

BURLINGTON CITY COUNCIL REGULAR SESSION 6-19-2019

City of Burlington Governing Body met in Regular Session at City Hall's temporary address, 1013 N. 4th Street, Burlington, Kansas at 6:00 p.m. Wednesday, June 19, 2019. Mayor Stan Luke called the meeting to order.

ROLL CALL: Stan Luke, Mayor

Council Members present:

Lewis Lenard (President of Council) Dallas Scothorn Jerilyn Curtiss
 J.J. Jasper Thomas P. Tschantz Sharon Hall

Superintendents Present:

Kevin Boyce (Parks) Alan Schneider (Electric) Mark Davidson (Street)
 Doug Jones (Chief of Police) Danny Hawkins (Water/Wastewater)

Also Present:

Regina Kewley (City Clerk) Susan Stroh & Mary Mader (Administrative Assistants)
 Tom Robrahn (City Attorney) Jimmy Hugunin (Zoning/Grants Clerk)
 Philip Wright (Assistant City Attorney) Anne Brown (Deputy City Clerk)

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Riley Morgan, Dawn Brannen, Sandy Lewis

AGENDA: *Council Member Lenard, "I move to approve the agenda as modified." Council Member Tschantz, "Second." Motion unanimously carried, 6:0.*

MINUTES 6/5/2019: *Council Member Curtiss, "I move to approve the draft minutes of June 5, 2019 as presented." Council Member Hall, "Second." Motion unanimously carried, 6:0.*

Administrative Assistant Introduction – Mary Mader

Mayor Luke, "At this time I'd like to introduce Mary Mader. She's our new Administrative Assistant. That will be after the 28th. So, make her comfortable."

APPOINTMENT: Sandy Lewis, Discussion on 404 South 3rd (Flood Damage)

Dawn Brannen, Sandy Lewis' daughter, addressed Council, "I am here to discuss a situation we had a few weeks ago about a flooding situation. I have some issues with my power being cut to my house, which led to damage to my house. Just a little history on the situation: On Tuesday, May 21st, I was contacted by Coffey County Emergency Management to let me know that the flood gates at Redmond Dam would be opened, and that I would need to get valuables out of my house. I did contact them back asking about sandbags. There was sand available and volunteers available, so I was able to get the bags. That night starting about 7 o'clock at night until about 11 o'clock at night, we bagged the properties of 403 S. 3rd - which is my property, 404 S. 3rd - which is my Mom's property, and 318 S. 3rd - which is my grandfather's property."

"So on Friday, 5-24, we had two storm cells come through. After most of the direct from tornado warnings had let up, I came home. I work at COF Training Services. I carried on with my normal day. We did have some flash flooding; but then at 9:20 at night, it was decided that I had city workers coming to my door telling me that they were cutting the power to my house due to safety reasons, and that they had already cut (power to) Riley Morgan's house - he lives in the old carriage house down the street (218 S. 3rd), and that they would be cutting Trester's on the corner of 3rd and Niagara (300 S. 3rd). However, they had already cut Riley Morgan's power, but they did not ever cut Trester's power, which was on 3rd and Niagara. Also, that night, there was a house at Country Club Heights (west 12th Street) that was flooded. The flood waters got nine breakers up on their breaker box; and Trester's house was surrounded by water. However, those houses never had electricity cut to them."

"Due to my electric getting cut, I had water damage in my basement due to the power failure causing the sump pump to fail. If I would have had electricity, I would never have had an issue with any water in my house. We had backup sump pumps in place. We had sandbags. By the time floodwaters had peaked around 3rd Street, I still had five feet from my sandbags in the back yard. I still had clear yard around my house, which you could see from Jerame Hugunin's post on Facebook; and it never got through my fence, which is just a standard, picket, plastic fence."

"So due to the City coming in and cutting my power - giving me five minute's notice that my power was going to be cut, I sustained a lot of damage to my property, to my house, to my basement. It had to be completely re-gutted. I've had to replace my floor upstairs. So I guess I'm asking, is there a policy and procedures in place that gives precedence as to whose power gets cut and whose doesn't get cut?"

Mayor Luke, "I can't answer totally. I know that if there is the indication of potential hazard for workers, or residents - I don't know all the points on that one. We would have to go back and review that to get you the correct complete answer, because I don't know." Ms. Brannen, "Okay." Mayor Luke, "I know there is always a concern since electricity and water don't mix very well. Normally we would make sure that people are safe. In this particular case, I wasn't there. I can't answer totally. We can get you a response on the correct answer for that." Ms. Brannen, "Okay."

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Council Member Jasper, "Alan, have you got anything you can add to that?" Superintendent Schneider, "It all goes to the same feed. We went south of their property. We were already in to turn the power off to the mobile home down there; by the time we got out of there, the men were waist deep in water, and the water was still rising. We made the best decisions that we knew how to do. Had we waited and that would have continued, we wouldn't have been able to get in there to kill that power. The next step would be to kill the main line – there are usually a dozen blocks that would have been without power until we could find some way to isolate that structure."

Sandy Lewis, "And you couldn't go to the next pole even if the water rose there, and cut her power? When it was out of water?" Superintendent Schneider, "The way the distribution system is set up, we can't just cut the power at anywhere in the line; we'd have to go to a junction pole with jumpers on it." Ms. Lewis, "So, where's the next junction pole from my house, because it's the poles from her electricity comes through from the front corner of my property? And 3rd Street is clearly lower than my property. My Dad, and if you don't know my Dad, everybody knows in town he built that house, where water in the main street of Burlington there'd be water on her first floor. He's just that way. He tells everybody he knows, 3rd Street will be a river, her house sets so much higher – her basement is so much higher like mine. We are on Rock Creek slab – that's what we had to build the basement, it was up that high. So if the next breaker box, where is that junction box from my house? Because you didn't have to cut my power – I have water in my front yard."

Superintendent Schneider, "We were borderline with your Dad's house. You spoke of Trester's yard..." Ms. Lewis, "Trester's had water completely around their house." Superintendent Schneider continued, "And we were a minute from doing that." Ms. Lewis, "But it didn't get cut; so where was the precedent, who gets cut? There's no ordinance, policy, procedures who gets cut? I mean, there's several houses on Rock Creek, why didn't everybody along Rock Creek get cut?" Superintendent Schneider, "Country Club Heights, we were getting ready to turn the power off out there. As we were trying to determine the safest way to do that since that is underground construction out there, we had set a marker in the alley; and by the time we had our safety plan together, the water was already receding." Ms. Lewis, "Yep, because it was running down – I could clearly see it ran down 3rd Street. It's fine when it's running, you want it to run; it's when it starts backing up is your problem – that's why they call it a flash flood; water runs, you're okay; if it doesn't run, that's when you have a problem."

Mayor Luke, "So my question is, what is it that you are looking for from the City?" Ms. Brannen, "I'm looking to see, due to it was not flood waters that got in my house, it was a failure of the City cutting my electricity and my sump pump, my home insurance will not pay for this. So, action could be that we could have to get lawyers involved, but I don't operate that way, I don't like to operate that way. I would like to see if maybe the City would want see about helping with some of the damages of that cost to my home outside of court." Ms. Lewis, "Plus, we were told we had to get an electrician in before they (the City) would even turn back on our power, as Riley (Riley Morgan) didn't. So, who gets the water around here? You know, who picks and chooses people? Are we that outstanding of people that we have to have all, you know, expenses?"

Riley Morgan, "If I may? I think initially, if I have the right understanding – just seeking to understand: What are the perimeters when you decide to go cut power? We had very similar conditions with 3rd Street and with what the Country Club experienced, and we didn't have the same response. So, it's just a matter of we're seeking to understand. Is there a defined method to make a determination? Is there something tangible you can go to and say this is why you did it at that place and it's the right decision to make? Or is it arbitrary on who can make it more – is it very subjective? Because the conditions (of both locations) appeared pretty similar that night."

Superintendent Schneider, "When we shut your power off, Riley, obviously – and we've had conversation, you thanked me for doing that." Mr. Morgan, "Oh, I've got no issues." Superintendent Schneider, "Okay." Mr. Morgan, "The only thing I had was, I had asked earlier that day – seeing what we were going to be up against – if there was a plan in place on how that would go. Would we be contacting property owners? Obviously, you guys have our numbers. Will you let us know what our condition is at? I have generators staged at five foot up, just in case; but we didn't get that communication; but obviously, it was a hectic time. But that's what we're looking for – is there a procedure? Is there something driving them to make sure we have all our steps covered so we don't have something like this where honestly they would have been in a better situation given the entrance, an elevated entrance - because it isn't really electrical – for it to be maintained; or to have a little bit more notice to be prepared for it and have that generator running to protect our house."

Ms. Lewis, "I had run across the street, but the flash flood wouldn't allow me to get across or you'd be rescuing me in the river."

Mayor Luke stated, "With the results of your input what we will do is, we will look at what our policies are; and look at if we need to modify/change; and provide what those policies will be just to make sure that we have a clear statement so that everybody will be on the same page."

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Superintendent Schneider, “To answer a question about an electrician. Riley (Morgan) was able to work on his because he lives in it, he owns it. Homeowners within the City of Burlington, when they live in a structure that they own, they are allowed to do their own electrical work. That is the City policy.”

Ms. Lewis stated, “My Dad was told for us to get the power on that we would have to have the electrician come in. He actually owns the property. She (Ms. Brennan) is buying it from him. Why wasn’t he told that?” Superintendent Schneider, “I don’t know if I talked to him or...” Ms. Lewis, “I mean, it’s his building up here.” Superintendent Schneider explained, “Unless the homeowner is qualified to do his own electrical work safely – the homeowner that lives in the house, if they are not able to do that job safely, then yes, they need to call in an electrician to do that job safely.” (A notice containing the requirements is on our City website and is part of our City. See below.)

Code Of The City Of Burlington, Kansas

Chapter IV. Buildings And Construction; Article 3. Electrical Code

4-332. WORK BY PROPERTY OWNERS. Nothing herein contained shall prohibit any property owner from personally performing any electrical construction or installing electrical wiring or equipment within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the electrical inspector as to his or her ability to perform such work or install such electrical wiring, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive a certificate of approval. Personal electrical construction or installation performed by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except an electrician or electrical contractor licensed by the city.

Mr. Morgan, “I think this takes us back to, what drives us to make that decision that it needed inspected? It is what I think, if I understand you right. In my place, I let it dry out. I understood that I had underground entrance cable that was running from my box location in the house, and that was good enough for what I was dealing with. But, I guess where’s our trigger point of what condition you were in, and what you need to have to have it turned back on – a step-by-step understanding.”

City Clerk Kewley, “I will say, we were in a meeting with Emergency Management at the EOC almost every day; and that Friday afternoon we had just come out of an EOC meeting. They were projecting one to three inches of rain from Friday through Tuesday. They were telling us, and we were trying to push out the correct information; that’s how we work – we work directly with Emergency Management.” Mr. Riley, “Right.” City Clerk Kewley, “That’s when we went around and delivered flyers around this area on what they could do to sandbag. When you see how quick that water raised, it was a perfect worse scenario situation, and that’s how it unfolded.” (See Flyer Below.)

(Continued)

Property Owners and Occupants

Attention property owners and occupants Located in flood prone areas. Due to the current water levels and anticipated rainfall, city and county officials strongly recommend you take precautions to protect your property. The recommended precautions are to move items on lower levels of the buildings to upper levels or to another location. We don't know exactly what is going to happen, the forecast continues to change. Currently the forecast shows the potential for 2+ inches thru Sunday, May 26th. Some localized areas could see 4" of rain according to Topeka NWS. If this much rain fall occurs, we can't be sure what the end result will be for water levels in downtown Burlington and along Rock Creek in Burlington along with LeRoy, Neosho Falls and other locations downstream. If rains upstream from John Redmond fall as predicted, we want to be prepared for gate changes at John Redmond along with locally heavy rainfall that would directly impact area creeks/streams. We urge property owners in or near these areas to heed these warnings and take the recommended precautions. If you need assistance we have a list of volunteers that are willing to help. Call 620-364-2721 to be put in contact with volunteer resources. For updated information on gate changes text JRR2019 to 888-777. Additional information can be found at Coffey County Emergency Management Facebook page or www.coffeycountyks.org.

Last night May 23 a Captain with the 891st Engineer Battalion from the KS National Guard met with city and county officials to analyze the viability of performing sandbagging operations in the downtown area. Upon examination of the many variables the consensus was that the labor and effort would be better utilized to protect occupant's belongings by assisting them in moving those belongings up or out.

See attached NWS forecast.

Stan Luke Mayor Burlington



Russel Stukey Director of CF & WO
Co. Emergency Management

 5-24-19

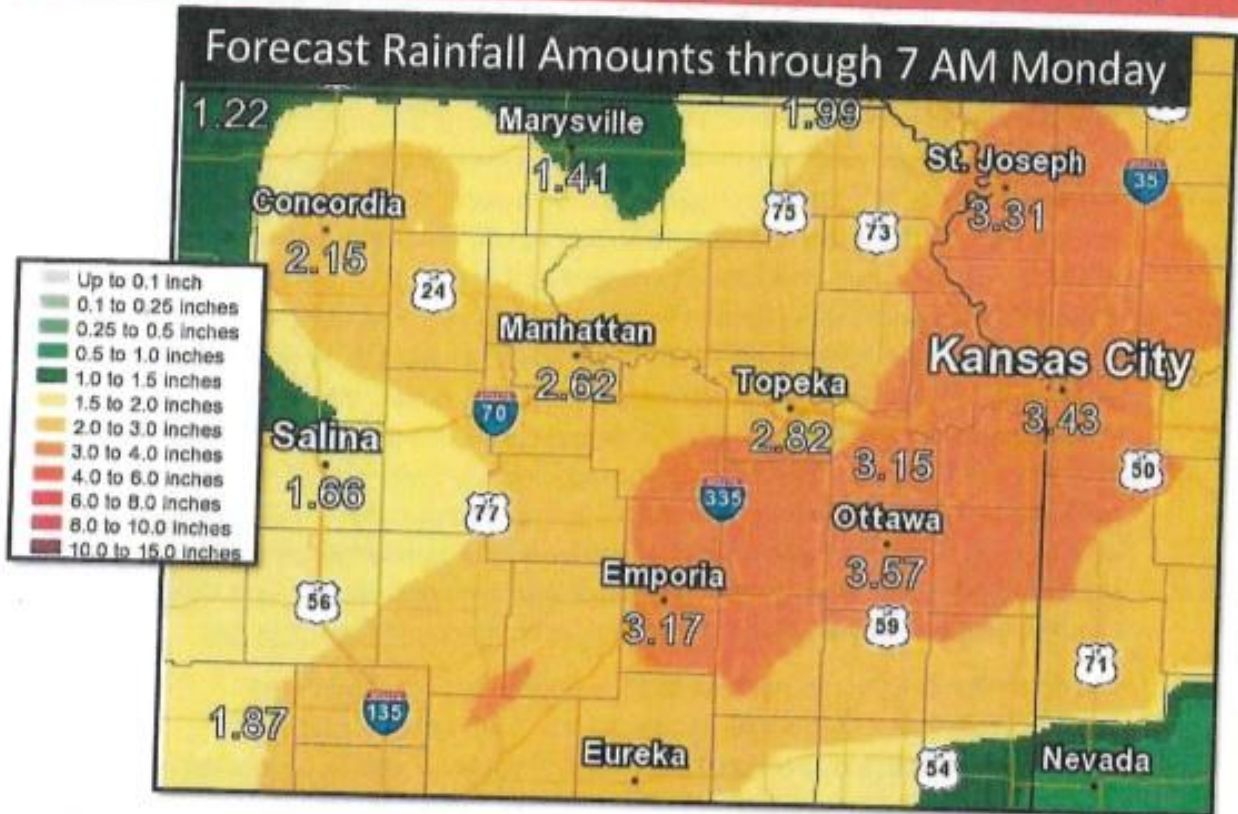


National Weather Service
Topeka, KS

Situation Report

Friday, May 24, 2019 1:32 PM

Flooding Continues – Severe Storms Possible Today



Key Points:

- ✓ Several rounds of thunderstorms are expected this afternoon through tonight, with storm chances persisting through the holiday weekend and into Tuesday.
- ✓ Additional rounds of heavy rain will likely renew & prolong river flooding through the weekend and into next week.

Important Forecast Changes



Adjustments made to forecast rainfall amounts through AM Monday and included the high risk for excessive rainfall today through tonight.

weather.gov/topeka



Building a Weather-Ready Nation



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Mr. Morgan, “Oh, absolutely. But, I think we’re in an opportunity coming from; that we identified some gaps and some better ways we can better define what we’re going to do in the future so we’re not crammed in that short time for them to figure it out. And I think there’s a lack of knowledge and understanding as to what drove us into this condition this time.”

Ms. Lewis, “Maybe when the letter came out, maybe it should have stated in there ‘your power could be cut’; you know, at that point. That letter came out about the flash flooding.” City Clerk Kewley, “It was a letter that Emergency Management and all of us (on the team) worked together to get out to the citizens that potentially we could have rains from here to here (Friday through Tuesday). This was voluntary to do that.” Ms. Lewis, “Right.”

Mayor Luke said, “We’ll have the Electric Committee and Alan (Superintendent Schneider) look at all of his procedures to look at how to make things better. In the meantime, I’m not sure where we set with respect to compensation. As far as I know, we haven’t had this situation in the last 40-50 years.” Ms. Lewis, “Exactly. Exactly.” Mayor Luke continued, “So, I’ll/we’ll just have to investigate that part of it and get an answer. And it may be that we may end up with a document from Legal – our document from Legal, and it goes to the insurance or whatever, and we determine where it goes from there.” Ms. Lewis, “Okay.” Mayor Luke, “I can’t give you a solid answer – yes this, yes that. We’ll look at what would be the proper procedure to follow.” Ms. Lewis, “Okay; sounds good; yes.”

Ms. Lewis added, “I mean, we were thoroughly prepared. We started Tuesday. I had two pumps, sandbags, everything. I had no knowledge they were going to cut my power.” Mayor Luke, “I had volunteer firemen standing in my front yard (at Country Club Heights).” Ms. Lewis, “Yeah.” Ms. Brannen, “And it’s taken since – we were finally able to move back in the home Saturday.” Mayor Luke, “Saturday?” Ms. Brannen, “Yeah, it’s been that long since I’d been displaced.” Mayor Luke, “Alright, I guess that’s where we’ll leave it for right now.” Ms. Lewis, “We’ll wait to hear from you.”

ELECTRIC DEPARTMENT: DISTRIBUTION Update

General: Electric personnel have been doing line locates, customer service requests, some line maintenance, and setting power poles. Also, some repairs were made to the trencher chain and a few other mechanical repairs were done to other equipment.

Flood Related Work: Superintendent Schneider reported, “We are pretty much back to normal with our customers that we have had to disconnect power to. They have taken the steps they need to do. Other than a few down along the river, a few campsites, and the Willow Bend area, we have everyone back on.”

ELECTRIC DEPARTMENT: PRODUCTION Update

General: Power Plant personnel have been performing normal power plant and equipment maintenance.

Generator Repair: Power Plant personnel performed a maintenance run on generator’s #2 and #4; which ran for about six hours. Superintendent Schneider reported, “We are preparing to do our annual generator capacity testing. We will try to complete that within the next 30 days provided the temperature is in the right range.”

Business Appreciation: Superintendent Schneider said, “We attended the Business Appreciation lunch on June 7th and the Employee Appreciation lunch on June 10th. I would like to thank everyone who helped with that. Since Kevin was on vacation, I had a bunch of help and I really appreciate it.”

Outages: Superintendent Schneider, “Wednesday June 5, after council meeting, we had an outage in the Industrial Park substation when the storm came through. There is a seal in relay, what it does is it measures internal pressure and/or any sort of fault internally in the transformer. This happened to us a few years ago. We had it tested, replaced a different relay at the time, and it has worked great. So, we have a seal in relay ordered and once that comes in we will have that transformer repaired. What we are doing currently is feeding the industrial park from the industrial substation. We will continue to do that until we can get the new part installed.

“Sunday, June 9th we had an outage throughout the whole town. The tie breaker at the power plant substation opened. There was a fault of some kind. The neighbors in the neighborhood heard a bang, such as a fuse or something like it. We didn’t find the cause of the outage. We know that there is a fault and we know the neighbors heard it, but we never did find any damage to the system.”

PUBLIC COMMENTS:

Mayor Luke, “Is there anything under public comments that you would like to make?” Riley Morgan, “No, I just didn’t want to interrupt if I was going to step out.” Sandy Lewis, “Me too.” Mayor Luke, “That’s fine.”

WATER AND WASTEWATER: Distribution Update

General: Personnel have been doing the normal duties: line locates, work orders, reading meters, meter rereads, customer concerns.

Water Outside City Limits – Wayde Thomsen for 1057 Lynx Terrace: Superintendent Hawkins, “We have completed 80% of the Wayde Thompson water service south of town.”

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Neosho River – Flooding/Backup: Superintendent Hawkins, “We have been going around and removing sandbags and berms from around our pump stations, different areas from the flood.”

Water Service Superintendent Hawkins, “We did a water service install over on Merrimac Street. That is now completed.”

WATER AND WASTEWATER: Downtown Services – Waterline/Meter Replacement Project

Superintendent Hawkins reported on the downtown water service, “We’ve had a complaint of low water pressure between 3rd Street and 4th Street. We been exhausting every option we can think of. We’ve pulled meters; we’ve done everything we know to do with changing out aerators, checked aerators, faucets. We have no idea why there is low water pressure there. I have my opinion, but my opinion doesn’t prove the cause. They have got to have good water pressure.”

“I have been in contact with my Committee (Water Committee), and have been keeping them informed. At this time, we had Tony Kimme, a Tech Assistant with the Kansas Rural Water Association (KRWA) come in scheduled for Tuesday to check/listen for a water leak. We (Water Department personnel) were working on the Wade Thomsen waterline, when Tony came to me and said, ‘Danny, I’m 99% convinced there’s a water leak right here behind City Hall. Well, we dug that up this morning and his 99% suggestion was incorrect – there was no leak there. We had dug up half the alley and we did not find the leak; so we’re resorting to Plan B.”

“Plan B is: We will go in front of the businesses as of now, and we will tie in to the ten-inch main. There’s a valve in Neosho Street in front of the buildings. This is only pertaining to those buildings that are having low water pressures at this time; and we will go back later and replace the others. We will go out into the street; we will cut a hole in the street; we will try to bore over to the building to minimize as much damage as possible because that’s where the expense comes, replacing the stuff. We’re going to go in through the building. We’re going to offer the pex material with the corp that will go underneath the buildings. The building owner will be responsible with drilling a hole through their own foundation, and hiring a licensed plumber; because we don’t want to get into the liability for damage to the building or anything.”

“Tom (Attorney Robrahn) is reviewing a letter I wrote. When it is ready, I will give it to Sue and Mary (Administrative Assistants), and we will get those letters out to all the business owners on the south side of Neosho between 3rd and 4th Streets.”

“I have to rent a mini-hoe to help with this, so I scheduled this work to begin the week of July 15th; so we’re going to have barricades, and we’re going to have to deal with everybody that we can. We’re going to try to start on it as quickly as possible. That is the best I can do. I know there are many of them. They contacted Kansas Department of Health & Environment, so I had to visit with KDHE concerning the situation. I’ve been keeping them informed with what our plan of attack is. The State is great with it, they like what we’re doing. That’s what we’re doing with it right now. It’s not fallen on deaf ears, we’ll get water pressure to the buildings as quickly as possible.” Superintendent Hawkins offered to answer any questions.

Council Member Curtiss, “Did this happen after the flood?” Superintendent Hawkins, “I’ve been told that it’s because of the flood, but no one has any answers. We don’t know. It just all of a sudden happened; I have no idea.” Council Member Scothorn, “And it’s just the south side of the street?” Superintendent Hawkins, “It’s in the back the buildings in the alley. It’s a two-inch cast iron line in the back of the buildings, it’s tied on to it.” Mayor Luke, “But it’s just the south side of the street?” Superintendent Hawkins, “Yes, it’s on the south side. To guarantee that we will get good water pressure to them we will run services in, we will set the meter up against the building itself. We’re going to make it flush with the sidewalk so there will be no snow removal problems or trip hazards. That will help with each individual building, apartment, tenant, business – whatever is in there. They are going to have their own individual line; so there should be absolutely zero problems with water pressure. If they have water pressure issues after this, then they internally have something going on within their own buildings. Coming off a ten-inch line, they should have no problem with that.”

Council Member Scothorn, “Was our building (301 and 303 Neosho) affected also?” Superintendent Hawkins, “No. Silver Threads & Golden Needles (321 Neosho), City Hall (301-303 Neosho) are fed off a ten-inch line; so there will be a few in there that are not going to be affected by it (low water pressure). When we’re done with the entire project, we want to abandon the old two-inch cast iron line, so it’s totally gone.” Mayor Luke, “It’s also a dead-end line; and that’s a reason to vacate it.” Superintendent Hawkins, “It is a dead-end line; and we’ve been wanting to come in and put a line in the back. The issue with that is time because you have to submit a plan to your engineer; the engineer has to submit it to Dan Clare at KDHE, which could take six months; so it wouldn’t be started until after the first of next year if we had to do that. Under the circumstances we’ve been pressured from a lot of different angles. Time wise, permitting wise, financially – this is going to be better for the City because we won’t have to worry about looping the line and tying it in to an existing line in the back of the buildings as well; so it’s just going to be a little more finesse.”

Superintendent Hawkins continued, “My only concern is the bore. We’re going to do a little bore between the street and the building, and I’m hoping that we don’t hit some object or something in that that causes a problem. But like I said, that’s where the expense comes in – the more you tear up, the more money it costs to put it back, and we want to minimize what we tear up. That’s the plan of attack that we’re going to follow.”

(Continued)

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Council Member Scothorn, "What fund is this coming out of?" Superintendent Hawkins, "Right now, I'm pulling it from the Waterline Repair Fund. That money will come out of the fund until we get to the point where if we have to use Infrastructure Funds, if we can. We're going to try to keep expenses down. Also, we're only going to do those that are affected the worst. Then we will come back and do the others when we have the time and the money. It's in the budgeting for us to come back in May."

WATER AND WASTERWATER: Personnel, Non-Certified Operator - Recommendation

Superintendent Hawkins said, "I would like to make a recommend to the Council to hire Dillon Brown." Council Member Jasper, "At what wage?" City Clerk Kewley, "\$16.34." **Council Member Jasper, "I move to extend an offer of employment to Dillon Brown for the position of Water/Wastewater Non-Certified Operator, at the starting hourly wage of \$16.34." Council Member Tschantz, "I second the motion." Mayor Luke, "We have a motion and we have a second. Is there any additional discussion? When would he be available?"** Superintendent Hawkins said, "I will call him right after the meeting tonight if the Council approves it. I will get a time, and find out if he is going to give a two week notice." **Mayor Luke, "Any other discussion?" Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.**

STREET DEPARTMENT: Update

General: Superintendent Davidson reported, "We had a complaint about a possible hazardous tree, we looked at it and decided it was a problem, so we went ahead and removed it. We have been cleaning ditches."

Lewis Street – Industrial Park #1 Superintendent Davidson said, "We re-rocked Lewis Street by Industrial Park #1; that is where Jeff Chandler is putting his impound lot. He had asked us to lay the road because it needed a little more rock."

CCHTS – Flood 2019 Cleanup: Superintendent Davidson reported, "Then we had some complaints out at County Club Heights on Jason Street and Heather Street. We had some silt that had washed in and they were insistent that we come out and clean it up. We didn't have our water truck available at the time, so I asked Randall Brown (Fire Chief) if they would bring a fire truck from the Burlington Fire Department out and he was more than willing to come out and wash the streets. We took our power broom out, swept them, washed them, and then swept them again. As of today we haven't had any complaints."

Drainage: Cross Street and Shea Street: Superintendent Davidson, "We had a drainage issue up on Cross and Shea street. We had a concrete wall that drains the Stukey property we put that in probably 20 plus years ago and the wall started to cave in. We used the hydrovac and cleaned out one side, used some jacks to push the wall back, installed an eyebeam to hold it in place."

Kennebec (4th – 5th) Culverts: Superintendent Davidson, "We have done several culvert replacements. Had some riprap on 4th and 5th on Kennebec behind Burlington Construction building. It washed away so we went down with a trackhoe and picked it up and replaced it."

Events Barricades: Superintendent Davidson, "We have been hauling waste to the landfill. We put out barricades for the fire dancing Saturday and we left the barricade trailer for Wolf Creek to use."

POLICE DEPARTMENT: Update

General: Chief Jones, "It has been the usual for us; usual fights, domestics, DUI's, accidents. We had City Court last Thursday but we did not have a prosecutor. So, Laura, the judge, and I handled it, which all we did was payment reviews and first appearances. So, nothing new there."

POLICE DEPARTMENT: Personnel New Officers

Chief Jones said, "Our new officers have completed their department level of training and they are actually going to be out on their own shift on Saturday (June 22, 2019) this weekend."

POLICE DEPARTMENT: Reserve Police Officer – Non-compensated Volunteer

Chief Jones, "I had mentioned, at the last meeting, I had a reserve officer that had taken his psychological assessment. I got the results back of that. He is good to go as far as that goes. I would like Council's permission to bring him on as a Reserve Officer and that is an unpaid position." Council Member Lewis, "Do you have a start date?" Chief Jones, "Availability date would be pretty much anytime we tell him we are ready to start training and he is available. So, we could list the start date as today's date." **Council Member Lenard, "I make a motion to accept Chief Jones' recommendation to extend an offer of employment to William Pease in a non-compensated volunteer Reserve Officer position, effective June 19, 2019." Council Member Hall, "I second the motion." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.**

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POLICE DEPARTMENT: Personnel- Full Time Position

Chief Jones, "I have one other thing. We have a very viable candidate for the full time position. Since, we don't have another council meeting for a month, I didn't know if the Police Committee wanted to ask permission to assume responsibility for making any offers, if we wanted to get that done prior to the next council meeting. I don't know how the committee feels about that, I just remembered we didn't have a meeting on July 3rd." Council Member Lewis, "I wouldn't have a problem with that, but it's up to the council if they want to grant that authority." Council Member Hall, "I don't have a problem either." Mayor Luke, "So basically what you're looking at is to have an interview?" Chief Jones, "I want to meet with the committee after the meeting tonight and just see how they want to proceed, if the decision goes that way." **Council Member Lewis, "I make the motion for the police committee to potentially extend an offer of employment to an individual; based upon the Police Committee's recommendation." Council Member Hall "I second the motion." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.**

Doug Jones, "I apologize for throwing that at you at the last second there." Council Member Curtiss, "Does that fill every position then?" Chief Jones, "That would be the last full time position. Hypothetically, if he takes the position, that would take Officer Blake Hanson back from part-time down to reserve status, probably 45 days or so from now." Council Member Curtiss, "Okay."

Council Member Lenard, "Do we have a target for academy?" (*The academy is the Kansas Law Enforcement Training Center – KLETC.*) Chief Jones, "We have not heard yet. They have changed the format on the academy classes; instead of doing four 60 member classes a year, they are now going to be doing a 24 member class starting every 3 weeks. So, they are going to be getting a lot more people run through a lot quicker, but I have already talked to the academy and they don't know when they will be scheduled as of yet, possibly September. I have also explained to them that I cannot afford to send both of the new candidates at the same time; I would have to send one, they come back, and then send the other one." Council Member Lenard, "The only other thing I would like to mention is that, we have found out when we lost two officers, because we have been trying to get the reserve in here for a year just as a backup plan. We are sitting in a good position now where we thought we were really going to be in trouble." Chief Jones, "We're in a lot better shape than what I thought we were in a couple months ago."

PARKS DEPARTMENT: Update

General: Superintendent Boyce reported, "We have been cleaning public buildings and restrooms; doing equipment and building maintenance. We have also been mowing and weedeating, and watering flowers."

Business Appreciation Picnic: Superintendent Boyce, "We also helped with the Business Appreciation Picnic; we took the picnic tables down and things like that. For the Wolf Creek Day In The Park, we helped by setting up the parking lot over on the west side of 3rd Street, placed picnic tables back out in the park, and set up trash barrels for that."

Nuisance Property – Mowing: Superintendent Boyce, "Today we mowed the nuisance property at 10th and DesMoines; it's one of our regulars. Someone has been mowing the old Dollar General store so that's one less thing that we have to do."

FINANCE: Claims Ordinance & Payroll Ordinance

| | | | |
|----------------------|---------|----|-------------------|
| a. Claims Ordinance | 2019-11 | \$ | <u>332,365.02</u> |
| b. Payroll Ordinance | 2019-12 | \$ | <u>90,114.00</u> |
| | TOTAL | \$ | 422,479.02 |

CLAIMS 2019-11: Council Member Lenard moved to approve City of Burlington Claims Ordinance 2019-11 for the amount of \$332,365.02 for payment of city bills. Council Member Hall gave the second. City Clerk Kewley said, "We have payments tonight to Core and Main \$12,024.08, Davis Moore \$18,623.67, Kansas Power Pool \$168,971.60, Republican Waster Service \$12,866.12." **Hearing no additional discussion, Mayor Luke instructed City Clerk Kewley to poll Council. All votes were in favor. Mayor Luke declared, "Claims Ordinance 2019-11 passed unanimously, 6:0."**

PAYROLL 2019-12: Council Member Tschantz moved to approve City of Burlington Payroll Ordinance 2019-12 in the amount of \$90,114.00, as presented. Council Member Hall gave the second. Hearing no discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared, "Payroll Ordinance 2019-12 passed unanimously, 6:0."

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, "Normal duties. I have contacted several properties about mowing and I've been driving around and it looks like they are getting it done. A lot of properties I've contacted also, when they saw this clean up, they started throwing things back out for the flood clean up. So, slowly I'm noticing it is disappearing and I'm letting them know we aren't picking that up."

[10] CONTINUATION: June 19, 2019 Burlington City Council Regular Session

PLANNING & ZONING –Nuisance Property & Barrett Trailer Park

Zoning Clerk Hugunin, “Housing Authority has gotten permission from the county commissioners to waive landfill fees for the Darnell property. I talked to Mike Schmidt (Schmidt Construction). He is going to start that as soon as it is dry enough on that property and at the landfill. So, we are probably looking towards the end of this month or the very first of July.”

Barrett Trailer Park - Zoning Clerk Hugunin, “I’ve talked a little bit about the trailer over there at Barrett Trailer Park. The Housing Authority has gotten the landfill fee waived for that. Ronda Gilbert is waiting for her board to give her permission to fund the demolition of that structure. So, we could be looking at another 30 days. I’ve notified some of the neighbors that have complained, and they seem happy as long as there is some progress.”

Flood 2019: Zoning Clerk Hugunin, “After a lot of conversations about the flooding in Rock Creek and Country Club Heights, Mark (Superintendent Davidson) and myself had a conference call here at City Hall with Kansas Division Water Resources, and they had some of their engineers on the phone. I’m not sure if these were the state engineers or if these were the engineers from the Woods Company that does the flood plain mapping. We were told that there was nothing we could have done or that can be done by the City to mitigate or prevent the flooding for future flooding in County Club Heights. They consider this a 100 year event and that’s what that flood plain is projected as; a 100 year event. They came out and told Mark and I our drainage system seems adequate for our normal rains. It didn’t seem adequate for the amount of water that was there (during the flood). So, by design standards everything was good there. They did recommend, and I have a flyer here, that I just got, steps for homeowners to do. Several of the houses did have sandbags around their window wells, which are pretty shallow. They recommended window well extensions, battery backups on their sump pumps, and not to store valuables in the basement. That’s all in the flyer. If you want me to, I can mail these out to everyone at County Club Heights or pass them out or whatever you want me to do with them.” Council Member Jasper, “Go ahead and mail them out.” Zoning Clerk Hugunin, “Okay, I’ll mail them out.” Council Member Lenard, “That might be something good for Facebook and for the newspaper.”

Zoning Clerk Hugunin, “And then to go back to the last meeting (6-5-2019) where it was brought up about the City Engineer on the Country Club Heights Project. This project was not a city project. It was a county project that was started in 1977 and that’s a plat up there and we found the information that goes with the plat. The city did not start annexing property until 1993. So, that was designed and laid out before the city had any involvement with it.” Council Member Curtiss, referring to the last council meeting, asked if Mr. Curten had been notified. Zoning Clerk Hugunin, “I have not seen Mr. Curten.” Council Member Curtiss, “Okay.”

Council Member Scothorn, “But the experts are saying there is nothing we can do to get the flow of the water to go.” Zoning Clerk Hugunin, “They say that we could have the water flow out faster, but it’s only going to create more problems and increase the flooding downstream.” Superintendent Davidson, “So downtown.” Zoning Clerk Hugunin, “Yes.” Council Member Jasper, “It’s kind of a mother nature thing.” City Clerk Kewley, “You have to realize that’s private property, it’s not city property through there, so keep that in mind. That is not an alley back there; its property owners that own that.”

Zoning Clerk Hugunin, “We have talked about everything that has been brought up, ditches and cleaning Rock Creek. Rock creek could be cleaned but it is private property. We’ve got 9 to 10 miles of Rock Creek, and if you were going to clean it, I’d think you would want to clean it all. Then there are the environmental issues. Kansas Division of Water Resources would have to get with their environmental team, and their environmental team is more than likely going to say no. They are not going to do anything to it.”

Mayor Luke, “I would say 2/3 of that is in the county.” Zoning Clerk Hugunin, “Yes, that’s another issue. Everything behind there to the west of there and to the east of it is in the county. The only thing we have at the Country Club that is in city limits is the club house and the driveway. Everything else is in the county and none of that is in our extra territorial area.” Council Member Curtiss, “Right, so how are we going to inform those people that were here last meeting?” Zoning Clerk Hugunin, “I can do a letter along with this (the flyer).” Council Member Curtiss, “Okay. Are you going to inform them then of the various things you just told us in your letter?” Zoning Clerk Hugunin, “Yes, I can put that in the letter.” Mayor Luke, “Okay, you’ll work with Tom and get it ‘legally correct’.” Zoning Clerk Hugunin, “Yes.” Council Member Scothorn, “How many houses got water in them down there?” Zoning Clerk Hugunin, “My understanding was three.” Mayor Luke, “Two bad and one, water seeped in down around the window and damaged the carpet.” Zoning Clerk Hugunin, “I’ve also got a map they made up for us that shows the topography for that and this is all done with LiDAR (*LiDAR is a surveying method that measures distance to a target by illuminating the target with pulsed laser light and measuring the reflected pulses with a sensor.*) I can show you this later, but it shows the yellow is the high spots and the blue and the green is the low spots.” Council Member Scothorn, “Yes, I’d like to take a look at that later.”

Zoning Clerk Hugunin, “The last thing I have is, I attended the quarterly Focus on the Future meeting today at Kelley Park.”

[11] CONTINUATION: June 19, 2019 Burlington City Council Regular Session

PERMITS: Building Permits issued by Zoning Clerk Hugunin:

None.

LICENSE

None.

LEGAL DEPARTMENT: Update

Attorney Robrahn reported, "I've been assisting a superintendent with a letter. I left for Wichita, on Thursday and attended the City Attorney Meeting by the Kansas League of Municipalities on Friday. They had good updates on the Kansas Legislature changes and Kansas Supreme Court changes. We discussed cyber attacks, hackers, and ransom ware that gets in the city. An example of that, apparently a hacker got into the city of Dallas' emergency sirens and blew them one night for 90 minutes with no way to control it. Of course, we are attorneys and we have ethics. A city attorney represents the city as a whole and not an individual person or elected official. So, it was a good meeting, and thank you for letting me go."

General: City Hall Staff have been busy with customers paying utility bills, work orders, preparing work orders, vouchers for bill paying, payroll, and council meeting minutes. City Clerk Kewley, "I participated in the Water/Wastewater interview."

Budget 2020 City Clerk Kewley, "I attended the Finance Meeting last Thursday in preparation for the 2020 budget. The timeline for the 2020 budget this year is to request authorization on July 17th for publication of the budget on July 25. The budget hearing will be August 7th at 6:30 p.m., and then it will be filed with the County Clerk the week of August 19th. With that being said we did schedule the next finance meeting for July 22 at 10:00 a.m. We also had a really good meeting the other day on expenditures and looking forward to next year."

Administrative Assistant: City Clerk Kewley, "Also, I would like to thank Administrative Assistant Stroh for her dedication and hard work over the last 23 years here at the city. Tonight will be her last council meeting. She will be retiring next Friday on the 28th and I do wish her the best. She is having a reception at City Hall from 2:00 to 4:00. I would like to invite the Department Heads and Council Members to come to that." Mayor Luke, "Did you make copies of all the minutes that you took over the last 23 years?" Susan Stroh, "Oh my, what would I do with those?" City Clerk Kewley, "I am also happy to have Mary here to get started on coming to the council meetings. So, welcome here and don't get overwhelmed by tonight."

Other: City Clerk Kewley, "We will be closed July 4th for Independence Day. So a reminder that there is only one meeting which is on July 17th. City Hall Staff have been really busy with handling numerous calls and inquiries."

REPORT BY CITY OFFICERS:

Council Member Hall, "I would like to comment about the Business Appreciation Dinner we had. I think we should discontinue doing it." Council Member Curtiss, "Was it a poor turnout?" City Clerk Kewley, "It was worse than last year." Council Member Curtiss, "Really?" City Clerk Kewley, "Yes." Council Member Curtiss, "The weather was nice, wasn't it?" City Clerk Kewley, "It was. We send individual invitations, 210 to businesses." Mark Petterson (Managing Editor of the Coffey County Republican Newspaper), "We have also made personal requests." Council Member Hall, "So, I recommend that we don't do it anymore. It costs a lot of money to do it and to not have the participation, it's just bad."

Council Member Lenard, "Is there a better opportunity to maybe partner with the Chamber on a few other events with the businesses?" City Clerk Kewley, "They do. They are involved with this as well. They bring the desserts." Council Member Curtiss, "Well I hated to miss it because I always enjoyed it. You guys did okay without me though then?" City Clerk Kewley, "Well, we are going to cancel it now." Superintendent Davidson "Some of those people may have not come because they knew you were going to be gone." Council Member Curtiss, "That's right." City Clerk Kewley, "We actually only had one council member there to help anyway. It was Sharon." Council Member Curtiss, "Yes, I felt bad, I really did." City Clerk Kewley, "Well you come every year to help. That's different." Mayor Luke, "We will look at it over the next few months and see what our options might be. We will talk to the Director of the Chamber and see if there is something she is thinking about that we can support to represent the community." City Clerk Kewley, "And we did have the Economic Development Director there (at the Business Appreciation Dinner) as well. She sets up the dessert, so she is involved as well."

MAYOR: Executive Session to Begin Negotiations to Acquire Real Property

Mayor Luke stated, "I would like to enter into an Executive Session Pursuant to K.S.A. 75-4319b6 for the preliminary discussion relating to the Acquisition of Real Property, for twenty minutes; to include the Governing Body, City Clerk, and City Attorney."

Council Member Lenard made the motion to enter into an Executive Session Pursuant to K.S.A. 75-4319b6 for the preliminary discussion relating to the Acquisition of Real Property, for twenty minutes; to include the Governing Body, City Clerk, and City Attorney. Council Member Scothorn, "Second." Motion unanimously carried, 6:0.

Council entered Executive Session at 6:58 p.m. and exited at 7:18 p.m. No action was taken.

[12] CONTINUATION: June 19, 2019 Burlington City Council Regular Session

MAYOR’S COMMENT(S): Freedom Festival

Mayor Luke, “The 4th of July, we have that program again. You are going to hear some ads on 97.7 The Dawg. With respect to the 4th of July program they are going to do five ads a day for five days. The Fire Works Committee will pay the tab, and it is a total of \$75.00 to do that.” Council Member Jasper, “How much do we donate to the fireworks stand?” Mayor Luke, “\$1,500. We have 5 key suppliers this year or supporter hosts. We did not go to any of the local businesses because we had the 4 major suppliers from the previous year and obtained another major supplier. That put us up to where we need to be as far as dollars and cents are concerned. We will have one thing different this year. I talked with the CEO of Evergy (Wolf Creek Generation Station) and he has made arrangements for an electric Tesla self-driving vehicle to be here for our 4th of July.” Council Member Curtiss, “We get to drive it right?” Mayor Luke, “Here is the deal; I talked to the guy and I asked him if he wanted us to provide barricades for around the vehicle, and he said ‘No, it’s a blank car, people can put their hands on it and you can sit in it.’ Otherwise we have basically the same program that we have had in the past. We will have a band, homemade ice cream, HogMan BBQ, shaved ice, watermelon slices by the Baptist Church, and then the fireworks at dusk.” Council Member Lenard, “We will be expected to get a charger put in now.” Mayor Luke, “The interesting thing is, I asked him about that and he said, ‘I can use your RV charger and hookups. That’s all I need for my Tesla’.” Council Member Jasper, “Let’s put a meter in so we can get some revenue.” Mayor Luke, “My guess is that since he is coming from Topeka, he won’t even need to charge it.”

Superintendent Boyce, “Do we need stakes set up?” Mayor Luke, “Yes, same as normal. As far as barricades, I don’t think we will use any this time.” Superintendent Boyce, “Okay.” Mayor Luke, “We put them up for the antique cars and they parked all over the place. They didn’t go to that spot; they were parked down here and over there. We just won’t use barricades at all - just the stage, extra tables, and trash barrels.”

FUTURE AGENDA ITEMS:

| | |
|--|---|
| GENERAL: City Debt - How to fund projects Expense Tracking on Projects LKM KOMA/KORA Class (Host in August 2019) LKM Regional Supper (Host in November 2019) Election 2019 – Mayor and Council All Wards, Position 1 Budget 2020 | GAAP - Infrastructure Capitalization City/County Grant Funds – Discussion on Matched Funding Council Discussions on Evaluations, Succession Planning, etc. Flooding 5-2019 – Updates City Hall Location Updates Negotiations for Real Property |
| ELECTRIC DEPARTMENT: Power Pant - Additional Generation | <i>R.I.C.E. N.E.S.H.A.P. Compliance</i> |
| PARKS DEPARTMENT: Events in Parks (Updates) City Dam - West Wall Repair – Engineering Services Proposals | Kelley Park Light Poles – Repair/Replace (also see Legal) Girl Scout Rock Garden - Updates |
| LEGAL DEPARTMENT: Municipal Court Updates Misc. Legal - Documents, Cases, Contracts, etc. | Park Agreements: 1) Agr of 12-2018 - City & Rec. Com. – <i>Review in Spring 2019</i> 2) Committee – Review and Update Park Contracts |
| PLANNING AND ZONING Industrial Park Lots for Sale, etc. Work with NexTech and City Departments to improve Cyber Security Nuisance Structure & Properties: Work with PD F.I.R.M. Floodplain Map Changes – Updates Burlington Corporate Boundary Updates on Map (Work with State) Permits - Building/Zoning/etc. | Quarterly Construction Valuation Report Prepare Easements for any City-owned property without one City Hall - Awning Replacement (switch to metal) 415 S. 6 th (Theda Darnell Property) – Demolition-Hire Contractor Addition Nuisance Structures for Possible Condemn/Demolish |
| POLICE DEPARTMENT Nuisances (Work with Zoning Clerk) Voice Stress Analyzer Project Vacancy Police Officer | Department Activities and Cases Reserve Police Officers |
| STREET DEPARTMENT: Concrete St. Repairs/Free State Ct. Replacement/Repair Excess Hot-Mix from APAC Litigation/Redo S 3 rd St. Municipal Parking Lot in 2019 Pavement Management System/Asset Management System Old Penny’s Concrete Building – renovation/door/etc. Street Closing July 4 th (St. Lawrence 8 th & 9 th) | Street improvement Plan, Paving Gravel Streets, Crack Filling, Street Improvements 2019 6 th & Alleghany Project Street Improvements 2019 Asphalt Project Street Closing June 15 th (3 rd St.,Neosho-Hudson) |
| WATER & WASTEWATER DEPARTMENT: Fire Hydrant – 3 rd & Neosho Storage Building for Dirt -Construction Sewer Liftstations –Flushing Rags, etc. Flooding | Sensus Water Meter Replacement 6 th and Alleghany Waterline Project Personnel – Hiring a W/W Non-Cert. Operator Water Outside City Limits – Wayde Thomsen f/1057 Lynx Ter. Quick Coupler Bucket Updates Sewer Lagoons - Analysis (KRW/funds for dredging) Sewer Lagoon Maintenance/Updates |

Mayor Luke declared the meeting adjourned the meeting.

Approved by the Governing Body and signed by Regina R. Kewley, City Clerk