

CITY OF SEVERY
REGULAR BUSINESS MEETING
FEBRUARY 3, 2025
7:00 P.M. AT CITY HALL, SEVERY KS

Present: Mayor Donna Wiss, Council members Marc Warren, Lyle Riggs, Ron Robert, Rodger Kraft, Kevin Klepper, Clerk Tessa Riggs, Water Superintendent Paul Schmidt, Treasurer Madelyn Lee (via zoom) and City Attorney William McClendon

Guests: Kym Hampton, Toby Kuhn, Kendall Pierce, Jeanna Fout, Ed Cornett and Robin Wunderlich (via zoom)

Mayor Wiss called the meeting to order at 7:00 p.m. The pledge of Allegiance was cited and roll called.

Guest Toby Kuhn with the Kansas Department of Health and Environment spoke to the council regarding the illegal dumping program. KDHE works with city and county governments to clean up illegal dumps throughout Kansas. KSA 65-3415 grants KDHE the authority to spend State Solid Waste Management Funds to help clean up illegal dumps under certain conditions. This is not a program that KDHE can mandate upon any city or county. It can only operate within the city or county at the request of the governing body. This is basically any illegal accumulation of solid waste. The program is a 75/25% match with 75% coming from KDHE and 25% coming from the local governing body. The 25% is matched by in-kind services by labor or equipment. KDHE goes under contract with the governing body, and they use the public works or road and bridge department to do the clean up or some places use a contractor. With the city doing the work, that qualifies to meet the 25% match. Kuhn explained just because they do a property under the program does not mean it will be a home and garden program when they are done. Residents are allowed to have items outside. KDHE will make a solid waste determination, whether it is trash or thousands of yard ornaments that other people don't like. There are 3 ways KDHE approaches the program. The first program is a volunteer compliance program. Kuhn will make a contract with the property owner, then sends them a letter and then will plan to come and look at the site and make those determinations on what the owner needs to do to make the property get back into compliance. The first letter gives the owner 30 days to start working on the property. Kuhn noted this can take several months to a year or two. Some properties are not that long. If the person is making some progress he will come back in 30 days and do another inspection site visit, and they will have to show receipts because once KDHE officially is involved any items on the property that is being removed must go to a permitted facility like a landfill. The second approach is a volunteer assistance compliance approach. KDHE would enter into a contract with the city and KDHE helps provide resources to make the process faster. There are times when the owner has the ability to bring the items to the property but does not have the

financial resources to dispose of it. KDHE has in the past provided roll off dumpsters and as long as the owner is utilizing the dumpster then Kuhn will continue to work with the owner. This approach is more cost effective than bringing equipment on to the property and can manage where the waste is going. The city would be responsible for finding a contractor for a roll off dumpster and arranging when it is full to get another one brought in. If the first two options don't work or the owner refuses to allow the KDHE to assist, then Kuhn's third approach would be to issue an administrative order that is issued by the Secretary of Health & Environment which gives KDHE and the representatives which would be the City's permission to have the contractors go onto the property to clean up. If it does go to that approach, there will be fines associated with that depending on how many violations they site. KDHE can fine up to \$5,000 per day per violation. KDHE would send out a resolution the council will have to pass. If it came to an administrative order and the owner contested it, all paperwork would be prepared by Kuhn and KDHE's legal staff and not by the City. The hearings are held in Topeka, KDHE staff attorneys will represent KDHE and the owner will appear and their attorney if they had hired one. The City of Severy might have their attorney look over the contract. If the City hired a contractor and it takes two or three days, Kuhn will be there to make all the solid waste determinations. Kuhn noted that not everything will be removed unless the owner states it will all go. KDHE does not expect the City to take pictures or have contact with the property owner. Mayor Wiss stated that the city's code enforcement officer has resigned, and the city is seeking another officer and how will that affect this process. Kuhn asked if the city wanted him to move forward on a site, to not take any code enforcement action until he is done. The problem is if the owner is getting city violations that KDHE is working on there will be different time frames. Kuhn also mentioned that he explains to the owner that just because he signs off that the solid waste is completed doesn't mean their property is in full compliance with the City. KDHE does not handle vehicles, as they are not considered solid waste in the State of Kansas. If the City enters into a contract with KDHE, Kuhn reported the property is going to get cleaned up unless the City refuses to sign the contract. Robert asked if this was just city owned right away property. Kuhn reported KDHE has full authority on private property. Warren moved to enter into a contract with the Kansas Department of Health and Environment for solid waste management. Klepper 2nd. Motion passed 5-0.

Guest Kendall Pierce is the owner and operator of Professional Code Compliance. He is a 3rd party code enforcement company that will read the city's ordinances and the process starts as similar to any code enforcement. The benefit to hiring a 3rd party is the community can't say they are picking favorites or the mayor is telling someone who to and who not to pick on. Kendall would first drive around town and will leave a notice by basically stating that a certain property is in violation according to the city ordinance. They will then send out a letter informing the owner they have ten days to come within compliance. After discussion, the council decided to table the code enforcement item until March's meeting.

Robert moved to approve January 2025 minutes. Kraft 2nd. Motion passed 5-0.

Warren moved to approve the January 2025 bills. Kraft 2nd. Motion passed 5-0.

Robert moved to approve the January 2025 treasurer's report. Warren 2nd. Motion passed 5-0.

Schmidt reported Independence Overhead Door came out this week and installed the door opener on one of the doors for the city work truck and they serviced all other city and fire barn doors. The city work truck is close to being done in the repair shop. Schmidt and Ledford will be attending water conferences in March. Ledford will need to attend all three days in order to take the state exam at conferences. Robert moved to approve \$25 per day for per diem for Schmidt and Ledford. Klepper 2nd. Motion passed 5-0. Schmidt noted a city pump has failed and another one has been ordered. The pump will be ready in approximately 3 to 4 months. The SCADA system will be getting done next. Schmidt and Ledford will be putting up the antenna tower in the next few days. Schmidt ended his report noting he has decided to step down as Severy Volunteer Fire Chief for the city and county. Schmidt stated the fire department will be voting for a new chief on Wednesday, February 19th and he will bring them into the next meeting so the council can vote on it.

Old Business.

Full-time employee raises had been tabled since December 2024. Robert moved to approve a \$1.50 per hour raise for the city clerk and \$2.00 per hour raise for the water superintendent. Kraft 2nd. Motion passed 4-0 for city clerk's wage. L. Riggs abstained. Motion passed 5-0 for water superintendent wages.

City Attorney McClendon will verify the legal process for the city vacant lots at a later time.

New Business.

Riggs moved to approve Resolution 2025-01 for the 2024 GAAP waiver for accounting purposes. Warren 2nd. Motion passed 5-0.2

Clerk Riggs reported that she had previously been utilizing the city hall letter board in the past for announcements and as time has gone on more organizations ask if things can be announced. Riggs stated she is limited to a certain amount of space and would like to keep the original sign but suggested getting an LED sign that would be able to accommodate more happenings/events in the community. T. Riggs stated that a 78x16 sign would fit right in the middle of the board. The sign information T. Riggs presented to the council would come with a 3-year warranty and tech support for \$1,085. Robert moved to approve T. Riggs to purchase an LED sign. Kraft 2nd. Motion passed 5-0.

Klepper moved to approve West Elk After Prom donation of \$100. Riggs 2nd. Motion passed 5-0.

Kraft moved to go into executive session with City Attorney McClendon and Clerk Riggs for 30 minutes for attorney-client privilege to include Clerk Riggs. Riggs 2nd. Motion passed 5-0.

Regular meeting reconvened. No action was taken.

City Attorney McClendon noted that there is a process on how to sell vacant lots. Robert moved to accept sealed bids on four city vacant lots. Klepper 2nd. Motion passed 5-0. A notice will need to be published for two consecutive weeks. Property will be sold as is. City will be taking sealed bids. Bids can be dropped off or mailed to City of Severy. Bidding will end on February 28, 2025 @ 5:00 p.m.

Klepper moved to adjourn the meeting at 10:05 p.m. Warren 2nd. Motion passed 5-0.

/s/ Donna Wiss, Mayor

Attest:

/s/ Tessa C. Riggs, City Clerk