

CONDEMNATION HEARING AND
REGULAR MEETING OF THE CITY COUNCIL
OF LINN VALLEY, KANSAS
SEPTEMBER 9, 2019
6:00 pm

CONDEMNATION HEARING

Resolution #86 was passed July 8, 2019 to set this meeting as a hearing for condemnation of structures and ordinance violations at 24192 Ullery Road, Linn Valley, Kansas. Mayor Cindy Smith called the hearing to order and opened the meeting for public comment. Spence Kitchell, the owner's grandson, told the Council that three dumpsters have been filled and taken away and an additional dumpster is to arrive. He stated that he planned to burn the wood from the structure after all non-wood materials are removed. As recommended by City Attorney Brun, Council Member Dan Davies made a motion to stay the condemnation for 30 days. The motion was seconded by Council Member Suppenbach and the motion passed 5-0. There were no other comments from the public. The Mayor closed the hearing at 6:07 pm.

REGULAR MEETING

Mayor Smith called the regular Council Meeting to order.

Present at the meeting were Council Members Dan Davies, Jason Jenkins, Lew Donelson, Robert Suppenbach, and Dennis Kidwell. A quorum was present. City Attorney James Brun was also present.

Council Member Donelson made a motion to have a ten minute executive session for legal. The Council retired to the session at 6:07 and returned at 6:16 with no action taken.

City Attorney Brun recommended payment of \$8750 to Van Kirk Engineering for settlement of claims. Council Member Suppenbach made a motion to pay the recommended amount of \$8750 to Van Kirk Engineering for settlement. The motion was seconded by Council Member Jenkins. The motion passed 5-0.

There were no additions or changes to the agenda.

MEETING MINUTES

Minutes from the August 12, 2019 meeting were presented to the Council. Council Member Donelson made a motion to accept the minutes as written. Council Member Jenkins seconded the motion and the motion passed 5-0.

CONSTITUTION WEEK PROCLAMATION

Renee Slinker of the DAR explained that Constitution Week as designated each year by the President of the United States. Renee read the Preamble to the Constitution explaining what each statement means to the citizens of this country. Flying the flag during this week is desired. Karen Kidwell gave history of the Constitution and Council Member Kidwell read the Proclamation. The Mayor signed the Proclamation and it was given the City seal and presented to Renee and Karen.

SEWER REPORT

Sewer Operator Mike Page was not present but provided a report. Three pumps were changed out, seven rebuilt pumps were received and three were sent in for repair. There was an emergency call about ground water and it was confirmed not to be sewage. Comments from Council Member Suppenbach noted that, after approval of funds to fix a ground water issue, the work had not been completed. Dan Donham, City Building and Codes Officer, will track future sewer issues.

LAGOONS

An assessment of sludge in the lagoons was sent by Kansas Rural Water Association to Officer Donham. KRWA recommended the City prepare financially for sludge removal expense. The assessment was also recommended the City develop a system to accurately track the amount of hauled septage to the main lift station. Other recommendations were to mow and maintain grass areas, remove trees and add appropriate signage.

Council Member Donelson suggested constructing new lagoons and removing the existing lagoons from service rather than desludging. The Council discussed pursuing a grant for desludging and maintenance.

The Council will call a special workshop on Monday, September 16th at 5:00 pm to discuss people and processes for moving forward on these issues.

An inspection by KDHE of the lagoon area found the facility to be in compliance with the KWPC permit. However there are operation and maintenance actions that are required. These include keeping vegetation mowed and removing trees, repairing erosion, and preventing animal burrowing. Warning signs need to be placed on all sides of the fences. Officer Donham commented that two of the items were short term repairs. A cost of \$24,000 had been given to do the mowing, clearing, tree removal, erosion repair and animal removal.

PUBLIC SAFETY REPORT

Public Safety Director Corey Murrison presented the police report: one report of theft by deception, six arrests for one of the following: driving while suspended, possession of narcotics, domestic violence, open container. The new patrol cars were picked up and are finished with equipment installation.

Director Murrison also presented the report for Fire Fighters and First Responders. There was one fire, one day of training, a spider bite and four medical calls.

BUILDING AND CODES REPORT

Building & Codes Officer Dan Donham informed the Council that maintenance of the grass land near Fitch Lane needed attention. Herbicide to control weeds would cost \$408 and application would be done by the POA. When grass is established, the City may lease out the land for hay farming. Council Member Donelson made a motion for Dan to move forward and purchase the herbicide at a cost not to exceed \$500. The motion was seconded by Council Member Suppenbach. The motion carried 5-0.

A copy of the new occupancy permit was included in the report. The Mayor recommended some changes and additions.

Fourteen property owners have been notified of codes violations. Forty-two building permits were issued in August with an annual to-date total of 312.

BUILDING PERMIT POLICY

Jay Butler addressed the Council regarding cost of a permit for clearing lots. He requested a policy change be made to fees when adjoining lots are to be cleared. After much discussion, Council Member Davies made a motion for a five minute executive session for legal. The Council retired to the session at 7:37 and returned at 7:42. Council Member Jenkins said the Council would study the current clearing fee but would not make changes at this time.

CITY CLERK’S REPORT

The financial report for August 2019 is as follows:
General Fund income for the month was \$2,952.88 and expenses were \$34,619.53.

Following are balances of the City’s accounts:

General Fund	\$152,783.21
Special Funds:	
- Restricted Mayor’s Christmas Fund*	\$270.57
- Restricted Tree Maintenance Fund*	\$2,025.00
- Restricted Parks & Recreation Fund*	\$1,400.59
- Restricted Capitol Improvement*	\$34,075.32
- Restricted Special Equipment*	\$18,419.89

*Restricted funds are included in General Fund/Money Market total.

Money Market	<u>\$124,970.39</u>
Total	\$227,753.60

Street and Highway Fund \$99,633.04
Sewer Utilities Fund \$167,818.15
Infrastructure Fund balance is \$64,456.25

General Fund vouchers: 12744 – 12790: \$32,990.79
Street and Highway Fund vouchers: 1475 - 1476: \$341.72
Sewer Utilities Fund vouchers: 1385 – 1388: \$3,192.58
Total: \$36,525.09

A motion was made by Council Member Donelson to approve the vouchers in the amount of \$36,525.09. The motion was seconded by Council Member Davies and carried 5-0.

MAYOR’S REPORT

The Mayor introduced Shelly Underwood of MAP. The submitted grant application for the 45% forgiveness for the Water Project has been sent. A response has not been received. A legal representation contract is still needed and also needed is a purchase contract with LaCygne. Ms. Underwood is completing the required Environmental Review.

Ms. Underwood also recommended a rate study for the sewer to give information. The report would give an indication of how much money can be put in reserve funds for repairs of pumps and lagoon

maintenance. She said a federal matching grant would be available for a study. An estimate of cost to desludge the lagoons is \$90,000. Council Member Davies requested that a possible grant with KDHE be pursued.

The Mayor informed the Council the City would be returning to First Option Bank, the lease/purchase money intended for the police station. Attorney Brun said a benefit of returning the money would allow the City to accept the \$90,000 from American Tower. Council Member Suppenbach made a motion to return the money to First Option. Council Member Jenkins seconded the motion and it passed 5-0.

RESOLUTION #88

Resolution #88 is a requirement of USDA Rural Development. It includes a code of ethics for the Council, a City financial status report and an organizational report. Council Member Donelson made a motion to adopt Resolution #88. The motion was seconded and passed 5-0. The Council also adopted 1780 Guide 3a and 04a.

OPEN FORUM

There was a question of why funds for the police station are being returned. The Mayor responded.

There were no other comments.

ADJOURN

A motion to adjourn was made by Council Member Jenkins and was seconded by Council Member Donelson. The motion passed 5-0. The meeting adjourned at 8:14 pm.

Submitted by
City Clerk Siffring