

**BURLINGTON CITY COUNCIL REGULAR SESSION 8-7-2019**

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 7, 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:** Susan Royd–Sykes, Daniel Copp, Leslie (Butch) Gifford, Paul Abendroth

**AGENDA:** *Council Member Lenard, “I move to approve the agenda as modified.” Council Member Tschantz, “Second.” Motion unanimously carried, 4:0.*

**MINUTES 7/17/2019:** *Council Member Hall, “I move to approve the draft minutes of July 17, 2019 as presented.” Council Member Tschantz, “Second.” Motion unanimously carried, 4:0.*

**APPOINTMENT: Susan Royd-Sykes & Daniel Copp – Reject the fogging for mosquitoes**

Susan Royd-Sykes addressed Council, “Hello, we live at 504 South 6<sup>th</sup> Street. We are here tonight to speak about the City’s approved plans for whole city mosquito fogging, which were announced at the July 17<sup>th</sup> Council meeting. We learned about it through the July 25<sup>th</sup> addition of the Republican. After reading that I spoke with my ward Council Members, Council Member Lenard and Council Member Jasper, and called the Mayor to talk about it and ask that we be put on the agenda for tonight.

“Our concerns are threefold about this. We both consider ourselves to be the best ecological stewards we can be. We do live a lifestyle that reflects that and leaves as small of a carbon footprint as possible. Our property, at 504 South 6<sup>th</sup>, is home to not only a non-toxic pesticide and herbicide free organic food and medical plant garden, but also a pesticide and herbicide free pollinator and wildlife habitat. We are recognized for that and do have a plaque for that. Every year since we have moved here, four years ago, we expand that; we add more plants and we add different types of things. We have done continual landscaping to deal with the water issues in our neighborhood so that we don’t have standing water, which several of our neighbors do. All of those properties belong to a landlord who doesn’t tend to take care of those properties. I have been talking to him half the time we have lived there. Finally, this year, I think his renters made their own efforts to drain that property. I’m not exactly sure what all is going on there but we are very vigilant about that. We have four rain barrels and water feature that includes a small pond in our backyard. Those are always treated with ecologically friendly non-harmful chemicals to take care of any mosquito problems that we might have there.

“Since the late 1990’s, I have suffered from multiple chemical sensitivities and allergies, it’s a long list. Even if we weren’t concerned about the environmental and wildlife issues, this would be an issue for me because of my other health issues. Our home is chemical free. We do not even have cleaning products; we just get out a bottle of alcohol if we have to scrub the counter. When I came in here tonight I smelled some of air freshener or aromatherapy thing and I wasn’t sure I could come on in to the meeting. So, if this is a toxic spray that you all decide to use, if that’s what you choose, I won’t be able to walk in my grass or go out and pick flowers. I have a rash on the side of my face from something I bumped into yesterday when we were out and about and I don’t know what it was but I’m treating it.

“With those concerns stated, it would be exceedingly clear to us that our property just cannot be sprayed. When I was calling around one of the suggestions to us was to just cover our property. I’m not sure how to do that with a two-story house and a third of an acre. We could cover the rain barrels, the pond, most of the plant life that is within the house boundaries, but we couldn’t do the whole yard. The whole yard has white clover which is part of the wildlife habitat for the bees, dragonflies, butterflies, and the pollinators that keep us all here. If the pollinators go, science says it’s three years before we are gone.

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“While we do understand the City has a responsibility to the health of its citizens, to which we are, we would also implore the Council to balance the realistic need for this planned mosquito fogging with solid facts, rather than alarming bulletins sent out from the County Health Department that don’t really contain all the facts. Consider to balance that against what alternatives are available in terms of eco-friendly products and the effects of the non-eco-friendly products on people, not just on the plants and the wildlife. So, currently according to KDHE’s (Kansas Department of Health and Environment) website page today, and I check it at least a couple times a week, there is no current local transmission of Zika virus in the U.S. That includes Florida and Texas where it was a problem two years ago. This clearly exempts Kansas, Coffey County, and Burlington from imminent threat. Cumulative cases of notable diseases show that as of July 20<sup>th</sup> there were no cases of the West Nile virus, no cases of Zika, and no cases of the Saint Louis Encephalitis virus. So, in our plea to reconsider this whole issue we are offering some following suggestions and I’ll turn those over to my husband Daniel who is a former Council Member of his own self.”

Daniel Copp, “I have some research for you to ponder. I would just like to offer some suggestions when we are thinking of fogging and putting things into the air that people breathe. Months prior to any decision or action to notify the public by a posting on the website, mailed notices with the monthly utilities bills and the publication in the official newspaper, of course, regarding a statement of concerns and proposals including date, time, and place of a public hearing. Then, clearly provide that information regarding the specific toxic chemical compounds or eco-friendly compounds the City may plan to use. I say the word eco-friendly to make sure not to get involved with natural and all the confusion with things. So, we never know until we see just what the chemical compounds are. From that we see public input to explore vital alternatives to citizens wishing to maybe opt out and review plans, then in light of public input can be seen. Then further discuss the real need of entire city fogging versus selective fogging of specific areas, such as parks and the river. Then discuss alternative versus standard toxic chemical methods of control, eco-friendly versus toxic. Consider drafting a City ordinance requiring property owners to stand accountable in terms of remediating any standing water issues on their property on the spirit of cooperation. I think then Council could revisit the issue and reach an informed and responsible decision concerning that matter at hand. That is my suggestions to you. Again, we have research here. May I pass them out?”

Mayor Luke, “Sure, we have two members that are absent tonight so I would like to have two extra copies for them. I would appreciate it.” Daniel Copp, “These are just some things to consider. We know that we have to balance health issues all over and consider everybody but we just think you can expand the discussion. Thank you.” Mayor, “What we will do is we will review this information. We will have the Parks Committee sit down with the Parks Department and they will review it, and go over what options we feel we can implement and do. Then we will go forward from there.” Susan Royd-Sykes, “I noticed that you have approval of the fogger equipment or estimates on for later. I’m not sure we can stay for the whole meeting because I’m already hearing myself kind of frog up and I probably should go. I guess my closing statement would be to say thank you for listening and thank you for taking the time to speak to us on the phone. We have been here four years and we really haven’t broken into the social circuit. We have been really busy just taking care of the house, the property and making additions.” Mayor Luke, “Thank you for your input and we will review it.” Susan Royd-Sykes, “Thank you.”

**APPOINTMENT: Leslie (Butch) Gifford – Flood**

Leslie (Butch) Gifford addressed Council, “Well, some of these guys here I am not real familiar with, I know some of you. My name is Leslie Gifford better known in the community as Butch. Well, I’ve got two questions. After you’ve sent me this letter is act of God. Do you all know the definition of ‘act of God’, you Councilmen? Do you? I’d like to hear it. I know what it is.” Mayor Luke, “Tom (Attorney Tom Robrahn) wrote the letter and he knows what he intended with that. We will let him answer.” Leslie (Butch) Gifford, “Well, I’d like to see if the Council knows.” Mayor Luke, “Right now, Tom will be answering our questions.” Leslie (Butch) Gifford, “Okay. Well, I think me and Tom done discussed that and I thought he agreed with me. If you look it up on Google it will tell you the same thing. In case you don’t know I’ll tell you what it is, ‘act of God’-- he explained in the letter of the flood warning. Yeah, it looked bad, it was plum around my house and it looked bad. I’ll admit it. But it had three foot in elevation, not in distance, but three foot in elevation before the water could run in the windows. If the water would have run into the windows that would have been ‘act of God’, you look it up. Okay. So, what happened, we had it all under control we had it plum dry and there wasn’t a bit of water in it what-so-ever. They had come down and disconnected us. Was that an act of God? So, therefore we had no electricity, the water had come up through the sump pump, and that’s what caused the problem. We had it all under control. There wasn’t a bit of water in that basement and it was plum dry. I got plenty of witnesses to say to that effect. So, I would just kind of like to know who is liable. It can’t be the ‘act of God’.”

Mayor Luke, “When you (Attorney Tom Robrahn) met with Butch today--.” Leslie (Butch) Gifford, “It was yesterday.” Mayor Luke, “Yesterday? Okay, what was the discussion?” Attorney Tom Robrahn, “Okay. Well we defined ‘act of God’ as to the flood. I didn’t reiterate any further--.” Leslie (Butch) Gifford, “But if you look on Google, I’ll tell you what Google would tell you too. I’ve learned a lot in the last two or three days and I’ll tell you what, I’ve been a nervous wreck. I turned in a bill and I gave it to him at 4:30. I could have handed it to you but he wanted me to present it. That’s a minor detail but that’s what things would cost and the damage it had done and I’d like to have a little reimbursement because it wasn’t the ‘act of God’ that caused the problem.”

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Attorney Tom Robrahn, "Alright. I asked him if he had retained an attorney and he hasn't so he can still--." Leslie (Butch) Gifford, "I'd like to settle it as a gentlemen, is what I would like to do. We're all over 21, we are all adults, we're not a bunch of kids. I'd like to get it done reasonably and settle this thing." Attorney Tom Robrahn, "Stan (Mayor Luke) and I had talked and we hadn't seen anything in writing." Leslie (Butch) Gifford, "You got it now." Attorney Tom Robrahn, "We got it now. That's all I asked. I needed something --." Leslie (Butch) Gifford, "It don't need to be going on for two months like it has been. I let the girls take care of it. Finally, I got this letter and I had to laugh at it. You guys ever seen the letter?" City Clerk Kewley, "They all have a copy." Leslie (Butch) Gifford, "Okay, that's good. I thought it was kind of cute." Attorney Tom Robrahn, "Butch, what we would ask is --." Leslie (Butch) Gifford, "I'd like to know within the week." Attorney Tom Robrahn, "Alright, we need some more information from you." Leslie (Butch) Gifford, "Okay, fire away."

Attorney Tom Robrahn, "Alright. What you gave us was a compilation of bills and estimates and so forth. We need it from you or whoever, your family members; we need someone to narrate--." Leslie (Butch) Gifford, "Well there is two of them there from family members and the other one I got from a local contractor. That's the estimation of what it would cost." Attorney Tom Robrahn, "I understand your estimates and your bills and so forth. What I would like to see is a narration of what happened in your own words in writing. That is just a compilation of bills and we need a narration." Leslie (Butch) Gifford, "Well, I'm a very poor writer and I'm a very poor speller. Do you want me to get a lawyer and have one drawn up?" Attorney Tom Robrahn, "Well, or Sandy or Dawn or whoever can do that." Leslie (Butch) Gifford, "I only went to second grade and I only went there twice but I'll out figure most common people. I'm 77 years old and I've spent 75 years of it in Burlington, Kansas. I know how the system works. I don't want to get rowdy so I'll apologize, gang. I'm worked up about this thing and I'd like to get it solved. Sensibly."

Mayor Luke, "My understanding is for us to be able to submit this into insurance for payment--." Leslie (Butch) Gifford, "Well, whatever I need to know within a week. You've got enough time." Mayor Luke, "We need to have a chronological story as to what actually happened and --." Leslie (Butch) Gifford, "Write it up, you know the story." Attorney Tom Robrahn, "I can't do that for you, you have to do it. Okay? It has to be from you." Leslie (Butch) Gifford, "Okay." Mayor Luke, "Include why you believe, or Dawn believes --." Leslie (Butch) Gifford, "Do you want me to send it to you (Mayor Luke) or to him (Attorney Tom Robrahn)?" Mayor Luke, "To him. And why the City is liable for the repairs that way the whole story is there." Leslie (Butch) Gifford, "Okay, but you never did answer my question though. Do you really think it was an act of God that caused the problem?" Mayor Luke, "My thoughts are --." Leslie (Butch) Gifford, "I know it looked bad I'll agree with you 100%." Mayor Luke, "My thoughts are irrelevant. What you submit and what Tom turns in is what is important." Leslie (Butch) Gifford, "We had everything under control. If it had went ahead and got in the basement of an act of God then there would have been water on a third of Neosho. The windows were three foot in elevation before it would run the windows. We had it sandbagged, which the day that they turned it off, they didn't know it was sandbagged. That's what they told me. The way this whole thing went- the right hand didn't know what the left hand was doing, one tells you one thing and one tells the other. That's what makes it so confusing. Like I said, I'm apologizing, I don't want to get rowdy but we need to solve this in a manner."

Mayor Luke, "You provide Tom what he needs for us to submit the request and as soon as the insurance company --." Leslie (Butch) Gifford, "Is that a yes or no that if I do this they are going to pay?" Mayor Luke, "I cannot answer for them. Tom cannot answer for them either." Leslie (Butch) Gifford, "I didn't know it was the insurance company's fault." Mayor Luke, "That's what we have insurance for." Leslie (Butch) Gifford, "Well, if we are going to turn it into insurance then I've got a lot of compunity?? myself. It's been mad on my heart like Sanford and Sons." Mayor Luke, "Include that in your story of what you give Tom." Attorney Tom Robrahn, "Give me a narration." Leslie (Butch) Gifford, "Is that what it is?" Attorney Tom Robrahn, "Yeah, give me a story." Leslie (Butch) Gifford, "Write that down so I don't forget." Mayor Luke, "Okay." Leslie (Butch) Gifford, "That bill could double if it goes on to insurance. I thought we could settle this reasonably and that's a reasonable bid."

Mayor Luke, "We are required to turn these things in to our insurance company --." Leslie (Butch) Gifford, "I added it up, if I can find the paper. It came to \$32,554.00. That is the contractors bill, what he would have estimated what it would have cost to gut that basement. That was all finished down there. The furnace, hot water tank, deep freeze, carpet, the whole thing and replace it back. That's what he put in—it wasn't that much but the others—he put in \$26,999 and that was the chemical to kill the mold and all this good stuff. That's just an estimate." Mayor Luke, "Include all of that in the narration." Leslie (Butch) Gifford, "That's probably a cheap estimate, it's the local contractor, it ain't a fly by nighter." Mayor Luke, "Alright, submit that in the narration and we'll submit that and when they get back to us then we will get back to you." Leslie (Butch) Gifford, "I wish you had said that the other day or I'd have had it." Attorney Tom Robrahn, "Well, I think I implied you needed it. I thought that is what you were going to bring in."

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Leslie (Butch) Gifford, "No, I figured it was verbal. I do business verbally." Attorney Tom Robrahn, "Well, I know but with a municipality--." Leslie (Butch) Gifford, "You know what; I rented a pasture and the ol' boy said 'you want to go to the lawyer and draw it up?' I said don't think so. I said you can go to a lawyer if you want to and pay the bill and I'm not paying half of it. 'You're not?' I said no as far as I'm concerned me and you just made the contract. I said you can only cheat me one year." Attorney Tom Robrahn, "Well, the difference is Butch--." Leslie (Butch) Gifford, "I guess I'm too much old fashioned." Attorney Tom Robrahn, "It's just that the Council and the Mayor are fiduciaries of the tax payer's money and they have to have things in writing. That's a requirement. So, that's why we have to have something in writing." Leslie (Butch) Gifford, "Well, you sent me a deal in writing." Attorney Tom Robrahn, "That's right. I need it back in writing." Leslie (Butch) Gifford, "But you said it was God's intent." Attorney Tom Robrahn, "Well, I think you're stretching things."

Leslie (Butch) Gifford, "Well, that's how this letter reads. You want to be argumentative (looking at letter) 'For the act of God' you are no longer going to be liable is what you said but the act of God didn't let water run in our basement, we had it under control until you turned the electricity off. Another question I'd like to know is what procedures do you have at turning electricity off? John Doe over here and Tom Smith over here, who gets it first, or both get it, one gets it and the other one don't. I know of an instance out at the country club, the water was half way up on the fuse box and you never turned their juice off. My neighbor to the north, it wasn't very deep but the water was around his house and never turned his off. It filled his basement. How do we determine that? Do you have a deal or not?" Mayor Luke, "I don't have the ordinances in front of me. I cannot answer that question at the moment." Leslie (Butch) Gifford, "I have heard you didn't have one but you probably do after this deal." Mayor Luke, "I would have to find out. I cannot answer that question." Leslie (Butch) Gifford, "If I get this to you tomorrow will I know by Wednesday?" Mayor Luke, "It will go to the insurance company as soon as you get --." Leslie (Butch) Gifford, "I need a definite. Not two months." Mayor Luke, "I cannot speak for --." Leslie (Butch) Gifford, "Two weeks ought to be plenty. You can go by pony express that far." Mayor Luke, "I will ask them what their timeline is." Leslie (Butch) Gifford, "Yeah, but it's better than two months that's what this deal has run into." Mayor Luke, "Let's hope it is. We want to get it resolved as well as you."

Leslie (Butch) Gifford, "Well, that's what I'm saying. That's why I'm here trying to be nice. If I've offended any of you I'm sure sorry. That's my feelings and I've had sleepless nights over it since Monday. I didn't turn no compunity?? or whatever he said that word was. I should but I'm not going to if you pay the bill."

Mayor Luke, "Okay, we have a public hearing that we have to start at 6:30." Leslie (Butch) Gifford, "Is that open to the public?" Mayor Luke, "Yes. You're free to stay." Leslie (Butch) Gifford, "I believe I will. In case you don't know I got it on the phone too." Mayor Luke, "That's okay. We have it on a tape recorder too." Leslie (Butch) Gifford, "That's fine. The other meeting you had with the girls is on there too and I listened to it. It wasn't like you said Monday. No offense." Mayor Luke, "Okay, it is 6:30p.m."

**APPOINTMENT 6:30 p.m.: Public Hearing on 2020 City Budget**

**Opening the Public Hearing:** Mayor Luke, "At this time we will go into the Public Hearing on the 2020 City Budget." ***Council Member Hall stated, "I move to authorize the Mayor to open the public hearing for the City Budget for 2020." Council Member Tschantz, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 4:0. Mayor Luke, "We enter the hearing at 6:30 p.m."***

Mayor Luke, "Is there anyone present who wishes to make comments concerning the proposed Budget for 2020?" There were no comments. Mayor Luke said, "Hearing none, I would accept a motion to close the Hearing."

**Closing the Hearing:** ***Council Member Lenard stated, "I move to close the Public Hearing." Council Member Hall, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 4:0. Mayor Luke declared the Public Hearing closed at 6:31 p.m.***

**Taking Action:** Mayor Luke stated, "You have before you the City Budget for 2020. At this time, I would accept a motion to adopt the City Budget."

***Council Member Lemard stated, "I move to adopt the City Budget for 2020 as presented." Council Member Hall, "I second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 4:0. Mayor Luke declared the City Budget for 2020 adopted.***

**PUBLIC COMMENTS:**

Mayor Luke, "Paul, Do you have any comments?" Paul Abendroth, "Yes, I have a question. What's going on at City Hall, the original one? Are they planning on moving back in there or like I suspect you're talking about buying this place and moving out here?" Mayor Luke, "There has been no final decision on either one at this point in time." Paul Abendroth, "Have they got rid of the black mold and all this?" Mayor Luke, "I know we have treated it. I haven't been in it recently to know if all of the mold, the smell, et cetera, is out of there. I cannot answer that part." Paul Abendroth, "That can be cleaned up again. The theater had black mold in it and there are still operating it." Mayor Luke, "Yes, it can be cleaned up. I do not disagree with you. There is no final decision as to what direction the governing body is going to go." Paul Abendroth, "Well, I think they need to get it cleaned up and moved back into it other than to spend the tax payers' money on this place. It could be able to go to some business or industry here better than downtown. That's my opinion. You don't need all this parking you have down here with the garages and all that I believe."

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Mayor Luke, "Alright, thank you for your input. Anything else?" Paul Abendroth, "If you have problems or don't know how to keep the black mold out, Dr. Murray at Lyndon ran the theater and he had to deal with that to start with. He could direct you on what to use and all that." Mayor Luke, "Alright. Any other comments? Hearing none we will go into committee reports."

**ELECTRIC DEPARTMENT: DISTRIBUTION Update**

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

**Repair - Outages From Storm:** Superintendent Schneider reported, "We received a call about 12:50a.m. Thursday morning. The first call was that the downtown area was out of service. We found several tree limbs and one pole top insulator that was bad which we had to get off the lines before we could restore that circuit. That was down an hour roughly. From there, we went to the 1300 block of Potomac where part of a very large tree fell into our power lines and knocked down our primary and secondary conductors. We were able to restore service there about 6:30a.m. We had one more isolated outage, not related to this in that part of town, which we also restored at 6:30a.m."

"From there we moved up to the 900 block of Cross Street where a three phase power pole that was broken off at the ground. So, transformers, secondary's, underground, overhead, everything possible were attached to that pole, and spent a good part of the day restoring that back to service. We discovered that day that we had two additional power poles that were broken. We were able to stabilize those safely and one of those is already changed. Hopefully, depending on how muddy it is, we will be able to restore the other tomorrow. The men finally went home at 5:30p.m. on Thursday afternoon. Friday and Monday we patrolled the system for other potential hazards and safety concerns. The men did find a few things and they repaired them as they went."

"I do want to give a big thank you to Mark (Superintendent Davidson) and the Street Department. They helped us clean up that large tree branch that had fallen on the line. That was one less thing that we had to worry about doing. So, thank you Mark and to your men."

**ELECTRIC DEPARTMENT: PRODUCTION Update**

**General:** Power Plant personnel have been performing normal power plant and equipment maintenance, and washed the big diesel fuel storage tanks. They have them cleaned up and made them look nice.

**Kelly Park Pole Testing:** Superintendent Schneider reported, "Also, the men went down to Kelley Park and pole tested the ballfield light for structure. We were trying to see if there was any decay or hollow spots in the middle. Kansas Power Pool (KPP) does have a pole tester which we borrowed from them. We checked all of the ballfield lights there and then went to Jones Park to test those poles as well. All of the poles passed the test for structural integrity. I can make a report for the committee visiting and I'd be happy to get that to you all."

**KPP Fall Retreat** Superintendent Schneider reported, "The last thing that I have is the Kansas Power Pool fall treat that is coming up on September 20 and 21 in Wichita. I believe Gina (City Clerk Kewley) had it put in your packets." Mayor Luke, "If someone wants to go, then Alan needs to know to get reservations in." Council Member Lenard, "I don't know if you've reached out to Jerilyn (Council Member Curtiss) or Dallas (Council Member Scothorn) since they are out of pocket." Superintendent Schneider, "I have not but I'd be happy to do so."

**WATER AND WASTEWATER: Distribution Update**

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

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

Superintendent Hawkins reported on the downtown water service, "We have completed the downtown project. As of right now, we had a total of 11 services completed. So, everyone down there has pressure. We will go back another time and we will finish up the meters in the front of the building. As of right now, I'm still waiting on just a few small bills, but we have spent \$9,111.12 on this project."

"I want to thank Mark (Superintendent Davidson) and his guys again. Without their help it would not have happened. I am very appreciative of them, so thank you. I also want to thank Alan (Superintendent Schneider) and his crew for the other night. During the same storm that he was talking about we were very, very close to running out of water. We were watching it very closely. They were able to get the power on just in time so we didn't have to lose any water pressure. So, I want to thank them for all the hard work that they did."

**Exercising Valves:** Superintendent Hawkins, "The guys have also been out exercising valves that state requires us to do. So, they have been going around town exercising water valves which they are still working on."

**Water Service:** Superintendent Hawkins, "We have been doing installs of water meter services and removing water meter services. At this time we are caught up on those. We do not have any more to do."

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**Alleghaney Project:** Superintendent Hawkins, “We have been waiting on the Alleghaney project. I have been in contact with our engineer and Dan Claire (KDHE Engineer). I do not know why this project is taking so long for it to get across to his recommendation. It has been on his desk now for over 120 days. So, I contacted him yesterday and we are second on the list now for review. We are hoping that we will get the heads up in a few weeks. Generally, in the past, it has only taken Dan anywhere from 30-40 days. We don’t know why it is taking so long on this project. We should start ramping up to where we can get it completed for this year.”

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

Superintendent Hawkins reported, “The water plant is running good. The only issues that we have right now is that the guys are having to go back and shut off one of our chlorinators. The solenoid is bad. We have Shane Newland who will be coming down to get that fixed.”

**WATER/WASTEWATER DEPARTMENT: Authorize to go out for bids for a truck**

Superintendent Hawkins, “The last thing I have is asking for permission to go out for bids for a truck that we have budgeted for last year, to purchase this year. Just to give a heads up I have also budgeted for another truck for next year. I wanted to talk about these two trucks. These are the trucks that we purchased back in 2013. We got them from the federal surplus, they were 2005 Dodge trucks. They originally came from Oklahoma City. We paid \$25,006.00 for them. The truck that I am wanting to replace this year has right at 60,000 miles on it, plus double that, because of the hours we have it running while sitting in idle to run our things from the trucks. I have a list of problems wrong with it. If the Council approves us to go ahead and purchase a truck we would like to take the tires off of this truck, and place them on the other truck for next year, so we don’t have to buy truck tires for it. We are just trying to save money on that as well. That is all I have.”

***Council Member Tschantz, “I move to authorize Superintendent Hawkins to go out for bids for a truck for the Water/Wastewater Department.” Council Member Hall, “I second the motion.”*** Mayor Luke, “Any additional discussion?” Council Member Lenard, “Danny, are we using that same policy as before?” Superintendent Hawkins, “Well, we are going to downsize. The XLT’s are just too much truck. All we need are XL’s, just a plain joe work truck, vinyl seats, we don’t need all the stuff with it. So, we know that we are going to come in well underneath budget because of that.” Council Member Lenard, “So, possibly trade in the old truck and possibly go local as well?” Superintendent Hawkins, “Yes, we will look local. We will trade the other one in and get what we can for trade value there. Once we buy the truck this year and next year, we shouldn’t have to buy trucks for 10 to 15 years.” Mayor Luke, “Any other discussion?” **Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 4:0.**

**STREET DEPARTMENT: Update**

**General:** Superintendent Davidson said, “We have been cleaning ditches and hauling waste to the landfill. We poured concrete on Neosho between 3<sup>rd</sup> & 4<sup>th</sup> for new water meters, patched a parking area with asphalt, put out no parking signs and barricades for the parade route for the fair. We have been painting crosswalks and turn arrows to get that ready for the coming school season.”

**Repairs from storm:** Superintendent Davidson, “We had one tree that was over at 13<sup>th</sup> and Merrimac when we had the wind storm. It blew a large limb out across the road. When we removed the limb we found that the tree was a hazard. So, Monday we went ahead and took the tree down.”

**Equipment Repair:** Superintendent Davidson, “We have been doing maintenance on trucks and equipment and cleaning the shop.”

**POLICE DEPARTMENT: Update**

**General:** Chief Jones, “We made it through the fair with no serious incidents. Last weekend, the Saturday night drinking party turned into the Sunday morning fight. There was a pistol involved, three rounds were fired, and we wound up taking three people to jail. Two of them were for aggravated battery with a bond of \$25,000 a piece and one of them for 2 counts of aggravated assault with a \$60,000 bond.”

**POLICE DEPARTMENT: Personnel Training**

Chief Jones, “Officer Devin Haines went to the computer voice stress analysis certification class on July 22; he was there the entire week. He got through the training and received his certification without any problems. He has already started using it. We did an interview yesterday on a suspect in a case and we found it pretty useful. Thank you to the City Attorney and County Attorney for sponsoring us on this one.”

**PARKS DEPARTMENT: Update**

**General:** Superintendent Boyce reported, “Normal duties. 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.”

**Storm Damage:** Superintendent Boyce, “The storm last week did take a toll on the flowers downtown. Mainly on the concrete pots but there is new growth in them. I’m going to leave them out and see where it goes. We did have tree limbs to clean up in the parks and several around town. Some of the trees that are on my hazard tree list for removal did lose some limbs. We did clean those up but there are still some. We had a call today about some street trees that had some broken limbs. So we are still dealing with those.”

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

**Fair:** Superintendent Boyce, "I worked with the Fair Board on setting up for the fair. We set up the parking lot, at 3<sup>rd</sup> and Potomac we had picnic tables up for them, and a couple of other small issues that we easily took care of for them. They left the park in good and clean order, so no issues there."

**Hazard Tree Removal Quotes:** Superintendent Boyce, "We did get the contractors in to get the quotes for removal of ten hazard trees and three stumps. The trees that have already been removed were removed by the Street Department back in June, I believe it was. It would be my recommendation to accept the quote from Trener's Tree Care for \$6,800.00."

**Council Member Jasper, "I move to accept the quote from Trener's Tree Care for removal of 10 hazard trees and grinding out 3 stumps, not to exceed \$6,800, as being in the best interest of the city." Council Member Hall, "I second the motion." Mayor Luke, "Is there any discussion?" Superintendent Boyce, "This is the contractor who has had the contract the last 7 out of 9 years. He does a very good job." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 4:0.**

**Nuisance Property:** Superintendent Boyce, "We mowed two nuisance lots yesterday August 6<sup>th</sup>. 302 South 10<sup>th</sup> and 716 Yuba. So, I will be making the bills out for those."

**PARKS DEPARTMENT: Mosquito Fogging**

Superintendent Boyce, "I did get quotes for the fogger machine itself. Three of them were internet prices. If you look at your sheet that has the quotes on them you will see they have 'No Support' or 'Support' on there. The 'No Support' basically means that they will ship the machine to us, we have to calibrate it, and if there is an issue we have to take care of it ourselves. So, with the Van Diest Supply Company we have support. The machine was delivered July 24<sup>th</sup> I believe. The representative was here July 30<sup>th</sup>, calibrated it, and went over any questions we had to set us up. Last Tuesday, we did fog and last night on the 6<sup>th</sup> we fogged again. On the chemical that we are using, it was his recommendation for this chemical and it is \$25.00 a gallon, roughly. The chemical that LeRoy is using is quite a bit more, price wise, than what we are using. I did want a 55 gallon drum instead of dealing with 2.5 gallon jugs, you have to dispose of the jugs and you have to order quite often. We ordered the 55 gallon drum of the chemical so we will be set to go forward, and not have to re-order all the time."

**Council Member Jasper, "I move to ratify Superintendent Boyce's recommendation to accept the quote from Van Diest Supply Company for a ULV Fogger Sprayer, not to exceed \$11,945.00, as being in the best interest of the City." Council Member Lenard, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Council Members Lenard, Jasper, and Hall, voted, 'Yea' and Council Member Tschantz abstained from voting. Mayor Luke declared the motion passed, 3:1.**

Paul Abendroth, "Haven't they already bought it and used it?" Mayor Luke, "Yes. He had the authority to go out and do it. We are just ratifying what –." Paul Abendroth, "I thought it was already agreed upon." Mayor Luke, "It was agreed upon as to what to pay for it." Paul Abendroth, "\$12,500." Mayor Luke, "Yes. Max \$12,500. The particular piece of equipment had not been fully evaluated." Paul Abendroth, "Okay."

**FINANCE: Claims Ordinance & Payroll Ordinance**

a. Claims Ordinance	2019-14	\$	414,837.83
b. Payroll Ordinance	2019-15	\$	82,798.82
c. Payroll Ordinance	2019-16		85,264.47
	TOTAL	\$	582,901.12

**CLAIMS 2019-14:** Council Member Tschantz moved to approve City of Burlington Claims Ordinance 2019-14 for the amount of \$414,837.83 for payment of city bills. Council Member Lenard gave the second. City Clerk Kewley said, "We have payments tonight to Border States Industries \$8,792.98, Killough Construction \$241,462.05, Republican Waste Services \$11,527.86." Hearing no additional discussion, Mayor Luke instructed City Clerk Kewley to poll Council. All votes were in favor. Mayor Luke declared, "Claims Ordinance 2019-14 passed unanimously, 4:0."

**PAYROLL 2019-15:** Council Member Hall moved to approve City of Burlington Payroll Ordinance 2019-15 in the amount of \$82,798.82, as presented. Council Member Tschantz 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 2019-15 passed unanimously, 4:0."

**PAYROLL 2019-16:** Council Member Hall moved to approve City of Burlington Payroll Ordinance 2019-16 in the amount of \$85,264.47, as presented. Council Member Tschantz 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 2019-16 passed unanimously, 4:0."

**PLANNING & ZONING: Update**

**General:** Zoning Clerk Hugunin, “Normal duties. I’ve been busy updating permits and bringing those up to the county.”

**Nuisance Properties:** Zoning Clerk Hugunin, “Most of my time has been spent on nuisance properties and we have had several. Several of them have been taken care of. Thank you to the Parks Department, they had two of them mowed. The third one, they mowed on their own. So, that’s taken care of, I think the only thing we still have on that property (1110 Lamoille) is a few vehicles sitting there, but that’s being worked on.”

**Firewall and Server:** Zoning Clerk Hugunin, “Also, new firewalls have been installed here at City Hall and at the Electric Department. They are working on their new server. As soon as it is done, they will be up here to get that installed.”

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

2019-018 Craig Turner 1511 Niagara - Fence

**ORDINANCE 863 - 2019 STOs, and ORDINANCE 864, 2019 UPOCs**

**Overview:** Mayor Luke, “Chief Jones, we will go to your ordinances 863 and 864 on the adoption of the Standard Traffic Ordinances for 2019. Is there anything we need to know outside of the regular?” Chief Jones explained that every year we adopt the update of the Standard Traffic Ordinance for Kansas Cities and the Uniform Public Offense Code for Kansas Cities. Chief Jones, “There were some changes from the legislature this last year, so we do have some modifications and new things. That is just a matter of a little bit of training on our part to make sure we are up to speed and no surprises.” Mayor Luke, “Any questions for Doug?” Attorney Tom Robrahn, “I have reviewed and approved them. We always accept out things that we have deviated from, like the Standard Traffic Offense Code, like golf carts and several other things.” Chief Jones, “Since they actually have listed it in the Standard Traffic Offense book now, they will regulate unless the City has chosen to already, which we did. So, we don’t even have to list that in our Ordinance anymore. It is already in our Code so it’s already taken care of.” Mayor Luke, “Any other questions?”

**ORDINANCE 863, Adopting Standard Traffic Ordinance for Kansas Cities, Edition 2019:** *Council Member Hall stated, “I move to adopt Ordinance 863, adopting the Standard Traffic Ordinances for Kansas Cities, 2019 Edition.” Council Member Lenard, “Second.”* Hearing no discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared Ordinance 863 adopted by unanimous vote, 4:0.

**ORDINANCE 864, Adopting Uniform Public Offense Code for Kansas Cities, Edition 2019:** *Council Member Lenard stated, “I move to adopt Ordinance 864, adopting the Uniform Public Offense Code for Kansas Cities, 2019 Edition.” Council Member Tschantz, “Second.”* Hearing no discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared Ordinance 864 adopted by unanimous vote, 4:0.

**LICENSE**

None.

**LEGAL DEPARTMENT: Update**

Attorney Robrahn reported, “Well, I reviewed those two ordinances, worked on correspondence, tomorrow night we have Municipal Court, which I don’t think there is anything too rough about it, is there?” Chief Jones, “There are a couple of trials.” Attorney Robrahn reported, “There are a couple trials, well Philip (Attorney Wright) will be handling that.”

**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. City Clerk Kewley, “For July’s delinquent utility, Council will be sending \$3,559.32 to the Kansas Setoff program.”

**Budget 2020:** City Clerk Kewley, “We had our scheduled finance meeting for the budget prep on July 22. We finished that up and had it ready for tonight’s meeting.”

**League Of Kansas Municipalities:** City Clerk Kewley, “I also wanted to remind you the City is hosting, through the League, KOMA and KORA classes on Friday, August 16<sup>th</sup> from 10:00 a.m. - 2:00 p.m. Lunch will be provided and registration is available until August 13<sup>th</sup>. We do have Attorney Tom Robrahn, Mayor Luke, myself, and Council Member Jerilyn Curtiss that has registered so far. If anyone wants to register, just let me know.” Council Member Lenard, “August what now?” City Clerk, Kewley, “The 16<sup>th</sup>. Also, in the packet was the KPP Planning Retreat, just let Alan (Superintendent Schneider) know. 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 information in your Kansas Journal this month with the agenda for the conference. So, let me know if you want to attend that as well.”



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

**REPORT BY CITY OFFICERS:**

None.

**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 Hall, "Second." Motion unanimously carried, 4:0.*

Council entered Executive Session at 7:00 p.m. and exited at 7:20 p.m. No action was taken.

**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 signed by Regina R. Kewley, City Clerk