newman with Pottawatomie County Public Works and Cale Prater, reporter for *The Smoke Signal*.

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

Additions to the agenda: Councilmember Jack asked that Dustin Newman with Pottawatomie County Public Works be added to the agenda.

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

Approval of September 10, 2020 minutes: There being no corrections to the minutes of the September 10, 2020 council meeting Councilmember Jack moved to approve the September 10, 2020 minutes as written. Councilmember Smith seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

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

Public comments on non-agenda items: There were no comments.

Request to vacate alley at 308 Quail Drive: Bruce Meininger addressed the council with his request to vacate the alley behind his residence. He stated that he would like to build a storage building in the spring, but he didn't understand why the plat showed there was an alley on his property when the only thing back there was a cement slab and trees.

Maintenance Supervisor Krohn informed the council that at the time the plats in the neighborhood were filed, the area in question was possibly for access to all the backyards in the area. However, it was never made an alley and the only things that ran through the area were gas and underground phone lines, thus making it a utility easement, and that the city had no need to access properties for city utilities.

Councilmember Rosell stated his opinion that the city should vacate the alley under the circumstances.

Councilmember Purvis moved to instruct the city attorney to prepare paperwork to vacate the alley behind 308 Quail. Councilmember Jack seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Discussion on the city's water Ordinance #437: City Clerk Zentner informed the council that there was no wording in the ordinance in reference to when a tenant moved out of a rental and did not pay the final bill, that the landlord would then be responsible for the payment of the bill. She stated that she had researched this subject through copies of minutes from the date of the passage of the ordinance until now and found that the subject had been addressed but after several landlords attended a council meeting voicing their opposition to this subject, there was no further action taken.

Councilmember Rosell and Mayor Goodenow both stated that this issue had been ongoing for years. Councilmember Rosell stated that landlords should contact city hall letting the clerk or treasurer know that their tenant has moved out, to put the account back in the landlord's name for cleaning purposes, and when they were through cleaning.

Mayor Goodenow suggested some kind of document should be given to the tenants when they set up service stating that they are to contact city hall when they move out along with a forwarding address and acknowledge that they will be responsible for the payment of the final bill.

Councilmember Purvis stated that he felt landlords should be responsible for letting the city know when they have tenants move out or in.

The council instructed the city clerk to do research from other cities as to their policy for this issue and report back to the council at the November 12, 2020 council meeting.

Discussion on issues at the city cemetery: Councilmember Purvis stated that several individuals were riding ATVs in the city cemetery and tearing up the cemetery roads and several dog owners were also letting their dogs run loose in the cemetery. He stated that the rules regarding dogs being "off leash" at the cemetery were posted at the cemetery entrance, but ATVs not being allowed was not posted.

(Mr. Meininger exited the meeting at 7:17 PM)

The question as to the city cemetery being within the city limits or not was raised. Councilmember Purvis stated that if it wasn't it needed to be annexed into the city.

Attorney Dierks informed the council that state statutes stated that notification to the county commissioners within 60 days before the city's action to annex the cemetery in writing would need to be done as well as publication of a public hearing regarding the annexation in the city's official newspaper would need to take place.

Another issue at the cemetery was the placing of monuments on burial lots in the incorrect area. Moving forward, all information of location of lot, placement of monument and placement of burial will be provided to mortuaries and monument businesses to avoid anything being placed in the incorrect place.

Councilmember Rosell asked why lots were being sold in the 2nd addition of the cemetery, thus causing the city to have to buy road rock for access to them. City Clerk Zentner replied that the Mayor had instructed her at previous council meetings as well as in person to not sell any cemetery lots in the 2nd addition of the cemetery until all lots in the 1st addition had been sold. She stated that this was the case now.

Councilmember Rosell then stated that nothing to the north fence should be sold. Zentner replied that she had not sold any lots in the northern part of the 2nd addition, only the southern lots, which were north of the 1st addition.

Councilmember Rosell said that lots should not be sold "scattered" in the cemetery. Again, Zentner replied that only the southern lots of the 2nd addition were being sold and nothing to the northern part of the addition had been sold.

Councilmember Rosell stated that there were several lots in the original part of the cemetery that had been sold, but that no one was laid to rest in the lot. He would like research done as to owns them and if they wish to keep them or not.

Dustin Newman with Pottawatomie County Public Works: Mr. Newman informed the council that the county would like to remove the fence from its original plan for the new fleet maintenance building. He stated that some of the county's equipment is slightly bigger than what the county had thought which makes it a tight fit in the proposed fenced area.

Councilmember Purvis stated that the surrounding landowners had expressed their request for a fence and that Mr. Newman should probably speak with the landowners for their input and then come to the November 12, 2020 council meeting to discuss again with the council. Councilmember Purvis also stated that if the landowners didn't have a problem with the fence, the council probably wouldn't either.

Mr. Newman asked if Cochrun Street needed to continue to be closed. Supervisor Krohn stated the city had already vacated it and was considered private property now. It was suggested that the county put some kind of barrier across the street, perhaps concrete barrier blocks.

Agreement with Pottawatomie County regarding Campbell Street paving and improvements: Attorney Dierks stated that she had reviewed the revised wording in the agreement and was now happy with the city's share of repayment wording.

Councilmember Purvis moved to authorize the Mayor to sign the agreement as presented. Councilmember Jack seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Staff Reports:

City Agent: City Agent, Jeff Zimmerman stated that he was viewing a few more violations of the city ordinances regarding grass, trash/debris, and abandoned vehicles before giving to city hall for letters to be written.

The city clerk will provide the city attorney with a list of violators that had not taken care of their issues that were previously sent letters.

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

Maintenance: Maintenance Supervisor Krohn reported the following for the month of September:

- UTILITIES
 1. Cleaned out all the water valve boxes and exercised water valves (103) throughout town as per KDHE requirements every year
 2. Collected and sent monthly water bacteria samples to KDHE with both tests coming back absent for bacteria
 3. Attended two (2) half-day online webinars with KRWA for utility licenses as per KDHE requirements
 4. Trimmed low hanging tree branches over the lagoon perimeter fence

- STREETS
 1. Asphalt patched the new curb/gutter on Skene Street
 2. Asphalt patched the new street culvert at 6th and North Streets
 3. Asphalt patched the cul-de-sac on Scott Drive
 4. Began asphalt patching the cul-de-sac on Frontier Avenue

- PARKS
 1. Mowed and sprayed weeds
 2. Pulled weeds/cleaned flower beds
 3. Trimmed low hanging tree branches
 4. Winterized the ball diamond bathrooms and concession building
 5. Cleaned out the fire pits and BBQ grills at the RV Park

- CEMETERY
 1. Due to the opening and selling of lots in the larger section (2nd addition) of the cemetery for new burials where there is not currently a road to service this area, rock is going to need to be ordered at an estimated cost of \$3,000.00. This will provide a better access for opening/closing, funeral services and for the vault company to set up in inclement weather without tearing up the cemetery
 2. Mowed and sprayed weeds
 3. Opened/closed one (1) cremation burial
 4. Opened/closed one (1) full burial
 5. Completed the fall clean-up of the cemetery by trimming back peony bushes, irises, sapling trees and miscellaneous flowers and grasses
 6. Reset all of the government markers around monuments throughout the cemetery
 7. Trimmed back the lilac bushes to remove the dead and allow for the new to establish next spring
 8. Trimmed low hanging tree branches

- POOL
 1. Winterized the pool and bath house for the year

2. Power washed the pool surface to remove chemical residue
 3. Installed the new skylights in the bath house from the hail damage several months ago
 4. Removed rotten timbers used to separate the grass from the ground cover at the pool playground
- BUILDINGS
 1. McGee Roofing replaced all of the roofs and guttering to the buildings damaged by the hail storm several months ago
 - PLANNING AND ZONING
 1. Issued a building permit for a fence at 410 N. 1st Street
 - EQUIPMENT
 1. Umscheid Autoworks sprayed rust preventative coating in all the door cavities and anywhere on the 2020 Chevrolet truck where it is not accessible to washout the body cavities and where rust usually starts due to moisture
 2. The dump truck had to be towed into town by Manhattan Wrecker to off load seven (7) tons of asphalt and then towed to REED Equipment for repairs due to the water pump going out

Councilmember Rosell moved to authorize the purchase of road rock for the cemetery to be taken out of the general fund in the amount of \$3,000.00. Councilmember Jack second the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

(Cale Prater exited the meeting at 7:45 PM).

Councilmember Rosell inquired about the creek stabilization project paperwork. He asked Krohn if the city's engineer from SMH Consultants had looked over the plan and other paperwork. Krohn responded that he had not. Councilmember Rosell then stated he felt that SMH engineer should look at all plans and paperwork before Krohn puts the project to bid.

Councilmember Purvis felt that if SMH had no issues with the plans and project that either a special meeting should be called to authorize the bid publication or it could be addressed at the next council meeting.

City Clerk's Report: Clerk Zentner reported that as of 5:00 PM, 31 residents had signed up for items to be picked up for the city wide clean up day on the 10th.

Councilmember's Reports:

Streets-Councilmember Rosell had nothing more to report.

Utilities-Councilmember Jack had nothing more to report.

Animal Control-Councilmember Smith had nothing to report.

Planning and Zoning-Councilmember Smith had nothing to report. Maintenance Supervisor informed the council that two (2) lot splitting would be heard by the planning and zoning commission in the near future. Clerk Zentner reminded the council of the special meeting on October 12th with the planning and zoning commission members and city attorney regarding changes to the zoning ordinance. A copy of the ordinance will be emailed to the councilmembers prior to the special meeting.

Pool-There was no report due to Councilmember Rice being absent.

Fire Department-Councilmember Jack had nothing to report.

Cemetery-Councilmember Purvis had nothing more to report.

Parks-Councilmember Purvis had nothing to report. Krohn did inform the council that the contractor was waiting for the tin and 8x8 posts for the new structure at the RV Park. A masonry company had been found for the fireplace at the structure and Krohn was waiting for a cost estimate to send to the family for acceptance.

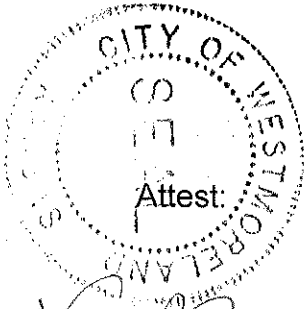
Mayor-Mayor Goodenow had nothing to report.

City Attorney-Attorney Dierks reported there would be a court hearing on Monday, October 12, 2020 before the special council meeting regarding a mowing issue. She also stated that at the November council meeting, there would need to be a public hearing on the amendments/changes to the zoning ordinance.

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

Mayor Goodenow declared the meeting adjourned at 8:00 PM.

Approved by the Governing Body on November 12, 2020.



Signed: Mark A. Goodenow
Mark A. Goodenow, Mayor

Vicki B. Zentner
Vicki B. Zentner, City Clerk