

Westmoreland City Council  
March 14, 2019 minutes

The Westmoreland City Council met for its monthly council meeting on March 14, 2019 at the Westmoreland Community Center.

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

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

Others present: Xandria Zimmerman, student at Rock Creek Jr/Sr High School; Allan Reeves, citizen; Terry Smith, guest; Megan Campbell with Westy Recreation Commission; Judy Hinrichsen, Jenni Moore, Dan Schlochtermeyer and Rita Newell with the Rock Creek Valley Historical Society; Terry Nelson, citizen; Troy Umscheid, business owner and Cale Prather, 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 asked to add a discussion on the "Little Free Library" repairs and helping with the Care Home parking lot patching.

*Approval of agenda:*

Councilmember Purvis moved to accept the amended agenda as presented. Councilmember Rice seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Approval of February 14, 2019 minutes and February 28, 2019 special meeting minutes:*

Councilmember Purvis moved to approve the minutes of the February 14, 2019 regular meeting and the February 28, 2019 special meeting as presented. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Payment of monthly bills:*

Councilmember Moore moved to approve the payment of the monthly bills as presented. Councilmember Purvis seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Public Comments:*

There were no public comments on non-agenda items.

*Request from Terry Smith for memorial at City Park:*

Terry Smith addressed the council with a request of erecting a powder coated steel bench to be placed somewhere in the city as designated by the council, to memorialize his brother, Justin Smith, as well as recognizing veterans. He stated that he was very appreciative to the city for their support of Justin's family at the time of his untimely passing and wanted to give back to the community.

Councilmember Moore and Mayor Goodenow both expressed their feelings that this was a very generous gift to the city.

After some brief discussion, Councilmember Moore moved to allow the placement of an American Legion bench honoring Justin Smith in the City Park where city staff decides for it to be placed. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

(Mr. Smith exited the meeting at 7:10 PM).

*Rock Creek Valley Historical Society requests:*

Jenni Moore, board member of the Rock Creek Valley Historical Society, addressed the council asking for some clarification on the council's decision to not help them with projects stating that in the past city staff had made and painted dividers for exhibits at the museum as well as other projects. She stated that the council had helped the Scritch Scratch Patch Day Care Center, school, Methodist Church and Westy Community Care Home with projects as well. As a taxpayer, Mrs. Moore was appreciative with all the help the city had given these organizations in the past and was asking the council re-consider their previous decision and continue with help with the understanding that city staff and the city council has the right to say yes or no to any requests.

Mrs. Moore went on to say that they were asking with help to repair the Hand Dug Well signage, the wrought iron fencing and the sidewalk at the well which was becoming a tripping hazard. She also stated that they would like advice on what repairs needed to be done and the possibility of how to go about fixing them.

Councilmember Purvis stated he saw no problem with the staff giving guidance, but felt that he was not comfortable with staff doing the work as it might cause bigger problems in the future for the city and staff. Councilmember Jack agreed and stated he also felt that there could potentially be a workmans compensation problem should city staff get hurt, or worse, doing projects for "non-city" entities and on "non-city" property.

Attorney Watt stated that he had advised the council several times to not allow city staff and equipment be used for other entities as it could be a workman's compensation issue and that the state statutes forbid the "loaning of workers and equipment for private purposes".

Councilmember Moore asked Attorney Watt why, after all these years of the city helping others that Attorney Watt didn't say anything and now, he was bringing up these points. Councilmember Moore also commented that the council receives advice from the city attorney but he doesn't run the council.

Councilmember Moore moved to allow city staff to help the Historical Society to the point the see fit and are comfortable with. Councilmember Purvis seconded the motion.

Allan Reeves stated that the museum brings a lot of visitors to town which in turn helps the businesses in town, and if the museum were to go away, businesses would suffer.

Rita Newell echoed Mr. Reeves' points and stated she also felt the city and other entities should work together.

There being no further discussion, Mayor Goodenow called for a vote of the motion. The motion passed four (4) ayes, zero (0) nays and one (1) abstention [Councilmember Moore for conflict of interest].

*Xandria Zimmerman-Exit Project Request:*

Xandria Zimmerman, junior student at Rock Creek Jr/Sr High School, addressed the council with her request to build a wagon wheel bench for her exit project to be placed in the City Park, or wherever the council saw fit to place it. She gave the council an example of the kind of bench she planned to make.

Councilmember Smith moved to allow Ms. Zimmerman to build a wagon wheel bench for the city and placed where city staff felt would be a good area for it. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Ms. Zimmerman thanked the council.

*Ordinance #567 regarding enhanced CMB and/or Beer containing not more than 6% alcohol by volume...:*

Attorney Watt stated he had not had the opportunity to finalize the Ordinance and requested that the council table it until the April 11, 2019 council meeting. The council agreed to table it.

*Resolution #02-19:*

Attorney Watt reminded the council that this resolution was the result of the agreement between the council and Umscheid's Auto Works regarding their time line of removing certain items on their property.

Councilmember Purvis moved to approve Resolution #02-19 as presented. Councilmember Moore seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Request of variance by Allan Reeves:*

Mr. Reeves stated he had submitted his request of a variance for building a garage behind his residence in November for consideration from the city's Planning and Zoning commission. He stated that he was still waiting for the commission to convene and make a decision on his request. Mr. Reeves was asking the council to allow the variance so that he could begin building the garage.

Attorney Watt stated that there is a problem with the council acting on the request as the city's ordinance states that these kinds of requests must go before the commission.

Mr. Reeves asked how long did he have to wait for the commission to have enough members to be able to build his garage. He stated that this issue had come up in the past and the council had given permission for the variance at that time.

Councilmember Moore stated that he was on the council when the previous issue of a variance and not enough commission members and the council had granted the variance at that time. It may not have been correct, but it wasn't fair to the individual to have to wait.

Councilmember Jack stated that there was no planning and zoning commission at the present time due to the chairperson stepping down and not enough remaining members making the quorum guidelines.

Councilmember Moore moved, due to the circumstances and the non-existence of a seated planning and zoning commission, to approve the request for a variance by Mr. Reeves. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Mr. Reeves stated that he would spread the word about getting people to serve on the planning and zoning commission and might consider serving on it.

(Mr. Reeves exited the meeting at 7:45 PM).

*Ball season preparation:*

Councilmember Purvis introduced the new rec commission president was Megan Campbell to the council. He stated that Mrs. Campbell was present to have some questions answered regarding the ball field.

The council informed Mrs. Campbell that the city maintains the ball field, the school district pays the electrical bill and the equipment shed belongs to the rec commission. They also informed Mrs. Campbell that a new set of locks for the bathrooms and shed would be purchased by the city, but the rec commission will be responsible for checking the keys out and getting them back at the end of the season.

Mrs. Campbell asked who would be responsible for scheduling of the field and any off-season tournaments. Mayor Goodenow stated the rec commission would be in charge of these.

Councilmember Jack moved to allow the rec commission to regulate the use of the ball diamond and T-ball field and the city purchase keys for the restrooms, equipment shed and scorekeeper box with the rec commission responsible for the checking in and out of the keys. Councilmember Rice seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Mrs. Campbell stated that the Rock Creek High School team would like to request that the city purchase another gate entrance at the southeast end of the field to allow them to bring a net in to go around home base for batting practice.

Maintenance Supervisor Krohn stated that the gate and fencing would cost approximately \$1,000 and he was not sure how soon Tri-County Fencing would be able to obtain it and install it.

Councilmember Moore stated that there was a fundraiser being put together to build a new baseball field at Rock Creek, but he wasn't sure that they would raise enough funds or if the school board would be in favor of the project as the district had "maxed-out" their spending with the new additions to the school and the new district office.

Councilmember Jack stated that he wasn't sure about spending money for the gate with the possibility of the high school team leaving and the city would've put in a gate for no reason.

After some more discussion, Councilmember Purvis moved to inform the high school if they wished to purchase the gate and have it installed with the maintenance supervisor's approval, the council would approve the purchase. Councilmember Moore seconded the motion. The motion passed five (5) ayes to zero (0) nays.

(Mrs. Campbell exited the meeting at 8:00 PM).

*Review of snow removal policy-Councilmember Moore:*

Councilmember Moore stated he had recently received complaints from citizens regarding some of the sidewalks downtown not being cleared off after the recent snow and ice. He said he had looked at the city's snow removal policy and wondered if there should be some sort of penalty for not clearing the sidewalk. He felt that \$50 an hour for the city crew to clear the sidewalks would be a good incentive for the business owner to clean their portion of the sidewalk.

Maintenance Supervisor Krohn stated that the city crew tries to clean the sidewalks in the business district, but the first priority of the staff is to clean Main Street and other city streets. If they have time, they will clean the business district sidewalks as best they can.

Councilmember Jack moved to add a penalty of \$50 an hour minimum for the not clearing of sidewalks in the business area of Main Street within the time restrictions as stated in the city's snow removal policy, assessed to the business owner. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Review of dog non-renewal penalty-Councilmember Moore:*

Councilmember Moore stated that he felt the current penalty of \$0.50 per month for not renewing or obtaining dog tags by April 1 of each year was not sufficient.

After some discussion on what the penalty should be, Councilmember Moore felt that \$10.00 per dog per month after April 1 of each year should be incentive enough and asked that Attorney Watt amending the current ordinance to reflect this change in the penalty charge.

(Mrs. Moore, Dan Schlochtermeir and Mrs. Hinrichsen exited the meeting at 8:19 PM).

*Discussion on sidewalks for 2019:*

Councilmember Moore stated that he and Maintenance Supervisor Krohn had discussed erecting sidewalks in the new addition as well as part of North 6<sup>th</sup> Street for 2019. He estimated that the cost per block would be \$4,500.

Councilmember Purvis inquired where the sidewalks would be put in the new additions due to the ditches being deep and the ditches flood when it rains.

Councilmember Moore suggested that he, Krohn and Councilmember Purvis take a look at the proposed sidewalk placements.

After some brief discussion, Councilmember Moore moved to erect sidewalks on the east side of Quail Drive and on North 6<sup>th</sup> Street between Main Street and North Street and that letters be sent out to all effected property owners to attend the April 11, 2019 council meeting for any comments or concerns. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*"Little Free Library" discussion-Councilmember Moore:*

Councilmember Moore stated that he had asked city staff to fix the broken door on the "Free Little Library" but was told that the staff was not comfortable fixing it as it "technically" belongs to the school.

After some brief discussion, Councilmember Moore moved to allow city staff to fix the broken door on the "Free Little Library" as requested. Councilmember Purvis seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Care Home parking lot-Councilmember Moore:*

Councilmember Moore stated that the Care Home lower parking lot would be chip and sealed by Pottawatomie County Road and Bridge Department and that they would not do any patching. Councilmember Moore stated that the county would bill the city for the chip and seal, but the Care Home would then repay the city.

Councilmember Moore moved to allow Pottawatomie County to bill the city, with the Care Home repaying the city, for chip and sealing of the lower parking lot. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*City Agent-Jeff Zimmerman:*

Mr. Zimmerman informed the council that he was keeping track of a few properties and vehicles that had been turned in to him or that he had observed personally. He asked what the council was doing about the two (2) properties on East Main Street.

Attorney Watt stated that notices had been served and he was ready to prepare paperwork for prosecuting of the property owners. He also stated that one (1) of the properties in the past had been cleaned up by volunteers, but now the property had reverted to almost the same shape it was in before the clean-up.

Councilmember Moore stated he felt bad about the older resident, but he felt the legal process needed to be enacted.

(Mr. Zimmerman and Xandria exited the meeting at 8:37 PM).

*Pool Manager:*

Pool manager, Amber Krohn, state that she would like to purchase a shaved ice machine for the pool at a cost of \$400. Councilmember Rice stated she felt this would be a nice addition to the concessions offered at the pool in the summer and felt that the city would see a turn of profit once the machine was paid for.

Councilmember Rice moved to allow the pool manager to purchase a shaved ice machine for the pool. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Amber asked if she could send out mailers again with Farmers State Bank paying for half of the postage and to include St. George in the mailing distribution.

Councilmember Rice moved to allow the pool manager to send out mailers to the surrounding residents with Farmers State Bank paying for half of the cost of mailing. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Amber stated she may have to advertise for lifeguards this year as a majority of the guards from last year had graduated. She also stated she would like to speak with the council about wages. The council decided to hold an executive session at the April 11, 2019 meeting to discuss this issue.

#### *Future Agenda Items:*

Future agenda items mentioned:

Beer garden for the BBQ by the Mason's-April agenda  
Pool Pay-April agenda

#### **City Staff Reports-**

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

*Maintenance report:* Maintenance Supervisor Krohn reported the following:

#### **Utilities**

- Discussion on water meter replacement-if wanting to do a lease/purchase, will need to get bids on interest rates. The up-front cost for the read system for meters is \$20,000. Councilmember Jack stated he felt this would help alleviate estimated readings and may assist with non-metered water usage.

Councilmember Purvis moved to let for bid lease/purchase agreement for the water meter replacement system. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

#### **Streets**

- Cleared snow off streets 2-15 & 2-16, 2-20 & 2-23
- Loaded/hailed out snow piles on Main Street (6 days)
- Street signs design/cost

Krohn reported that the cost of the decorative street signs for Main Street would be \$800.00. Councilmember Moore stated he thought the Westy Area Chamber would be willing to pay half the cost of signs as it was one of the chamber's goals.



Councilmember Purvis moved to purchase the decorative street signs for Main Street with the Westy Area Chamber paying half the cost. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Chip and seal update: The total cost for chip seal of 2<sup>nd</sup>, 4<sup>th</sup>, Cochrun, Armer, Scott Drive, Skene, Redbud and Rock Creek Drive streets would be \$38,200. This cost also includes \$1,000 for mobilization by the county.

Councilmember Jack moved to authorize Maintenance Supervisor Krohn to sign a contract with Pottawatomie County, after he and Councilmember Moore met with the county for asking to reduce the mobilization cost, for chip seal of the above-mentioned streets for 2019. Councilmember Purvis seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Decision on providing gravel for private parking in the right of way of a property-

Councilmember Jack stated he thought if the city provided this service, the council was just opening itself up for more requests which in turn would cost the city more money than he felt the council would be willing to spend.

#### **Parks**

- Assembled new picnic tables for the Dechairo Park shelter building
- Built ball diamond groomer to maintain the ball field and t-ball field

#### **Cemetery**

- Trimmed the ornamental cedar trees in the original section of the cemetery

#### **Planning/Zoning**

- Need a planning commission in order to meet for variance at 402 N. 1<sup>st</sup>, and possible rezoning of a lot that the county has purchased to build a new fleet maintenance facility

#### **Misc.**

- Completed work order to remove all the scrap iron/lumber and two (2) vehicles from the property at 306 E. North St.
- Worked in the shop on misc. projects that we don't have time to work on during the summer

*City Clerk's report:* Clerk Zentner reported that a public hearing to close out the wastewater improvements project grant will need to be held at the April 11, 2019 meeting.

She also stated that she had received a phone call from the Pottawatomie/Wabaunsee Regional Library director, Judith Cremer, regarding the installation of the security system at the mini library. The director stated that there had been a staff meeting held in October, 2018 at which a representative from Homeland Security was in attendance and recommended that a security system be installed in all the libraries due to break-ins at the Alma and Eskridge branches last year and because there is usually only one (1) person in the library. Judith also

stated that the security system had not been installed until February of this year and that there was no alteration done to the building, that the alarm is held on the wall by Command strips. Judith had spoken to the sheriff's department and Emergency Management about the monitoring system and it did not occur to her that the city also needed to be made aware of the installation. She stated that she will be more communicative in the future.

**Councilmembers reports:**

Streets-Councilmember Moore stated that major repairs to streets will need to be done. He also said he has continued to receive complaints regarding the street entrance at MKC and that he will talk to the state highway department representatives again about fixing the issue but doubts they will do anything about it.

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-Councilmember Rice had nothing more to report

Fire Department-Councilmember Jack stated that the issue with the checking account had been resolved

Cemetery-Councilmember Purvis had nothing to report

Parks-Councilmember Purvis had nothing to report

Mayor-Mayor Goodenow had nothing to report

City Attorney-Attorney Watt had nothing more to report

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

Mayor Goodenow declared the meeting adjourned at 9:10 PM.

Approved by the Governing Body on April 11, 2019.



Signed: Mark A. Goodenow  
Mark A. Goodenow, Mayor

Vicki B. Zentner  
Vicki B. Zentner, City Clerk