

Westmoreland City Council  
June 11, 2020 minutes

The Westmoreland City Council met for its monthly meeting on June 11, 2020 at the Westmoreland Community Center at 7:00 PM.

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

Governing Body member absent: Councilmember Jeff Rosell.

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

Others present: Joni Rottinghaus with VonFeldt, Bauer and VonFeldt; Residents, Jesse Rule and Mike Muller; Daryle Frank and Janet Stevenson, Manhattan, 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 to the agenda:* Passage of Resolution #04-20 rescinding Resolution #01-20; Discussion with Mr. Frank and Janet Stevenson regarding meeting building at the Oregon Trail RV Park; Setting date for goal setting work session; and an executive session.

*Approval of the amended agenda:* Councilmember Jack moved to approve the amended agenda. Councilmember Purvis seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rosell being absent.

*Approval of minutes of May 14, 2020; May 18, 2020 and May 27, 2020:* Councilmember Jack moved to approve the minutes of the May 14, 2020 regular council meeting and the minutes of May 18, and May 27, 2020 special meetings as presented. Councilmember Rice seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rosell being absent.

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

*Presentation of the 2019 city audit:* Joni Rottinghaus, auditor with VonFeldt, Bauer and VonFeldt, presented the council with the 2019 audit of the city financials. She wanted to thank the city staff for their help with the procurement of all requested paperwork. She stated that the staff was very organized, provided information and documents in a timely manner, took her recommendations seriously and that it was obvious they take pride in their jobs.

Ms. Rottinghaus stated that the city books were clean and that there were no problems with audit.

Ms. Rottinghaus then proceeded to go through the audit for the council and staff. She stated that at the end of 2019, the general fund was healthy; the special purpose funds were a little strapped and she felt that those funds would need to be built up in the future. The utility fund was also healthy.

She stated that she had not found any violations of the cash basis law or budgetary laws in her audit of the city's finances.

Ms. Rottinghaus did recommend to the council that a safe as well as security cameras should be installed at the city pool for monitoring of cash transactions as a way to have checks and balances at that location.

There being no questions of Ms. Rottinghaus in regards to the 2019 audit, Councilmember Jack moved to accept the 2019 city audit as presented. Councilmember Smith seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rosell being absent.

Ms. Rottinghaus thanked the council and exited the meeting at 7:17 PM.

*Jesse Rule-discussion on drainage issue at 210 N. 6<sup>th</sup>:* Mr. Rule informed the council that he had an issue on the west side of 6<sup>th</sup> Street with the drainage tube at the intersection of 6<sup>th</sup> and North Streets. He stated that when it rained recently, the water went over the top of the drainage tube, over 6<sup>th</sup> Street and then down his driveway to his shop. He said that he noticed that someone had come and cleaned out the drainage ditch of trash recently, but felt that there should be a bigger drainage tube installed to take care of the water.

Councilmember Jack said Maintenance Supervisor Krohn will go and take a look at it.

Krohn stated that he and Councilmember Rosell had spoken about putting in a new drainage tube at the intersection recently and since it is a concrete box drainage, to put in a replacement tube it would cost \$3,000.

Councilmember Jack moved to install a new drainage tube at the intersection of 6<sup>th</sup> and North Streets at a cost of no more than \$3,000 to try and fix the issue. Councilmember Purvis seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rosell being absent.

Mr. Rule thanked the council and exited the meeting at 7:23 PM.

*Discussion on RV Park meeting/shelter building:* Mr. Frank informed the council that his family was wanting to donate money to the construction of a meeting/shelter building at the Oregon Trail RV Park for campers, and possibly others, to use as an outside meeting place, to hold potluck meals, and to play cards or games. He stated that he and his late wife had camped at the RV Park with their camping club as well as on their own, and his wife had commented that it would be nice to have some sort of meeting/shelter building there.

After his wife passed, he and his children discussed the idea as a memorial to his wife and were willing to donate money for the project.

More discussion was held on the size, amenities to include with it as well as the city allowing a plaque to be placed on it in Mr. Frank's wife's name.

Councilmember Purvis asked that the family bring pictures back to the council and a general concept of what the family wants and then the council and family can work from there.

Mr. Frank and Mrs. Stevenson thanked the council and exited the meeting at 7:47 PM.

*Discussion security cameras at the Fire Department:* Councilmember Smith, as fire chief, stated he felt that some kind of security measures needed to be taken at the fire station after a recent attempt to break into the fire station had occurred.

After some brief discussion, Councilmember Smith was asked to do some research on different security systems and costs and bring back to the council for their consideration.

*Passage of Resolution #04-20:* Resolution #04-20 would rescind Resolution #01-20 which declared a local state of emergency due to the COVID-19 pandemic in its entirety. There was no discussion held, and Councilmember Purvis moved to pass Resolution #04-20. Councilmember Rice seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rosell being absent.

*Setting of goal setting work session:* The council decided to hold a goal setting special work session meeting on July 8, 2020 at 6:00 PM at the Community Center.

*Mike Muller, owner of The Saloon Bistro and Boutique:* Mr. Muller addressed the council concerning a sewer issue at his business. He stated that he had the line inspected with a camera and it was found that it was not collapsed as he had previously believed, but rather when the neighbor to the northwest of his property had his sewer line replaced, that contractor had capped off the line that ran from the business to the city's main line. This work was evidently done sometime in 2012.

Councilmember Jack informed Mr. Muller that this was done before the city had a competent maintenance supervisor that could inspect the replacement of sewer and water lines to make sure issues would not happen and that there was no ordinance in place stating who would be responsible for the payment of replacement costs as well as requiring that all work would need to be inspected.

Mr. Muller stated that he was upset that he had to pay for repaving the part of the alley that had to be replaced for digging up the line as well as for the hauling away and hauling in replacement fill sand and top soil.

Attorney Dierks informed Mr. Muller that the issue is not with whether there is/was a city ordinance or with the city itself, but with the landowner whose line was replaced, and she suggested that Mr. Muller get an attorney to move forward against the neighboring landowner

Councilmember Purvis stated that what frustrated him about the whole situation was that this was the first council meeting that Mr. Muller had attended, and Mr. Muller was "bashing" the city on social media without having the whole story.

Councilmember Jack stated he understood that Mr. Muller was frustrated about the situation, but informed him that there is a state statute that makes it clear that cities cannot allow the use of city personnel and/or city equipment to make repairs on private property to benefit individuals or businesses. Since the council had been informed of this statute, the council cannot allow what happened in the past to happen going forward.

Mr. Muller stated that he now understood the city's side of things and that he would retract on social media his previous statements and let everyone know what was going on.

Mr. Muller exited the meeting at 8:05 PM.

## **Staff Reports-**

*City Agent-* Jeff Zimmerman informed the council that two (2) shed issues had been resolved. He was planning to make observations this weekend and will turn in reports to city hall next week.

There being nothing further from Mr. Zimmerman he exited the meeting at 8:07 PM.

*Pool-*Pool manager, Amber Krohn, stated that pool staff had a work day on Sunday with Councilmember Purvis in attendance as well as maintenance supervisor Krohn. Staff was instructed on the new cleaning and disinfecting procedures and how to use the new point of sale system.

Amber also would like to raise the cost for 2-hour pool parties to \$120.00.

Councilmember Purvis moved to raise the cost of 2-hour pool parties to \$120.00. Councilmember Jack seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rosell being absent.

Pool passes will be sold this year, but a waiver stating that the purchaser of the pool passes understands that due to the COVID-19 requirements as set by the Pottawatomie County Health Director for mass gatherings, that admittance to the pool is not guaranteed and that there will be no refunds due to weather or the closing of the pool due to the pandemic and that the passes would not be transferrable.

Councilmember Jack moved to sell pool passes with the above-mentioned waiver attached. Councilmember Purvis seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rosell being absent.

*Treasurer's Report-*Councilmember Purvis moved to approve the treasurer's report as presented. Councilmember Jack seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rosell being absent.

*Maintenance Supervisor-*Robert Krohn reported the following for May:

- **Utilities**
  - Tested the water meter system after the new sensors were installed. The system worked with some minor issues with two (2) accounts that involved the City Hall program.
- **Streets**
  - Patched potholes throughout town
  - Hall Brothers will scale back this year's street maintenance to \$30,000 total cost and get back with him regarding the streets we will be resurfacing this year

- **Parks**
  - Mowed properties
  - Built concrete retaining wall around flower bed at the Community Center and the west entrance to town
  - Pulled weeds in flower beds
  - Watered flower beds
  - Spread mulch at City Park
  - Sprayed weeds
  - Prepped the bathrooms and concession building at the ball diamond to be opened by the REC when they are ready
  - Drug the ball field and t-ball field
- **Cemetery**
  - Mowed property
  - Opened/closed two (2) cremation burials
  - Force Land Surveying will mark the property corners on the south end of the cemetery when he has time
- **Pool**
  - Finished installing all the pool equipment
  - Closed in the concession area and installed air conditioner
  - Set up the new POS (Point of Sale) equipment for the pool concessions and admissions
- **Buildings**
  - Security cameras for the fire station will cost from the very basic \$#130.00 with snap shot/short video monitoring and no DVR, to \$500.00 for full 24/7 DVR recording
- **Planning and Zoning**
  - Issued a building permit for a fence at 308 Quail Dr.
  - Issued a building permit for a deck at 502 Quail Dr.
  - Sent a violation letter to 110 S. 4<sup>th</sup> for a carport built on the property without a conditional use permit
  - Sent a violation letter to 102 E. grant for an accessory use building being built without a permit

*Clerk's Report*-City Clerk Zentner reminded the council she would be out of the office on June 19 and again on June 26 through July 1.

***Councilmember's Reports:***

*Utilities*-Councilmember Jack had nothing more to report.

*Animal Control*-Councilmember Smith had nothing to report.

*Planning and Zoning*-Councilmember Smith had nothing to report.

*Pool-Councilmember Rice* had nothing more to report.

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

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

*Cemetery-Councilmember Purvis* had nothing to report.

*Parks-Councilmember Purvis* had nothing more to report.

*Mayor-Mayor Goodenow* had nothing to report.

*City Attorney-Attorney Dierks* informed the council that she would be having another conversation with Rural Water District #4 soon.

Municipal court had one (1) case dismissed and one (1) case that was re-scheduled for status.

Councilmember Rice moved to go into an executive session for the purpose of discussing non-elected personnel and to protect their privacy for 20 minutes with the Mayor, Councilmembers, Pool manager and city treasurer in attendance. Councilmember Purvis seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rosell being absent.

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

As a result of the executive session, Councilmember Rice moved to have the pool manager or assistant pool manager take the daily pool deposit and start up cash to Farmer's State Bank night depository each night, except on Saturdays and holidays in which the start up cash will be dropped into the drop box at City Hall. Councilmember Jack seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rosell being absent.

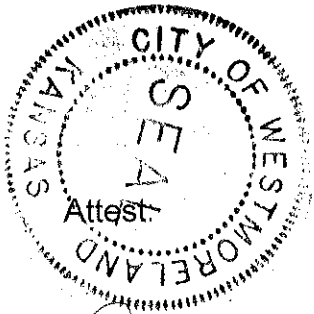
Councilmember Rice moved to give the pool manager the authority to set wages for the pool lifeguards and staff higher than the usual guidelines in the pool manual and previous minutes due to the extenuating circumstances of the COVID-19 pandemic. Councilmember Jack seconded the motion. The motion passed three (3) ayes, zero (0) nays and one (1) abstention (Councilmember Purvis due to conflict of interest) with Councilmember Rosell being absent.

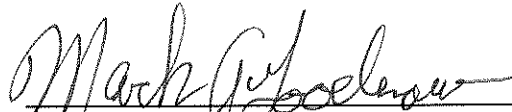
Councilmember Rice moved to wait until the end of the pool season to pay the pool manager due to the uncertainty of the pool hours of operation each day and the length of the pool season, and to not decide yet if this will be a paid salary or hourly wage. (The pool manager is to keep track of hours worked; this will also be discussed with the city auditor for input). Councilmember Jack seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rosell being absent.

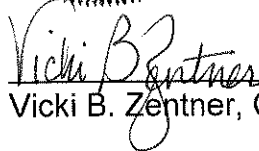
There being no further business brought before the council, Councilmember Purvis moved to adjourn the meeting. Councilmember Rice seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rosell being absent.

Mayor Goodenow declared the meeting adjourned at 8:50 PM.

Approved by the Governing Body on July 16, 2020.



  
Mark A. Goodenow, Mayor

  
Vicki B. Zentner, City Clerk