New Strawn City Council

Regular Monthly Meeting Thursday, September 14, 2023

PRESENT:

Mayor Rhonda Taylor Council members: Stephanie Baker, Johnny Hernandez and Butch Gilkison Absent: David Christiansen and Jeanne Haas Staff: Maintenance Operator Steven Dwight, Code Enforcement Ray Wards, City Attorney Philip Wright and City Clerk Lana Johnson Others: Greg Holmquist, Mark Petterson, Jaclyn Smith-Nelson, Ryan Nelson, Carl Lee, Jim and Illa Weeks, Raul Richister, Richard Newkirk and Robert Skipper.

CALL TO ORDER: Mayor Taylor called the meeting to order at 7:00 p.m.

FLAG SALUTE: The meeting opened with the Pledge of Allegiance.

AGENDA ADDITIONS/CHANGES:

Utility: b Water rate change to \$1.85 not \$2.06

APPROVAL OF AGENDA:

Baker moved, seconded by Gilkison to approve the agenda with change. Motion carried 3-0.

CONSENT AGENDA ADDITIONS: None

APPROVAL OF CONSENT AGENDA:

Consent Agenda Items MINUTES:

- A. Move to approve meeting minutes of August 10, 2023.
- B. Move to approve special meeting minutes of August 17, 2023.

WARRANTS:

Move to approve the Warrants dated August 8, 2023 through September 11, 2023 in the amount of \$144,591.78.

PAYROLL:

Move to approve the August, 2023 Payroll in the amount of \$11,276.52.

OTHER:

A. Move to amend the July 13, 2023 Council Minutes to include the following motion: *Hernandez moved, seconded by Christiansen to not exceed \$13,500 from Parks to complete the disc golf course for New Strawn.* **Motion carried 4-0** *Hernandez moved, seconded by Gilkison, to approve the consent agenda as presented.* **Motion carried 3-0.**

APPOINTMENTS:

a. Coffey County Economic Development Director, Bobby Skipper & Environmental Health Director, Carl Lee – Utilities at the Industrial Park/Airport

Robert Skipper: Coffey County has recently, as everyone knows has started to have a little bit of development the airport north of New Strawn. We have a company called SSM or Secure Semiconductor Manufacturing, they will begin construction rather quickly just crossing all the T's and dotting all the I's. They should be moving dirt here pretty soon. So, prior to them locating we started having the discussion of adequate public infrastructure being in place. The airport, like other things in the county when it was first designed it wasn't anticipated that there would be future growth. And at the time I imagine the county or whoever was footing the bill at that time wanted to do things economically so we cut corners we don't anticipate that future growth. So here we are trying to accomplish providing adequate water volume and pressure to service to this new industry and also trying to figure out how to most economically and efficiently provide that public access to Sewer. If they were locating inside the city or inside of the other city or county, they would have access to public sewer. There, there is no public sewer and most people have their own sanitation facilities on their own site. That's not preferred. Most of the people out there already are asking for there to be access/hookup to public sewer. Not only KanSeal but our own airport. We love to hook into public sewer. It is not available. So we start having this conversation about building it and what it would take to build a public facility. One other option would be to if New Strawn agreed run service down to New Strawn and hook into New Strawn Service. That's contingent upon New Strawn agreeing to take it at a certain rate and at a certain make up. It has to be a certain type of discharge for you to want to put it in your lagoon. We started having these conversations and now we have arrived at the idea that we could build a public facility, a small public facility out there. Which Carl in just a second, he will describe, that would act as a public utility to service the temporary needs, the short term needs for everybody out there. They can hook to it, that will work for a while. In the future we may still need to and I would ask council tonight. One of our requests would be council start having that conversation and figure it out - if you would and if you did what would be your minimum standards. Set rules for us so if there is any future growth, we can anticipate what New Strawn's reaction right be to accepting service or not accepting connection to service. **Carl Lee:** and as part of that connection to service cycle with the sewer we are trying to look through our crystal ball and see what kind of growth would be going on out there that would be supported in the future to make it worthwhile economically to build a sewer system to bring it back from the Coffey County Airport back towards Strawn to the lagoons and wastewater system if you would take it. Now that's how we got to we started having that discussion to look at that but there's other things factor into that such as how

much water would the industries need and whether there would be enough water volume available through the water rights through the City of Burlington since water purchased from RWD3 for that area. So, there's a bridge and it's gotta be crossed. I know that SSM and their wastewater system but they're looking at is they're going to have approximately 30 employees that would be the domestic wastewater that would go into wastewater stream. They're also going to have what they call their processed water which would be basically from their RO system. They will have an industrial wastewater process in which they will use that RO water that they made to rinse their product. Now with that they are calling for 0 discharge on their industrial side of the water they would keep that onsite to continue to recycle and reclaim them until they basically nothing left of taking take samples and decide how to dispose.

They would not be disposing that into our domestic wastewater streams. The other part of that is a byproduct of their RO water in making processed waters is called RO brine. That would be the discharge to the wastewater side of things. It's called brine because what it's doing is basically removing the minerals of calcium and magnesium and a few others that would be concentrated within that. Now when I had the conversation with State of Kansas, they said do you have wastewater stream to put that into like a community sewer system because it would automatically dilute it out. That's how Strawn basically got pulled into this because you have a population of 400 and we look at it as 475 gallons per person per day. You guys have a great dilution stream. That's an EPA number we use frequently for figuring wastewater discharge in what we need or not need at the county level. That's why that was pulled into that was thinking about what the future look like. **Taylor:** So, you guys will be getting the water from RWD#3? **Lee:** yes, from Coffee County RWD#. Now we had a conversation awhile back where we brought the City of Burlington and Steven was part of the conversation where we brought

people together to talk about what the water system was serving the airport and the water mains in the area how you are interconnected and things of that nature so we have a picture of what the total water picture would look like out here for future development also. It was a great conversation to have with Danny Hawkins, Steven and Chris from the rural water. That way we were able to close the conversation with the engineers on what's available and how things are interconnected. **Skipper:** Can you explain why that conversation was being had?

I mean so in the sense a big battery plant located right up the road. Is there need for then everybody to get concerned with the understanding how they can share water or provide extra water? **Lee:** Part of that is too is we hit this time of year with drought, water pressure drops is there a way any type of agreement into the future not saying it has to be done but it was an idea that we thought about was being kicked around but we hadn't acted on it yet is having engineers look at it on how could we facilitate a situation where a main in which water could be shared through Strawn because of the location where the water tower is in conjunction with RWD#3 and the airport. So those are some of the things we're just kicking around are these ideas to look at down the

road so corporate planning can ensure that we have adequate water volume and pressure for the areas. **Skipper:** Which is a discussion we still want to have. **Lee:** As future builds on. We're currently also looking at so you know what we're doing onsite at the airport when you drive by wondering is using some wastewater technology that's known as sand bed. Where we would put the wastewater over sand bed then let it infiltrate in the ground kinda like a septic tank lateral field but it's got a little bit more treatment to it.

What you do is use septic tanks and a pump tank to dose that system in order to make sure that system doesn't overload it. That's what we're looking at short term, zero to ten years to 15 because of the wastewater volume isn't that high from any development out there and the airport. Ther is always the rumor that someone could be putting the building at thought there would generate waste water also. It would take about 3/4 of \$1,000,000 somewhere in that area just to run the main to Strawn. 2000 gallons isn't really feasible at this time to bring wastewater this way. Strawn was mentioned in a public meeting as a possible option so that's how it got brought up. We wanted to keep everything all considerations open for appropriate accounting for now and into the future. **Taylor:** Does the council have any questions? **Baker:** Is this going to end up being a situation like the other where we kind of go round and round because we don't normally provide sewer unless we provide water. That is how we plan how much we charge. We charge based on how much water they use for their sewer. That is the thing we ran into with the new development, the water district was not going to give up their rights to the water so we couldn't provide sewer. Lee: That would be a conversation to have at that point and time. Skippier: I would like to comment now. On an economic level that can't be the mindsets of any of our cities or county. This work around is for everybody. In that scenario, if that developer was willing to pay a price that allowed New Strawn to consider not excepting water but just taking only sewer? I think that is something that should have been considered. You have more volume to provide the dilution even only taking sewer service. So, if they had said or somebody had asked would you pay X dollars for the rate? That makes sense financially. I think that's something that should have been talked about then. That's also the same concept if there was only sewer service, if a big industry landed tomorrow right up the road and they said we're gonna pay you ever you ask. We just wanna hook to New Strawn, it shouldn't maybe automatic no we can't do it. I think at least ask how much they are willing to pay. **Baker:** I'm not saying no we would never do it but that was what we ran into in that situation. That has been our experience is that is how we base our sewage cost is on how much water they use. We would have to come up with a whole new procedure. **Gilkison:** Did you allude to that in your opening remarks? I don't remember your exact quote some acceptable rate? Lee: Yes, some acceptable rate. If the county does run a waste water system out there it's one of the options on the table and we would negotiate a rate with them. How we would accept it, who would keep the maintenance up on the system. **Gilkison:**

Would you hook all three businesses together? Lee: Preferably everything would be after we hook it and bring it this direction so we don't have a private waste water system out there that can fail. Just bring them all along at one time at one cost. How they would figure the volume that make a force main work is off the total volume of water that it would pump. Gilkison: So, we would need a rate that is acceptable to all three. Lee: Right. Skipper: One of the existing businesses out there right now has been begging for public hookup but it's not feasible financially unless somebody's willing to pay for the transmission piece to actually get the service here. I think they would pay you blood right now to hook onto your system. **Gilkison:** Would the county participate in that? **Skipper:** In different ways. **Taylor:** What do you mean in different ways? **Skipper:** We would first seek grant funding. We could certainly procure grant funding. Whatever the balance is if it's acceptable to commissioners, I am 100 percent certain they would favorably consider it. Lee: There is grant money available. Yesterday the Kansas water fund approved as part of the plan a grant for water conservation measures. **Taylor:** Is it a grant or a fund? Lee: They labeled it as a grant. You don't know what the grant is until you read the fine print. SSM uses a technology to recycle their wastewater that they're generating off their rinse water is expensive technology. They asked the question of is there any grants available for us recycling water, saving public water because ultimately it does. Because they are using that water down where they can't use it anymore and they have to dispose of it. That technology to do is very expensive they are using what they call reverse osmosis technology in conjunction with they can put it in ion chambers if they need to remove anything else from that waste water. **Taylor:** Would they be doing their own testing? Lee: Yes, and in conjunction with the State of Kansas. Their industrial waste water, rinse water so they would be working with the Bureau of Water or the Bureau of Solid and Hazardous Waste. At that time, it would have to be measured to see if it was a solid or hazardous waste. That will affect how they dispose of the final product. **Hernandez:** There will be lift stations somewhere along the way? **Lee:** A few of them. **Hernandez:** Who would be in charge of maintaining the pumps, pay the electrical to run those? Lee: That's why for at this point in time for 2020 gallons of wastewater it's really not feasible at this moment. It was brought up as we develop it what would we do if we start reaching higher volumes. New Strawn is a great candidate. Baker: I don't think we are closed minded to it but it would take a lot of conversation and figuring out what exactly the plan is. Lee: Steven what was the number you provided for us in the meeting for total capacity? **Steven:** Population 2000 and talk about lift stations, Kansas will require for a backup generator and a backup pump system to be ready on hand so if one fails. That needs to be in the discussion. Lee: So, this would be part of all that. Taylor: So, we need to make our little "laundry list". Lee: Just have it ready so for when we have that conversation. **Gilkison:** Mechanically, would we hook into the farthest north point? **Dwight:** I would say hook into the north end of Industrial to keep it out of the main part of the sewer. That way it wouldn't fill the main part of the trunk up if there is future

development. **Taylor:** It was nice that you guys came in and wanted to visit with the council. We appreciate it.

b. Jim Weeks - Easement

Jim weeks handed out maps. **Weeks:** The reason I'm here is there seems to be some misunderstanding where the easement is for my property and for everybody else on the South side of Cheyenne Street. So I went down to the courthouse and got these maps and stuff here. Looked through all Register of Deeds records and stuff to refresh my memory. There is a 20-foot easement between everybody on Cheyenne Street and the former golf course. The north 10 feet of is on everybody's property is along Cheyenne Street. The reason I'm here there seems to be some confusion here because code enforcer came and measured the weed height on my utilities on my property. But then the next day Mr. Nelson came and weed eated those utilities. I confused on how somebody from the City obviously must have told him he needed to weed eat but he is weed eating on my property. So, I just want to make sure that if the city before they send people out to go weed eating or something they need to make sure they have the correct landowner involved. Taylor: I would like to refer this over to Philip. I believe there was conversation with emails this last week discussing all of this and I'm going to turn it over to you Philip. Wright: Was there anything else you wanted to say Jim or was that pretty much it? **Weeks:** That's pretty much it. **Wright:** There is some confusion. This is a civil issue between two land owners. If there is a property line dispute that is between you and your neighbor. The City is not going to get involved in a property line dispute. That's where it's at. Weeks: Then why did the City send then over to my property? Wright: What property that belongs to you did the City send somebody over to weed wack? **Weeks:** Pointing at a map – There is MT Networks there and the REC pedestal right there. He measured. There is a pedestal in the center there. Wright: In the easement? What part of the easement? Weeks: This part here, all along here. My water meter, MT Networks, CenturyLink Telephone Mediacom. It's not on my property, it's on the next-door neighbors. Wright: How do we know it's on your property? **Weeks:** If the City put water meters on everybody's **Wright:** If your gonna yell at we are going to end the conversations. **Weeks:** Common sense would say if the city put the water meters on somebody else's land, then you have problem the whole length of that street. Wright: I believe that the city put the water meters probably over 30 years ago, in an easement. **Weeks:** OK **Wright:** It's in an easement. So the city put the water meter in an easement. We understand that right? I asked you a question which was how do you know where your property line is. The property line has nothing to do with the easement. Weeks: Well, it does. **Wright:** Jim, the property line has nothing to do with the easement. The property line is the property line. **Weeks:** Yes, and that includes my easement. **Wright:** I kindly suggested that you have a surveyor to come out and mark the property line. **Weeks:** I'm not going to pay a bunch of money to have somebody survey to tell me that my water meter is not on

somebody's else' property. You are going to have to tell everybody along Cheynne Street that they gotta do the same thing. **Wright:** I think the surveyor would establish would establish where the property is for you because you're the only one that seems to care Jim. Weeks: No, my next-door neighbor has gone and got the same information and showed it to me yesterday because of the same thing. Somebody went and drove a stake next to his fence. Wright: Let me show you something Jim. It's very small this is the best copy I have. This is the survey that was done in 2007. This is your property right here. That denotes a pin in the ground. If you come up here that tells you that there is a $\frac{1}{2}$ " rebar in the ground denoting the property line. Which I believe is that piece of rebar right there. You can see a little square right there. You can have this. There is a little square right there that denotes a marked pin which come here to that square which is pin #LS1157. Right there which is this pin which I verified today before I came to the city council meeting. Just on the east side of the picket fence of the Marchant property. The southwest corner. That's the property line. Which is I think about where, your neighbor that owns the golf course had that marked with a t post. You are welcome to take that. Weeks: So, you are telling me that everybody's water meter is on somebody else's property? Wright: It's in an easement. Ila Weeks: You can't ban somebody from having access to their water on an easement. Wright: It's an easement. Anybody that needs access to the water to read it or to maintain it as access by virtue of being an easement. **Weeks:** If the water line is attached to that meter breaks, the landowner has to have access to it for repair. Wright: That's absolutely true. That's an easement. So, the landowner would have access by virtue of the easement to repair the water. That's why it's an easement. **Weeks:** I understand that but the easement if for the city. **Wright:** The easement is not for the city. The easement is for utility. **Illa Weeks:** So, everything that the courthouse you're telling us is wrong. All of that stuff at the courthouse gave us. Wright: No, I'm not saying, I have no idea what that is at the courthouse. I looked at the survey, ma'am. I talked to Steve Brosemer, who did the survey in 2007 and who did the drawings. OK. I talked to him and he said he would charge \$600 to come out and mark the property line for you guys. Almost immediately, just a week or two because he's out here anyway, but I believe the rebar that's been found on the curb. And certainly, the ones the survey pin marked LS whatever is on there. Are the proper survey marks for the property, You guys, you get wound up with this easement business. The easement is for any utilities for anybody to access that if they need to service utility, nobody is barred from fixing their water line because it's in an easement that is on an adjacent property owners' property. I just I don't understand where you are coming from. Quite honestly, we are answering hypotheticals here. If something breaks, hasn't broke. Have you been stopped from? Weeks: I just went and shut off the water when a line broke a few years age. Wright: What I'm saying is if your water line breaks between your house and the meter, ain't nobody gonna stop you from fixing the water line. That's like that's just a false narrative. You have a legal right to go into an easement and fix water line in an easement. **Weeks:** Ok **Wright:** It's

not a city easement. It's a utility easement for whatever the deed had been granted utilities were originally allowed to be in that easement. I understand that water and sewer. **Weeks:** Electric and everything. All of the utilities. **Wright:** and quite honestly there have been utilities in there for so long that there's a what we call a prescriptive easement for anybody that's servicing those utilities to be able to get in there and use the easement to repair the utilities. You guys have got cut this nonsense out. I mean, if you really are worried about it, go out the surveyor mark it for you and you will know where your property line is at and stop the nonsense. It's not that expensive just to get it figured out. Really don't want to trust the pens that are in the ground then go do that and then you know. It's a lot cheaper than hiring lawyers I can tell you that, right? **Weeks:** Thank you for your time. **Taylor:** Thank you.

PUBLIC COMMENTS:

Jaclyn Nelson: Read from a printed document as follows: Bullies and Dreams

I'd like to share a story of dreams, aspirations, and the unfortunate challenges we sometimes face along the way.

When I first laid eyes on my amazing piece of property, my mind swirled with ideas of transforming it into a place of community, growth, and learning. I envisioned vibrant community gardens blooming with life, learning centers where knowledge could be shared freely, and a beautiful dream home that would stand as a testament to my journey.

However, as often happens in life, I encountered a roadblock- neighborhood bullies. These individuals, who seem determined to thwart progress and stomp on dreams, have become a hindrance to my vision. Their actions and behavior have dampened the enthusiasm and energy that once fueled my dream.

But let me be clear: dreams are not easily shattered. They are resilient, and they thrive on the challenges we face. While these bullies may have momentarily cast a shadow upon my dream, they have not extinguished the flame of determination. within me.

I believe that dreams are not just meant for individuals; they are meant for communities. Dreams have the power to unite people, ignite passions, and foster a sense of purpose. It is with this belief that I implore you all, my fellow community members, to rise above the negativity and join hands in creating a harmonious environment where dreams can flourish.

We must remember that community gardens are not just about cultivating plants but cultivating connections. They are spaces where people can come together to nurture the earth and their relationships with one another. Learning centers are not just about acquiring knowledge but about empowering our community members to reach their full potential. And a dream home is not just about four walls and a roof but a sanctuary where dreams are born and nurtured.

Together, we can overcome the challenges posed by these bullies. We can rise above their negativity and create a community that celebrates each other's dreams. Let us come together, with compassion, understanding and resilience to turn these obstacles into stepping stones towards a brighter future.

In conclusion, my dreams may have faced turbulence due to the presence of neighborhood bullies, but I refuse to let them define my journey. I invite each and every one of you to join me in creating a community that embraces dreams, fosters growth, and silences the voices of negativity. Together, we can transform our amazing piece of property into a sanctuary of hope, inspiration, and endless possibilities.

Thank you.

Richard Newkirk: The property that I sold to my son, the ditch, the north side of 16th road. I talked to Steven about it some. It's up to the landowner to maintain the right of way. And the water it needs to be reditched. He needs some support from you guys to either get somebody in there to do it or figure out something. There is a tube that runs across from the dance hall ground. Clear cross that property. When I bought the property there was no easement from anybody and I gave the easement so they could keep it there. It and the water line both that t goes over to the Honda shop. So anyway, at one point in time Larry Rich put in an extension on because it dumped water on the end of the property. It needs to be carried on because it doesn't line up with the ditch that comes off the highway. So, we've got mess there. Water hard to maintain, mow. I need somebody guidance to get it fixed. Thanks

FINANCIAL REPORTS:

a. Additional Warrants - None

STAFF REPORTS

Zoning Administrator

- Approved 2023-Z-6, zoning permit for a house located at 708 N Arrowhead Dr, Alisa James
- Planning & Zoning Board of Appeals Conditional Use Public Hearing Adam & Danah Stahl – Update: BZA-23-01 for a 30' x 40' shop located at 355 N 3rd St was approved at the September 13, 2023 meeting.

Code Enforcement Officer/Public Safety

- From the lady that just left, we received a complaint. They complained about the weeds and couldn't see their meter. I went and measured I did find 5 springs that were over 12 inches high Around the water meter it was probably 4 inches high. So, it can grow another eight people before we complain.
- Issued a citation to a resident that had untagged dogs at large. She is to be in Burlington Municipal Court on October 14, 2023.
- The abandoned vehicle with expired tags and flat tires has been removed.
- A text from Gordon Myers had stated that Ray should "follow protocol regarding the cleanup on the property on 3rd Street. Gordon had also stated that all contact

should go through him as Glenna's phone was broken and she couldn't respond to texts. **City Attorney Wright:** It's gone on long enough. Issue a citation.

Maintenance Operator

- Been digging holes the last 5 days trying to find small water leaks. Replaced the meter pit at the New Strawn Fire Station.
- Culverts still trying to make contact.
- Monthly Bac-T Samples: were turned in late we won't get in trouble but will have a ding on the report.

City Clerk

- The League of Kansas Municipalities Annual Conference, October 7-9, 2023
- Review of Permit Fees: A conditional use permit fee is only \$50 and the publishing fee alone was &79.38. I will be reviewing the permit fees, comparing them to local cities and present a potential increase.
- Copier Repairs: The copier is needing more repairs. We will need to look a replacement in the next budget.
- Employee Health Insurance: the rates that were presented at the last meeting with Hickman was comprehensive rates.
- Strawnfest Council Portion of Hot Dog Feed: Reminded council payment is needed for their portion of the food provided.
- Community Building Rentals

<u>September</u> – 9^{th} OK Kids, 19^{th} I.B.E.W., 21^{st} – 23rd Kurtz Auction <u>October</u> – 17^{th} I.B.E.W., 20^{th} – 22^{nd} Private Event

City Attorney

Mayor's Report

a. Contract Janitor – Recommendation

Gilkison moved, seconded by Baker to hire Erin Petterson as contract janitor at \$15 per hour. **Motion carried 3-0.**

b. Carol Will Thank You – Chamber Bucks

Baker moved, seconded by Gilkison to give \$25 in Chamber Bucks to Carol Will in appreciation for her service in keeping the Community Center, Park Restrooms and City Hall shining. Motion carried 3-0.

- c. Council Work Session Our Future Mayor Taylor asked that the council check their calendars for October. She would like to have a work session to talk about the future of the City of New Strawn. City Clerk Johnson is to try to set a meeting up for the 3rd week of October.
- d. Hazard Mitigation Fund 75/25%- Generator -Mayor Taylor will continue her research and getting the application ready for submission.
- e. Ordinance 2023-03 Standard Traffic Ordinance

Baker moved, seconded by Hernandez to approve Ordinance 2023-03 Standard Traffic Ordinance as presented. Motion carried by a show of hands 3-0.

f. Ordinance 2023-04 Uniform Public Offense Code for Kansas Cities

Baker moved, seconded by Hernandez to approve Ordinance 2023-03 as presented. Motion carried by a show of hands 3-0.

Finance & Economic Development Report – Jeanne Haas - no report

Community Center Report – Stephanie Baker

Maintenance Operator Dwight reported that he should have a contractor looking at the Community Center roof soon.

Utility Report – Butch Gilkison

a. Water Usage & Loss Report

- Council Member Gilkison presented the Water Usage and Loss Report.
 - b. Water Rate Increase the council asked City Attorney Wright to work on an ordinance to increase the New Strawn water rate by the amount the City of Burlington is passing on.

Street Report- Rhonda Taylor – no report

Public Relations Report- Jeanne Haas - no report

Parks & Recreation Report – Johnny Hernandez

- a. Disc Golf Update Disc golf project is moving. The baskets have been picked up.
- b. Tennis Courts/Pickleball will talk with Scot Jeffers about upgrading the courts.

New Business:

Old Business:

a. Kwikom Tower Lease – Update to be moved to the October agenda.

Adjournment:

Baker, seconded by Hernandez, to adjourn the meeting at 8:38 p.m. Motion carried 3-0.