

## BURLINGTON CITY COUNCIL REGULAR SESSION 8-21-2019

City of Burlington Governing Body met in Regular Session at City Hall's temporary address, 1013 N. 4<sup>th</sup> Street, Burlington, Kansas at 6:00 p.m. Wednesday, August 21, 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)                       Mary Mader (Administrative Assistant)  
 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:** Tyler Francis, Tom Hugunin, Jeanne Haas, Paul Abendroth, Jay Hale

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

**MINUTES 8/7/2019:** *Council Member Hall, "I move to approve the draft minutes of August 7, 2019 as presented." Council Member Tschantz, "Second." Motion unanimously carried, 6:0.*

### **APPOINTMENT: Tyler Francis – Benevolent Advocate**

Tyler Francis addressed Council, "I would like to start by saying thank you all for allowing me to come here and participate as an American citizen in what my right is to participate with you. Secondly, I may need help keeping time, the clock is behind me. So, what I might say is that it might go a little bit here, a little bit there, but ultimately it is all part of the same thing. What I have to speak to you about is very multifaceted. I heard on the radio, this is what inspired me to come and speak with you, I heard of a man who called his local police law enforcement 17 times. The reason he had called them, I'm not sure if this was in Kansas or elsewhere, but I heard of it on the local radio station. He called them 17 times because he was a lonely individual, he did not have company, and he did not know where to go to have company. He was arrested and detained after his 17<sup>th</sup> call after being told not to call anymore.

"The next part is, it might seem totally different but it is --. I've read recently in science literature that American crops and international crops are now becoming less nutritious, harder to grow, and not yielding as much as they use to. These are two very significant problems that are being faced in our society right now. One of the ways that is mentionable, that is being approached, is by taking patients in as mental health patients and administering prescriptions to them. Now, we can all acknowledge that the opioid epidemic, is in fact an epidemic, and is a travesty. Not only devastating the population of adults but the children underneath these adults as well, which will go in to fill their shoes.

"These things coincide because both of them can be tackled with one solution. That is a place of congregation. Now, this is not to be a religious place of congregation. Yes, it is our principles that may have helped create our nation being religious in nature. It doesn't have to be religious for us to be able to and feel happy about coming together and creating something we can all work on and grow together with. Most importantly to help our community and our nation is if something like this were to really come up. It would be as a leader and as an inspiration for others to participate in something like it. What it would be is, ultimately what I think the solution could be, is a community organized organic farm. Organic farming is the future. Let's say we have a societal collapse of any kind. It is not unimaginable for it to happen again because it has happened time after time after time in history. If any of our leaders have ever said anything, its pay attention to history and if we are going to pay attention to them, that's in fact what we are doing. If we are going to create something that is sustainable even within the confines of locality and ignoring something that goes beyond just that. We want to create some kind of sustainability about that. Being able to farm and organize a community to be able to create our own food is a necessity for a community to be strong, to survive, and to be healthy. Not only physically with healthy raw diet foods which are a very key factor in our diets that many Americans are missing. Not only that but a community where people can go, and it does not matter who they are at all, because if they can participate then they are participating. Even if it's participating by sitting there and talking with someone else because that's all they can do is sitting in a chair.

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“That is how they can go to a place and participate with their community and their peers. That is a very important piece. There are many people who only can do that, only can sit. But who do they have that to offer to, and not only feel like they are just offering it, but offering it to someone who might need it. Which is the man calling the police 17 times needed.

“Now where can we go? I cannot mention any community I have been to, and I’ve been to many communities, I’ve traveled very much. I lived in places. I have not been to one so far, there are many that are like it where they are private. It is someone who did it amongst themselves, they created their own farm. They created their own religious institution or they came into the inheritance, or became a part of it inherently. A community that does it publicly, that is where American pride really should lie, is where what we do publicly for the public is what we take pride in. Having a beautiful park, having a beautiful fair, having a beautiful time with beautiful people, that is what American pride should be about. It should not be about business and how much money we can make but instead what is it that we are letting our businesses do with the people we have. That is what we should be taking pride in. That is my piece.

“To go back a little bit ultimately, what the suggestion is, is that perhaps by moving forward in creating a place where community can to come together and learn to love and accept agriculture. And love agriculture and be willing to get their hands in dirt. Being willing to go out and pick food for not yourself and at the same time being able to pick the food and eat it for yourself right there. That is how you get a love for agriculture, which is how I found a love for agriculture is by doing just that. I think that Kansas and Burlington being an old civilization, being here over 100 years which is very noteworthy. This is a community that has the opportunity to say yes we have been here a long time but there is something new that we can do and new to offer for everyone to look at and to view and to possibly take as an example. That is something to take pride in. Pride, sure, some may say, oh pride this and pride that, but pride you should be proud of it if it’s something worth being proud of.

“That’s about it. I would love to see people come together and be able to do that. In particular, I’ve met many people of my age, in my age group and younger that I’ve had many conversations with and these are not people who are the slightest bit connected to the nature of the food they eat. They go to these fast food restaurants, they go to the store. How do the oranges get to the shelves? What country was it even grown in? What kind of food can you grow in your backyard and if you were going to what kind would you even want to grow and for what reasons? Why don’t you like to eat vegetables? What if the vegetables were grown right here? Look, I pick it and eat it. Would you want to eat it too or would you at least try it? Maybe convince a child that it’s not that bad, it doesn’t taste bad, it doesn’t have to taste good, because it is our food and it comes from our mother. If you would like to ask questions I would love it.”

Mayor Luke, “Is this something you’re talking about being developed through the City or through an organization within the community? Also, the land that the organic farm would be on, would that be the City property or just community property that someone has donated?” Tyler Francis, “I think the more initiative that the City itself puts into doing it, the better example it would be. It would be showing that it was legislature, which is not what was growing the food, but it was legislature that allowed this to happen. Not only allowing this to happen but is willing to supplant it and willing to help it. I think it is important because it is different than from what is already happening. There are tons of organic gardens out there, there are tons of people already doing this, but as far as I’m aware and I could be wrong, there are not a whole lot of places where the city government or government of any kind is interacting with doing it and saying that this is what they want to be doing.” Mayor Luke, “Any other questions? You managed your time well. We appreciate your input and we will take in under consideration.” Tyler Francis, “Thank you and I’m in the G&D apartments #6. You can come by and visit and say hi or hello anytime. I would love to speak with you. I do apologize I must take my exception, I have left the clock and now I must go back. Thank you very much. Have a beautiful afternoon all of you.” Mayor Luke, “Thank you.”

**APPOINTMENT: Tom Hugunin – General Discussion**

Tom Hugunin addressed the Council, “Well, I’ve come here tonight wearing three hats. My main purpose of being here is to talk about some comments I made on some posts on Facebook. After speaking with Mr. Luke, I do realize that it makes it harder for Council and the Mayor to deal with me as a contractor, as well as County Commissioner. So, I apologize for my inexperience in that part. I just mainly wanted to apologize to you guys and if I offended anyone one of you, that was not my intent. So, I was sitting there in my citizen hat not my commissioner hat Saturday or Sunday morning, whatever morning it was. I’m sure it has gotten around and I just wanted to come here and try to reinstate the positive attitude between the Council and me as a Commissioner, contractor, and as a citizen. I want to work very hard as a Commissioner for District #1, the citizens of Burlington, to do whatever I can for you guys. I bring it up weekly at the Commissioner meeting about the Road and Bridge department has five million dollars to spend in five different districts. District #1 is not involved in that 5 million dollars. I did pitch your idea, Stan (Mayor Luke), with your spreadsheet you gave me. They did ask for a breakdown of those expenditures, the projects you’re talking about.” Mayor Luke, “Not a problem.” Tom Hugunin, “Chief Jones, Jimmy Hugunin, and several people came up Monday about some nuisance structures and I’m all for helping on that. Some of the commissioners have a different idea about when and where we should be getting rid of structures, some of them I agree but some of them I don’t. Discussion is always good.

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“I would say my comments, as far a citizen, I made on those posts--. There have been several instances that have happened to me over the years that provoked that, I guess. I have explained it to Stan (Mayor Luke) and I’ve explained it to J.J. (Council Member Jasper). When I started my business I was told I needed to be insured and I couldn’t operate out of my house. Since then, numerous businesses are operating out of their houses. When I bought that property and built on Kennebec, I asked the City to design a storm sewer tunnel connecting the two bridges adjacent to my property so I can build a storm sewer tunnel and further use my land. I was told I couldn’t have a box culvert to do that, it had to be a ditch. I don’t want a ditch, I want to be able to use my property, and most of that ditch is my property. So, I get a ditch. While the contractor is digging the ditch, the City official comes up and says, ‘Oh, I forgot to have you sign this permanent easement.’ I didn’t want a ditch and I had to sign the easement. Then he laughs in my face and tells me that he can take half of my building if he wants to. As a contractor I did a project for the City, I told the City Engineer it would fail. I told the City it would fail. Then when it failed, I was the one who got the blame. So, that would be the frustration in my post.

“As far as City Hall moving, I would really like you guys to think that out. I have been approached by a couple individuals that, in their business, they have noticed you guys not being there. Their traffic is down from you guys not being downtown. I wish that you guys would think very strongly about moving City Hall. I don’t think I have anything else other than that. I want to work with the City not against the City. That is not my goal or intent and I just wanted to apologize.” Mayor Luke, “Mark (Superintendent Davidson), you met with the County Engineer on the bridge things?” Superintendent Davidson, “Yes.” Tom Hugunin, “I’ve been talking to Wayne too. I don’t have all the answers guys, I just have some ideas. The answers will come with all of this working together, I believe. I think if we try a new interlocal agreement, between the County and the City. Wayne and I briefed on that today and went to a KDOT meeting today in Independence, KS. We got to have lunch together and had a lot of good ideas to further help the City. If we could grab some of that five million dollars out of his budget and put it into the City’s. I think the cities are the infrastructure for the County as a whole. I firmly believe that. What the exact answer is I don’t have it but again; we can’t solve an issue if we don’t bring it up, keep talking about it, and all work together to find a solution.” Mayor Luke, “Mark will be the key point with the County Engineer and looking at what and how we can function and operate.”

Tom Hugunin, “Well, at the KDOT deal I went to today, they had some very strong points. Some of what I touched base on is that I see the I-35 corridor moving south. I don’t know if you all do. I drive a lot to get materials and what not. Wellsville is expanding, Ottawa is always adding and I can see that coming this way. So, citizens of Burlington that don’t work at the plant or County, before long will not have to travel near as far to a decent job. So, we make our cities presentable to the public so it looks inviting and someone wants to be here; that’s how our city will grow. I know most of the houses in the city are, I’d hate to guess how old some of them really are, some are really outliving their time. I agree with the neighborhood revitalization program to where it’s an incentive for landlords to say okay this trailer is that old, we are not going to raise your taxes, put in a new trailer, you can raise your rent. It is going to look better and improve the neighbors’ property. Maybe not just a trailer, maybe you need to get rid of that house, build a duplex, and we aren’t going to change your taxes. I think that’s a very good incentive for landlords and people that run a business. Thank you for your time.”

Mayor Luke, “Any questions for Tom? I’ll work on getting the detailed descriptions of the information we talked about.” Tom Hugunin, “I’m going to volley very hard sitting up there. I really want to see the infrastructure money raised just because it hasn’t changed since 2000. A yard of concrete in 2000 was \$70 now it’s \$120. We have to address that with the cities I believe and help them out a little better. Your materials have got to be the same; yours aren’t any different.” Mayor Luke, “Right.” Tom Hugunin, “Alright. Thank you.” Council Member Jasper, “Thank you, Tom.”

**APPOINTMENT: Jeanne Haas – American Legion Auxiliary**

Jeanne Haas addressed Council, “Thank you very much for allowing me to come tonight. We are gearing up again to have the 3<sup>rd</sup> Annual Government Day in our County. We bring all the Seniors from the High School and come to the Court House spend the day teaching them about county government. We feed them lunch, which is provided by our Economic Development in our County, but we need a place to eat it. So, I come before you tonight asking for you to waive the fees of Kelley Hall on October 3<sup>rd</sup> so we can feed the Seniors there. We would like to set up the night before and then we have the building for the day. We leave about 1:30p.m. after the Seniors help me clean up the building. I am coming before you to ask to waive the fee for the use of the building for this event.” Council Member Curtiss, “Is there anything scheduled?” Jeanne Haas, “There was not anything on the calendar when I called in.”

***Council Member Curtiss, “I move to approve Jeanne Haas request for the American Legion Auxiliary to use Kelley Hall for Government Day on October 3, 2019 from 9 a.m. to 3 p.m., at no charge and to set up the evening of October 2.” Council Member Lenard, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.***

**APPOINTMENT: Chief Doug Jones – OK Kids**

Chief Jones, “Well, our big event for OK Kids is the weekend after Labor Day, so it’s just over two weeks away. For the last several weeks, we have been concerned that River Side West at John Redmond would not be usable. The Corps of Engineers continually assured us that it will be cleaned up. At the meeting today the Corps said, ‘Well, there is a 70% chance that it will be ready to go.’ Okay, dealing with federal agencies and federal budgets, we would like to put in place an emergency backup plan b. The idea that came to us, I checked with the schedule when I called Kerri (Kerri Weltha – Utility Billing Supervisor) over lunch hour, is that we would like Kelley Park and the 4-H Building. We would like to come in on September the 6<sup>th</sup> and set up. We will get with Kevin and see what we can actually have and where we can put it. We would do it as a one day event on Saturday, September the 7<sup>th</sup>, no camping. Then clean up on Sunday, September 8<sup>th</sup>. There is one entity that has the Kelley Hall building rented for Sunday, September the 8<sup>th</sup>, the 4-H building is not booked. There is nothing else scheduled for Kelley Park.

“I had asked Kerri, when I called in, if she would pencil us in to block out that weekend until I had a chance to talk to you all. If we can’t get Kelley Park, if that’s not going to be an option, then we are going to have to figure out either where we can move the OK Kids event to or postpone it, or possibly even cancel it which I would really hate to do. The Corps is talking about bringing in a heavy duty tree service. There are a number of tree tops, big limbs, branches, that are caught up in canopies; they refer to them as widow makers. That’s a major safety issue. We cannot have people underneath them, especially if we have any kind of weather come in and they start moving. That would be a major issue.

“OK Kids is 100% sponsored. We don’t charge any of the attendees, any of the kids that come out; we don’t charge them for anything that they do. We have a pancake breakfast and a fishing tournament that will still be out at New Strawn at the fire station and the New Strawn Lake. EMS sponsors lunch, we do events all afternoon long, finish up with supper that is sponsored by the OK Kids Organization and the Sheriff’s Office, and we finish up the night with a movie and popcorn. We’ve had as low as 600 kids and as high as 1200-1500 out there for that event. That is a pretty big deal for our community. What I am actually asking for is as an emergency backup plan, can the OK Kids Organization book Kelley Park and 4-H building for September 6<sup>th</sup> and 7<sup>th</sup> with clean up on September 8<sup>th</sup>?”

***Council Member Lenard, “I move to approve to hold OK Kids in Kelley Hall on September 6 and 7th & 4-H building September 6 through 8<sup>th</sup>, as well as Kelley Park, at no cost, in case of inclement weather.” Council Member Tschantz, “I second the motion.”***

Mayor Luke, “Any additional discussion?” Council Member Lenard, “Yes, thinking about the OK Kids, I think it was initiated by the Corps--.” Chief Jones, “It was initiated by us; this is our 18<sup>th</sup> or 19<sup>th</sup> year to do this.” Council Member Lenard, “I went to one down by Independence and Cherryvale.” Chief Jones, “Kansas Wildscape Foundation is the entity that started us all off with this.” Council Member Lenard, “So, as your speaking, I know they do a lot of water events.” Chief Jones, “We would probably have to cancel the boat rides and the canoeing. The trap shoot and pellet shoot will probably still be going on at the Redmond Sportsman Association, which is physically separated from Riverside West.” Council Member Lenard, “I know the Boy Scouts have always participated, the camping has always been a big deal and the more you’ve talked, I’m thinking what a great event that would be in Burlington permanently. So, I would definitely support this temporarily and if it evolved into being a permanent home, I would probably support that as well. I’d like to see the camping there too.” Council Member Jasper, “Yeah. I get that it shrinks your play zone. We have installed those camping grounds and I’m fine with even giving the campers free electricity.” Chief Jones, “We were just trying to keep it as simple as possible for a backup plan.” Council Member Jasper, “I understand for temporarily, I get it. Going forward, back to what Lewis was saying--.” Chief Jones, “For some of the Boy Scout troops it will be disappointing for them to not camp out there because that is a merit badge type event for them.” Council Member Lenard, “Being that close we’ve camped at the scout house before. It would definitely be nice to do that there.”

Council Member Curtiss, “You were going to clean up on the 8<sup>th</sup>?” Chief Jones, “Sunday the 8<sup>th</sup>. By the time we get done with all the events on Saturday, that’s what we usually do. The Fire Department usually does breakfast on Sunday morning, we probably won’t do that. We would simply move right into clean up but even at River Side West, we usually have everything completely cleaned up, torn down, packed away, back to where it belongs, and done by 1:00 or 2:00p.m.” Council Member Curtiss, “Okay, but the 4-H building is being used on the 8<sup>th</sup>.” Chief Jones, “Kelley Hall would be rented. We put up big tents for our feeding areas but since we would have access to the 4-H building, we wouldn’t need to put the tents up, and I don’t see a reason why we would need to get into Kelley Hall.” Council Member Curtiss, “But if so, it would be cleaned before the people need it. That would be your first priority?” Chief Jones, “Yes, Ma’am.” Council Member Curtiss, “Okay.”

Council Member Jasper, “Are you good with this Kevin (Superintendent Boyce)?” Superintendent Boyce, “I’m fine with it. I do already have plans to be out of town on the 7<sup>th</sup>.” Chief Jones, “What we would mainly need from you is, the events we think we can do and where can we put them; like the bouncy houses and the MOPS group.” Superintendent Boyce, “Scot Jeffers is--.” Chief Jones, “Yeah, when we get done with the meeting tonight I’ll let Mike and Scot know the outcome.” Superintendent Boyce, “I wouldn’t think Fair Board would have any activities going on this time a year so I don’t see it being an issue.” Chief Jones, “One of the things I need to visit with you about would be that Bill and Kara Reynolds lead horse rides, where could that go on at?”

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Superintendent Boyce, "The arena area. Really the only grass I worry about is from Kelley Hall west to 3<sup>rd</sup> Street, where the play ground and things are. Besides that, it can be tilled and let settle throughout the park. The area where the playground is, someone could come through town, see the sign for the park, and come in for a picnic." Chief Jones, "Right. That might be a place where we let the mothers and preschoolers set up but we wouldn't let any other activities in there to try to keep the foot traffic down." Mayor Luke, "Any other questions?" **Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.**

**PUBLIC COMMENTS:**

Mayor Luke, "Any public comments?" Paul Abendroth, "Yes, I want to mention about City Hall changing again. I want to start with I am not on Facebook, I have no idea what goes on on Facebook, all I know is what I hear. Most of it is a bunch of garbage. I was told that there was an offer on there that the cost of this building was going to be \$150,000 to \$400,000. I think it's going to be higher than that. If there is something wrong with our present City Hall, then why don't you take \$100,000 of that money that you are going to spend trying to get this place, and fix it. Since the fact that the tax base has gone down almost 8 million this year, maybe you could use the rest of that money and put it into Economic Development to get something in here to help the tax base of this County. So they won't be raising the taxes on all the individuals. If this goes through and you buy it, there is another \$500,000 off of the tax roll, and taxes are going to go up some more. I think everyone is tired of taxes going up." Mayor Luke, "Thank you for your comments."

**ELECTRIC DEPARTMENT: DISTRIBUTION Update**

**General:** Electric personnel have been doing many line locates, customer service requests, tree trimming, some line maintenance, and distribution maintenance and repairs.

**Apprenticeship Program:** Superintendent Schneider reported, "In spare time the apprentice lineman have been working on their apprenticeship program and taking their monthly tests."

**Outage:** Superintendent Schneider, "As most of you know, especially if you live in the downtown area, early last Friday morning we had storm that came through again. So, what happened that knocked the power out in the downtown area was a large tree that had fallen over into one of our junction poles and broke the cross arms for both directions of power lines. There was a delay in getting service back. The easiest, quickest, and safest way to get it back up was to leave the power off and change those out. We did have a damaged conductor that we had to repair then we were able to reenergize that circuit. Once we had the power restored we had to change out a transformer in the 900 block of south 7<sup>th</sup> that was damaged by lightening. Then we had another broken pole from the wind in the 900 block of Kennebec on the west side of the bridge. Once daylight hit and our emergency locates were up, we changed that pole out, then spent the rest of the day looking for additional damage."

**ELECTRIC DEPARTMENT: PRODUCTION Update**

**General:** Power Plant personnel have been performing normal power plant and equipment maintenance. Superintendent Schneider, "I know I say normal duties a lot. The men really are busy all the time over there doing preventative maintenance to make sure everything is ready to go should we need to generate. So, they really need a lot of credit for what they do."

**Transformers - Annual Oil Sampling:** Superintendent Schneider, "We did have our annual transformer oil-samples pulled from our two 10 MVA transformers in the substation and then we had a 5MVA as well. We test those to make sure we aren't getting contaminates, water, or anything in there or any abnormal wear from that. So, we got those samples pulled, we haven't gotten the results back but I'm fairly confident we are going to be in good shape with that."

**Training:** Superintendent Schneider, "All the men in the department attended a class at the hospital on August 12<sup>th</sup>. The class was called Stop The Bleed, which focused on bleeding trauma and how to care for people until we can get them to the hospital for better help."

**Personnel Apprentice Advancement:** Superintendent Schneider reported, "Finally, I have Cody Goracke who has completed his 2<sup>nd</sup> year of his apprentice program. He has passed all of the chapter tests and finals. He did an excellent job and is doing a great job out in the field. He is ready to advance to 3<sup>rd</sup> year apprentice."

***Council Member Curtiss, "I make a motion to move Cody Goracke from Second Year Apprentice Lineman to Third Year Apprentice Lineman at the hourly rate of \$21.44, effective August 24, 2019." Council Member Lenard, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.***

**WATER AND WASTEWATER: Distribution Update**

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

**Water Service:** Superintendent Hawkins, “We have been installing meters. The guys are doing a good job with that. I want to thank all the businesses, hospital, the Wolf Creek Lodge. We have been going in and putting in new meter pits with the new meters as well. I want to thank them for that. The residential areas as well, we are getting that done, so we are wrapping that up to the end.”

**Pump Issues:** Superintendent Hawkins, “We are still having issues with our number two pump at pump station one. We don’t know why we are losing prime. Lee Mathews is coming back to help us work on it as well. So, we are going find out what is going on with it.”

**Exercising Valves:** Superintendent Hawkins, “The guys are still going out and exercising water valves all over town in between everything else; that has been taking some time to do.”

**Lead & Copper Monitoring:** Superintendent Hawkins, “We are scheduled to do our third year lead and copper sampling. So, I want to thank everyone who has been a part of that. We had to go out and do our 10 samples for that, we should be wrapping that up hopefully tomorrow afternoon and getting that to the state.”

**WATER/WASTEWATER: Production – Water Treatment Plant Update**

Superintendent Hawkins reported, “The water plant is running good right now. The only issue that we have had is that we had to have Jim with RW Vaught come out and work on our tower SCADA, we had an issue with it. It was reading with the radio but the PLC wasn’t giving it the proper reading’s so we were not able to go in and shut down the VFD on our clear well pumps. We have no idea why not. They wanted it to happen again, I said no not with the fires and the power outages. We don’t want to go into a boil advisory. So, I had them go in and change out the PLC just as a precaution. The PLC was around \$400 so I’d rather be safe than sorry.”

**WATER AND WASTERWATER: Non-Certified Operator Advertise**

Superintendent Hawkins said, “The only other thing that I have left is that Austin Brown came in yesterday morning, turned in his keys and resigned. My only request is for me to be able to go out for applications to fill his position as a non-certified water and wastewater operator.”

***Council Member Hall, “I make a motion to advertise for a Non-Certified Water Wastewater Operator, until filled.” Council Member Tschantz, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.***

**STREET DEPARTMENT: Update**

**General:** Superintendent Davidson said, “We have been working on sweeping curb and gutter, cleaning gutters. We’ve had several complaints about water in the ditches and we have tried to address those.”

**Training:** Superintendent Davidson, “Our department attended the Stop the Bleed class through the Coffey County Hospital also.”

**Winter Preparation:** Superintendent Davidson, “We have taken a delivery of 150 tons of road salt for this winter. I wanted to get that in before we couldn’t get any.”

**Tree Removal:** Superintendent Davidson, “We have been taking down several trees that were damaged in the last storm. They were on City right of way, we were able to go in and take them down fairly easily. Thank you to Alan (Superintendent Schneider) for use of his equipment.”

**Sidewalk Repairs:** Superintendent Davidson, “I was asked to give a timeline on the sidewalk down at Central National Bank. There were some posts on Facebook about it being taken care of. When I started, it was back on July 17<sup>th</sup>. I contacted KDOT in Garnett; I spoke to Donna Schmidt to see who had issued the permits and to what contractor for the work. She got back with me on July 22 and there was no permit issued. So, I went ahead and contacted Century Link and that was on July 22 also. She contacted our local technician here, his name is Scotty. They looked at it on July 24, he got back with me and said he had issued a work order and that they would go ahead. It was a subcontractor who had done the work. They went ahead and did a work order on it and contacted what turned out to be Northwestern Telecommunications out of Gardner. He contacted them and on August 7<sup>th</sup>. I contacted Scotty again to see when they would be here. On August 15<sup>th</sup> they showed up and removed the old concrete, set the forms, and poured the concrete. Also, up there at Dairy Queen there was some damage left from a box insert where they left some dirt piled up. I asked them if they would remove that which they did willingly. It looks nice. They went ahead and pulled the forms. I’ve been waiting for them to come back and backfill along the sidewalk. Today I spoke with Kent Hartner, he maintains the banks property. He had also contacted the subcontractors and they worked out an agreement. Kent will go ahead and backfill around the sidewalk because he has some sprinklers that he needs to reattach. They were okay with that. Kent Hartner is going to finish the project with backfilling. As of right now that is all I can tell you. There were some discrepancies on the timeline on Facebook of what actually happened.”

**POLICE DEPARTMENT: Update**

**General:** Chief Jones, “The last couple of weeks have been crazy busy for us. City court was on the 8<sup>th</sup> and it went long because of some cases and trials. We started about 4:30 and it was about 8:00 before I got home that night. School did start on the 15<sup>th</sup>. As far as I know we have only written two tickets in school zones, but that was the first two days, first day actually. It gets people’s attention to remind them.”

**[7] CONTINUATION: August 21, 2019 Burlington City Council Regular Session**

**House Fire:** Chief Jones, “The big one was the fire last Friday, August 16<sup>th</sup>. I would like to bring to your attention our newest City Officer Chris Allen and the newest Deputy for the Sheriff’s Officer, Brad Barrett. They made an awesome attempt. They did everything they possibly could to get those little girls out of there. Unfortunately, it was too late and it was not successful. These guys were right up next to the house and the heat was so intense that when I got there just after 5:00a.m., I couldn’t even go half way up the drive way. I honestly don’t know how they managed to get up that close to the house. I do want to mention both of those men to you, they did an awesome job on that. I really want to congratulate the Fire Department. By the time they called me and I got there, they already had the ladder truck set up and ladder extended pumping water. I have never been to a fire scene where they had used every single hose on the truck, and they had everything in use. They ran out of hose. It was a bad situation all the way around, but our first responders did a fantastic job.”

**POLICE DEPARTMENT: Personnel Debra Klenda – Evaluation**

Chief Jones said, “The last thing I have is the annual evaluation for Officer Debra Klenda. Her anniversary date it actually tomorrow, August 22. She has been with us since 2016 so this is her third year with us. It was a good solid evaluation. We have some plans for her future training and her future professional development moving forward. I’m recommending that Council accept the evaluation and I’m recommending a 2.5% raise.”

**Council Member Lenard, “I move to accept Debra Klenda’s personnel evaluation as presented, and to grant a pay increase to \$20.65 per hour, effective August 24, 2019.” Council Member Hall, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.**

Mayor Luke, “Any questions for Doug?” Council Member Lenard, “I just have one thing to add. The police officer that is living in New Strawn which is in the five miles, we have granted him the approval to take the car home to New Strawn to respond to calls.”

**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, spraying, weedeating, and watering trees and flowers. Mowing has been taking up most of our time since we have had so much rain.”

**Ultimate Horsemen’s Challenge Association (UHCA):** Superintendent Boyce, “We have done a lot of tree trimming in Kelley Park prior to the Horseman Challenge last weekend. The year before, this was one of their requests. Their horse trailers are taller because of the hay racks on top. So, we did get the trees cleaned up for them.”

**Storm Damage:** Superintendent Boyce, “We have been busy with clean up after the storms this past week.”

**Mosquito Fogging:** Superintendent Boyce, “I have been prepping a log book for the mosquito fogging. So, I ordered in a weather station so the nights that we do fog, when we come in we will document the wind direction and the wind speed. There are some issues in there. If the wind speed is over 10mph or under 1mph, or if it is raining, it is recommended not to fog. So we will be documenting all of that. I would like to request to start fogging twice a week. With all of the rain that we have had, there is an increase in the amount of mosquitoes. Prior to the rain I think we were okay with once a week. I would look at fogging Tuesday and Thursday night if the Council is okay with that.”

**Burn Pile:** Superintendent Boyce, “The burn pile, with the storm damage we have been leaving the gate open all last weekend and all of this week. It will be open this coming weekend and probably Monday we will start locking it back up. The public will have to come in and get the key and sign in on the log book. With weather permitting next week, we will burn it, so it might be a little warm down there for a few days. The tree contractor that we approved at the last Council meeting will be here at the end of September or first week in October. I would like to get the burn pit emptied out before that. It is rather full right now.”

**Training:** Superintendent Boyce, “The Parks Department did also attend the Stop The Bleed class at Coffey County Hospital for training.”

**FINANCE: Claims Ordinance & Payroll Ordinance**

a. Claims Ordinance	2019-15	\$	<u>363,815.78</u>
b. Payroll Ordinance	2019-17	\$	<u>88,118.73</u>
	TOTAL	\$	451,934.51

**CLAIMS 2019-15:** Council Member Lenard moved to approve City of Burlington Claims Ordinance 2019-15 for the amount of \$363,815.78 for payment of city bills. Council Member Hall gave the second. Deputy City Clerk Brown said, “We have payments tonight to Kansas Power Pool \$229,241.89, MFA Oil Company, which was bulk diesel fuel for the Electric Department, \$15,003.00.”

**Hearing no additional discussion, Mayor Luke instructed Deputy City Clerk Brown to poll Council for a vote. All votes were in favor. Mayor Luke declared, “Claims Ordinance 2019-15 passed unanimously, 6:0.”**

**[8] CONTINUATION: August 21, 2019 Burlington City Council Regular Session**

**PAYROLL 2019-17:** Council Member Tschantz moved to approve City of Burlington Payroll Ordinance 2019-17 in the amount of \$88,118.73, as presented. Council Member Hall gave the second. Hearing no discussion, Mayor Luke instructed Deputy City Clerk Brown to poll Council for a vote. All votes were in favor. Mayor Luke declared, "Payroll Ordinance 2019-17 passed unanimously, 6:0."

**PLANNING & ZONING: Update**

**General:** Zoning Clerk Hugunin, "Normal duties."

**Nuisance Properties:** Zoning Clerk Hugunin, "I have been very busy with nuisance properties. I have been talking with Chief (Jones) on many of them. We have a list of about 45 that we are working on right now and the list is only getting bigger. As we get more rain, the grass continues to grow."

**County Commissioner Meeting:** Zoning Clerk Hugunin, "I attended the County Commissioner meeting, as Tom said when he was here. That was with Rhonda Gilbert from the Housing Authority. We were there in support of the Commissioners to give her a budget again like they used to, to help demo houses. They are still in negotiations with that."

**Server:** Zoning Clerk Hugunin, "The new server is just about done. It is scheduled to be installed Monday if they can get everything finished. If they do get everything finished, then we will be down for a couple of hours Monday morning."

**City Hall Repairs:** Zoning Clerk Hugunin, "Thursday the insurance adjuster came, and I walked him through City Hall. We have a very leaky roof, but he just can't find where it is leaking from. So, we have a contractor coming to look at the roof, I'll probably get a couple of them. It is causing the paint in the lobby and in the offices to bubble up, from the top floor all the way to the basement and it is running down. So, we have a lot of plaster and paint that needs repaired. The ceiling in the old office upstairs has fallen in. We have other leaks that are falling in on the tile, so the insurance adjuster is looking at all of that, and he does have it all photographed."

"Stover's Restoration was here yesterday and they did a walk-through of the basement. They had suggested two different options. One is that they can come in to lower the humidity in the basement to try to dry it out, that would run anywhere from \$1,500 to \$3,000. The other option is for them to totally dry the basement, dry the floor joists, they can do it all. If they find any mold, they would remove it. He suggested covering the whole basement floor with plastic. Right now, there is plastic down there part way, but he would cover every inch of it with plastic where the dirt is. He would dehumidify the whole building. That would start at \$10,000. That was his estimate, it could be more." Mayor Luke, "The key thing is getting the roof fixed." Zoning Clerk Hugunin, "Yes, that is the key thing. It is just going to get worse if we don't get the roof fixed."

**PERMITS: Building Permits issued by Zoning Clerk Hugunin:**

None.

**LICENSE**

None.

**OTHER COMMITTEE OR COUNCIL BUSINESS**

**LKM Annual Conference:** Mayor Luke, "We need to determine voting delegates for the LKM Annual Conference."

**Council Member Curtiss,** "I move to appoint Stan Luke as City of Burlington's League of Kansas Municipalities Voting Delegate, and Jerilyn Curtiss as Alternate Delegate." Council Member Lenard, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

**LEGAL DEPARTMENT: Update**

Attorney Robrahn reported, "I have been working on different correspondence regarding different issues with the City. On Friday the City of Burlington hosted the Kansas League of Municipalities meeting regarding Kansas Open Meetings Act and Kansas Open Records Act. Myself, Council Member Curtiss, City Clerk Kewley, and Mayor Luke attended. I thought it was a very good refresher in those two important issues, as we deal with our city government."

**CITY CLERK: Update**

**General:** City Hall Staff have been busy with customers paying utility bills, many calls and inquires, preparing work orders, vouchers for bill paying, payroll, and council meeting minutes. The City staff also attended the Stop The Bleed class at the Coffey County Hospital.

**League Of Kansas Municipalities:** Deputy City Clerk Brown, "She (City Clerk Kewley) attended the KOMA & KORA classes last Friday. Also, a reminder the Annual League conference is October 12<sup>th</sup> through the 14<sup>th</sup> at Overland Park Convention Center. There is still one room left open, so please let her know as soon as possible if you would like to attend. The City will be hosting, through the League, a regional supper on Thursday, November 14<sup>th</sup> and that will be at Kelley Hall."

**KPP Retreat:** Deputy City Clerk Brown, "Also, just a reminder about the KPP Retreat on September 20<sup>th</sup> and 21<sup>st</sup> in Wichita."

**Closing:** Deputy City Clerk Brown, "The City will be closed on September 2<sup>nd</sup> for Labor Day."



*[9] CONTINUATION: August 21, 2019 Burlington City Council Regular Session*

**REPORT BY CITY OFFICERS:**

Council Member Lenard, "I have a statement that I have put together.

"There has been widespread dialog circulating within the community on a variety of potentially controversial issues and these have been predominately initiated within various forms of social media. As a society, much of these issues are emotional based so, as President of Council, I want to reiterate the following:

*Mission Statement: We, representatives and employees of Burlington, collectively agree that our mission is to do what is best for the City of Burlington. We do not work for or represent any special interest group. We believe that integrity is the backbone of decision making and loyalty to the community is paramount. Our ultimate goal is to improve the City's quality of life **by making informed decisions, using resources intelligently and pursuing innovative ideas** to ensure a better tomorrow. To reach these ends, we shall work as a team, trust in one another and **listen to the people we represent.***

Now let me break this down.

We will make informed decision -this means that the City Council would likely have more information than the public in conjunction with these issues, while **maintaining confidentiality**, many times, we cannot disclose that. And "using our resources intelligently" does not mean being influenced by unsolicited surveys, media polls, or emotional social media initiative such as:

**Burlington City Hall-** We have already addressed that and I think we have done a good job.

**Issue with sidewalk-** This is KDOT's responsibility. Equally, City has sidewalk cost share program if anyone the in community would want a sidewalk replaced, this is "due process."

- It should also be noted that previous occurrences along Highway 75 have required response from KDOT such as: mowing north of town and culvert repair at the Medicine Shoppe corner.
- **Nuisance Properties-**City has again "due process" that is required by law. Another illustration of this is with the Music Box, we had "**due process**" to follow including some curve balls thrown at us as it is a Historical Site and subsequent notice being served as the owner was not an USA citizen.

Please remember that conflict and brainstorming typically derive better solutions. So, although I may not always agree with everything that is said publicly, I have a high level of respect for those that visit City Council and communicate positively and professionally.

Equally, I want to commend the employees of the City of Burlington for not engaging in social media rhetoric. You are truly great examples of how local professionals should represent their governmental branch.

In the end, I have attempted to convey a positive message with facts, not personal or ego attacks and would hope to refocus the community on all the positives our community has and leave you with this quote. "If you are not a part of the solution, you are a part of the problem."

Respectfully,

Lewis Lenard, President of Council"

**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, Deputy City Clerk, and City Attorney."

*Council Member Curtiss 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, Deputy City Clerk, and City Attorney. Council Member Hall, "Second." Motion unanimously carried, 6:0.*

Council entered Executive Session at 7:05 p.m. and exited at 7:25 p.m. No action was taken.

**[10] CONTINUATION: August 21, 2019 Burlington City Council Regular Session**

**MAYOR’S COMMENT(S):**

**FUTURE AGENDA ITEMS:**

<b>GENERAL:</b> 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
<b>ELECTRIC DEPARTMENT:</b> Power Plant - Additional Generation	<i>R.I.C.E. N.E.S.H.A.P. Compliance</i>
<b>PARKS DEPARTMENT:</b> 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
<b>LEGAL DEPARTMENT:</b> 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
<b>PLANNING AND ZONING</b> Industrial Park Lots for Sale, etc. Work with Advantage Computers 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 <sup>th</sup> (Theda Darnell Property) – Demolition-Hire Contractor Addition Nuisance Structures for Possible Condemn/Demolish
<b>POLICE DEPARTMENT</b> Nuisances (Work with Zoning Clerk) Voice Stress Analyzer Project	Department Activities and Cases
<b>STREET DEPARTMENT:</b> Concrete St. Repairs/Free State Ct. Replacement/Repair Excess Hot-Mix from APAC Litigation/Redo S 3 <sup>rd</sup> St. Municipal Parking Lot in 2019 Pavement Management System/Asset Management System Old Penny’s Concrete Building – renovation/door/etc.	Street improvement Plan, Paving Gravel Streets, Crack Filling, Street Improvements 2019 6 <sup>th</sup> & Alleghany Project Street Improvements 2019 Asphalt Project
<b>WATER &amp; WASTEWATER DEPARTMENT:</b> Fire Hydrant – 3 <sup>rd</sup> & Neosho Storage Building for Dirt -Construction Flooding	Sensus Water Meter Replacement 6 <sup>th</sup> and Alleghany Waterline Project Sewer Liftstations –Flushing Rags, etc. Quick Coupler Bucket Updates Sewer Lagoons - Analysis (KRWA/funds for dredging) Sewer Lagoon Maintenance/Updates

Mayor Luke declared the meeting adjourned.

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

