

July 1st, 2019
COUNCIL MEETING

The Westbrook City Council met on Monday, July 1, 2019 at 6:30 p.m. at the City Council Room.

Members present: Mayor Dennis Phelps, Jan Johnson, Manda Jorgenson, Kelly Brown and Chadd Wahl.
Others present: Adam and Gabe Krick, Duane and Carol Remmers, Joseph and Lilia Schmidt, Vanessa Nelson, Matt and Tanya Paulson, Dale and JoAnn Wehmeyer, Patrick Swans and Brianna S., Mary Ellen Suhrhoff and Alex Valdez.

Motion by Wahl and seconded by Johnson to approve the minutes from the June 3, 2019 council meeting. All voted in favor. Motion carried.

Police report was presented. Hubin stated that he may need a new window air conditioner and would like to have the outside of the office painted. Council stated to have his daughter paint the police station and if and when the window air conditioner goes to look for a different one.

Conrad presented an estimate of \$35,000.00 of tarring that needs to be done with spots around town and the 4th street extension. Motion by Brown and seconded by Jorgenson to move forward with the patch projects and 4th street. All voted in favor. Motion carried.

Gabe Krick presented to council his plans of starting a 15 and up softball league in Westbrook. He would like to have it male and female and it would be held on Friday nights. Council was on board and thanked Gabe for coming to council and starting something new in the community.

Alex Valdez had some sewer line work done in his back yard. He wanted to know if the city would help with the cost of the repairs. Unfortunately, this is a private line to the main and it is completely a homeowner expense.

Joseph Schmidt asked the city council to place abatement or an assessment on his neighbors Mr. Delco and Ms. Nelson in the amount \$899.00. That is half of the property line survey in the amount of \$471.50 and \$427.50 for the cutting of the tree that he claims was ours and then both of ours. The same tree that he destroyed half of the canopy of after refusing to have the survey done to confirm or deny ownership. The tree is entirely on his property a fact confirmed by the survey. City Attorney Maryellen asked questions of Mr. Schmidt as to the City Codes he was referring to as she didn't have a copy of them. Mr. Schmidt expressed his frustration with the enforcement of City Code Violations. City Attorney Suhrhoff stated that if there is any question you should contact the City Clerk or police officer and has it checked out, however you have to understand that many situations have been there for years and have been grandfathered in. Schmidt stated he understands, but wants council to understand the frustration that has been going on for months with his neighbors. Phelps stated we don't have the authority to demand payment that would be a civil matter and anything further would need to go to court. Council agreed that a fence would probably be the ideal thing for both parties. Schmidt stated he thought he would bring it up to council and knew it would probably be a civil matter but this is also a civil forum of our government at work. Wahl stated that the parking lot issue would be city code enforcement if he makes a formal complaint. Schmidt asked how he does this and Jorgenson stated it would be with Chief Hubin.

Matt Paulson stated his issue is regarding his dog and his neighbor Mr. Remmers. Mr. Remmers calls the police and complains about his dog. He is not vicious and will lick you to death. The only thing is he might be a little jumpy. JoAnn Wehmeyer stated that the dog is at her house everyday. They put her outside to go to the bathroom and bring her back in. There are no problems when she is at their house. If someone walks by she will bark, if someone new comes by she will bark. She has never growled or shown its teeth. Phelps stated, but yet we have a few complaints regarding the dog. Brown asked if the dog was off the property when the

complaint was made. Paulson said, I don't know my husband lets him out at night. Hubin stated I will let Remmers answer that. Brown then asked Remmers, was the dog off their property? Remmers stated she was on our property. Remmers stated he saw the dog go after a lady walking her dogs on the north side of his house and Remmers yelled at it and then it ran towards him. I hollered and Matt came and got his dog. Then he busted out of his collar. JoAnn complained about the type of dog breed that was being brought up and council all agreed it doesn't matter what type of breed it is. The dog has been listed as a potentially dangerous dog. Carol Remmers stated that the dog has bitten our dog and was after the lady from the grocery store and has broken loose several times. This doesn't happen during the day it happens at night. Wehmeyers asked for pictures of proof on the dog bites. Remmers presented to council pictures of the both dogs that were attacked. Steen explained to council all the documents that have been given to the Paulson's including a building permit application. City Attorney served papers to Tanya Paulson that gives her 14 days to comply with the needed steps for a potential dangerous dog to return back to the home.

Motion by Johnson and seconded by Jorgenson to approve the second reading to the ATV/UTV City Code. Motion by Jorgenson and seconded by Johnson to approve the application with a fee of \$25.00 per vehicle and operators would need to be listed. All voted in favor. Motion carried.

Motion by Brown and seconded by Wahl to approve the building permits submitted. All voted in favor. Motion carried.

Steen stated that the community center needs to be painted. All spaces need painting inside. Phelps was going to check to see if Pederson's still do interior painting. Council approved the painting project.

Steen mentioned that the pine trees in the city park need to be removed. They are messy and blowing needles into the pool along with kids throwing pine cones in the pool. Council approved the removal.

The street/sewer shop bathroom is in need of a remodel. The bathroom needs new flooring, toilet and sink. Motion by Johnson and seconded by Wahl to approve the remodel and to use sewer funds to complete the project. All voted in favor. Motion carried.

Motion by Wahl and seconded by Johnson to approve the radio batteries purchase. All voted in favor. Motion carried.

Motion by Brown and seconded by Wahl to approve Resolution 5-2019 to participate in the performance measure standards. All voted in favor. Motion carried.

Motion by Brown and seconded by Wahl to increase Meyers hourly rate by one step. All voted in favor. Motion carried.

City Attorney Suhrhoff stated that she will work with Katie to update some ordinances. Maryellen would also like council to make the public nuisance fines go from a payable fine to making it a mandatory appearance. Motion by Johnson and seconded by Jorgenson to approve the change. We will also have to amend the fine schedule and make the necessary updates. All voted in favor. Motion carried.

A notice was sent to James Thomas regarding his lots with no response. Maryellen would like to issue a criminal citation. If no response from him then it would actually come back to council and the city would need to clean it up and put it on the taxes.

Motion by Johnson and seconded by Jorgenson to approve bills in the amount of \$90,826.61. Check #52987-53097. All voted in favor. Motion carried.

Motion by Jorgenson and seconded by Brown to adjourn. All voted in favor. Motion carried.