

**MEETING OF THE CITY COUNCIL
OF LINN VALLEY, KANSAS
AUGUST 26, 2024
6:00 pm**

Mayor Lewis Donelson called the meeting to order at 6:00 pm.

COUNCIL MEMBERS PRESENT: Richard Gravelle, Robert Suppenbach, Michael Hemphill,
John Weers, and Dan Donham.

Also in attendance: City Attorney James Brun
Public Safety Director Corey Murrison.

2025 BUDGET REVENUE NEUTRAL HEARING

Budget Revenue Neutral Hearing was opened. With no comments from the public the hearing was then closed. Councilman Weers made the motion to adopt Resolution 134 to exceed the Revenue Neutral Rate. The motion was seconded by President Suppenbach, motion carried 5-0.

2025 BUDGET HEARING

The Budget Hearing was opened for discussion. With no comments from the public the hearing was closed and the Mayor asked for council approval. President Suppenbach made the motion to adopt the 2025 Budget. The motion was seconded by Councilman Weers, motion carried 5-0.

CITY COUNCIL MEETING

APPROVAL OF MINUTES

President Suppenbach made the motion to accept the August 12, 2024, minutes. The motion was seconded by Councilman Weers, motion carried 5-0.

The Mayor requested a twenty (20) minute Executive Session to discuss contracts and property acquisitions. President Suppenbach made the motion to move into Executive Session for twenty (20) minutes regarding contracts and property acquisitions to return at 6:25pm. The motion was seconded by Councilman Weers, motion carried 5-0.

The meeting was called back to order at 6:25pm with no action taken.

Discussion was held on the future of the City Hall, and the need to focus on the two major projects happening right now within the community.

Councilman Weers made a motion to rescind the offer made to the POA for the property located at 2400 Road and Ullery Road. The motion was seconded by President Suppenbach, motion carried 5-0.

President Suppenbach made a motion to withdraw his previous motion to accept the contract with BG Consultants for a feasibility study to be done for a location of the new City Hall in the amount of \$9500.00. The motion to withdraw and not accept the contract from BG Consultants was seconded by Councilman Weers, motion carried 4-1 Councilman Donham voting Nay.

President Suppenbach then made a motion to rescind Resolution 128, a Resolution approving a feasibility study and preliminary design of a new City Hall Building. The motion was seconded by Councilman Weers, motion carried 4-1 Councilman Donham voting Nay.

President Suppenbach made a motion to rescind Resolution 133, a Resolution establishing an Economic Development Advisory Committee. The motion was seconded by Councilman Weers, motion carried 3-2, Councilman Donham and Councilman Hemphill voting Nay.

UNFINISHED BUSINESS

REVISED ROOF BID

A revised bid was presented to the Council for a full replacement, if needed, on the Annex building next to City Hall. Councilman Weers made a motion to accept the roof bid from JC Custom Services, LLC in the amount of \$14,107.14. The motion was seconded by President Suppenbach, motion carried 4-1 Councilman Donham voting Nay.

CITY HALL RENTAL LEASE AGREEMENT

Councilman Weers made the motion for the Mayor enter the extended contract from 11/12/2025 – 9/15/2027 increasing the monthly amount to \$1805.27. The motion was seconded by President Suppenbach, motion carried 4-1 Councilman Donham voting Nay.

EMPLOYEE CELL PHONES

The legal counsel has advised the Mayor and Council it would be in the best interest for Council Members and employees to have City owned cell phones to conduct city business. Verizon has a plan for Municipalities that would cost the city approximately \$50.00 a month per phone line. Councilman Weers made the motion to provide cell phones to Council Members and Employees for City business. The motion was seconded by President Suppenbach, motion carried 4-1 Councilman Donham voting Nay.

COUNCIL COMPUTERS

The legal council also advised the council to do all city business on a laptop provided by the city. President Suppenbach researched computers and found one that is adequate for the council needs for \$216.00 each. Councilman Weers made the motion to purchase computers for \$216.00 each not to exceed \$1500.00 for each city council member. The motion was seconded by President Suppenbach, motion carried 5-0.

ECONOMIC DEVELOPMENT APPLICATION

Application was rescinded.

PROPERTY ACQUISITION

The offer was rescinded.

NEW BUSINESS

No new business to discuss.

PUBLIC COMMENTS

An audience member asked for clarification on which building was getting a new roof.

ADJOURNMENT

Councilman Weers made a motion to adjourn the City Council Meeting. The motion was seconded by President Suppenbach, motion carried 5-0.

Submitted by:
Mendi Cyr
City Clerk



Constitution Week Proclamation

WHEREAS: September 17, 2024, marks the two hundred and thirty-seventh anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through the 23rd to be Constitution Week,

NOW, THEREFORE I, Lewis Donelson by virtue of the authority vested in me as Mayor of the State of Kansas, in the City of Linn Valley, do hereby proclaim the week of September 17th through 23rd as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals of the Framers of the Constitution in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed this 9th day of September the year of our Lord two thousand twenty-four.

Signed _____
Mayor, Linn Valley, Kansas

SEAL

Attest _____

City of Linn Valley Financial Report

August 31, 2024

Total Income	\$57,297.67
Total Vouchers	\$136,316.70
<hr/>	
Total Vouchers	\$124,782.99
<hr/>	
Checking/Savings	
Money Market	\$279,047.18
Operating Checking	\$135,093.78
Sewer	\$205,714.50
Sewer Investment Pool	\$504,631.51
Street & Highway	\$162,585.92
Wastewater Investment Pool	\$133,425.32
Wastewater Investment Pool 365	\$4,852,881.43
Wastewater Project	\$99,745.52
Water Investment Pool	\$19,282.54
Water Project	\$67,480.09

Special Revenue Funds	
Parks & Recreation	\$3,550.59
Street & Highway	\$169,877.85
Special Equipment	\$54,695.29
Capital Improvement	\$48,725.70
Wastewater Project	\$5,086,052.27
Water Project	\$94,150.63
ARPA	\$819.95
Public Safety Reserve	\$18,586.17
Mayor's Christmas	\$900.37

Vouchers August 2024	
General Fund	\$65,093.41
Street & Highway	\$919.80
Sewer Utilities	\$4,781.49
Water Project	\$65,522.00
Total Vouchers	\$136,316.70

	YTD 8/31/24	2024 Budget
General Government	\$134,888.41	\$146,079.00
General Buildings	\$20,590.00	\$47,850.00
Governing Body	\$7,481.12	\$11,020.00
Clerk, Financial, Admin	\$76,778.24	\$134,500.00
Municipal Court/Legal	\$57,921.25	\$99,430.00
Codes Enforcement	\$72,055.73	\$150,750.00
Planning&Zoning	\$7,177.26	\$16,700.00
Police Department	\$202,381.18	\$367,500.00
Fire Department	\$25,165.40	\$33,000.00
Public Works	\$3,587.19	\$176,106.00
Sewer Enterprise	\$224,642.88	\$410,009.00
Water Project	\$734,340.26	
WasteWater Project	\$228,067.34	

From: Page Enterprise LLC <cpageent@gmail.com>
Sent: Sunday, September 8, 2024 9:18 PM
To: clerk@linnvalleyks.com; mendi.cyr@linnvalleyks.com
Subject: Linn Valley - August report

Mendi,

the August report is as follows:

check lift station

locates as requested x9 - 24396044 222 Rosemarie Dr, 24401163 N Fascination Cir, 24403249 485 N Linn Valley Dr, 24427185 158 Kansas Dr, 24437332 N Linn Valley Dr, 24443232 121 Campfire Dr, 24443133 18 Ridgewood Ln, 24443103 26 Deepwoods Dr

Linn Valley Dr - set pit & lay low pressure line to road

Aaron Rice - change out pump

5 Birch Court - wired control panel (Scott)

changed out pump again on 189 Timber Valley Dr

--

Carla Brocker
office manager
Page Enterprise LLC
21368 Earnest Rd
Parker KS 66072
office: 913-898-4722
fax: 913-898-2422
cpageent@gmail.com

Building Codes Report
September 9, 2024
 Permit Application Status

YEAR	TOTAL SUBMITTED	TOTAL APPROVED	OPEN AS OF 8/31/2024
2022	276	248	6 (Extended)
2023	184	175	21 (8 Extended)
2024	170	154	105

Inspections – August 2024

	August 2024	YTD 2024	*YTD 2023
New Residence	2	28	15
Roof Replacement	0	0	1
New Electrical Service or Upgrade	7	79	44
New Skid Shed	4	5	1
Renovation of Existing Structure	1	10	13
Deck Repair or Replace	3	21	13
Accessory Building	2	27	13
New Dock	1	7	10
Carports (Metal Awning)	1	7	11
Lot Clearing	2	3	-
Culverts	3	8	-
Seawall/Retaining Wall	0	10	5
Sewer Holding Tank	2	32	20
Water Holding Tank	3	24	16
Concrete Patio/Slab	3	4	0
Propane Tank	0	4	1
Fence	0	3	0
POA Water	0	0	1
Sewer System	1	3	3
Rural Water	0	5	0
Tornado Shelter	0	0	0
Hot Tub/Swimming Pool	0	0	0
Gazebo / Lean-To	1	7	7
Garage Addition	2	18	3
Photovoltaic System Installation	0	1	1
Demolition	0	1	0
Totals	38	307	178

*Moratorium was in effect until April 2023

Nuisance Codes Report
September 9, 2024
Nuisance Codes for July 2024

Letter:

6-Certified Mail Letters sent
1 – Letter personally delivered

Violations:

1-Building without a permit
1 – 2 Campers on one lot
1 – Maintaining a residence in shed under 600 sq ft
1 - RV encroaching on easement.

Results:

1- Permit was applied & approved
1 – A statement of appeal was received

Citations Issued:

1 – Weeds & grass
1 – Junked Vehicle
1 – ACC bldg. in front of RV
1 – Sanitation and RV

Court

2 – Corrected & will pay court cost
1 – Active Warrant still
1– Jamie working with Steve – Continued to Sep Court
4 - Continued to Sept Court

Steve German
Codes Enforcement

6- Certified Letters & citations sent @ \$9.68 each
3- Trips to Post Office to send certified letters
2-Trips to Post Office to pick up returned letters (unclaimed)
24-Trips to properties
1 Court appearance
24 Files updated

ORDINANCE NO. 264

AN ORDINANCE ADOPTING BY REFERENCE, THE STANDARD TRAFFIC ORDINANCE BY THE CITY OF LINN VALLEY, KANSAS, OTHERWISE REGULATING TRAFFIC WITHIN THE CITY AND REPEALING ORDINANCE NO. 259.

IT IS HEREBY ORDAINED BY THE GOVERNING BODY OF LINN VALLEY, KANSAS:

Section 1. INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Linn Valley, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 2024 prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. One copy of said standard ordinance shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Linn Valley, Kansas," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

Section 2. REVISION OF THE DEFINITION OF "STREET OR HIGHWAY" That portion of Article 1, Section 1 which defines "Street or Highway" is hereby revised to read, in its entirety, as follows:

"Street or Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for vehicular travel, and the entire width between the boundary lines of any privately owned road or other way used for vehicular traffic when the owner of record of that privately owned way has filed with the City Clerk an affidavit, in the case of an individual, or a certified enactment or writing, in the case of an entity, declaring the desire of said owner that said privately owned way shall for the purpose of the enforcement of the Standard Traffic Ordinance, be treated as a public way and said Standard Traffic Ordinance be enforced thereon in all respects as though it were a public way. Where the word "highway" or the word "street" is used in this ordinance, it shall mean street, avenue, boulevard, thoroughfare, trafficway, drive, lane, alley, and other way for vehicular travel by whatever name unless the context clearly indicates otherwise."

Section 3. REVISIONS OF A PORTION OF SECTION 1.

The definition of All-Terrain Vehicle in Section 1 is hereby revised by the addition of the following sentence:

"The term All-Terrain Vehicle (ATV) shall also include all vehicles commonly referred to as "go-karts", and "dirt bikes" which are not otherwise registered with the State of Kansas for use upon the public highways of the state."

Section 4. REVISION OF SECTION 191. Section 191 is hereby revised by the addition of the following sentence:

"Every All-Terrain Vehicle, Work-Site Utility Vehicle, and Micro Utility Truck shall comply with Section 175, on noise prevention and mufflers. The noise from engine exhaust or muffler cannot exceed 90 decibels when measured from 500 feet from the vehicle."

Section 5. REVISION OF SECTION 192. Section 192 is hereby revised by the addition of the following:

"Any person operating an All-Terrain Vehicle (ATV) or golf cart upon privately owned streets to which this ordinance applies must be the holder of a valid driver's license, except that, no driver's license shall be required for the operation of an ATV or Golf Cart by any person under 16 years of age, provided that such operator shall either be accompanied on the ATV or golf cart by or within a 100 foot sight distance of an individual over the age of 18 years. Any person in violation of this Section who is 14 years of age or older can be issued a Notice to Appear in Linn Valley Municipal Court.

In the event a person under the age of 14 is in violation of this Section, said person's parent or legal guardian may be issued a Notice to Appear in Linn Valley Municipal Court."

"Any person operating a Work-Site Utility Vehicle, or Micro Utility Truck upon privately owned streets to which this ordinance applies, must be the holder of a valid driver's license. Any person in violation of this Section can be issued a Notice to Appear in Linn Valley Municipal Court."

Section 6. REVISION OF SECTION 198. The terms of Section 198(a)(l) shall not apply to Golf Carts operating on any privately owned street to which this ordinance may apply.

Section 7. No All-Terrain Vehicle, Work-Site Utility Vehicle, Golf Cart, or Micro Utility Truck shall be operated within the City except on property owned by the vehicle's owner or on private roads within the City. The operation of such vehicles shall be governed by all traffic laws and regulations applicable to motor vehicles within the City.

Section 8. No All-Terrain Vehicle, Work-Site Utility Vehicle, Golf Cart, or Micro Utility Truck shall be operated from sunset to sunrise unless equipped with operable headlights and taillights, with white lights to the front and red lights on the rear, as required by law for motorcycles.

Section 9. TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.

(1) An ordinance traffic infraction is a violation of any section of this ordinance that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. Supp. 8-2118.

(2) All traffic violations which are included within this ordinance, and which are not ordinance traffic infractions as defined in subsection (a) of this ordinance, shall be considered traffic offenses.

Section 10. PENALTY FOR SCHEDULED FINES. The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than \$10 nor more than \$1000, except for speeding which shall not be less than \$4 nor more than

\$500. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$1000.

Section 11. REPEAL. Ordinance number 259 is hereby repealed.

Section 12. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 13. If any section of this ordinance is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and the applicability thereof to other persons and circumstances shall not be affected thereby.

Section 14. This ordinance shall take effect and be in force from and after its publication of a summary in the official newspaper of the City and the publication of the entire ordinance in the official website of the City at www.linnvalleyks.com for at least one week.

PASSED AND ADOPTED by the governing body of the City of Linn Valley, Kansas this 9th day of September 2024.

Lewis Donelson, Mayor

Mendi Cyr, City Clerk

ORDINANCE NO. 265

AN ORDINANCE ADOPTING BY REFERENCE TO THE UNIFORM PUBLIC OFFENSE CODE BY THE CITY OF LINN VALLEY, KANSAS AND REPEALING ORDINANCE NO. 251.

IT IS HEREBY ORDAINED BY THE GOVERNING BODY OF LINN VALLEY, KANSAS:

Section 1. INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Linn Valley, Kansas, that certain code known as the "Uniform Public Offense Code," Edition of 2024, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed. One copy of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Linn Valley, Kansas," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

Section 2. Ordinance No. 251 is hereby repealed.

Section 3. This ordinance shall take effect and be in force from and after its publication of a summary in the official newspaper of the City and the publication of the entire ordinance in the official website of the City at www.linnvalleyks.com for at least one week.

PASSED AND ADOPTED by the governing body of the City of Linn Valley, Kansas this 9th day of September 2024.

Lewis Donelson, Mayor

Mendi Cyr, City Clerk

RESOLUTION NO. 132

A RESOLUTION REPEALING RESOLUTION NO. 130 AND AUTHORIZING CERTAIN INDIVIDUALS TO SIGN CHECKS, TRANSFER FUNDS, AND MAKE CERTAIN EXPENDITURES FOR THE CITY OF LINN VALLEY, KANSAS.

WHEREAS, the City of Linn Valley, Kansas, maintains accounts at Labette Bank in La Cygne, Kansas; First National Bank of Louisburg in Louisburg, Kansas; and the Kansas Municipal Investment Pool.

WHEREAS the City Council wishes to designate by Resolution those members of the Governing Body and City of Linn Valley Staff who are authorized to discuss accounts, withdraw funds, authorize checks, and be listed as authorized signers and take all other actions involving City Accounts at Labette Bank in La Cygne, Kansas; and the First National Bank of Louisburg in Louisburg, Kansas.

NOW, THEREFORE, BE IT RESOLVED, that.

Section 1. Labette Bank in La Cygne, Kansas; and First National Bank of Louisburg in Louisburg, Kansas are hereby designated as depositories of the City of Linn Valley, Kansas, for the purpose of banking services; and

Section 2. The following individuals are hereby individually authorized to sign checks and orders for the payment of money; and withdraw funds on deposit with the named financial institutions and shall be listed as signers on all accounts established with the institutions.

<u>Name</u>	<u>Title</u>
Lewis Donelson	Mayor
Robert Suppenbach	City Council President
Melinda Cyr	City Clerk
Jennifer Schooler	Codes/Billing Clerk

Section 3. All checks and transactions in an amount up to \$5000.00 must be signed by two authorized check signers listed in Section 2. All checks and transactions in an amount of \$5000.00 or greater must be signed by two authorized check signers listed in Section 2, one of which must be a member of the governing body.

Section 4. Transfer of funds to and from various checking, savings, and other accounts owned by the City must be approved by two authorized check signers listed in Section 2. All transfers in the amount of \$50,000 or greater must be signed by two authorized check signers listed in Section 2, one of which must be a member of the governing body.

Section 5. Any portion of any resolution conflicting with this resolution is hereby rescinded.

Section 6. Resolution No. 130 is hereby repealed.

Section 7. This resolution shall be effective upon its passage by the Governing Body.

PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF LINN VALLEY, KANSAS THIS NINTH DAY OF SEPTEMBER 2024.

Lewis Donelson, Mayor

ATTEST:

Mendi Cyr, City Clerk