

LYNDON CITY COUNCIL  
REGULAR MEETING MINUTES OF  
August 19, 2019

The Lyndon City Council met in regular session on Monday, August 19, 2019, 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, Doug Harty, Kevin Heit, Darin Schmitt and Katie Shepard (7:08) present.

City Staff present: Pat Walsh, City Attorney; Julie Stutzman, City Clerk; Scott Culley, Public Works; and David Forkenbrock, Patrolman.

Others Present: Beth Warren, Ranson Financial; Wes Weishaar and Brian Foster, BG Consultants; Travis Brown, Zoning Administrator; Lynn Atchison; Ed Beatty; and Gene Hirt.

2. PUBLIC HEARING: Mayor Morrison opened the public hearing for the 2020 Budget and noted that comments by the public will be limited to five minutes. He asked if there were any public comments, Mr. Hirt stated he would like to speak and was given five minutes. Mr. Hirt stated his main concern was for the streets in town and asked what increase was included in the 2020 budget for street projects. The City Clerk stated the total budgeted for streets this year is \$235,000 and for the 2020 Budget is \$230,000, so approximately the same.

Mayor Morrison asked if there were any other comments and there were none. Schmitt made the motion to close the public hearing for the 2020 Budget. Patterson seconded; motion carried.

Patterson made the motion to approve the 2020 Budget. Schmitt seconded the motion, which carried.

3. APPROVAL OF MINUTES OF PREVIOUS MEETING:

- a) Schmitt made the motion to approve the regular meeting minutes of August 5, 2019 as amended. Heit seconded; motion carried.

4. CONSENT AGENDA:

- a) Approval of Bills: Patterson asked about the Menards bill and the City Clerk stated the expenses were for lighting at the shop not the sewer plant. Patterson made the motion to approve the bills as amended. Shepard seconded; motion carried.

5. PUBLIC COMMENTS: Gene Hirt stated that during the last storm he did not hear the sirens and asked why they were not sounded. He asked if there was an issue with the sirens and why residents do not hear them. He also spoke about streets.

Mr. Beatty addressed the bid that Foley had submitted in regards to the preventative maintenance on the generators and apologized for being double price. He stated the gentleman who put the bid together reviewed the bid and the error was he had doubled the

total amount of services calls which doubled the bid. Mr. Beatty requested once the maintenance comes up for bid again to allow Foley to submit another bid.

Mr. Beatty stated the vacuum system at the community center has very little suction. The City Clerk stated the central vac does not work very well due to being flooded multiple times and that there is a regular vacuum in the closet for use.

6. CORRESPONDENCE TO COUNCIL:

- Letter from the League of Kansas Municipalities regarding the Annual League Conference which is October 12-14, 2019 in Overland Park, KS.

7. UNFINISHED BUSINESS:

- a) CONSIDERATION OF WATER BOND REFINANCE/CONSOLIDATION - BETH WARREN, RANSON FINANCIAL: *Due to time constraints and the need to attend another meeting, Ms. Warren and this agenda item was moved up before approval of minutes.*

Beth Warren with Ranson Financial spoke with Council in regards to consolidating and refinancing the two outstanding water bonds which could give the City cost savings in the amount of approximately \$73K over the next 20 years. She provided Council with a timeline for the process and reviewed the existing bond schedules, the estimated new debt service schedule, debt service comparison/savings report, and estimated sources and uses which detailed the cost of issuance of the new bond that was provided to the Council at the previous meeting.

The City Attorney asked why there was a variable interest rate on the new structure instead of a fixed rate. Ms. Warren stated it is technically fixed, however, on public issues there is a changing rate because investors have to hold the bond for a longer length of time which requires a higher interest rate and the bonds also have a higher chance of being paid off. She also stated that once the city holds the bond sale the rate will be fixed. The City Attorney also asked hypothetically if the rate drops another half percent in four months, he assumes the cost savings would be greater. Ms. Warren stated the rate has already dropped 30 basis points from since her last estimate and she estimates the cost savings is already more than what she initially provided.

Ms. Warren also stated since the cost savings were already more than anticipated she was able to run a second scenario that they call a "tailing" savings. She stated instead of equal savings each year, all of the savings are achieved on the tail end which would shorten the length of the loan which would pay the loan off 3-4 years earlier. After further discussion, it was consensus of the Council to proceed with refinancing and consolidating the two outstanding water bonds with the option of reducing the payment annually and bond sale date of October 7, 2019. Mayor

Morrison asked when the rate is locked in and Ms. Warren stated that will happen at the bond sale. Ms. Warren also stated that any fees associated with the bond sale if it fails do not get charged and the only fees the city would be liable for is the cost of publication.

- b) SEWER PLANT PROJECT UPDATE – BG CONSULTANTS: Wes Weishaar and Brian Foster with BG Consultants provided Council with the following project update:

**Wastewater Treatment Improvements: Substantially Complete.**

- Contractor currently working on punch list for HVAC and mechanical items.
  - HVAC system has been balanced and TAB report supplied by contractor.
  - Contractor has various items scheduled for repair between now and September 12.
- Finish grading and seeding at lagoons and demolished WWTP site to be completed in fall seeding season.

**Sanitary Sewer Collection System Mainline Improvements: 100% complete.**

- Completion of punch list items is underway currently.
  - Will perform project drive-through at completion to verify all surface restoration
- Final Change Order: **\$9,496.00** for 3 pipe to manhole point repairs found to be heavy I&I sources during spring rains.
- Pay Application #12: **\$21,282.00**
- Substantial Completion: **March 15, 2019** at completion of Rausch End Seals.

**Sanitary Sewer Service Tap Improvements: 100% complete.**

- Completion of punch list items is underway currently.
  - Will perform project drive-through at completion to verify all surface restoration
- Final Change Order: **\$151,208.03** for all items resulting from CIPP-to-dig scope change due to existing service conditions.
- Pay Application #14: **\$64,379.02**
- Substantial Completion: **August 15, 2019** at completion of Contract quantities.

**Recommended Action items for Council:**

- Approve Change order #6 for Reed Dozing: **\$9,496.00**
- Approve Pay App #14 for Reed Dozing: **\$21,282.00**
- Approve Certificate of Substantial Completion for Reed Dozing: **March 15, 2019**
- Approve Change order #6 for Pipe Services: **\$151,208.03**
- Approve Pay App #14 for Pipe Services: **\$64,379.02**
- Approve Certificate of Substantial Completion for Pipe Services: **August 15, 2019**

- c) FINAL CHANGE ORDER #3 - REED DOZING: Patterson made the motion to approve change order #3 in the amount of \$9,496.00. Heit seconded; motion carried.
- d) REED DOZING PAY APP #12: Patterson made the motion to approve Pay App #12 in the amount of \$21,282.00. Shepard seconded; motion carried.
- e) CERTIFICATE OF SUBSTANTIAL COMPLETION - REED DOZING: Patterson made the motion to approve and authorized the Mayor to sign the Certificate of Substantial Completion for System Mainline Improvements as of March 15, 2019. Schmitt seconded; motion carried.
- f) CHANGE ORDER #6 - PIPE SERVICES: Patterson made the motion to approve change order #6 in the amount of \$151,208.03. Shepard seconded; motion carried.
- g) PIPE SERVICES PAY APP #14: Patterson made the motion to approve Pay App #14 in the amount of \$64,379.02. Shepard seconded; motion carried.
- h) CERTIFICATION OF SUBSTANTIAL COMPLETION - PIPE SERVICES: Patterson made the motion to approve and authorize the Mayor to sign the Certification of Substantial Completion for Service Tap Improvements as of August 15, 2019. Schmitt seconded; motion carried.
- i) AMENDMENT TO OWNER-ENGINEER AGREEMENT NO. 3 - BG CONSULTANTS: Mr. Foster stated he had an owner-engineer amendment that unfortunately did not make the agenda. He stated the project had been extended due to working on punch list items which in turn increased the hours needed for construction observation to make sure these items are being done. The City Attorney reviewed the document and found no issues. Harty made the motion to approve and authorize the Mayor to sign the amendment in the amount of \$5,000. Shepard seconded; motion carried.
- j) DAMAGED HYDRANT ISSUE: Mayor Morrison stated that one of the contractors had damaged the city's flow meter and fire hydrant after forgetting to disconnect them and driving off after flushing a line. He stated a new hydrant costs approximately \$2,000 and the hydrant that was damaged is old enough that parts are not available for it any longer thus needing replacement. Mr. Foster stated the contractor thinks he can fix the hydrant without replacing it by soldering in the piece and repairing it to a like condition which would cost approximately \$1,000 or pay \$1,000 towards replacement of the hydrant. The contractor will also pay for replacement of the flow meter. After further discussion, it was consensus of the

Council for the contractor to pay for the replacement of the hydrant and the city will facilitate installation.

- k) WATER INFRASTRUCTURE IMPROVEMENTS: Budgeted for 2020 and council tabled the matter.
- l) KANSAS FORESTRY GRANT: The City Clerk stated that with the decline in interest in Tree City annual sales and some reduction of tree hours, she doesn't feel comfortable committing to this three-year grant. Consensus of the council was not to participate in the forestry grant.

8. NEW BUSINESS:

- a) DECORATIVE LIGHT LED BULB PURCHASE: The Maintenance Supervisor provided Council with costs to replace the LED bulbs for the downtown decorative street lights. He received a quote from ME Bulbs and the cost of a 5-year bulb ranges from \$62.56 to \$56.31 each depending on the quantity purchased and 7-year bulbs ranging from \$81.33 to \$73.20 each also based on quantity purchased. The other option is for the City to commit to a purchase of 50 (there are 42 decorative lights) and they would only bill for the ones shipped. After brief discussion, Heit made the motion to purchase the 7-year bulbs and order 12 @ 73.20 each. Harty seconded; motion carried.

9. STAFF REPORTS:

- a) POLICE: Officer Forkenbrock stated he went to the Lyndon High School and talked with 8<sup>th</sup> Grade and Freshman kids who had qualified to take Driver's Ed. He stated the things that were discussed were occupant protection, driving dangers, safety in and around the car, alcohol prevention, and rules of the road. Officer Forkenbrock presented a check from DCCCA in the amount of \$250 to the City for payment of providing the class. The governing body thanked Officer Forkenbrock for providing the training.
- b) PLANNING AND ZONING: Council received a copy of the Zoning Administrator's report and copies of approved permits for review.

The Zoning Administrator spoke in regards to Permit 19-22 for the sign permit at the school. He stated he doesn't believe that the R-1 building regs are very clear and the commission should look at a re-write at some point. Superintendent Marcotte would like the new sign at the elementary school closer to the sidewalk, however, due to zoning regs the permit was denied and thus the variance has been submitted. The notice of public hearing the variance will go in the paper this week and the hearing will be held on Wednesday, September 11 at 5:30 p.m. The City Clerk stated the residents within 200 feet have also been notified. Mayor Morrison asked if utilities have been located and Mr. Brown stated to his knowledge the only thing on that side of the sidewalk is a possible fiber line. The Maintenance Supervisor stated that city utilities are not in that area and possibly the gas line is. The Zoning Administrator

stated they are working with the school to resolve the issue as fast as possible, however, staying within regulatory guidelines.

Patterson asked about the pending lot split. The Zoning Administrator stated he has not been in touch with the property owner yet in regards to their plans.

- c) PUBLIC WORKS: Council received a copy of the Maintenance Activity report from August 6 to August 19, 2019.

Mayor Morrison asked if the grader was fixed or if more parts needed to be ordered. The Maintenance Supervisor stated it is moving, however, there still continues to be brake issues. He thinks there is still something wrong with the valve and may need to have someone from Cat come look at it.

Patterson stated the school lights at the school is flashing at 8 o'clock at night. The Maintenance Supervisor stated it is a timer issue that does not want to cycle properly. He stated he will be getting a new timer.

The Maintenance Supervisor stated he would like permission from the Council to tear down a free-standing wall in the equipment shop to allow for a 20x20 storage area that would be more usable and serve as mower storage. It was consensus of the Council to proceed with the removal of the unneeded wall for more storage.

Mayor Morrison asked about the cost of the culvert that was requested by Lillie Jo Bayless and it was noted it was approximately \$83 to \$84 per foot. The Maintenance Supervisor stated he has been in contact with Glen Tyson about the tube that runs under 6<sup>th</sup> Street, however, has not heard back from him.

Mayor Morrison stated the sirens have been inspected, worked on and are in very good working order. The Maintenance Supervisor stated they are also tested the first of every month by silent test and is documented. It was also noted that sirens are an outdoor warning system and are controlled by the Osage County Sheriff's Office.

- d) CITY CLERK: The City Clerk reminded the Council that the course for Conducting Death and Homicide Investigations deadline for registration is drawing close and asked if the Council had considered approving the class. Shepard made the motion to send Officer Forkenbrock to the Conducting Deaths and Homicide Investigations seminar in October in Lawrence in the amount of \$300. Heit seconded; motion carried.

The City Clerk stated there will not be a Fall Fest this year. She stated she has spoke to all of the Pride members and they are too busy with other commitments. There has been discussion about doing more for 4<sup>th</sup> of July.

#### 10. COUNCIL/MAYOR COMMENTS AND REPORTS:

Heit stated that Scott Harrison was in the parking lot before the meeting, did not stay, however, had heard the rumor about the police department in town. Heit told Mr. Harrison

that no decisions had been made. Mr. Harrison told Heit that if there no Lyndon Police Department that he would pack up his business and leave.

Patterson asked if the City provided an arrangement for Dave Wilson's funeral and the City Clerk stated she called and ordered the arrangement on Saturday after she received the news of Dave's passing.

The Mayor stated that City Hall will be closed during Dave Wilson funeral services from 1:00 to 2:00 p.m. The office staff that are not attending the funeral will take their lunch hour between that time instead of at noon.

11. EXECUTIVE SESSION: None.

12. ADJOURNMENT: Schmitt made the motion to adjourn to Tuesday, September 3, 2019 for at 7:00 p.m. for regular meeting. Shepard seconded; motion carried.

Respectfully submitted,

Julie Stutzman, CMC

Julie Stutzman, CMC  
City Clerk

Approved by the governing body on September 3, 2019

Attest: Julie Stutzman, CMC

Julie Stutzman, CMC  
City Clerk

