

LYNDON CITY COUNCIL
SPECIAL MEETING MINUTES OF
AUGUST 1, 2017

The Lyndon City Council met in special session on Tuesday, August 1, 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, members Ryan Kuhn, Katie Shepard (7:10), Bill Patterson and Darin Schmitt present. Finch absent with notification.

City Staff present: Pat Walsh, City Attorney; Julie Stutzman, City Clerk; and David Wilson, Public Works.

Others Present: Brian Foster, Wes Wieser, and Bruce Boettcher with BG Consultants and Tammy Schlingmann, Herald Chronicle.

2. APPROVAL OF SPECIAL MEETING AGENDA: Patterson made the motion to approve the special meeting agenda. Schmitt seconded, motion carried.

3. PUBLIC COMMENTS: None.

4. UNFINISHED BUSINESS:

- a) WASTE WATER FACILITY IMPROVEMENTS PROJECT - BRIAN FOSTER, BG CONSULTANTS: Mr. Foster stated they have been in contact with the Corps of Engineers and a site visit has been conducted of the proposed lagoon system property. The Corps thinks there are some potential areas that will be disturbed during the project that are possibly Water of the US (i.e. wetlands). He stated that he and the Maintenance Supervisor participated in a second site visit with the Corps of Engineers representative and discussed the areas of concern.

Mr. Foster stated due to the discovery of the wetlands, the City has two options. He stated the first option was to review and provide a rough design avoiding the wetlands by moving the lagoons on the northern edge of the property near the old farmstead along the north road, which does appear to have signs of having wetlands. Mr. Foster stated it is a viable option and are able to fit the system in that area, however, from a cost standpoint is not preferred and would lose the bid alternate to do the 6 acre wetland on the back end of the property to provide flexibility to maybe not have to discharge for one quarter out of the year. He stated the cost to build the secondary design would be higher than the original design. Mr. Foster provided a visual of the original design on the property versus the secondary design moving the project to the north end due to the wetlands.

Mr. Foster stated that if the City proceeded with the first option the Corps of Engineers would provide a letter stating the project is avoiding the wetland areas and a permit is not required.

Mr. Foster stated the other issue is the historical value of the farmstead area on the property and discussed the requirements needed to disrupt the area to build the

lagoon system on. He stated he spoke to Buried Past who conducted a Phase 2 survey and asked them what the probability of finding something significant in that area would be and they stated since the site has set empty for so long the probability would be higher. Mr. Foster stated Buried Past could conduct a Phase 3 survey which would cost approximately \$12,000 if the City wanted to proceed, however, would avoid it due to if something significant is found then the area would need to be protected and require special permissions.

Mr. Foster stated the second option is to move forward with the original design and work with the Corps of Engineers to try to obtain a permit to build on the wetland area. He stated the first step is to perform a wetland delineation, which requires hiring a consultant that is a biologist/environmental scientist to identify the species of plants, take soil samples and determine the limits of the wetlands. They would then delineate the boundary with GPS, provide that information in a report overlay it with the design to determine how many acres of wetlands would be disturbed. The study would then be provided to the Corps for review to see if they are in agreeance with the findings and if they agree, begin the process of obtaining a 404 Permit. The permit takes approximately 120 days depending on if the Corps or other agencies have comments and that time includes a 30-day public comment period. Mr. Foster stated they also send letters to Kansas Wildlife, Parks and Tourism as well as Fish & Wildlife agencies. He stated these letters had already been sent as part of the environmental studies and they are aware of the project, so hopefully will speed up to the process.

Mr. Foster stated the permit would have to identify how many acres of wetland are going to be disturbed and the City's plans to mitigate against that. He stated the options for mitigation is to buy credits; swap wetlands out for wetlands by buying wetlands in some other area, or do local mitigation and create wetlands on the existing site. The Corps stated if they are created locally on the site, there is a 5-year review period when it is inspected periodically to make sure that it is a wetland and the City would have to prepare a conservation easement over that area where it will never be disturbed again. Mayor Morrison asked if the existing wetlands could be used as part of the system, and Mr. Foster stated they would have to look into that with the concern being the quality of water being discharged into the area may not be what they would like to see in a wetland and increase the time for mitigation if they were to try to use it in the project. Mr. Foster stated the cost of the credits are approximately \$55,000 per acre and is a one-time fee.

After a lengthy discussion, Schmitt made the motion to approve and authorize the Mayor to sign the contract with Terracon for \$5,400 to perform the wetland delineation study. Patterson seconded, motion carried.

The City Attorney stated one of the owners of the easement needed for the project has agreed to the appraised value and would like authorization from the Council to proceed with preparing a short contract and prepare the easement. Council consensus was to have the City Attorney to proceed with the easement documents.

6. ADJOURNMENT: Schmitt made the motion to adjourn to Monday, August 7, 2017, at 7:00 p.m. for regular meeting. Kuhn seconded, motion carried.

Judie Stutzman

City Clerk