

LYNDON CITY COUNCIL
REGULAR MEETING MINUTES OF
August 15, 2016

The Lyndon City Council met in regular session on Monday, August 15, 2016, 7:00 p.m., at City Hall.

1. CALL TO ORDER: Mayor Cole called the meeting to order.

- a) City Clerk called roll of the City Council. Members Bill Patterson, Darin Schmitt, Ryan Kuhn, and Steve Morrison present. Doug Watson absent without prior notification.

City Staff present: Pat Walsh, City Attorney; Julie Stutzman, City Clerk; David Wilson, Maintenance Supervisor; and Darrel Manning, Chief of Police/ Planning & Zoning Administrator.

Others present: Tammy Schlingmann, Osage Herald Chronicle; Bruce Boettcher, BG Consultants.

2. ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

- a) Kuhn made the motion to approve the Regular Meeting minutes of August 1, 2016 as written. Schmitt seconded, motion carried.

3. CONSENT AGENDA:

- a) Approval of Bills: Patterson made the motion to approve the bills as set forth. Morrison seconded, motion carried.

4. PUBLIC COMMENTS: None.

5. CORRESPONDENCE TO COUNCIL:

- Pledge of securities from Lyndon State Bank as of July 31, 2016.
- Public Wholesale District #12 meeting minutes of July 20, 2016.
- Copy of a letter from MediaCom Cable regarding rate increases.
- August/September 2016 edition of the Kansas Government Journal.

6. UNFINISHED BUSINESS:

- a) WASTEWATER TREATMENT PLAN PROJECT: Bruce Boettcher with BG Consultants provided Council with a copy of a memorandum to the City in regards to updated project scope and timeline. Mr. Boettcher stated the SSES (Sanitary System Evaluation Survey) is now underway and have begun photographing and inspecting the sewer manholes evaluating condition, depth and rating. The Maintenance Supervisor stated the inspection crew was in town today and will be again tomorrow.

He also provided a copy of the RFP sent to contractors for the CCTV of 40,400 feet of sanitary sewer main (117 pipe segments) and reviewed it with Council. He stated the contractors have to be NASSCO PACP certified and the contract is for a limited amount and not open bid. The project advertised the following local

contractors: Mayer Specialty Services, A-1 Sewer and Septic, ACE Pipe Cleaning and Utility Maintenance Contractors.

Mr. Boettcher requested to either allow the Mayor to work with BG Consultants to authorize the contract to the lowest bidder or request a special meeting later in the week to award the contract for CCTV. He stated they sent the CCTV request for proposal to contractors on July 27 and BG Consultants would accept those by no later than Wednesday, August 17 at 5:00 p.m. Mr. Boettcher stated they would review the proposals and provide Council an informational packet on the scope of work. After a lengthy discussion, Morrison made the motion to authorize the Mayor to sign the contract on behalf of the City awarding the project to the lowest bidder per the indentified \$100,000 budget. Kuhn seconded, motion carried.

Mr. Boettcher stated he met with the funding agencies on Friday. He stated they discussed the possibility of phasing and obtaining adequate funding. The funding agencies plan to review the PER again and have some concerns about O&M costs long-term. Mr. Boettcher stated the salaries of employees were still being funded the same, discussed reviewing those percentages and reducing the number of staff being paid from the sewer fund or adjusting the number of hours charged to the fund due to the new treatment facility being less labor intensive. Mr. Boettcher stated the PER will be finalized in the next week or so and applications will be submitted at the end of September.

The City Clerk stated public hearings are scheduled for Tuesday, September 6, 2016 starting at 6:30 p.m. for KDHE and 6:45 for CDBG. The notice of hearing for KDHE was submitted to the Herald Chronicle by Rita Clary with KRWA and will be in the August 11 edition and residents were notified of the hearing on their monthly water bills. The notice of hearing for CDBG will be in the August 25 edition of the Herald Chronicle and noticed was submitted by Garret with Governmental Assistance Services.

Mr. Boettcher discussed the required geology study and appraisals of the lagoon sites and asked for authorization from the Council to proceed on the behalf of the City. He stated he has permission from one of the landowners and is in the process of contacting the other. It was consensus of the Council to allow BG Consultants to proceed with the geology study and appraisals of the proposed lagoon sites.

- b) 2016 AMENDED BUDGET: Patterson made the motion to approve the 2016 amended budget. Schmitt seconded, motion carried.
- c) RESOLUTION 2016-5 - INCREASE MILL LEVY: Patterson made the motion to approve and authorized the Mayor to sign Resolution 2016-5. Morrison seconded, motion carried. The City Clerk provided three options of the Notice of Vote publication for the paper for the mill increase. Patterson made the motion to publish notice of vote option #1. Morrison seconded, motion carried.
- d) 2017 BUDGET: Schmitt made the motion to approve the 2017 budget. Kuhn seconded, motion carried.

- e) ORDINANCE NO. 812 - ADOPTION OF 2017 BUDGET: Morrison made the motion to approve and authorized the Mayor to sign Ordinance No. 812 adopting and appropriating by fund the 2017 budget. Schmitt seconded, motion carried.
- f) FEMA/KDEM UPDATE: The City Clerk stated she received an email stating the request for public assistance for the flooding on May 22 to May 31 was denied by FEMA on August 3. After further discussion, it was consensus of the Council not to proceed any further.

7. NEW BUSINESS:

- a) UNPAID UTILITY BILL COLLECTIONS: The City Clerk provided Council with three unpaid accounts that would cost the City more to pursue than the balance owed and asked Council to waive the remaining amounts and close then accounts. Kuhn made the motion to waive the remaining balances on the three accounts listed. Schmitt seconded, motion carried.

The City Clerk stated that she spoke with Chad Hollins with the Collection Bureau of Kansas about unpaid utility bills. She stated currently the unpaid bills are put into the Kansas Debt Setoff Program, however, have been unsuccessful collecting on accounts when the debtors have moved out of state. The City Clerk stated there is no annual fee for CBK services, can terminate the contract in writing within 30 days, and is only paid when the debt is collected. She stated CBK receives 30% of the debt owed when full amount is collected and may be able to pass that fee to the residents by adding language to the ordinance or adding it to the water card they sign when service is started. The City Clerk also stated they can submit and monitor debts through Kansas Debt Setoff on behalf of the City and can garnish wages. After a lengthy discussion, it was consensus of the Council to table the matter giving the City Attorney time to review the contract and statues.

8. STAFF REPORTS:

- a) POLICE: The Council received a copy of the Officer's Activity report.
- b) PLANNING AND ZONING: No report.
- c) PUBLIC WORKS: The Maintenance Supervisor provided a copy of the Maintenance Activity report.
- d) CITY CLERK: The Council received a copy of the Clerk's report.

The City Clerk provided Council with a proposed sign design for the entrances to the City. After further discussion, it was consensus of the Council to send the design to Knox Signs for a draft proof and proceed from there.

Patterson asked what the date for Fall Fest is and the City Clerk stated Saturday, October 1.

9. COUNCIL/MAYOR COMMENTS AND REPORTS:

Patterson asked if the crossing guard position was filled and ready for the school year and noted it was.

Morrison stated he had a resident complaint about the asphalt buckling at 8th street between Topeka and Ash Street. The Maintenance Supervisor stated it is at the curb near the alley and corrected in future street and curb repair projects.

Morrison asked about leveling the area around the north end of the city park pavilion for groups to set cooking equipment on.

Kuhn thanked City Maintenance for the upkeep downtown on a routine basis and appreciated the cleanliness of the sidewalks and streets.

Schmitt asked about the process of getting the owners to clean up a property on 4th Street where a house was partially torn down and in the process of being rebuilt. The Police Chief said the property sold and when he obtains the information for the new owners, a letter will be sent to clean up the lot.

Mayor Cole stated that due to being out of town, he has not had the chance to contact the other entities about the ball field lighting at Jones Park and briefly discussed asking for funding from Jones Trust and the grant process.

The City Attorney stated he received forms from the State of Kansas about not using the city lake water for over 3 years and stated they want the city to sign a Voluntary Waiver of Hearing and Dismissal of Water Right in reference to the lake. He stated he spoke with the Maintenance Supervisor and they agree there is no reason to keep the water right and sign the waiver form. Patterson made the motion to authorize the Mayor to sign the Voluntary Waiver of Hearing and Dismissal of Water Right Reference File No. 12-495 which is the former city lake. Morrison seconded, motion carried.

10. EXECUTIVE SESSION: None.

11. ADJOURNMENT: Schmitt made the motion to adjourn to Tuesday, September 6 2016, at 6:30 p.m. for a special meeting to hold public hearings on Wastewater Treatment Facility project. Kuhn seconded, motion carried.



City Clerk