

Westmoreland City Council Minutes
November 8, 2018

The Westmoreland City Council met for its regular monthly meeting at the Westmoreland Community Center on November 8, 2018.

Governing Body members present: Mayor, Mark Goodenow; Councilmembers, Jim Smith, Mark Jack, Waide Purvis, Jim Moore and Ashley Rice.

City staff present: City Attorney, John Watt; Maintenance Supervisor, Robert Krohn; City Treasurer, Teri Varriale; City Agent, Jeff Zimmerman and City Clerk, Vicki Zentner.

Others present: Residents, Scott Schwinn, Dorothy Campbell, Amber Krohn, Terry Nelson, Hayley Schreiner, Wayne "Chick" Roberts, Heath, Chelsie and Elliot Eisenbarth; Christie Hitch with Tri-County Waste 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:

Councilmember Moore requested to add an executive session at the end of the meeting regarding personnel and protecting their privacy.

There being no further additions or deletions to the agenda, Councilmember Jack moved to adopt the amended agenda. Councilmember Purvis seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Approval of the October 11, 2018 council meeting minutes:

Councilmember Jack stated he felt the motion for the improvements to South Walnut and State Streets need to be amended to include "as well as closing the west end of State Street between South Walnut and Pine."

Councilmember Moore asked that the discussion on the property west of the new Short Stop be changed from "north" to "west".

There being no further discussion or corrections to the minutes of the October 11, 2018 council meeting, Councilmember Smith moved to amend the minutes as stated above. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Payment of the monthly bills:

Councilmember Purvis moved to pay the monthly bills as presented. Councilmember Rice seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Public Comments on non-agenda items:

Resident and member of the Westmoreland Elementary School PTO, Hayley Schreiner, asked the council if they would donate a family season pool pass to the silent auction the PTO was holding during the “Christmas in Westmoreland” event on December 1, 2018.

Councilmember Jack moved to donate a family season pool pass to the PTO’s silent auction to be held on December 1, 2018. Councilmember Moore seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Christie Hitch with Tri-County Waste rate increase request:

Christie Hitch with Tri-County Waste first asked the council for the use of the 2-yard dumpster from the city pool to be placed at The West Pharm for the collection of items being disposed of from the basement of the building by the prior owner. The council agreed to have the 2-yard dumpster taken to the pharmacy as requested by Ms. Hitch.

Ms. Hitch then informed the council that the county commissioners had just voted to increase the rate at the landfill by 5% beginning January, 2019. She apologized for not including this rate increase in her bid submitted in September, but at that time, the increase had not been approved by the county commissioners and she did not want to speculate as to what the increase would be when she submitted her bid.

Ms. Hitch informed the council that she was proposing an increase of \$1.25 per household for trash collection only.

Councilmember Moore stated he would like to see what Tri-County was paying for disposal of refuse collected in Westmoreland at this time. Ms. Hitch replied that it was difficult to come up with an exact amount as the company also picked up refuse before and after collecting it in the city. She also reminded the council that her company was the only refuse collection company that submitted a request for a bid.

Ms. Hitch also stated that the rate at the landfill was \$43 a ton at the present and come January 1, 2019, the rate would raise to \$45 a ton. She stated that she could bring the figures of the amount of refuse collected in Westmoreland at the December 13, 2018 council meeting if the council wished.

Councilmember Moore stated he would also like to know how much fuel was used in the collection of the refuse in the city and the amount of time the collection truck spent in the city collecting just the household refuse customers.

City Attorney, Watt, stated that if the council put off any decision until the December 13, 2018 council meeting, that between amending the ordinance and publishing the approved ordinance, the rates would not take effect until February, 2019.

Scott Schwinn, sanitation director for the County, stated that Ms. Hitch should have known the landfill rate increase before she submitted her bid. Ms. Hitch reminded Mr. Schwinn

that the county commissioners did not vote and pass the increase until their September 10, 2018 meeting and her bid was submitted on August 9, 2018 for the council to consider that evening at their council meeting, so therefore, there was no way that she could know what the new rates were going to be.

Councilmember Moore moved to increase the refuse collection rate by \$1.00 per household. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

(Ms. Hitch exited the meeting at 7:30 PM).

Scott Schwinn and Dorothy Campbell regarding State Street:

Mr. Schwinn presented Mayor Goodenow a petition with 89 signatures of residents and landowners who were against the closing of State Street between South Walnut and Pine Streets with a “cul-de-sac” erected at the west end of State Street instead of keeping it a through street. The petition read:

“We the residents and or landowners within the City Limits of Westmoreland, Kansas believe that the City Council of Westmoreland with a vote on October 11, 2018 to close the West end of State Street and create a cul-de-sac have created an inconvenience to the public as well as a safety hazard by closing State Street as a through street.

We feel that the public, residents and landowners were not given adequate input on such a drastic decision, nor were proper traffic studies conducted prior to the decision. If speed is a concern for State St., proper signage and enforcement are the proper methods of traffic control.

As signatories to this petition, we request that the City of Westmoreland reopen the west end of State Street and maintain it as a through street with proper signage and enforcement.”

Mr. Schwinn stated that he was told that the city attorney informed the city council they could close the street by Statute, which was partially correct. He stated that the closing of the west end of State Street was an inconvenience to him and others.

Councilmember Jack asked Mr. Schwinn if the safety of children living on that portion of the street as well as those that walk or ride bikes to school from the new addition be considered.

Mr. Schwinn stated that most of those that signed the petition were more upset that no prior notification was given before the city closed the street. He asked if there had been a study done for speeding, why speed bumps were not tried first and why no prior notice was given. He stated that most people thought the street was closed for repairs, not permanently. He also stated that the decision was “made in secret behind closed doors.”

Councilmember Jack informed Mr. Schwinn that the decision was not made in secret or behind closed doors; that it was made at the last council meeting which was open to the public.

Councilmember Jack told Mr. Schwinn that he did not appreciate the insinuation that the council had done something illegally and in secret. The council had consulted with the city attorney at the last council meeting regarding the closing of just the one (1) block of State Street, and the council was told that it would take only a motion and vote, and that there was no other action needed to be taken, as the council was not vacating the street nor closing the entire street.

Mr. Schwinn apologized for his statement about the decision being made behind closed doors as it was obviously made in an open meeting. He also stated that without it being published, how was the public to know about the council's discussion on closing the street?

Mr. Schwinn finished his narrative with the council at 7:54 PM.

Mayor Goodenow next called upon Dorothy Campbell for any further discussion on the State Street subject.

Ms. Campbell stated that the cul-de-sac that had been installed was not big enough and not within the definition of a cul-de-sac. She stated that she also had an issue with no access for funeral processions from funerals at the Methodist Church on Main Street to the city cemetery on State Street to Pine Street. She felt that this would be an immense inconvenience for the funeral directors to have to cross traffic.

Councilmember Jack pointed out to Ms. Campbell that the funeral director can contact the sheriff's department and ask for a deputy to stop traffic for the procession.

Ms. Campbell also said she had a problem that the street was closed without notification to the citizens.

Ms. Campbell listed several items that she felt needed to be taken care of by the council before the closing of the street.

Ms. Campbell finished at 8:10 PM.

Mr. Schwinn addressed the council again asking if there were any councilmembers that would reconsider opening up the street or could the issue be put on a ballot for vote by the citizens.

City Attorney Watt stated that it could be put on a ballot, however it would be only an advisory vote and not binding, and that putting it to a vote on a ballot would cost the city a lot of money.

Councilmember Moore stated he would like to hear from any residents and or landowners in attendance that live in the affected area, as well as any other citizens that were in attendance.

Chelsie Eisenbarth thanked the council for closing the block of State Street where she and her family live. She stated that before they moved to Westmoreland, they were not aware of how busy the street was until after they had bought their house and moved into it.

Heath Eisenbarth stated this was the first time in the two and half years of living on State Street that he felt safe when taking his trash out. He stated that he did not see any farm

equipment or big trucks using State Street, as they go down Main Street, of which he is aware as he has a business on Main Street. He stated that he felt it was good for the businesses on Main Street to have traffic diverted on Main Street so patrons and visitors would be aware of the businesses Westmoreland has.

Terry Nelson told the council that he thought it was a good thing that they had closed State Street in the one (1) block area. He did say that if the council would re-open the area, he would like them to consider making a connection to Main Street to the north.

Wayne "Chick" Roberts stated that although he did not live on the effected street, that nothing had changed in the years he has lived in Westmoreland and then moved back-people are still speeding off of Flush Road onto State Street. He wished that the city could afford law enforcement to help with this speeding, but understood the costs involved prohibited the city from being able to afford it.

Hailey Schreiner stated she would be interested in knowing how many of the 89 signatories actually wanted the street to be closed, or had signed the petition due to the lack of prior notice of it being closed.

Councilmember Moore stated he felt the intersection was dangerous, but, as he was not at the prior council meeting, he didn't know it was going to happen as soon as it did. He would have suggested having a public hearing even though a meeting was not required.

Attorney Watt explained that the street was not being vacated and that the State Statue Mr. Schwinn kept referring to did not apply. He stated that a future council could decide to change the street back as it was previously if they so desired, but that it would take a majority of the council to vote for it.

(Chelsie, Heath and Elliot Eisenbarth, Terry Nelson, Scott Schwinn and Wayne Roberts left the meeting at 8:39 PM).

Slide Show Presentation from Westy Chamber by Councilmember Moore:

Councilmember Moore showed the council, and those left in attendance, a slide show of signage proposals for the signage committee of the Westy Chamber.

The committee members had taken a road tour to view the signage in Westmoreland and had made some recommendations regarding replacements or location of the signs to both enhance the look of the city and promote Westmoreland to visitors. He acknowledged that some of the signage was the responsibility of other entities, but did think that some of the signs could be replaced or repaired by the city.

No decision was made by the council after the presentation, but will be re-visited at a later date.

Setting date for employee evaluations:

The council called for a special meeting on Thursday, November 29, 2108 to hold staff evaluations in executive session. The meeting will begin at 6:00 PM at the Community Center with a light meal followed by the individual employee evaluations in executive session to protect their privacy.

Discussion on closing City Hall and Maintenance for Columbus Day and President's Day:

City Clerk, Zentner, asked the council to consider closing City Hall and maintenance for Columbus Day and President's Day. She stated that this issue had been brought up before, but no decision had been made at that time. She also stated that since the bank, post office and county offices were closed these days, the public thought city hall was as well and there were very few citizens or public that came to city hall for any type of business to conduct.

Councilmember Purvis moved to close city hall and maintenance on President's and Columbus Day holidays. Councilmember Moore seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Information from Kansas Department of Revenue:

Clerk Zentner informed the council that representatives from the Kansas Department of Revenue had visited with city hall staff regarding vendors for special city events and the reporting of those vendors to the State for the purpose of making sure that sales tax was being charged and then distributed to the city.

The council thanked Zentner for the information.

Opening of additional cemetery lots for purchase at the city cemetery:

After some brief discussion on what was required before the city could begin to sell the additional cemetery lots in the city cemetery, the council tabled this discussion for the January 10, 2019 council meeting.

Discussion on installing outside electrical outlets at City Park:

Councilmember Moore asked the council for permission to have an electrician look at installing outside electrical outlets at City Park.

Maintenance Supervisor Krohn informed the council that due to the inspection from the city's insurance company, no electrical cords could be placed upon the ground at city park due to it being a public "gathering" place and playground.

The council decided not to pursue this issue.

Discussion on projector, bigger TV and cable TV at Community Center:

Councilmember Moore stated that if people use the Community Center and want to do a presentation, he felt the current television was too small.

Councilmember Jack stated a ceiling mounted projector would be nice since there was already a pull-down screen in the Community Center.

Maintenance Supervisor Krohn reminded the council that this was discussed previously and he estimated a ceiling mounted projector would cost between \$1,000 to \$1,200. The council asked that Krohn research the prices and bring them back to the council.

Krohn also stated that some regular renters of the Community Center had asked him about having cable television availability for watching games, etc., while they are renting the Community Center. The council decided to wait on this decision until a later date.

Christmas in Westmoreland donation:

Amber Krohn, member of the Westy Area Chamber, asked the council to make a monetary donation to the event for the purpose of purchasing prizes.

After some discussion, Councilmember Purvis moved to donate a family pool pass for the 2019 pool season to the Christmas in Westmoreland event. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

(Amber Krohn and Hailey Schreiner exited the meeting at 8:39 PM).

Discussion on RV Park dump fee, check-in/check-out times, electricity at shelter house and rates revisited:

Clerk Zentner informed the council that there was not a set fee for the dump station at the RV Park for non-campers. When asked how much was being paid, Zentner responded between \$5.00 and \$10.00. The council decided to charge \$5.00 for the use of the dump station for anyone not staying at the RV Park.

Zentner asked about setting check-in and check-out times. Councilmember Purvis felt that since there wasn't a camp host at this time, that times should not be set, and that most campers leave before noon.

As for electricity at the Dechairo Park shelter house, this will be visited at a later time.

Zentner asked the council to consider amending the motion from the October council meeting regarding the rate for full-hookups. She stated that although most campers will indicate at the time of their reservation whether they require 30- or 50-amp hookups, she was afraid that someone would indicate 30 amp instead of 50 amp to pay the lower cost and that is was rather difficult to monitor.

Councilmember Purvis then moved to charge \$35.00 for all full hookup sites and \$25.00 for sites that were not full hookups. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

City Agent:

City Agent, Jeff Zimmerman, reported he had nothing new. He was waiting on the legal process on a current issue. He had been approached by several residents regarding a particular

property in the city. Mr. Zimmerman has written the property up on several occasions, but it is getting worse.

Councilmember Moore asked Attorney Watt if the council could do anything about this property. Mr. Watt replied that the council would need to have specific findings with inspections, a hearing in front of the council with the property owner and that ultimately a decision on demolishing the structure brings up questions of who and how to pay for it, but the first step would be with inspections. Observations of the inside of the structure can not be made without the consent of the owner.

Councilmember Moore stated that he felt the issue of the exposed electrical box and wiring needed to be addressed quickly.

Mr. Zimmerman stated he felt that if the city started the legal process, the issue might be taken care of.

After some brief discussion, Councilmember Moore will contact the city's electrician and set up an appointment with the electrician, Councilmember Moore and the city agent to look at the electrical box and exposed wiring issues.

(Mr. Zimmerman exited the meeting at 9:16 PM).

Future agenda items:

There were no additional future agenda items to discuss.

(Cale Prater exited the meeting at 9:25 PM).

Staff Reports:

Treasurer's Report:

There being no questions regarding the treasurer's report, Councilmember Jack moved to approve the treasurer's report as presented. Councilmember Purvis seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Maintenance Report:

Maintenance Supervisor Krohn reported the following:

UTILITIES:

- Rural Water #4 replaced the master 3" meter at the vault after asking for replacement or testing due to being in service for 16 years

STREETS:

- Regraded roads at the cemetery and RV Park that had washed from the recent rains

- Removed and prepped for new concrete sidewalk on 2nd, Cochrun and 3rd Streets
- Fleming Brothers Construction poured 2050 linear feet of sidewalk leaving 332 linear feet yet to pour due to delays from machinery parked on sidewalk and waiting for the Haunted Hospital event to be done so as not to interfere with it.
- Backfilled new sidewalks
- Completed street improvements at State and Pine Streets to be paved next year
- Completed street improvements on Walnut Street between Main and State Streets to be paved next year

PARKS:

- Removed and prepped for new sidewalk and new building pad at the Dechairo Park shelter house. Overage of concrete due to making the pad ADA (American with Disabilities Act) if it should be enclosed in the future leaving a walkway all around the building and adding reinforcement mesh into the pad since the existing picnic tables were removed from the pad leaving it open for future use
- Backfilled building pad and sidewalk at Dechairo Park

CEMETERY:

- Backfilled grave settlement at the cemetery
- Opened/Closed one (1) grave

POOL:

- Finished winterizing

BUILDINGS:

- Rebuilt and installed new flag poles for the fire station
- Replaced water heater at the Community Center due to a faulty circuit board

Krohn stated the city needed to have a replacement plan for the water meters. He would also would like to upgrade to a radio system of reading the meters.

The council requested the Krohn bring back monetary figures to them for consideration.

Krohn state that the library roof repairs would cost approximately \$1,700. The roofing company has requested to have wooden structure built so they can put down a membrane and fix the leaking areas and have it out of the elements.

There being nothing more from Krohn, Councilmember Jack moved to approve the maintenance report. Councilmember Rice seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Clerk's report:

Zentner informed the council that she would be taking a personal day on Friday, November 9, 2018.

Councilmember's Reports:

Streets:

Councilmember Moore stated that there were a few potholes that need to be fixed and the Care Home parking area had not been done due to hauling issues and the weather, but he was hopeful it would be done soon.

Utilities:

Councilmember Jack had nothing more to report.

Animal Control:

Councilmember Smith had nothing to report.

Planning/Zoning:

Councilmember Smith reminded the council that there was a public hearing on November 15, 2018 at 7:00 PM regarding the city's comprehensive plan.

Pool:

Councilmember Rice had nothing to report.

Fire Department:

Councilmember Jack reported that the department had training the past weekend and all volunteer fire personnel were certified.

Parks:

Councilmember Purvis had nothing more to report.

Mayor:

Mayor Goodenow had nothing to report.

Councilmember Moore moved to enter into executive session regarding personnel and to protect their privacy with the Mayor, Councilmembers, City Attorney, City Treasurer and City

Clerk in attendance at 9:30 PM for 15 minutes. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

(Dorothy Campbell exited the meeting at 9:30 PM).

Due to confusion regarding the executive session parameters, the session was cancelled with no discussion being had.

Councilmember Moore informed the council that the fire department had a separate checking account at Farmers State Bank and an issue with the department using the city's tax-exempt number for purchases would make the account required to be audited with the city's other accounts. After speaking with the city's auditors, it was decided that the fire department should apply for their own tax-exempt number and not use the city's tax-exempt number going forward. Councilmember Moore would like to have the city treasurer, however, reconcile this account and that two (2) members of the fire department be on the signature card with the city treasurer receiving bank statements.

The council had a brief discussion on this and decided to go with the recommendations stated regarding this account.

City Attorney:

Attorney Watt stated that if the city was still considering having permits for demolition and dumpsters, they should exempt the county from this requirement. He also said that he felt that the council should consider getting an independent counsel to help the planning and zoning commission work on the demolition and dumpsters permits as he felt it would be a conflict of interest for him as he also is legal counsel for the county commissioners. He strongly suggested that if the council did not exempt the county from the demolition permit requirements, there might be ramifications in the future.

Councilmember Moore stated he felt the city needed to have demolition permits to keep an eye on the progress of the demolition.

Attorney Watt said he suggested the council hire Bernard Irvine to draft a demolition permit for the city.

Councilmember Moore moved the council hire Bernard Irvine to draft a demolition permit for the city. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

There being no further business before the council, Councilmember Moore moved to adjourn. Councilmember Rice seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Mayor Goodenow declared the meeting adjourned at 9:45 PM.

Approved by the Governing Body on December 13, 2018.



Attest:

Vicki B. Zentner
Vicki B. Zentner, City Clerk

Signed Mark A. Goodenow
Mark A. Goodenow, Mayor