

LYNDON CITY COUNCIL
REGULAR MEETING MINUTES OF
June 5, 2017

The Lyndon City Council met in regular session on Monday, June 5, 2017, 7:00 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 Bill Patterson, Darin Schmitt, and Ryan Kuhn present. Darrel Finch absent with notification.

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

Others Present: Rick Ensz, Cooper, Malone & McClain; Brian Foster, BG Consultants; and Tammy Schlingmann, Herald Chronicle.

2. ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

- a) Schmitt made the motion to approve the regular meeting minutes of May 15, 2017 as written. Patterson seconded, motion carried.

3. CONSENT AGENDA:

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

4. PUBLIC COMMENTS: None.

5. CORRESPONDENCE TO COUNCIL:

- Public Wholesale Water Supply District meeting minutes from May 17, 2017.
- News Release from Hometown Health as one of the awardees of the 2017 Governor's Award of Excellence.

6. UNFINISHED BUSINESS:

- a) ORDINANCE NO. 818 - AUTHORIZING IMPROVEMENTS: Rick Ensz provided Council with the interest rate on the temporary note that they were able to secure. He stated the interest rate is 1.6% and discussed the final financing and debt service schedule. Mr. Ensz stated the date of issuance is June 28, 2017 and July 1, 2019 is when the note comes due with the interest of \$17,994.67 for a total of \$577,994.67. He stated a one-year call has also been included of July 1, 2018 and gives the City the option to pay the note off at that time if Rural Development is ready to issue the General Obligation Bond. Mr. Ensz stated if the project exceeds two years, the note will need to be renewed.

Mr. Ensz stated the ordinance presented for consideration authorizes the improvements and identifies the sources of funds which includes the CDBG Grant,

KDHE loan and loan forgiveness, and General Obligation Bonds through Rural Development with specific amounts for each. He also reviewed Section 3 of the ordinance that authorizes the City to finance the project with temporary notes as provided by K.S.A. 10-123. Mr. Ensz stated, in essence, the ordinance identifies the total cost of the project, funding sources and authorizes the temporary notes. He stated the ordinance needs to be published one time in the local newspaper and has spoken to the City Clerk. Schmitt made the motion to approve and authorize the Mayor to sign Ordinance No. 818. Kuhn seconded, motion carried.

- b) RESOLUTION 2017-6 - ISSURANCE AND DELIVERY OF TEMPORARY NOTES: Mr. Ensz stated the resolution provides more detail and reviewed important specifics included in regards to the temporary notes. He also reviewed Page 8, Section 301 for optional redemption of the notes in one year with Council. Mr. Ensz also reviewed Page 15; Section 1105 Further Authority essentially says by approving the Ordinance No. 818 and Resolution 2017-6 it authorizes the Mayor, Council and City Clerk to sign all documents necessary to complete temporary note issuance. Patterson made the motion to approve and authorize the Mayor to sign Resolution 2017-6. Kuhn seconded, motion carried.

Mr. Ensz stated he will contact the City Clerk for bank information for the transfer of funds and provide her with the June 28, 2017 closing protocol for handling the temporary note funds. He also reviewed the process with Council and the need for a segregated account for accurate tracking of fund disbursement.

- c) SEWER PROJECT UPDATE - BRIAN FOSTER, BG CONSULTANTS: Mr. Foster provided Council with the flow-monitoring summary for the wastewater project. He stated they were able to obtain good information on flow to help design the size of the lagoon system and stated the pumps push approximately 900,000 gallons per minute depending on the situation. A brief discussion continued in regards to the reduction of I & I due to collection system rehab. Mr. Foster stated there was a difference of 31 gallons per minute after reviewing water use versus sewer flow. He stated there is a possibility of ground water infiltrating the system and the need to check sump pumps that are possibly connected to the system. Mr. Foster answered questions posed by Council and the Maintenance Supervisor.

Mr. Foster stated the geologist will more than likely finish up in the next week or so and stated to meet regulations one hole has to be drilled per acre of lagoon. He asked the Council to authorize the geologist to drill one more hole not included in the contract on a non-lagoon site area. Mr. Foster stated as the contractor digs down in elevation of the bigger cuts the material becomes harder to work with and may be cost effective to take some of the weathered material off the top of a non-lagoon site area for use in the project and would require the additional geology. He stated this information would be beneficial to contractors and asked the Council to authorize spending an additional amount for geology not to exceed \$2,500. After further discussion, Patterson made the motion to authorize BG Consultants to proceed with further geotechnical testing not to exceed an additional \$2,500 with Terracon for extra borings in the wetlands, which would provide further information for contractors. Kuhn seconded, motion carried. The City Clerk asked if an amendment to the contract needs to be submitted to; KDHE and Mr. Foster

stated he would contact Terracon. A brief discussion continued in regards to retention time and project details.

Schmitt made the motion to recess to executive session for 10-minutes with the City Attorney attending for discussion prior to the acquisition of real estate with the City Attorney attending. Patterson seconded, motion carried. Council reconvened with Patterson making the motion to hire Jeff Clark to provide appraisals on proposed easement sites and pump house location relative to the sewer project. Schmitt seconded, motion carried.

- d) PISHNY CONTRACT FOR BAILEY HOUSE PROJECT: The City Clerk stated she received a contract from Pishny Restoration for consideration to complete the work on the Bailey House in the amount of \$44,730. She stated work will begin on September 1, 2017 and be completed no later than September 30, 2017. The City Attorney stated he reviewed the contract and has no concerns. Patterson made the motion to approve and authorize the Mayor to sign the contract with Pishny Restoration Services. Schmitt seconded, motion carried.
- e) 2018 BUDGET PRESENTATION: The City Clerk reviewed the 2018 budget with Council by fund discussing projected revenues and expenditures, and answered any questions. The City Clerk stated the mill levy at this time will remain the same as last year at 62.490; however, the assessed valuation from the County Clerk will not be received until June 15 and provides the key to the amount of taxes being levied. She stated she has done the budget based on 2017 assessed valuation to give a baseline to work on mill levy funds and will see how the funds are changed once the information comes in. The City Clerk also stated she has not received the 2018 rates for the health insurance, however, should have that information by the end of the week. The Council requested a transfer of \$35,000 from the General Fund to Capital Improvements for annual payment of ball field lighting at Jones Park if the replacement happens in 2018.
- f) MOWING PROPOSAL FOR VACANT/UNKEPT PROPERTIES: The City Clerk stated she received a proposal from Piper Mowing for mowing specific properties in town. She stated the cost of mowing per property is based on a flat rate of grass no taller than two feet and the only other fee would be an additional \$20 per hour for limb removal and clean up prior to mowing. Patterson asked if the unpaid mowing bills would be assessed to the property through the County and the City Clerk stated it would as well as submitted for collection through the Collection Bureau of Kansas. After a brief discussion, Patterson made the motion to approve the proposal from Piper Mowing for services to mow vacant/un-kept properties. Kuhn seconded, motion carried.

7. NEW BUSINESS:

- a) MOWER PURCHASE/TRADE IN: The Maintenance Supervisor provided Council with a price quote to trade in one of the older Grasshopper mowers. He stated the City trades in a mower every couple of years, and keeps mowers for a total of four years. Schmitt made the motion to approve the purchase of the Grasshopper Mower

with edger in the amount of \$9,709.92 and expensed from Equipment Reserve Fund. Patterson seconded, motion carried.

- b) FLOOD INSURANCE ELEVATION CERTIFICATE: The City Clerk stated the City received a letter from National Flood Insurance Program in regards to a possible rate increase of 25% per year for the next five years due to the community center being in a high-risk area for flooding. The City has the option to hire a licensed engineer, architect or land surveyor and obtain an Elevation Certificate that will reflect the true risk for flood damage. The certificate will likely prevent overpaying for flood insurance, however, does not mean the City may not see an increase. The City Clerk stated she has spoken to Bruce Boettcher about getting the elevation certificate in the near future and before the renewal of the policy in April 2018. It was noted the elevation from that area may be part of what needs to be surveyed for the sewer project.

8. STAFF REPORTS:

- a) POLICE: Council received a copy of the Officer Activity report and discussed briefly.
- b) PLANNING AND ZONING: The next meeting is scheduled for Wednesday, June 7 and consideration of special use permit and accessory structure issue will be discussed. The Zoning Administrator noted that the issue between Lyndon Storage and KCPL is resolved.
- c) PUBLIC WORKS: Council received a copy of the Maintenance Activity report.

Kwikom began work today at the water tower trenching and installing some of the equipment on the ground. Mayor Morrison inquired about the Maintenance Supervisor overseeing installation of Kwikom's equipment and the possibility of them providing pictures to see quality of work. Patterson asked about the Kwikom's timeline of installation and the City Clerk stated they started work today, internet service should be up by mid June, and new phones and service in by the end of June.

The Maintenance Supervisor reported there is a light out on each ball field and maybe two on the large ball field. He asked for direction from Council about replacement and recommended waiting at this time.

Mayor Morrison asked about the inoperable siren downtown and about its removal. The Maintenance Supervisor stated he spoke with Dave Clemmons from KCPL and he stated due to storms has not been able to schedule a time to assist in removal.

- d) CITY CLERK: City Clerk report was item 6e on the 2018 Budget.
- e) POOL MANAGER: The Pool Manager provided Council with a written pool update including dates for summer programs. The City Clerk stated the pool manager reported there was up to 70 people in the pool on Friday, June 2.

9. COUNCIL/MAYOR COMMENTS AND REPORTS:

Patterson stated the Community Calendar of Events on the City website needs to be updated and the City Clerk stated she will have the utility clerk update it.

Kuhn stated he spoke with Mr. Kirkpatrick in regards to development of the land north of town. The City Clerk stated she was told the lots were going to be larger and going to try to develop again. Kuhn stated they discussed connection to city utilities. Council briefly discussed the property.

Schmitt asked about filling the vacant Council seat and was briefly discussed.

Mayor Morrison thanked city staff for their hard work.

10. EXECUTIVE SESSION:

Patterson made the motion to recess to executive session for 15 minutes for non-elected personnel with the City Attorney attending. Schmitt seconded, motion carried. Council reconvened with no binding action taken.

11. ADJOURNMENT: Patterson made the motion to adjourn to Monday, June 19, 2017, at 7:00 p.m. for regular meeting. Schmitt seconded, motion carried.



City Clerk