

LYNDON CITY COUNCIL  
REGULAR MEETING MINUTES OF  
April 20, 2015

The Lyndon City Council met in regular session on Monday, April 20, 2015, 7:00 p.m., at City Hall.

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

- a) City Clerk called roll of the City Council. Mayor Brandon Smith and members Doug Watson, Darby Kneisler, Chris Cole, and Bill Patterson present.

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

Others present: Kelly Hurla, Osage County Herald Chronicle, Jerry Grant, Fort Scott Community College, Steve Morrison (7:10), Matt Bones, Lyndon Recreation Commission (7:10), Scott Culley, Operator (7:26), Michael Massey, Lyndon Recreation Director (7:59).

2. ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

- a) Cole made the motion to approve the regular meeting minutes of April 6, 2015 as presented. Patterson seconded, motion carried.

3. PUBLIC COMMENTS: None.

4. CORRESPONDENCE TO COUNCIL:

- Kansas Government Journal April 2015.
- Public Wholesale Water District #12 meeting minutes from March 15, 2015.

5. UNFINISHED BUSINESS:

- a) SEWER PLANT: The Maintenance Supervisor introduced Jerry Grant with Fort Scott Community College. Mr. Grant is helping with the plant compliance issue and presented to Council to discuss the City's options.

Mr. Grant stated when he started with KDHE in the late 1960's several cities had a sewer plant with Imhoff tanks and gave a brief description of how the plant operates. He stated that some of the EPA regulations that have changed are eliminating the nitrogen and phosphorus out of the effluents because the accumulation of the these caused a "dead zone" in the Gulf of Mexico. Due to this, the EPA is being proactive with entities getting rid of the nitrogen and phosphorus.

Mr. Grant also stated another recent change is the EPA's drastic reduction of ammonia limits to almost half of the current limits.

He stated the City's monthly average is 10.2 in November, December, January and February and that level will be cut in half. At this time, the plant would not be able

to make that compliance limit. In the summer months, the levels will decrease from 4.0 to 1.65 and 3.5 to 1.43. Mr. Grant stated initially they discussed a cover for the trickle filter to keep the area warm due to the nitrifying bacteria being sensitive to the cold in hopes that the plant would have a better chance of meeting the limits. He stated that due to the newly proposed limits, the cover would not work to fix the issue. Mr. Grant stated the City could do some upgrading of the current plant; however, it will cost the City quite a bit of money.

He stated the current wastewater permit does not expire until August 31, 2019; however, it can be re-opened prior to that date or administrative orders can be written requiring a schedule of compliance above the current permit. He stated if the current permit stays unchanged until 2019, the City will then get the schedule of compliance for nitrogen and phosphorous also. Mr. Grant discussed the following options with Council:

a) One option is to remove the trickle filter, replacing it with an additional clarifier and converting the existing final clarifiers to anoxic basins. The trickle filter causes the water to get cold and this affects the nitrifying bacteria by making it dormant. Mr. Grant explained by converting to this process, the atmospheric nitrogen the plant has to have will be produced and other things such as the phosphorous will be controlled chemically which could cost approximately \$500 per month. Mr. Grant told the Council the plant is one of the harder plants to run and covering the trickle filter would only possibly handle the ammonia, but not the nitrogen and phosphorous.

b) The other option is to build a lagoon system. The Maintenance Supervisor stated this system would be easier to run and would be a long-term solution. Cole asked how much land it would take to build a lagoon system and Mr. Grant stated it is about 200 people per acre, so approximately 20 acres total. Kneisler asked if the lagoon ponds are lined and what the process is. Mr. Grant stated the foundation is clay to keep the lagoon from leaking and then lined with concrete. Kneisler asked if the lagoon ponds have agitators and Mr. Grant stated they do not. The lagoons are about 5 foot deep and the sunlight causes the algae to expel oxygen that breaks down the waste without odor and is all "Mother Nature".

Mr. Grant continued discussion about the lagoon system versus updating the existing plant with the Council and the need to get an engineer to give options so the Council can make an informed decision.

It was consensus of the Council to talk with Bruce Boettcher with BG Consultants, have them tour the plant and get a quote on the cost of engineering and options for the sewer plant for a long-term solution.

b) **FINANCIAL UPDATES:** The City Administrator provided information on the CDBG grant and discussed options for the funds. She stated she would be able to facilitate the survey and prepare the application that would cost the City \$15,000 through a grant writer. A new survey of Lyndon is needed as part of the grant requirement and can be used for grants until 2020 if it meets the LMI percentage. The City Administrator stated the minimum grant is \$100,000 with a 10% match.

She stated the City can collaborate with other organizations or other cities in Osage County for the grant match or use some of the new half-percent sales tax revenue to use as the match. After further discussion, it was consensus of the Council to proceed with the resident survey to see if the City meets the LMI requirement before applying for the grant.

The City Administrator provided a brief financial update on the General Fund, Water Fund, Sewer Fund, Employee Benefit Fund, and Capital Improvement Fund. She stated that some of the General Fund revenues are higher than initially projected, however, due to the Neighborhood Revitalization Rebate, it would be best to hold off on major expenses until the June Mill Levy distribution is received. She discussed briefly the Employee Benefits Fund and projected transfers to this fund from the Water Fund. The City Administrator stated the Sewer Fund should have enough funds for a 10% match for a grant up to \$500,000.

- c) WAIVER OF POOL RENTAL FEE: The Council received minutes from May and June 2014 regarding the discussion and decision on the rental of the pool by Lisa Reeser for swimming lessons. After further discussion, Patterson made the motion to waive the fee of \$450.00 in return the LRC paying the \$300 Red Cross fees. Watson seconded, motion carried.
- d) JONES PARK USE AGREEMENT: Council received a copy of the final draft of the Jones Park Agreement to give to the Lyndon Recreation Commission and USD 421 for review. The City Attorney was given the agreement at the previous meeting for review. Copies of the City's proposed agreement will be delivered to USD 421 and the Lyndon Recreation for their review and a meeting will be scheduled in the near future with all the entities to discuss each proposal and start work towards the final agreement.

6. NEW BUSINESS:

- a) ORDINANCE NO. 804: Cole made the motion to approve and authorized the Mayor to sign Ordinance No. 804 Levying the City Retailers' One-Half Percent Sales Tax. Kneisler seconded, motion carried. A copy of the ordinance will be sent to the Director of Taxation at the State.

7. STAFF REPORTS:

- a) POLICE: The Council received a copy of the Policy Activity Report for March/April 2015 and discussed it briefly with the Chief of Police.
- b) PLANNING AND ZONING: Planning and Zoning held their regular meeting on April 8, 2015. Their next meeting will be on April 6<sup>th</sup>, 2015 and invite the Mayor to attend.
- c) PUBLIC WORKS: No report given.
- d) CITY CLERK: The Council received a copy of the Clerk's report.

- e) CITY ADMINISTRATOR: The Council received a copy of the City Administrator's report and discussed it briefly.

The City Administrator stated she has been in contact with KDOT and they have received all of the environmental and design clearances. KDOT will start advertising on April 22nd and bid letting on May 20th. She stated the City should receive the supplemental agreement soon and KDOT will send out a request for payment around July 9th. The 30-day project will begin on Cedar and proceed north to 8th street with the project start date being July 1st.

The City Administrator stated Dayhoff has completed the dirt work and seeding at the Jones Park Trail.

The City Administrator briefly discussed election results and stated the half-percent sales tax question passed. Steve Morrison, who attended the meeting, is the newly elected Council member who will be sworn in at the May 4th meeting. Incumbents Mayor Brandon Smith and Council member Bill Patterson were also re-elected at the April 5th election.

8. COUNCIL/MAYOR COMMENTS AND REPORTS:

Patterson stated there are several streetlights out in town and inquired if the list is still being submitted to KCPL. The City Clerk stated they are reported regularly by the Police Department and the list is then faxed to KCPL for repair.

Kneisler inquired about the Washington Street survey and asked if Bruce Boettcher with BG Consultants has been notified. The City Administrator stated he has been and that she will talk with him again at the CDBG seminar tomorrow.

9. EXECUTIVE SESSION:

Patterson made the motion to recess to executive session for five minutes for non-elected personnel with the City Administrator and Maintenance Supervisor attending. Kneisler seconded, motion carried. Patterson made the motion to hire Jesse Spurgeon in the part-time summer maintenance position at \$7.25 per hour when available. Cole seconded, motion carried with Kneisler abstaining.

Patterson made the motion to recess to executive session for 15 minutes for Attorney-Client Privilege with City Attorney attending. Watson seconded, motion carried. Council reconvened with no binding action taken. Cole made the motion to submit a request to BG Consultants to examine the feasibility of alternate options for fire emergency water that does not draw reservoir lake water directly into the potable water system. Kneisler seconded, motion carried.

10. ADJOURNMENT: Watson made the motion to adjourn to May 4, 2015 at 7:00 p.m. for regular meeting. Kneisler seconded, motion carried.

*Julie Stutzman*

City Clerk