

LYNDON CITY COUNCIL  
REGULAR MEETING MINUTES OF  
MARCH 5, 2012

The Lyndon City Council met in regular session on Monday, March 5, 2012, 7:30 p.m., at City Hall.

Members Present: Wayne Howard, Bill Patterson, Brandon Smith, Doug Watson  
and Mayor Kay Jones

Others Present: Kim Newman, City Administrator  
Barbara Schattak, City Clerk  
Pat Walsh, City Attorney  
David Wilson, Maintenance Superintendent  
Darrel Manning, Chief of Police/Zoning Administrator  
Julie Stutzman, City Treasurer  
Ken & Colleen Kirsop  
Wayne White, Osage County Herald-Chronicle

1. CALL TO ORDER: Council President Jones called the meeting to order.

The City Clerk gave the oath of office to Mayor Jones.

2. ROLL CALL: The City Clerk called roll of the city council; all members were present.
3. ADOPTION OF MINUTES OF PREVIOUS MEETING: A motion was made by Watson to approve the adjourned meeting minutes of February 20, 2012 as amended. Patterson seconded the motion, which carried.
4. CORRESPONDENCE TO COUNCIL: Each council member was given copies of correspondence from Wayne White & Janet Williams regarding Lyndon's tree planting program, approval of the additional funding for the Bailey House improvements and the 2011 water use report.

Mayor Jones asked about Arbor Day and the spring planting; the City Clerk reported a date had not been selected yet and expects to hear from the Tree Board soon.

5. CITIZEN'S STATEMENTS AND PETITIONS: Mr. & Mrs. Kirsop congratulated the new Mayor on her new position.
6. UNFINISHED BUSINESS:
  - a) AUDIT CONTRACT: The audit contract with Groff & Berry CPA's was presented for council approval. Council was informed Mr. Groff indicated all information in the contract was correct as it was part of the 2010 audit. After further discussion, a motion was made by Smith to approve the Groff & Berry contract for the 2011 audit and

authorize Mayor Jones to sign on behalf of the City. Watson seconded the motion, which carried.

- b) PUBLIC SQUARE COMMITTEE: The City Clerk gave a presentation of the public square meeting she attended in Carbondale on February 27<sup>th</sup>. It was noted Public Square works with counties and communities to come together as one community. The next meeting will be held in Lyndon at the Community Center on March 12, 2011 at 6:30 p.m.; all council members were invited to attend. Council was also reminded of the annual OCED dinner in Burlingame on March 20, 2012 as the speaker will be from the Public Square Committee.
- c) 520 TOPEKA AVE: The City Administrator updated council on the matter at 520 Topeka. Each member received a copy of emails from Mr. Clark and the City Administrator's response back to him. It was reported the City Administrator and the Maintenance Superintendent visited with KDOT regarding the matter; KDOT stated the matter is not the City's responsibility. It was reported Mr. Clark will be getting the necessary permits to repair his line.
- d) DONATION POLICY: Each member received a copy of a draft letter to be sent to individuals requesting donations as well as guidelines for the City to follow regarding donations. After some discussion, a motion was made by Patterson starting as of March 5, 2012 the City will no longer give cash donations to charitable organizations, individuals or businesses. Howard seconded the motion, which carried.

7. NEW BUSINESS:

- a) TOWN HALL MEETING: Council discussed tentative dates in April for a town hall meeting. The City Administrator suggested having a special meeting before the town hall meeting so council members can be up to date with issues before the town meeting. Mayor Jones suggested having quarterly town hall meetings to keep citizens involved. After further discussion, it was the consensus of the council to have a special meeting on April 9, 2012 at 6:30 p.m. for a water rate workshop and hold a town hall meeting on April 21, 2012 from 9 - 11 a.m. at the Community Center. The City Administrator stated she will be purchasing signs to advertise the town hall meeting.
- b) PRIDE MEETING: The City Administrator informed the council there will be a Pride meeting on March 22, 2010 at 7:00 p.m. in City Hall with food being served. Pride will be planning the 4<sup>th</sup> of July celebration and other events throughout the year as well as talking about the community garden grant. Council members were invited to attend the meeting as well. Mayor Jones inquired if there was any interest in Pride; it was noted we still hear from the same people and we will be advertising the meeting in the paper and around town.
- c) COUNCIL VACANCY PROCEDURE: The City Administrator reported the City Clerk has checked with the county and the state to see if the correct procedures were being followed in placing an ad in the paper for the council vacancy. As the City had

chartered out of State requirements in the past, correct procedures are being followed. It was noted the deadline for any interest in the vacant council position is March 26, 2012.

- d) POOL SEASON: Each council member was given recommendations for the upcoming pool season by the City Administrator and the City Treasurer who served as Operations Manager at the pool last season. Watson voiced concerns with KDHE enforcing ADA requirements and the long term usage of our pool; the City Administrator reported she is having our engineer look at the pool tomorrow at 10:00 AM to see what can be done with it. After some discussion, to offer coupon books instead of pool passes for the upcoming season (this item was later tabled to clarify if coupon books have expiration dates), the daily individual rate to be \$2.00 for everyone, pool passes for seniors age 60 and older will be granted with verification, and to keep the age restriction for paying the same as last year. Patterson asked for clarification of the difference between an operations manager and a pool manager; it was noted the operations manager handles all finances and the pool manager is a senior guard who maintains the pool.

At 8:50 a motion was made by Watson to recess to executive session for 15 minutes to discuss a matter of attorney-client privilege. Patterson seconded the motion, which carried. The governing body reconvened at 9:05 p.m. No action was taken.

- e) 610 MONROE: Council members were given a copy of a letter from the owner of the property regarding the water service. Mayor Jones asked for more information and asked city staff to do more research on the situation. It was noted the City's response to a water leak is to shut the water off at the meter or the first shutoff. If the leak is past the first shut off it is the homeowner's responsibility; it was noted the water leak in question occurred after the first shut off (curb stop) and is after the meter. The water was shut off per the renter's request days after being informed by staff of the leak. The City Attorney suggested giving the owner the right to a hearing even though it wasn't a termination or three day notice and gather information so council could render a decision. After further discussion, it was the consensus to have the City Attorney respond back to the homeowner and offer them the right to a public hearing before the governing body. The matter was tabled.
- f) FARMER'S MARKET: The City Administrator reported the City will now be running the Farmers Market this year after visiting with Stephanie Watson, Osage County Economic Director. Ms. Watson has visited with the County Commissioners about the City taking over and they have agreed. Each council member was given guidelines as to what can be sold at the market. The market will be moved from Wednesday morning to Wednesday evening from 4:00 to 7:00 p.m.; this is the same night city staff will keep the office open and possibly having sidewalk vendors open as well. Patterson questioned when the farmers market would start; it was noted it would start either the end of April or the beginning in May.

The City Administrator also reported the Community Garden Grant was sent last week and should know by April 1<sup>st</sup> if the City has been awarded the grant.

8. STAFF REPORTS:

- a) POLICE: The Police Department gave each council member a monthly police activity report.
- b) MAINTENANCE: Each council member received an activity report from maintenance. Watson noted at the intersection of 7<sup>th</sup> & Ash is in really bad shape; the Maintenance Superintendent reported there had been a water leak and the area is marshy due to runoff from recent rains; he will look at the area tomorrow.

The Maintenance Superintendent reported when staff placed the no parking signs on East 6<sup>th</sup> Street they found an underground tank where the sidewalk is breaking down and asked what the City would like to do about the tank. In order to place the no parking sign, it was the consensus of the council to find an alternate place to put the sign without rupturing the tank. Watson questioned if the City has an obligation of notifying the property owner of the tank. After further discussion, it was the consensus of the council for city staff to notify the owner of the situation.

- c) CITY ADMINISTRATOR: The City Administrator inquired since there will be extra meetings in April and members being gone during spring break does the council want to meet in two weeks. After some discussion, it was the consensus of the council to not meet on March 19, 2012.

9. MONTHLY FINANCIALS: Each member was given a copy the bills paid in February.

10. COUNCIL/STAFF COMMENTS: Patterson inquired about the date of the city wide garage sale; it was noted it will be June 23, 2012.

Mayor Jones asked if a date had been set for the city wide clean up; it was noted the City Clerk staff is still waiting on hazardous waste dates and the city wide clean up would coincide with the date set for Lyndon.

The City Administrator reported the fireworks show will be June 30, 2012 at the Saddle Club, on July 4, 2012 will be picnic and the horse parade.

Patterson questioned if there has been any activity on the web page, the City Administrator reported 3300 hits on the website for 2011. Howard asked for the front page to be reviewed for dates.

Watson inquired if there was a spot on the website with information about the work at the Bailey House, it was noted by the town meeting there will be a spot on the website.

Jones reported Peggy Clark is preparing a grant for a web page and Sarah Hitt is starting a Facebook page on the cabin. Jones also reported HPPL will be doing a membership drive.

Jones stated she and Peggy Clark met with Russell Maine regarding an old log building on his property which Howard found ad on. Hopefully, some of the logs can be salvaged; pictures have been taken to show Heritage Trust.

11. EXECUTIVE SESSION: At 9:45 p.m. a motion was made by Howard to recess to executive session for 30 minutes to discuss a real estate acquisition. Smith seconded the motion, which carried. The governing body reconvened at 10:15 p.m.

A motion was made by Patterson to make a bid on the property south of the Community Center for \$2,000 and authorize the City Administrator to make the bid. Watson seconded the motion, which carried. Smith abstained.

12. ADJOURNMENT: At 10:19 p.m. a motion was made by Howard to adjourn to regular meeting on Monday, April 2, 2012 at 7:30 p.m. Smith seconded the motion, which carried.



Barbara Schattak  
City Clerk