

Westmoreland City Council  
April 14, 2016 meeting

The Westmoreland City Council met on April 14, 2016 for its regular monthly meeting at the Westmoreland Community Center.

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

City staff present: City Maintenance Supervisor, Robert Krohn; City Treasurer, Lindsay Elliott; City Attorney, John Watt and City Clerk, Vicki Zentner.

Others present: Newly elected councilmember Waide Purvis; Residents, Jeff Zimmerman, Bill Prinz, JT VanGilder, Wendy Hudson, Wayne "Chick" Roberts, Judy Roberts, Trudie Hoffman; Westmoreland/Seven Township fireman, Tim Stadel; Dr. Darrel Stufflebeam and Dena Schmitz with Rock Creek School District; Travis Altenhofen, Pottawatomie County Commission candidate; Kristy Hitch with Tri-County Waste and Erica Cobb, reporter for the Wamego Smoke Signal.

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

*Swearing in of elected councilmembers:* City Clerk Zentner administered the oath of office to the elected/re-elected councilmembers, Jim Moore, Mark Jack and Waide Purvis.

*Additions/deletions to prepared agenda:* Additions to the agenda were the discussion of the city agent position and discussion on abandoned vehicles by Councilmember Moore. Deletion to the agenda was Terry Force regarding city owned properties discussion.

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

*Approval of minutes of the special meeting held on March 3, 2016 and the regular council meeting of March 10, 2016:* Councilmember Moore moved to approve the minutes of the special meeting held on March 3, 2016 and the regular council meeting of March 10, 2016 as presented. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Payment of the monthly bills:* Councilmember Rosell asked if the pay for the lifeguards for attendance of their orientation meeting could have been held until their first paycheck of the season. Treasurer Elliott responded that she had asked the auditors the same question and was informed that the lifeguards had to be paid within the pay period that the orientation meeting had taken place.

There being no further questions regarding the monthly bills, Councilmember Smith moved to approve the payment of the monthly bills. Councilmember Moore seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Public comments:* Outgoing councilmember, Jeff Zimmerman thanked the council and citizens for the opportunity to serve them for the past two (2) years on the council. He also thanked the city staff for all their help as well. The Mayor, councilmembers and staff thanked Mr. Zimmerman for his service to the community.

*Travis Altenhofen:* Travis Altenhofen addressed the council stated that he was a candidate for the Pottawatomie County commission for District 3. He stated that although he would not be representing the Westmoreland community per se, he wanted to know the council's feelings on several topics.

He asked about new development of housing in Westmoreland and what the council felt the county commissioners could do to help. Councilmember Rosell stated that the council had been looking for several years on how to expand. Councilmember Moore stated that it was hard to get anyone to build in Westmoreland. Mr. Altenhofen asked what was holding the city and developers back. Councilmember Moore stated that all of the building was being done along the Highway 24 corridor. Councilmember Rosell stated that he was hopeful that within a few years the developers would start moving up to the Westmoreland area. He said that older homes for sale just weren't being sold. He also stated that he didn't think there was anything the county could do to help and stated that people just don't want to drive 20 minutes to get to Manhattan.

Mayor Goodenow stated that perhaps another black topped road to Highway 13 might be helpful. Councilmember Jack stated that he agreed with the Mayor and that the traffic on Highway 24 was getting hectic and if another way to get to Manhattan from the east might help as well. He stated that he felt the excellence of the school district was a plus for the area, but just need for people to come and take a look at the area.

Mr. Altenhofen asked how the city uses the sales tax revenue and what ramifications the city would encounter should the revenue be withdrawn. Mayor Goodenow stated that should the sales tax revenue be withdrawn, the city would be hurting badly. The revenue the city receives has gone to help improve the quality of life for the residents, for example new sidewalks in town, and for paying wages for the current city staff. Councilmember Moore stated it had been a God-send and there would be no way the city could make up the revenue since the state has put a lid on how much cities and counties can raise the mill levy.

Resident Judy Roberts asked Mr. Altenhofen where he stood on the old county courthouse. Mr. Altenhofen stated that he felt there was a need to have the whole county sit down and develop a plan for facility needs.

There being no further questions or comments, Mr. Altenhofen thanked the council for allowing him to speak to them and exited the meeting at 7:15 PM.

*Request of use of library building for Parents as Teachers (PAT)-Dr. Stufflebeam and Dena Schmitz:* Dr. Stufflebeam stated that what was missing in housing in Westmoreland was being made up by another large kindergarten class at Westmoreland Elementary in the fall. He stated that due to the large enrollment, the current PAT classroom will be used for the Pre-Kindergarten class and that the PAT is now looking for an alternate meeting place. Mrs. Schmitz had spoken with the St. Marys regional library director regarding the possible use of the library for the PAT class. She stated that the library would not be used on Mondays for the PAT classes, that she would do her in-home visits that evening. She would need at least eight feet (8') of wall space for her supplies as well as space for play equipment that is used in her assessments of the children. She said that the play equipment could be stored in a storage shed when the library is open so as not to interfere with the library.

Dr. Stufflebeam said that the reason he and Mrs. Schmitz had come to the council is that they were aware that the city owned the building, but wasn't sure who had the authority to make decisions. He also stated that the school district would be in charge in obtaining the storage shed and the upkeep of it as well.

Attorney Watt stated that he wasn't aware of any written agreement in regards to the library and suggested that the director be contacted to see if there is such an agreement. He stated that the city was in charge of the building that the library uses, however.

There being no further discussion, Dr. Stufflebeam and Mrs. Schmitz exited the meeting at 7:30 PM.

*Discussion on Campbell Street as a city/county link:* Attorney Watt stated he had talked to the county regarding Campbell Street and was told it was not the county's responsibility for the maintenance of the street. He was told however, that due to the traffic from county trucks using Campbell Street, the county would be willing to do a cost share agreement for the maintenance of the street.

Councilmember Moore stated he believed the rest of the council would be in agreement in a 50-50 cost share with the county. He asked what the next step would be in getting the agreement set up.

Attorney Watt stated that the councilmember in charge of streets (Councilmember Moore) should request to be put on the county commissioners agenda to discuss this issue and see where it goes from there. Councilmember Moore stated he will make sure and meet with the commissioners.

*Tri-County Waste:* Kristy Hitch stated that she had been informed there was some concern regarding recycling materials being picked up and put in the regular trash truck on recycling days. Mrs. Hitch stated that the only reason for this to happen would be if there were items that were not recyclable in the recycling toter or if regular trash had been put in the recycling toter which in turns contaminates the recycling products and if not discovered until being taken to the

recycling center in Topeka, then it would be rejected at the center, taken to the Topeka waste facility and they would in turn charge Tri-County for this expense.

Mrs. Hitch also informed the council that the free dump day that the city offers in conjunction with the county was being taken advantage of by people who wait until the free dump day to clean out their storage sheds. This spring, there were 45 stops and while she understood that the idea of offering this service was to help make the community look nice, some were taking advantage of the offer. She also stated that in addition to the regular trash trucks, one worker had brought his personal vehicle and a trailer to haul the appliances in since the appliances will do damage to the hydraulics and insides of the trash trucks. Labor alone cost Tri-County \$330 this time.

Attorney Watt stated that the written agreement between the city and Tri-County Waste did not include language for them to participate in the free dump day for free. The B-B-Q trash service for free was in the agreement as a community service with no charge to the city.

Mrs. Hitch stated she didn't mind helping with the free dump day, but it has gotten out of control. Councilmember Moore asked what she wanted done. Mrs. Hitch stated that if the city would help with the cost to her, she would appreciate it.

After a brief discussion, Councilmember Smith moved to reimburse Tri-County for their expenses for the city clean up days. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Renewal of city insurance:* City Clerk Zentner informed the council that the city's insurance policy was due on April 1<sup>st</sup>. Both she and Maintenance Supervisor Krohn had reviewed the policy regarding the coverage of vehicles, equipment and buildings. There had been some equipment and vehicles that were no longer owned by the city and some that had not been added to the policy, but have been corrected. The cost of the renewal was \$21,073 which was a cost difference of \$838.

Councilmember Moore requested that this item be an annual discussion on the agenda, preferably at least a month before the renewal is due.

*Discussion on storage/container boxes in town:* Attorney Watt stated that the city had no regulations regarding storage/container boxes in town. If the council wanted to have regulations concerning these, they would have to have the planning and zoning commission look into it.

Councilmember Moore stated he knew that a few were in town a temporary basis, but didn't think they council wanted them to be permanent. Councilmember Rosell stated he felt that there should be regulations regarding them in the city. He stated he knew the covenants in the new addition restricted them.

Councilmember Moore moved to ask the planning and zoning commission to look at storage/container boxes use in the city and make a recommendation to the council. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Asking for bids on sidewalks:* Councilmember Moore stated that each year the council tries to replace two or three (2 or 3) blocks of sidewalks in the city. He stated he would like to recommend Armer Street from 2<sup>nd</sup> Street to 6<sup>th</sup> Street be the next sidewalk to be fixed/erected.

Councilmember Moore moved to solicit bids for repairing/erecting sidewalks on Armer Street between 2<sup>nd</sup> and 6<sup>th</sup> Streets. Councilmember Jack seconded the motion.

Councilmember Rosell asked how the city was going to pay for the sidewalks with the added expense for chip and sealing of the streets this year. Councilmember Moore said part of the cost would come out of the street fund and the rest out of the general fund.

Mayor Goodenow asked if there was any more discussion on the motion and if not, he called for a vote. There was no discussion and the motion passed five (5) ayes to zero (0) nays.

*Requests from the Westmoreland/Seven Township Fire Department:* Tim Stadel stated that he would like for Lindsay Elliott to address the council regarding the renewal of the "I Am Responding" phone application for responding to fire calls which allows the department to know who is available to respond and help.

Lindsay stated that last year, the city had signed up for the program at a cost of \$800 for one year. She informed the council that this option was still available, but also gave them other options for 3 years and 5 years with the cost for each.

Councilmember Purvis stated he would be comfortable with signing up for one (1) year again at a cost of \$800 and see if the Seven Township board would be willing to share the cost next year for longer years of coverage.

Councilmember Rosell moved to pay for one (1) year at a cost of \$800 for the "I Am Responding" phone application for responding to fire calls. Councilmember Moore seconded the motion. The motion passed four (4) ayes, zero (0) nays and one (1) abstention (Councilmember Smith) due to conflict of interest.

Mr. Stadel informed the council that so far it has been a long, tough year of fighting fires in the county and city. He stated that all the money the firefighters had raised in the past for their water, Gatorade and food fund had been spent. He stated he was asking the council again for money to help replenish the fund.

Councilmember Jack moved to allocate \$500 to the fire department to replenish their fund for water, Gatorade and food. Councilmember Purvis seconded the motion. The motion passed four (4) ayes, zero (0) nays and one (1) abstention (Councilmember Smith) due to conflict of interest.

*Discussion on abandoned vehicles:* Councilmember More stated that he didn't think that "tarping" or covering of vehicles that were not tagged or not operable should be allowed. Attorney Watt stated that traditionally the council has told owners of these vehicles if they put a tarp on them they would be fine. He stated that some have blown off or deteriorated from the elements and had been asked to tarp or cover them again and they have done so. He stated that if the council didn't want tarps or covers as an option, they would need to amend the ordinance to not allow these options. The ordinance does state that the owners can put a fence up with no more than three (3) vehicles behind it.

Councilmember Moore stated he would be in favor of amending the ordinance to eliminate tarps or covers as an option.

After some brief discussion on allowing tarps or covers for abandoned vehicles, Councilmember Moore moved to amend the ordinance to not allow covered inoperable vehicles in the city limits. Councilmember Rosell seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*City Agent:* Councilmember Moore stated that Jeff Zimmerman had been the city agent for several years before and during his serving on the city council and wanted to know if the rest of the council would agree to have Mr. Zimmerman continue as the city agent.

Mayor Goodenow appointed Jeff Zimmerman to continue to be the city agent.

Councilmember Rosell moved to approve the appointment of Jeff Zimmerman as the city's agent. Councilmember Moore seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Computer backup options:* Treasurer Elliott informed the council that per their request, she had looked into option for backing up city documents on line and found three (3) that she felt would be the best options. Her recommendation would be Drop Box at a cost of \$150 per office computer a year for unlimited space.

Councilmember Rosell stated he has used Drop Box in the past and had problems with it. Lindsay stated her next recommendation would then be Carbonite at \$150 per computer for a year with unlimited space, the same price and unlimited space as Drop Box.

Councilmember Rosell moved to allow the purchase of Carbonite backup program for both office computers with unlimited space at a cost of \$150 per computer for one (1) year. Councilmember Purvis seconded the motion. The motion passed five (5) ayes to zero (0) nays.

**Staff Reports:**

*Treasurer's report:* Councilmember Rosell moved to approve the treasurer's report as presented. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Pool manager:* Elliott reported that she had purchased whistles and lanyards for the lifeguards this year at a cost of \$27.54. These purchases had been paid for in the past by the lifeguards. She stated she felt that the city should pay for these items.

Councilmember Jack moved to approve the purchase of whistles and lanyards for the lifeguards at a cost of \$27.54. Councilmember Moore seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Elliott reported that the guard that had taken the head lifeguard position has now decided that she didn't want the position. Elliott has since found a replacement and will write over the list of guards on the pool flyers.

Elliott also reported that one guard had not passed their certification class due to a health issue. This guard will be trying to get certified again before the pool opens paying for the class instead of the city. The city will be receiving a partial refund for the guard not passing the certification the first time.

Mayor Goodenow stated he felt that the pool manager should receive \$100 to purchase pool toys from the petty cash fund.

Councilmember Smith moved to allow the pool manager to purchase pool toys up to \$100. Councilmember Rosell seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Maintenance:* Supervisor Krohn reported the following:

Utilities: Replaced 15' of sewer main on the main line to the lagoons due to a small amount of roots, boxer shorts, underwear and non flushable towels

Unplugged the sewer main at 2<sup>nd</sup> and Grant Streets

Flushed water mains due to brown water from outside the system

Streets: Ordered the first half of rock for street chip sealing

Replaced the culverts at 6<sup>th</sup> and State and Walnut and State

Patched potholes throughout town

Chip seal schedule for 2016

Parks: Poured concrete pads around the sewer cleanouts at the RV Park

Built two (2) horse shoe pits at the RV Park  
Mowed and sprayed weeds  
Installed new pea gravel/border around play structure at City Park  
Removed circle bushes at City Park due to recent damage

Cemetery: Place mulch throughout and mowed

Pool: Ordered paint, grout and chemicals for start up of the season  
Mowed

Zoning: Issued one (1) building permit for a fence  
Issued one (1) building permit for an accessory use building  
Issued two (2) violation letters due to no permits applied for

Misc: Picked up 5 tons of trash, 60 tires, 25 gallons of paint, 25 gallons of used oil, 2 batteries and one load of brush on cleanup day

Krohn stated that the chip seal estimate from the county was \$40,556.

*City Clerk:* Zentner informed the council that she had received a request from Sue Hale to have to city purchase two (2) Red peony bushes to be reimbursed by her, and plant at each corner of the sidewalk by the benches at her husband's memorial sitting area at the cemetery. The council agreed to have the staff purchase the peony bushes and bill Mrs. Hale.

Zentner asked permission to post "No Dogs Allowed" signage at City Hall. She stated that several residents have brought their dogs into City Hall while paying their bill or asking questions. Zentner didn't feel comfortable having the dogs in City Hall even though there hadn't been any issues other than slobbering by the dogs. The council agreed to allow the signage to be posted.

Zentner informed the council should be taking a week of vacation in June, but she would remind the council again when the time got closer.

### **Councilmember's Reports:**

Utilities: Councilmember Rosell had nothing more to report

Streets: Councilmember Moore had nothing more to report

Animal Control: Councilmember Smith had nothing to report

Planning & Zoning: Councilmember Smith had nothing to report

Mayor: Mayor Goodenow had nothing to report



City Attorney: Attorney Watt had nothing to report

Councilmember Smith stated he wanted to thank Maintenance Supervisor Krohn for his help to the fire department battling the hay bales fire to the southwest of town. Thankfully no structures were totaled and no lives were taken.

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

Mayor Goodenow declared the meeting adjourned at 8:36 PM.

Approved by the Governing Body on May 12, 2016.



Vicki B. Zentner  
Vicki B. Zentner, City Clerk

Signed:

Mark A. Goodenow, Mayor