

Westmoreland City Council Meeting  
December 9, 2021 minutes

The Westmoreland City Council met at the Community Center on December 9, 2021 for its regular monthly meeting.

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

Governing Body member absent: Councilmember, Ashley Rice.

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

Others in attendance: Volunteer Fire Chief, Kevin Umscheid; Christie Hitch-Johnson with Tri-County Waste; Todd Anderson with SMH Consultants and Anastasia Keller, resident.

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

Councilmember Smith requested that all in attendance take a moment of silence for the passing of Senator Bob Dole.

*Bid opening for Westy Heights Sanitary Sewer Extension Project:* City Clerk, Zentner, opened the engineer's estimate for the project and read it to those in attendance. The estimate was for \$29,091.00.

The first received bid opened was from Larson Construction for \$30,555. The second received bid opened was from Josh Connect Excavation for \$37,221 and the third received bid opened was from Jadwin Construction for \$35,715.

The bids were then reviewed by Todd Anderson of SMH Consultants on behalf of the city and reported that everything was in order and recommended that the council accept the low bid from Larson Construction for \$30,555 with a starting date of February 15, 2022 and projected days for completion to be 20.

Councilmember Rosell moved to accept the low bid from Larson Construction for \$30,555 with a starting date of February 15, 2022, weather permitting. Councilmember Jack seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

*Approval of Agenda (additions/deletions):* Councilmember Purvis requested the addition of a discussion on the abandoned house halted demolition at 204 S. Walnut and a discussion on the letter received from the Roeder Trustees regarding the city cemetery.

Councilmember Jack requested an executive session take place at the end of the prepared agenda.

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

*Approval of the November 10, 2021 minutes:* Councilmember Purvis moved to approve the minutes of the November 10, 2021 council meeting as presented. Councilmember Rosell seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

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

*Public Comments on non-agenda items:* Volunteer Fire Chief, Kevin Umscheid, informed the council that between the city and Seven Township Fire, they had been on 208 so far in 2021.

Recently, OSHA (Occupational Safety and Hazard Association) had performed a walk-thru inspection of the fire station. One of the items that was notated was that the cascade air system needed to be certified along with the air pack bottles. Weis Fire had performed the certifications and found that only three (3) of the air pack bottles could be re-certified. In light of this, Chief Umscheid was requesting the council approve the purchase of five (5) air pack bottles.

Councilmember Rosell inquired if five (5) would be enough. Chief Umscheid stated that the Seven Township Fire Board was purchasing eight (8) bottles.

Councilmember Jack moved to allow Chief Umscheid to purchase eight (8) carbon fiber bottles at a price of \$605.17 each. Councilmember Smith seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Councilmember Rosell informed Chief Umscheid to not hesitate to come back in the future and ask for more bottles should he feel the department needed them.

Chief Umscheid asked to replace the lens screen for the infrared camera at a cost of \$65.00. This camera is used by the firemen to locate people/animals in a structure fire. He would also like to rent a floor cleaning and chemicals to clean the floors in the training area and restrooms at a cost of \$300 for the machine and chemicals.

Councilmember Jack moved to allow Chief Umscheid to purchase the lens screen for the infrared camera and ped no more than \$300 for the floor cleaner and chemicals. Councilmember Smith seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

(Chief Umscheid exited the meeting at 7:16 PM followed by Todd Anderson at 7:17 PM).

*Christie Hitch-Johnson with Tri-County Waste regarding request for rate increase for trash service:* Ms. Hitch-Johnson informed the council that she needed to raise the rate for the city trash service only due to increase in fuel prices and landfill prices.

After some brief discussion, Councilmember Jack moved to accept the rate increase of \$2.00 per customer to be passed along to the customer on their January, 2022 billing. Councilmember Smith seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

The city clerk will send notices to all customers of the rate increase.

(Mrs. Hitch-Johnson exited the meeting at 7:30 PM).

*Discussion on RV Park camp host:* Councilmember Rosell felt that whoever the host was, that, should they be “on-sight” they should pay a fee and not be in a site that is popular. Councilmember Jack felt that there should be contract with the camp host spelling out their duties, etc.

After some brief discussion, the council instructed the city clerk to contact other RV campgrounds that have a camp host as to what their duties involve as well as if they offer a site at a reduced price.

*Ordinance #583 regarding dogs:* City Attorney Dierks informed the council that she had incorporated all of the previous ordinances regarding dogs into one. She had taken out the breed specific wording as instructed.

The city clerk stated she felt that the wording of the licensing of the dog(s) needed to state that a new tag would be given each year for the registration of the dog(s) at the time of registration.

Councilmember Purvis moved to approve Ordinance #583 with adjustments made. Councilmember Rosell seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

*Discussion on the demolition of the abandoned house at 204 S. Walnut:* Councilmember Purvis asked for clarification on why the scheduled demolition of the abandoned house at 204 S. Walnut had been cancelled.

Attorney Dierks informed the council that the owner’s mother had called her asking her about the demolition and what it would take to halt it. Attorney Dierks informed her that they would have to pay the court costs as well as the expenses the city had incurred so far. The mother had paid the expenses and court costs, but was told that the abandoned house would still need to be taken care of either by the owner or the city if it was not taken care in a timely manner.

Councilmember Purvis stated that nothing had changed in the past six (6) days, and he wanted the demolition to begin again.

Councilmember Rosell inquired what the city should proceed. Attorney Dierks stated that the owner would be informed again that the structure needed to be taken care with a timeframe stated. Councilmember Rosell asked if a letter could be sent to the owner and the mother as well and he was willing to give the owner until December 17, 2021 to take care of the structure.

Attorney Dierks will send a letter to both the owner and her mother stating the council's wishes and what the consequences will be if they do not take care of the structure themselves.

*Letter from the Roeder Trust regarding the cemetery land:* Councilmember Purvis stated that nothing in the letter states that the Roeder Trustees were losing land or would incur a loss of revenue from not having the land in the past. He felt that the city should start eminent domain procedures.

Councilmember Rosell asked the city attorney what the cost of the eminent domain would be for the city. Attorney Dierks stated that the city would need to file a suit-that she would do some more research on the procedures.

Councilmember Rosell stated that if the cost would be \$4,000 to \$5,000 for the eminent domain he would rather try to negotiate with the trustees. If the eminent domain procedure cost \$1,000 or less, then he felt the city should go that route.

Councilmember Purvis stated he would like to wait until the city attorney could do more research.

This issue will be re-addressed at the January 13, 2022 council meeting.

*Setting date for employee evaluations:* Wednesday, December 15, 2021 at 6:00 PM was the date and time set for employee evaluations.

The city clerk will send out reminders to the council.

### ***Staff Reports***

*Treasurer's Report-*Councilmember Purvis moved to approve the treasurer's report as presented by the city clerk in treasurer's absence. Councilmember Smith

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

Councilmember Rosell stated that the council needed to consider looking into hiring someone for the treasurer's position as the current treasurer would not be returning due to health reasons.

*Maintenance Supervisor's Report*-Robert Krohn, Maintenance Supervisor reported the following:

#### UTILITIES

- There will be a KDHE (Kansas Department of Health and Environment) inspection of the water system on December 13, 2021
- Removed and treated the tree roots growing in manhole #6 at 1<sup>st</sup> & Campbell Streets
- Waiting on water line fittings that have been ordered for several months for installation of new water service installation at 700 N. 4<sup>th</sup>

#### STREETS

- Installed Christmas lights and banners on Main Street
- Multiple times throughout the month, removed leaves/debris out of the curb/gutters and storm water culverts on Main Street
- Replaced the faded stop sign at 6<sup>th</sup> & Oregon Trail Drive with new stop sign, post, anchor, and street signage

#### PARKS

- Installed Christmas lights at the RV Park and pool
- Installed new score board at the T-Ball field
- Cleaned flower beds throughout the parks

#### CEMETERY

- Opened and closed one (1) full burial
- Replacement of damaged bronze memorial plaque through Trigard Memorials out of Illinois will cost \$513.80 and an undetermined cost to remove the existing memorial/granite base and have new plaque

reinstalled onto granite base, along with removal and resetting the entire memorial by SI Precast out of Wamego

## BUILDINGS

- Alternative Air replaced the faulty pressure switch in one of the radiant tube heaters at the fire station
- Alternative Air will now be servicing all city buildings furnaces and air conditioners in the fall and spring before they begin to be used
- Replaced 14” bathroom door with 32” door and rerouted wiring for the shop bathroom

## PLANNING/ZONING

- Issued a building permit for a fence at 407 E. North
- Issued a building permit for a new house at 700 N. 4<sup>th</sup>
- Inspected and sent violation letter, ordinance, and application for the property at 407 N. 2<sup>nd</sup> having chickens without a permit

## CODE ENFORCEMENT

- Inspected property at 407 E. State and turned in a report for a complaint of trash/debris, weeds, and four (4) inoperable vehicles
- Inspected property at 411 N. Highway 99 and turned in a report for eight (8) inoperable vehicles
- Inspected property at 505 E. Main and turned in a report for trash/debris and one (1) inoperable vehicle
- Inspected property at 507 E. Main and turned in a report for trash/debris and two (2) inoperable vehicles. One (1) vehicle has been removed from the property as of November 22, 2021
- Inspected property at 110 N. 2<sup>nd</sup> and turned in a report for trash/debris
- Inspected property at 102 E. State and turned in a report for trash/debris
- Inspected property at 406 E. Campbell and turned in a report for one (1) inoperable vehicle
- Inspected property at 614 E. State and turned in a report for one (1) inoperable vehicle
- Inspected property at 501 E. Armer and turned in a report for one (1) inoperable vehicle

- Inspected property at 306 E. North and turned in a report for trash/debris and one (1) inoperable vehicle

### MISCELLANEOUS

- Kansas Gas capped the gas service at the house at 204 S. Walnut and demolition is scheduled for December 6, 2021

Krohn stated that there are close to 20 more violations to be written up, but he was waiting until after the first of the year to start on them.

Councilmember Rosell stated that the trailer park on S. 2<sup>nd</sup> had several empty trailers that looked worse than the 204 S. Walnut structure. Krohn stated that this issue was on his list for after the first of the year.

Councilmember Rosell also asked Krohn to contact Eric McNally regarding the price he would charge for the demolition of the 204 S. Walnut structure.

Krohn stated that he would like to purchase a valve/hydrant exerciser (“Hydrant Buddy”) for the Westy Heights sanitary extension project for \$5,000 and that it would be paid for from the ARPA (American Rescue Plan Act) funds.

Councilmember Jack moved to allow Krohn to purchase the “Hydrant Buddy” at a cost of \$5,000 to be paid from the ARPA funds. Councilmember Smith seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

*Clerk’s Report*-City Clerk Zentner asked the council for guidance on closing City Hall on Christmas Eve and New Year’s Eve this year. She stated that the Ordinance states that City Hall would be open until noon on both days, but it also states that if the regular holiday, in this case Christmas and New Year’s, fell on a Saturday, then City Hall would be closed the day before.

Councilmember Rosell moved to close City Hall on Christmas Eve and New Year’s Eve for 2021. Councilmember Purvis seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.



Clerk Zentner asked the council if they wished to put the city's insurance out for bid for the March meeting consideration. The council agreed and stated to let for bids after the first of the year.

Zentner informed the council there were three (3) days that she had doctor appointments in December and asked if they wanted the office closed until she returned from the appointments. Maintenance Supervisor Krohn stated he would be able to be at city hall while Zentner was gone.

### **COUNCILMEMBER'S REPORTS**

*Parks*-Councilmember Purvis stated that the Christmas lights at the RV Park looked awesome. He said he would like to see something at the west entrance into town next year.

*Cemetery*-Councilmember Purvis stated he nothing more to report.

*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/Zoning*-Councilmember Smith had nothing to report.

*Pool*-There was nothing to report.

*Fire Department*-Councilmember Jack had nothing more to report.

*Mayor*-Mayor Goodenow had nothing to report.

*City Attorney*-Attorney Dierks informed the council that the deadline for Mr. Prockish to respond to the council's inquiry about purchasing the land adjacent to his development on State Street as of November 23, 2021.

Attorney Dierks stated that the confined space, air-borne pathogens and updated clothing allowance would be added to the Employee Handbook. She will get with Krohn and Zentner to implement it.

Councilmember Jack moved to enter into an executive session for 20 minutes at 8:30 PM with the Mayor, Councilmembers and City Attorney for the purpose consultation with the attorney on matters that would be deemed privileged in an attorney-client relationship. Councilmember Rosell seconded the motion. The motion passed four (4) ayes to zero (0) nays.

(Krohn, Zentner and Anastasia Keller exited the meeting at 8:30 PM).

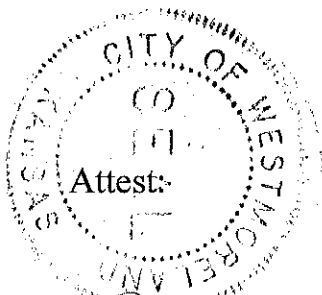
Councilmember Jack moved to exit the executive session at 8:45 PM. Councilmember Purvis seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

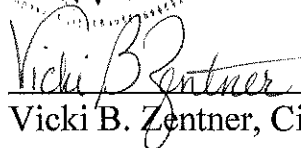
As a result of the executive session, there was no action taken.

There being no further business brought before the council, Councilmember Jack moved to adjourn the meeting. Councilmember Purvis 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 8:47 PM.

Approved by the Governing Body on January 13, 2022.



  
Vicki B. Zentner, City Clerk

Signed:   
Mark S. Jack, Mayor