

CONDEMNATION HEARING AND REGULAR MEETING
OF THE CITY COUNCIL
OF LINN VALLEY, KANSAS
OCTOBER 10, 2016

CONDEMNATION HEARING

1. Mayor Dwyer opened the Condemnation Hearing at 6:00pm. Council Members present at the meeting were Dan Davies, Dennis Kidwell, Lew Donelson, and Claire Smith. Council Member Jason Jenkins was absent.

Also present were City Clerk Karen Siffring, City Attorney Gary Thompson, Police Chief Corey Murrison, Fire Chief Dan Smith, Building Inspector Joe Isabell, and Codes Officer Ralph Fitch.

2. Attorney Thompson gave an explanation of the condemnation process and its purpose. Each lot owner has been notified of the unsafe, unsanitary and unsightly condition on their property, ordered to clean the site as required by City Ordinance. Owner's failure to comply makes the property subject to condemnation.
3. Codes Officer Fitch recommended that personal property on Lot 3807 be condemned and the trailer be removed. No one was present to state why the property should not be condemned. Council Member Smith made a motion to condemn lot 3807. The motion was seconded by Council Member Donelson and the motion passed 4-0.
4. Codes Officer Fitch recommended that personal property on Lot 3908 be condemned and the truck camper be removed. No one was present to state why the property should not be condemned. Council Member Kidwell made a motion to proceed with condemnation of lot 3908. The motion was seconded by Council Member Smith. The motion carried 4-0.
5. Codes Officer Fitch recommended that personal property on Lot 3834 be condemned and the trailer and boat be removed. No one was present to state why the property should not be condemned. Council Member Smith made the motion to add lot 3834 to the list of condemned properties. The motion was seconded by Council Member Davies. The motion carried 4-0.
6. Codes Officer Fitch recommended that personal property on Lot 3643 be condemned and the 5th wheel trailer be removed. No one was present to state why the property should not be condemned. Council Member Davies made the motion to proceed with condemnation of lot 3643. The motion was seconded by Council Member Donelson. The motion passed 4-0.
7. Codes Officer Fitch recommended that personal property on Lot 1400 be condemned and the travel trailer be removed. No one was present to state why the property should not be condemned. Council Member Davies made the motion to proceed with condemnation of lot 1400. The motion was seconded by Council Member Smith. The motion passed 4-0.

8. Codes Officer Fitch recommended that personal property on Lots 532 and 533 be condemned and the 5th wheel trailer and old deck and shed be removed. No one was present to state why the property should not be condemned. Council Member Davies made the motion to proceed with condemnation of lots 532 and 533. The motion was seconded by Council Member Kidwell. The motion passed 4-0.
9. Codes Officer Fitch recommended that personal property on Lot 769 be condemned and the shed be removed. No one was present to state why the property should not be condemned. Council Member Davies made the motion to proceed with condemnation of lot 769. The motion was seconded by Council Member Donelson. The motion carried 4-0.
10. Codes Officer Fitch recommended that personal property on Lots 4009 and 4010 be condemned and the boat and camper be removed. No one was present to state why the property should not be condemned. Council Member Davies made the motion to proceed with condemnation of lots 4009 and 4010. The motion was seconded by Council Member Donelson. The motion passed 4-0.
11. Codes Officer Fitch recommended that personal property on Lot 1313 be condemned and the trailer and boat be removed. No one was present to state why the property should not be condemned. Council Member Davies made the motion to proceed with condemnation for lot 1313. The motion was seconded by Council Member Smith. The motion carried 4-0.
12. Codes Officer Fitch recommended that personal property on Lots 483 and 484 be condemned and the trailer and shed be removed. No one was present to state why the property should not be condemned. Council Member Davies made the motion to proceed with condemnation for lot 1400. The motion was seconded by Council Member Smith. The motion passed 4-0.
13. Codes Officer Fitch recommended that personal property on Lot 1328 be condemned and the trailer be removed. No one was present to state why the property should not be condemned. Council Member Davies made the motion to proceed with condemnation for lot 1328. The motion was seconded by Council Member Smith. The motion passed 4-0.
14. Codes Officer Fitch recommended to the Council that the structure on Lot 4953 not be condemned. The lot has been sold. The current owner has already begun clean-up on the property. No action was taken.
15. Mayor Dwyer closed the Condemnation Hearing at 6:30 pm.

REGULAR MEETING

1. Mayor Dwyer opened the Regular Meeting at 6:30 and asked if there were changes to the agenda. There were no changes requested.

2. APPROVAL OF MINUTES.

Mayor Dwyer called for the approval of minutes from the September 26th meeting. The minutes were approved as presented.

3. CITY CLERK’S REPORT

a. City Clerk Siffring presented the monthly financial report. Following are balances of the City’s accounts as of September 30, 2016.

General Fund income for September was \$35,253.92 with the majority from Ad Valorem and motor vehicle tax. Expenses were \$30,133.58.

General Fund	\$89,696.37
Special Funds:	
- Restricted Mayor’s Christmas Fund*	\$336.57
- Restricted Parks & Recreation Fund*	\$1,000.59
- Restricted Capitol Improvement*	\$25,000.00
- Restricted Special Equipment*	\$3,500.00
*Restricted funds are included in General Fund total.	
Money Market	<u>\$97,822.07</u>
Total	\$187,518.44

Street and Highway Fund	\$57,194.67
Sewer Construction Fund	\$1,891.19
Utilities Fund	\$81,095.07

Clerk Siffring reviewed status of the 3rd quarter of 2016. Income was \$53,003.97 and expenses were \$96,477.80 compared to expenses of \$58,754.86 and income of \$100,159.03 in 2015.

b. Clerk Siffring presented vouchers: General Fund vouchers 10809 - 10843 in the amount of \$38,669.12; Street and Highway Fund vouchers 1396-1397 in the amount of \$2,201.68; Construction Fund vouchers 1121-1122 in the amount of \$8,354.83; and Utilities Fund voucher 1046 in the amount of \$125.58 for a total of \$49,351.21. Council Member Kidwell made a motion to approve the vouchers in the amount given with Council Member Smith seconded the motion. The motion carried 4-0.

4. KANSAS OPEN MEETINGS ACT

a. It was the Council’s consensus that Attorney Thompson’s presentation on KOMA be postponed until all Council members were present.

5. BOAT SURPLUS RESOLUTION AND BIDS

a. Attorney Thompson presented Resolution 74 that will surplus the City’s boat, motor and trailer. Council Member Kidwell made a motion to approve the resolution and the motion was seconded by Council Member Davies. The motion passed 4-0.

b. Two bids were submitted for purchase of the boat/motor/trailer. Attorney Thompson opened both bids: John Enright \$200 and Randy Fenster \$510. Council Member Davies

made a motion to accept the bid of \$510 for the boat, motor and trailer with the motion being seconded by Council Member Smith. The motion carried 4-0.

6. MAYOR'S REPORT

- a. Mayor Dwyer requested giving a raise of \$1.00 per hour to Clerk Siffing.

Council Member Davies made a motion for a ten minute Executive Session for personnel matters. The motion was seconded by Council Member Smith and carried 4-0. The Council adjourned at 6:42 and returned at 6:53 with no action taken.

Council Member Kidwell made a motion to give a raise of \$1.00 per hour to Clerk Siffing. Council Member Donelson seconded the motion and the motion carried 4-0.

Mayor Dwyer reminded the Council of the meeting with the POA Board at 10:30 am Saturday October 15 at the Community Center.

The grant writer was contacted by Mayor Dwyer. The writer expressed interest but was working on a project at this time. Mayor Dwyer noted that the City needs to do some research.

7. PLANNING AND ZONING REPORT

- a. Attorney Thompson explained that the Planning and Zoning Commission will review a request for a zoning change and a special use permit, making recommendations to the Council. The Council may accept, reject or send the recommendation back to the Commission with specific requests. The Commission was asked for a Special Use Permit to redesign an existing house for independent living area for up to eight individuals age 55 and older. Eric Victor addressed the Council on the provided report. The Commission had approved the changes to the Planning and Zoning regulations and approved the Special Use Permit with qualifications.
- b. Attorney Thompson recommended that the recommendation letter from the Planning and Zoning Commission be written in such a way as to separate the Zoning change and the Special Use Permit, and include discussion, findings and recommendations for each. Council Member Davies made the motion to proceed with Gary's request. Council Member Smith seconded the motion. The motion carried 4-0.

8. SANITATION REPORT

- a. Sanitation Operator Mike Page was absent but provided a written report. There were no new grinder pump installations, the lift station is performing as expected but still requires pumping manually weekly or bi-weekly. Brush has been cleared away from water's edge on cell 3. The 2" force main was repaired. Mayor Dwyer reported that emergency stickers have been put on all grinder pump alarms.

9. FIRE DEPARTMENT REPORT

- a. Chief Smith reported nine calls in September, 2 fires, 6 medical, and an MVA for a 4-wheeler. The Fire Department will be attending upcoming events. New radios have been installed with auxiliary speaker in the fire station.

10. POLICE DEPARTMENT REPORT

- a. Police Chief Murrison reported 7 arrests for various offences including possession of narcotics and paraphernalia, driving while on suspended license, and interference with a law officer.
- b. Chief Murrison responded to a call of a vehicle traveling north in the southbound lanes of 69 highway. The roadway was blocked to prevent the driver from continuing on the road. The driver of the vehicle slowed and then stopped after colliding with the police vehicle. The driver was suffering from a medical problem and was transported to the hospital.

Fire Chief Smith commended the Police department on monitoring 69 highway and reducing the number of drugs transported through this area.

11. BUILDING INSPECTOR'S REPORT

- a. Building Inspector Isabell reported 51 inspections, 18 new permits, and 10 finalized projects. There are 104 projects open and in various stages of completion with 44 administrative hours.

12. CODES ENFORCEMENT OFFICER'S REPORT

- a. Codes Enforcement Officer reported 20 properties inspected, 16 corrections issued, 14 completed corrections, and 4 court cases pending. Here reminded the Council of his upcoming training this week.
- b. Officer Fitch requested permission to contact plumbers about installing a sump pump under the City Hall building. The area fills with water after heavy rains. The Council requested Officer Fitch to bring information back to the Council on installation costs.

13. UNFINISHED BUSINESS

- a. There was no unfinished business.

14. NEW BUSINESS

- a. There was no new business.

15. OPEN FORUM

- a. Chief Murrison requested that Council Meetings be live streamed and posted on-line for residents that cannot attend meetings. The Council had no objections.

16. ADJOURN

- a. Council Member Davies made the motion to adjourn. The motion was seconded by Council Member Smith and carried 4-0. The meeting adjourned at 7:46 pm.

Submitted by
Karen Siffring
City Clerk