

Westmoreland City Council Meeting
April 8, 2021

The Westmoreland City Council met for its monthly meeting on April 8, 2021 at the Westmoreland Community Center.

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

Governing Body members absent: Councilmember Mark Jack.

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

Others present: Daryle Frank, guest; Kevin Umscheid with Westmoreland Fire Department 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 and approval:

There were no additions or deletions to the prepared agenda.

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

Approval of March 11, 2021 council meeting minutes:

Councilmember Purvis moved to approve the minutes of the March 11, 2021 council meeting as presented. Councilmember Rice seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Jack being absent.

Public comments on non-agenda items:

There were no public comments.

Discussion on fire department personnel:

Kevin Umscheid, volunteer fireman, introduced himself to the council and stated that he had been with the fire department for 20 years, and that Chief Smith had asked him to consider being the city's fire chief upon Smith's retirement in June. Mr. Umscheid stated that he would be honored to take Chief Smith's place as fire chief for the city should the council approve his appointment.

Mr. Umscheid stated that he had been cleaning the office and training area and that city staff (Krohn and Assistant personnel, Aaron Keller) had been helping him out with the re-organizing of the fire station.

Councilmember Purvis informed Mr. Umscheid that should he need help, have concerns or requests, to contact Councilmember Jack.

Councilmember Rosell requested Mr. Umscheid to provide a quarterly report to the council of the fire runs the department personnel respond to. Mr. Umscheid stated that would not be a problem.

Mayor Goodenow stated that appointments would be presented for council approval at the May 13, 2021 council meeting and at that time, Mr. Umscheid would be appointed as fire chief for council approval.

Discussion on time for dedication of Frank Memorial Shelter on April 24, 2021 at the RV Park and insurance coverage:

Mr. Daryle Frank stated that he was very pleased with the Memorial Shelter and the additional parking areas at the RV Park. He informed the council that he would be fine with whatever time the council set for the dedication of the shelter on April 24, 2021.

After some brief discussion, 2:00 PM was set for the time of the dedication and the city would provide refreshments for the dedication.

City Clerk Zentner informed the council that the city's insurance agent did not have any luck trying to find an insurance company that would provide coverage for the shelter mainly due to the wood burning fireplace. Zentner had been contacted by Mr. Frank's insurance agent with an interest in providing insurance for the shelter and didn't seem to have an issue with the fireplace.

The council requested Zentner to contact Holmes Insurance Agency and Fairchild Agency for information and quotes for insurance on the shelter.

Discussion and approval of revised pay app #1 from HAMM, Inc., in regards to the Rock Creek Bank Stabilization project:

Zentner informed the council that the day after the March council meeting, she had received the final pay application for the project which included the amount the council had approved in March.

Councilmember Rosell moved to approve the final pay application for the Rock Creek Bank Stabilization project in the amount of \$249,418.19 contingent upon the city receiving money from Kansas Department of Health and Environment (KDHE) and payment from the United States Department of Agriculture (USDA). Councilmember

Purvis seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Jack being absent.

Discussion on offering a Spring cleanup day:

Zentner informed the council that city hall had received several inquires regarding having a spring cleanup day this year.

After some brief discussion, the council set Saturday, May 15, 2021 as the date of the spring cleanup day between the hours of 8:00 AM to 12:00 (noon) PM at the city shop.

The council asked that a notice be put in the city's newsletter, on the city website and posted at city hall. Zentner will consult with Maintenance Supervisor Krohn regarding what items will be accepted. There will be no volunteers picking up items this year unless someone indicates they would be willing to do this.

Discussion on replacing posts for the directional sign at the corner of Highway 13 and Westmoreland Road:

Mayor Goodenow stated that he had someone speak to him about the sign needing repair and wondered if the council was interested in helping with fixing the sign.

Councilmember Rosell stated that it was hard to see at the present location.

Councilmember Purvis suggested talking to the landowner about fixing and possibly moving the sign.

The council asked Krohn to take pictures of the sign and bring back to the council at the May 13, 2021 meeting.

Future agenda items:

The council set May 6, 2021 at 5:30 PM as a goal setting meeting, tour of city properties and discussion on continued street repairs. The meeting will start at the Community Center followed by the tour and then back at the Community Center for the goal setting meeting and the street repairs meeting.

(Mr. Frank exited the meeting at 7:26 PM)

Reports:

City Agent: Agent Zimmerman stated that he had turned in recent pictures and reports to city hall for processing.

City Attorney Dierks informed the council of the process for finding the property at 204 S. Walnut as dangerous and/or inhabitable. She stated that the property fell under the city's Ordinance #456 definitions. By the time all the legal publications, notifications, etc., took place, it would more than likely be two (2) or three (3) months before anything could be done to take care of the issue.

Councilmember Purvis asked if there would be any issues with the city agent not being an engineer. Attorney Dierks responded that there were none.

After some brief discussion, the council requested Attorney Dierks proceed with the legal process to get something done with this property.

Another property that the council wished to have legal process take place on was at 319 East Main.

Councilmember Rosell stated that he would still like to look into some kind of fee being accessed on abandoned houses and businesses in town that might serve as a stimulus to clean up properties.

There being no further discussion for Mr. Zimmerman, he exited the meeting at 7:45 PM.

Treasurer's Report:

There being no questions regarding the treasurer's report for the month of March, Councilmember Purvis moved to accept the report as given. Councilmember Rice seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Jack being absent.

Maintenance Report:

Maintenance Supervisor Krohn reported the following:

- **UTILITIES**

Cleaned 3,600 ft. of sewer mains throughout town

- **STREETS**

The property owner at 206 E. Main indicated he would be willing to pay half of the cost to replace the sidewalk in front of his business due to it beginning to fall apart with his cost being \$1,507.50 and the city would pay a total of \$2,266.50 (half of the cost of the sidewalk in front of the business and partial sidewalk replacement in front of city hall)

Discussion will need to take place regarding 2021 street maintenance plans (this will take place at the May 6, 2021 special meeting)

- **PARKS**

Rock Creek National Honor Society has volunteered to plant the flowers in the planters and flower beds this spring as a community project

The work at the Frank Memorial Shelter at the RV Park is completed including seeding the area and the parking areas around the shelter. Electrical was finished up on April 5, 2021 and picnic tables are now installed

- **CEMETERY**

Documents and correspondence have been sent to the adjoining property owner for review and approval regarding the new fencing and property lines (more on this issue to follow)

Bell Monuments has given a price list for repairs to burial monuments in need

- **BUILDINGS**

Replaced the light fixtures at the fire station, City Hall and ball diamond bathrooms with new LED bulbs

- **PLANNING AND ZONING**

Issued a building permit for a fence at 205 S. 4th and a fence at 408 Quail Dr.

Issued a building permit for an accessory use building at 205 N. 6th

- **EQUIPMENT**

Estimate for repairs to the back hoe to rebuild three (3) hydraulic cylinders, repair rear differential leak, repair rear brake assembly inside rear differential, replacement of two (2) front tires for an estimated cost of \$7,100.00. Does not include the replacement of two (2) rear tires at an estimated cost of \$2,000.00

Councilmember Purvis moved to approve the replacement of the sidewalk in front of 206 E. Main and partial sidewalk in front of city hall with owner paying \$1,500.00 and the city paying up to \$2,300.00. Councilmember Rosell seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Jack being absent.

Councilmember Rosell moved to allow the Rock Creek National Honor Society to plant flowers in the city planters and flower beds with the city paying for the flowers. Councilmember Smith seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Jack being absent.

Councilmember Rosell moved to approve repairs to the city's backhoe not to exceed \$7,100.00. Councilmember Purvis seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Jack being absent.

City Clerk: City Clerk Zentner asked if the council wished to stop the publication of lifeguards and assistant pool manager employment opportunities ads in the newspaper. Councilmember Rosell asked if any of the received applications were from the applicants seeing it in the paper. Zentner replied that the applications were either from returning lifeguards or by "word of mouth". The council instructed Zentner to cancel the ads but to leave on the city's website and Facebook.

Zentner showed the council the "Information" sign the Westy Area Chamber had bought to be installed on the RV Park check in station. Krohn stated that the sign was too big to put on the front of the check in station and if put on the shower house, people may think they could find information inside the shower house. The council asked Zentner to let the Chamber know the issue and ask if they had any solutions for the placement of the sign.

Councilmember's Reports:

*Streets-*Councilmember Rosell had nothing more to report.

*Planning & Zoning-*Councilmember Smith reported that the planning and zoning commission and City Attorney Dierks were working on the sub-division regulations as well as some other issues brought to the commission.

*Pool-*Councilmember Rice stated that the pool manager was trying to set up re-certification and certification classes for the lifeguards. She stated that the pool manager was wanting to have four (4) guards on duty at all times-three (3) outside and one (1) in the pool house on a rotating schedule.

Councilmember Purvis stated that he wanted to make sure that there was enough staff on duty to have the pool open. A suggestion was to have the pool closed a couple of days to allow for swimming lessons to be held.

Councilmember Rice asked the council if they would be willing to pay half of the cost of re-certification and certification classes up front with the guards paying the other half and not do a reimbursement at the end of the season as had been done in prior years.

After some brief discussion, Councilmember Rice moved for the city to pay half the cost of re-certification and certification classes up front with the guards paying the other half of the cost and no re-imbursements paid at the end of the pool season. Councilmember Purvis seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Jack being absent.

Maintenance Supervisor Krohn stated he would be purchasing pool chemicals in the next week due to a price increase at the beginning of May.

Cemetery-Councilmember Purvis stated that Krohn and the Mayor had spoken with the adjoining landowner earlier in the day and the landowner wanted to be paid the fair market value of the .34 acres surrounding the original part of the cemetery that was just discovered to actually belong to the adjoining landowner.

Krohn stated that the property lines had been the same since at least 1946 and that there had not been any dispute until the adjoining landowner replaced the barbed wire fence and a survey had indicated the property line was assumed incorrectly all these years.

Councilmember Rosell proposed that the city offer the landowner \$1,000.00 for the .34 acres in question and if the landowner doesn't accept the offer, then the city would take legal actions under State Statutes.

Krohn stated that the landowner had personally stated to him per a phone conversation, that if the city and the landowner couldn't come to an agreement, the landowner wanted the .32 acres back.

Councilmember Purvis stated it didn't make sense to him that for 70 years it has been this way and the landowner had not used it for crops or pasture land, mainly due to the fact it was a "sliver" of land and he didn't see paying \$2,000 to \$3,000 for something that hadn't been used for 70 years.

After some brief discussion, the council instructed Attorney Dierks to propose the payment of \$1,000.00 for the .32 acres and to inform the landowner that any further discussion or correspondence would need to be had directly with her.

Councilmember Rosell stated that he would contact Farmers State Bank regarding having an appraisal done on the .32 acres and bring the figures back to the council.

(Cale Prater exited the meeting at 8:18 PM)

Councilmember Purvis moved to have Bell Monuments repair 15 monuments in the original section of the cemetery for a cost of \$4,500.00. Councilmember Rice seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Jack being absent.

(Kevin Umscheid exited the meeting at (8:23 PM)

Councilmember Purvis requested the city clerk put monument repairs on the agenda for the next two (2) years for discussion.

Krohn stated that the recent damage to the cemetery grounds had been fixed and that he had not heard anything back from the Sheriff's Department regarding the vehicle and owner that was sighted on the cemetery camera.

Discussion was held regarding the possibility of installing gates at the entrance of the cemetery. Councilmember Rosell asked that Krohn bring back prices on an automatic fence to the council.

Parks-Councilmember Purvis had nothing more to report.

Mayor-Mayor Goodenow had nothing to report.

City Attorney-Attorney Dierks informed the council that there were some legal issues with the legal description regarding the cemetery that she was working on with the Pottawatomie County Register of Deeds office to rectify.

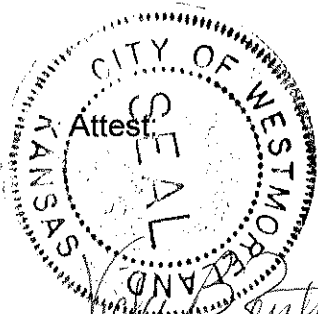
She stated that construction rebar has to be capped and either this issue could be addressed in the new subdivision regulations or the council could amend Ordinance #571 (demolition) to address the capping of rebar.

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 Jack being absent.

Mayor Goodenow declared the meeting adjourned at 8:31 PM.

Approved by the Governing Body on May 13, 2021.

Signed: Mark A. Goddenow
Mark A. Goddenow, Mayor



Vicki B. Zentner
Vicki B. Zentner, City Clerk