

Westmoreland City Council
November 12, 2020 minutes

The Westmoreland City Council met for its monthly meeting on November 12, 2020 at the Westmoreland Community Center.

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

Governing Body members absent: Councilmembers, Ashley Rice and Waide Purvis.

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

Others present: Deanna Pierson with Mills of Gold 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/deletions to agenda: Rock Creek bank stabilization project bids opening.

There being no further additions or deletions to the agenda, Councilmember Jack moved to approve the amended agenda. Councilmember Smith seconded the motion. The motion passed three (3) ayes to zero (0) nays with Councilmembers Rice and Purvis being absent.

Approval of the regular meeting of October 8, 2020 and special meeting minutes of October 12, 2020:

Councilmember Jack moved to approve the minutes of the regular council meeting held on October 8, 2020 and the special meetings minutes held on October 12, 2020. Councilmember Smith seconded the motion. The motion passed three (3) ayes to zero (0) nays with Councilmembers Rice and Purvis being absent.

Approval of the monthly bills:

Councilmember Jack moved to approve the payment of the monthly bills as presented. Councilmember Rosell seconded the motion. The motion passed three (3) ayes to zero (0) nays with Councilmembers Rice and Purvis being absent.

Deanna Pierson regarding new business for the manufacturing district:

Deanna Pierson presented the council with information regarding her desire to bring a new business in the manufacturing district of the city in the Farmers State Bank Industrial Park.

Ms. Pierson explained that she was in the process of acquiring the lot where Robert Lauer had previously had his used car business and wished to bring to the city a small manufacturing business making pillows. She said that her business would employ between six (6) to ten (10) employees.

Ms. Pierson went on to explain that she would like to apply for an economic development grant from the State of Kansas, of which the city would actually apply for on her behalf. She went on to explain how the grant would work with the State of Kansas granting the money to the city, which in turn loans Ms. Pierson's business the money. She stated that after 18 months, as long as she was in good standing with her reimbursement payments, 25% of the loan would be forgiven. Should she default on the loan, the city could go after her for the remaining unpaid funds.

She stated that she was willing to pay for a grant writer and environmental study and had already spoken with the city's grant administrator (Governmental Assistance Services) expressing her willingness to pay them directly for their services.

One thing that might be an issue would be having one (1) or two (2) semi-trailers parked at the business along with pallets for transferring the products.

Councilmember Jack said he felt that it might be possible that other businesses would come to town should Ms. Pierson's business be productive.

When asked when Ms. Pierson thought she would have the business up and running, she said she would like to have everything ready to go in February or March of 2021.

There being no other questions or comments, Ms. Pierson thanked the council and exited the meeting at 7:26 PM.

Approval of changes to the city's zoning ordinance as recommended by the Planning and Zoning Commission:

Attorney Dierks said the new changes to the city's zoning ordinance had been inserted as requested by the council from the October 8, 2020 meeting.

Councilmember Jack moved to approve the changes to Ordinance 489 as recommended by the city's Planning and Zoning Commission and Attorney Dierks. Councilmember Rosell seconded the motion. The motion passed three (3) ayes to zero (0) nays with Councilmembers Rice and Purvis being absent.

Attorney Dierks will forward Ordinance 489 as changed to the city clerk for publication in the city's official newspaper.

Opening of bids for the Rock Creek bank stabilization project:

City Clerk Zentner informed the council that three (3) bids had been received by the published deadline and then proceeded to open the bids with the results being:

Jueneman Excavation from Hanover, KS	\$273,173.00
Bettis Asphalt from Topeka, KS	\$299,860.00
Hamm from Perry, KS	\$210,678.83

After some brief discussion of the bids, Councilmember Rosell moved to award the bid for the Rock Creek bank stabilization project to Hamm from Perry, Kansas in the amount of \$210,678.83 upon recommendation from the city's engineering firm (SMH Consultants). Councilmember Jack seconded the motion. The motion passed three (3) ayes to zero (0) nays with Councilmembers Rice and Purvis being absent.

Scheduling of employee evaluations:

Councilmember Jack stated that he felt it was hard to do employee evaluations due to the fact that the council does not work directly with city staff.

After some brief discussion, it was decided that an executive session would be called for at the end of the December 10, 2020 council meeting to discuss non-elected personnel and to protect their privacy.

Approval of CMB (Cereal Malt Beverage) license renewal for Short Stop and Liquor License renewal for Westy Liquor Stop:

Councilmember Rosell moved to approve the renewal of the CMB license for the Short Stop and the liquor license renewal for the Westy Liquor Stop. Councilmember Jack seconded the motion. The motion passed three (3) ayes to zero (0) nays with Councilmembers Rice and Purvis being absent.

Discussion on water Ordinance regarding landlord's payment of delinquent bills:

Councilmember Rosell felt that the council should have a special meeting with the landlords in regards to coming up with an agreement between the city and the landlord for payment of utility bills when a tenant moves out and service is not terminated. He felt that an amendment to the current water ordinance needed to be made to address this issue.

Councilmembers asked the city clerk to contact the landlords and have them come to a special meeting on November 18, 2020 at the community center to discuss the situation.

Discussion on annexation of city cemetery into the city limits:

Attorney Dierks informed the council that the city cemetery would need to be annexed into the city limits so as to be able to enforce any rules regarding vehicles, dogs off leash, etc. The Planning and Zoning Commission will need to decide what zoning district the cemetery would fall under and then recommend their decision to the council within 60 days. This issue will be put on the December 10, 2020 agenda.

Signing of the agreement with USDA (United States Department of Agriculture) for the Rock Creek bank stabilization project:

Councilmember Rosell moved to authorize the Mayor to sign the agreement with USDA for the Rock Creek bank stabilization project as presented. Councilmember Jack seconded the motion. The motion passed three (3) ayes to zero (0) nays with Councilmembers Rice and Purvis being absent.

Future agenda items:

There were no future agenda items mentioned.

Staff Reports:

Treasurer's Report: Councilmember Rosell inquired about the water usage report loss. Maintenance Supervisor Krohn stated that it was due to the stored water in the tower, as well as what was in the water lines, that had not been consumed yet. Councilmember Rosell stated that he was satisfied with the explanation.

There being no further questions regarding the treasurer's report, Councilmember Jack moved to approve the treasurer's report as presented. Councilmember Smith seconded the motion. The motion passed three (3) ayes to zero (0) nays with Councilmembers Rice and Purvis being absent.

Maintenance Supervisor's Report: Maintenance Supervisor Krohn reported the following for the month of October:

UTILITIES:

- SMH Consultants will take over the lagoon erosion project (Rock Creek bank stabilization project) for an estimated \$3,000 to \$5,000 after the project has been awarded if the council would like them to. They will provide the contract documents for the contractor that gets the project bid, preconstruction site photos for establishing a baseline for improvements, setting up pre-construction meeting, drafting project pay estimates and drafting project change orders if necessary
- Applied for and received a 60-day extension for the lagoon erosion project (Rock Creek bank stabilization) that was originally set to expire on December 16, 2020. The application had to be submitted 30 days before expiring for approval. USDA (United States Department of Agriculture) approved the project extension
- Sent permit applications to the Army Core of Engineers and USDA for the Rock Creek bank stabilization project and waiting on approval from both for the project
- Worked with Summer (city attorney) and sent construction easement documents to the bordering land owner that will allow the contractor to cross the property line with equipment and materials in the middle of the creek to access the project site

STREETS:

- Finished asphalt patching the cul de sac on Frontier Ave.
- Pottawatomie County has hired an engineering firm to begin the design work for the Campbell Street rehabilitation project

PARKS:

- Straightened the electrical panels and site signs at the RV Park
- Fleming Brothers Construction hopes to get started with the Frank Memorial Shelter soon with setbacks with ordering materials and other COVID-19 related issues
- Finished mowing for the season

CEMETERY:

- Opened and closed two (2) cremation burials and one (1) full burial

- Finished rocking the road in the 2nd addition (Section C), to access the newly opened areas for funerals in inclement weather
- Completed the project of GPS mapping the entire cemetery. Every lot was plotted on the map along with including the burial layout (names) in each lot, and labeling where in each plot (a, b, c, d, et.) individuals were buried. It was found in the original cemetery (Section A) burial records and markers were very accurate. In the 1st Addition (Section B) the records were not accurate and the entire cemetery had to be walked through and burial locations had to be changed in the records to match what was actually found. Working with SMH Consultants to be able to access this information on multiple computers.
- Fourteen additional (not used) burial lots were found in the 1st addition (Section B). We laid out the lots and set lot corner markers for each lot so that they could be sold.
- Fourteen lots in the original cemetery (Section A) were found to possibly never been used, but more research will need to be done to confirm that they have not been used and who now owns them. There were no monuments or visual signs in these lots that there had been burials in them.
- There is an issue with the new addition (Section C) and the lot numbering on the map that Force Land Surveying is working on correcting, however it does not affect the lot marking in the cemetery itself. It may affect lots that were sold in order to be next to family in the 1st addition (Section B) going off of the map. The first 10 rows of lots are correct on the map. Every lot after that on the map should have been moved east on lot depth and there are also lots labeled not usable that are usable and several lots marked usable that are not usable
- Finished mowing for the season

BUILDINGS:

- Cleaned the plumbing vent line and installed a screen in the vent line at City Hall
- Checked all of the furnaces in City buildings to make sure they were properly working
- Discuss repairs to the exterior of the storage garage front fascia to repair water damage and rot by installing metal siding over the existing fascia and a new metal cap to the top of the fascia wall to stop the water penetration, estimated cost to be \$1,000.00
- Touch up painted city buildings exterior

PLANNING AND ZONING:

- Issued a building permit for a fence at 109 N. 5th
- A lot split application has been submitted and awaiting a meeting to be set with the planning commission for 609 N. 1st and one (1) for 406 Campbell
- Issued a violation letter for a fence built without a permit at 505 Main Street
- Issued a building permit for a fence at 109 5th Street

EQUIPMENT:

- Installed rear suspension helper springs on 2020 Chevrolet to help take stress off factory suspension and to increase ground clearance
- KanEquip is repairing the skid loader for a coolant leak that drained the coolant system
- Prepped mowers for winter storage
- Prepped equipment for winter snow removal

MISC:

- Fall clean up filled two (2) 40-yard dumpsters completely with trash and one (1) 40-yard dumpster completely with metal. Hauled away six (6) tires, two (2) batteries and 15 gallons of paint. Next year we need to specify that we cannot take tires, batteries, and paint on the fliers that are sent out. Also, changes will need to be made on how the items are picked up. The fire department volunteers were burnt out on the large amount of trash picked up at several properties and does not want to continue to assist with the pick-up of trash. There will possibly need to be changes to the format where residents have to bring their own items to the dump site. At two (2) properties, numerous dump trailers of trash were picked up.

(Cale Prater exited the meeting at 7:56 PM).

Councilmember Rosell moved to officially hire SMH Consultants to be involved with the Rock Creek bank stabilization project moving forward for the amount of \$3,000 to \$5,000. Councilmember Jack seconded the motion. The motion passed three (3) ayes to zero (0) nays with Councilmembers Rice and Purvis being absent.

Councilmember Rosell moved to allow \$1,500 for the metal wrapping over the front fascia on the storage building and a metal cap. Councilmember Jack seconded the motion. The motion passed three (3) ayes to zero (0) nays with Councilmembers Rice and Purvis being absent.

Krohn stated that the Christmas lights and banners would be put up on Saturday, November 14, 2020.

City Clerk: Clerk Zentner had nothing to report.

Councilmember's Reports:

Streets-Councilmember Rosell had nothing more to report.

Utilities-Councilmember Jack had nothing more to report.

Fire Department-Councilmember Jack stated that the city engine would be taken to the funeral of the fire chief from Olsburg. The city will send flowers as soon as arrangements have been made public.

Animal Control-Councilmember Smith had nothing to report.

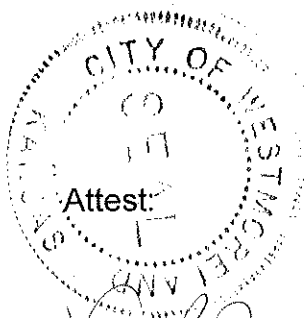
City Attorney-Attorney Dierks stated that one (1) court case had been dismissed.

Mayor-Mayor Goodenow had nothing to report.

Councilmember Smith moved to adjourn the meeting. Councilmember Jack seconded the motion. The motion passed three (3) ayes to zero (0) nays with Councilmembers Rice and Purvis being absent.

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

Approved by the Governing Body on December 10, 2020.



Vicki B. Zentner
Vicki B. Zentner, City Clerk

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