

LYNDON CITY COUNCIL  
REGULAR MEETING MINUTES OF  
October 2, 2017

The Lyndon City Council met in regular session on Monday, October 2, 2017, 7:10 p.m., at City Hall.

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

- a) ROLL CALL: City Clerk called roll of the City Council. Mayor Morrison and members Katie Shepard (7:10), Darrel Finch and Darin Schmitt present. Bill Patterson and Ryan Kuhn absent with notification.

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

Others Present: Brian Foster, BG Consultants; Tammy Schlingmann, Herald Chronicle; Gary DeForeest and Randy Kirkpatrick; Bill Caton (8:20).

2. ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

- a) Schmitt made the motion to approve the regular meeting minutes of September 18, 2017 as amended. Finch seconded, motion carried.

3. CONSENT AGENDA:

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

4. PUBLIC COMMENTS: None.

5. CORRESPONDENCE TO COUNCIL: None.

6. UNFINISHED BUSINESS:

- a) SEWER PROJECT UPDATE - BRIAN FOSTER, BG CONSULTANTS: Mr. Foster stated the 404 Permit was submitted to USACE and should receive final comments from them by mid- October. He stated that the Corp Specialist was sent to Florida for hurricane duty and returning October 20. This may delay the process; however, Mr. Foster has been corresponding with him via email to make sure no other concerns have surfaced at which time, there are none.

Mr. Foster stated easements for project are completed and have been obtained for the project. He stated they are near the end of the project design phase and on schedule to bid the project by March 1, 2018. Mr. Foster asked the Council if they would like to review the final plans and it was consensus of the Council to set a work session so that members could become better acquainted with the project and be provided updated information. He stated they could set this work session for the first part of November.

It was consensus of the Council to set a date for the work session at the next meeting. The City Clerk stated she had some questions about the Terracon bill, however, will send Mr. Foster a copy of the bills.

- b) ORDINANCE NO. 824 - REZONE OF PROPERTY: The City Attorney stated the ordinance if approved, rezones the property proposed for senior housing at the northeast corner of Adams and 14<sup>th</sup> Streets from R-1 residential to R-2 multifamily. Schmitt made the motion to approve and authorize the Mayor to sign Ordinance No. 824. Finch seconded, motion carried.

The City Attorney stated he received an email from Bill Caton requesting a letter from City officials stating the site is properly zoned for two family housing units and that city water and sewer utilities are available on the site. The Maintenance Supervisor was asked if the application for city utilities has been submitted and the Maintenance Supervisor stated they had not. The Maintenance Supervisor stated that Mr. Caton is aware that they are responsible for extending utility services to the property. The City Attorney stated the letter could be drafted for the rezone portion of the request, however, in regard to city utilities a letter will be drafted until formal application has been made and discussed with the City. The Maintenance Supervisor also stated that no plans for positioning of the structure or utilities has been submitted to the City at this time.

- c) ORDINANCE NO. 825 - UNSAFE STRUCTURES: The City Attorney stated the proposed ordinance was drafted on the changes discussed at the previous meeting to update the ordinance on unsafe structures last passed in 1991. He briefly discussed the updates to the State statutes and after further discussion, Shepard made the motion to approve and authorize the Mayor to sign Ordinance No. 825. Finch seconded, motion carried.

## 7. NEW BUSINESS:

- a) CITY UTILITIES FOR NEW CONSTRUCTION - GARY DEFOREEST AND RANDY KIRKPATRICK: Mr. DeForeest stated they have approximately six acres of property north of town and are planning to build houses on one acre lots for an addition of six new homes in Lyndon. He stated they have presented to Council to discuss the options for getting city utilities to this property and about working with the city to get this accomplished. Mr. DeForeest stated they have not formally turned in the application for city utilities, however, are working on finishing that part of the process.

Mr. Kirkpatrick stated they are considering the option of the putting in septic systems. The Maintenance Supervisor stated he has spoken with Keena Privat at Osage County and those guidelines require a minimum of three acres per house for a septic system and that due to the clay in the area they would have a problem with the conventional laterals. The Maintenance Supervisor stated he has worked with Ms. Privat and that even though the property is annexed into city, Osage County guidelines still need to be followed.

Mr. DeForeest asked if the City would consider extending city utilities to the edge of the property and it was noted that any extension of those utilities is the responsibility of the developer. The City Attorney stated, in other cities, to extend sewer and water mains to properties makes sense to cost share in that if it is a bigger development due to the tax benefit. He stated if there are six homes it makes sense for the city to contribute to the cost of extending utilities, however, if there are not assurances he is unaware of any city that would extend for one or two houses due to the cost and the ability to recoup those costs.

After a lengthy discussion about options for city utilities and extension of those lines, Mr. Kirkpatrick and Mr. DeForeest will submit the application for city utilities and continue to work with the maintenance supervisor as well as provide the City with an updated plat of the project.

The City Attorney asked about the preliminary plat for the project presented to Council in 2010 and Mr. Kirkpatrick stated it was never filed. The Maintenance Supervisor stated the plat has changed and is now 6 one-acre lots. The City Attorney stated with any current and future development, the Planning and Zoning Commission will need to be involved as well as an engineer.

- b) COMMUNITY CENTER REQUEST: The City Clerk stated she received an email from Kara Irey of Melvern regarding the possibility of holding dance classes/lessons at the community center on Saturdays for approximately 2-4 hours. It was consensus of the Council to have the City Clerk refer Ms. Irey to the Lyndon Rec and that the Community Center is not designed to use as a place of business.

#### 8. STAFF REPORTS:

- a) POLICE: Council received a copy of the Officer Activity report.
- b) PLANNING AND ZONING: The Council was provided a copy of a building permit that was approved for a fence at 728 Monroe.

The Mayor stated the Council has received a letter from Darrel Manning resigning from the position of Planning and Zoning Administrator. Shepard made the motion to accept Manning's letter of resignation from Planning and Zoning. Finch seconded, motion carried.

- c) PUBLIC WORKS: Council received a copy of the Maintenance Activity report.

The Maintenance Supervisor stated there are still some driveways that need to be put back for the street project. He stated the contractor hit the gas line which was only buried two inches deep beneath the concrete driveway. Kansas Gas has decided they are going to put in a new line which will be buried deeper than previously under the new driveways which has delayed the project on eight street. The Maintenance Supervisor stated they are going to pay for six feet out of the ten feet that was removed and will also reseed the area when finished. He stated while Killough was in town he went ahead and had Ash Street milled down and a 1 ½ inch layer asphalt put down.

The Maintenance Supervisor stated several of the businesses in town have participated with the street project updating parking lots and driveways at their businesses, which has helped with the success of the project.

- d) CITY CLERK: The City Clerk stated Fall Fest is this Saturday, October 7 from 9 a.m. to 3 p.m. on the courthouse lawn. She stated any volunteers are appreciated to help facilitate games at Fall Fest.

City Clerk stated the City 1% flier is finally complete and included in the packet.

Work on the Bailey House is still underway and the September 30 deadline has passed. The Mayor stated he stopped at the Bailey House and spoke with the contractor who stated the project will not be completed for another three to four weeks. He stated before the chinking and daubing is done, they treat wood where there are possible issues and then daub over the top. The City Clerk stated she will get with Peggy Clark to look at the work accomplished so far.

The City Clerk stated in the near future, she will be having Jayhawk discuss options for better firewall and off-site back up options.

9. COUNCIL/MAYOR COMMENTS AND REPORTS:

Schmitt commented that the streets look very nice and thanked Maintenance.

Schmitt also thanked Chief Manning for his service on Planning and Zoning.

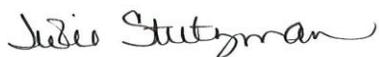
Shepard stated she has received positive feedback from residents on the street project.

Mayor Morrison stated he is ready for Fall Fest and is volunteering some of his time.

Mayor Morrison thanked the Maintenance for their hard work and Chief Manning for his service to the City as Zoning Administrator.

10. EXECUTIVE SESSION: Finch made the motion to recess to executive session for 10 minutes for Attorney-Client Privilege with the City Attorney attending. Shepard seconded, motion carried. Council reconvened with no binding action taken.

11. ADJOURNMENT: Schmitt made the motion to adjourn to Monday, October 16, 2017, at 7:00 p.m. for regular meeting. Finch seconded, motion carried.



City Clerk