

## BURLINGTON CITY COUNCIL SPECIAL SESSION 6-30-2022

City of Burlington Governing Body met in Special Session at City Hall's address, 1013 N. 4<sup>th</sup> Street, Burlington, Kansas, at 6:00 p.m. Thursday, June 30, 2022. Mayor Stan Luke called the meeting to order.

### THE PLEDGE OF ALLEGIANCE

**ROLL CALL:**  Stan Luke, Mayor

Council Members present:

Jerilyn Curtiss

Maxi Berryman

Lewis Lenard (President of Council)

George Shove

Thomas P. Tschantz

Martin Ernst

Also Present:

Anne Brown (City Clerk)

Mary Mader (Administrative Assistant)

Philip Wright (City Attorney)

Kerri Weltha (Deputy City Clerk)

### Media Present:

**VISITORS:** Jeff Clark, Brandee Clark, Alan Schwartz, Beverly Yokum, Tom Yokum, Walker Trimble

### FLOODPLAIN MANAGEMENT ORDINANCE PUBLIC HEARING

***Open Hearing @ 6:03 p.m.:*** Mayor Luke, "At this time, I would accept a motion to enter into the hearing for the floodplain management ordinance discussion."

***Council Member Lenard, "I move to authorize the Mayor to open the public hearing for Floodplain Management Ordinance." Council Member Ernst, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.***

Alan Schwartz, "What is the ordinance pertaining to? What is the process here? What is it that is being proposed?" Mayor Luke, "Do you want to go through that, Philip?" Attorney Wright, "Yes. So, essentially what happened was under federal law; whenever they redraw the floodplain maps, then those have to be adopted by ordinance. This ordinance adopts and makes the current ordinances --. I can't remember the year, but it has been about 30 years since we have had any updates to the floodplain management ordinance. This ordinance is in full compliance with federal and state law. It's gone through a vetting process. The state had to approve it. It is based on a model ordinance that was drafted by the state of Kansas. It is just really updating the current floodplain, zoning in the city of Burlington to be compliant with federal and state law. Also, to adopt the new maps that were just recently done."

Alan Schwartz, "This was like three years ago that they had a public hearing at Kelley Park. They had the state of Kansas people there. Do you know if their proposed floodplain, is that what they stuck with, or did they make changes to that?" Attorney Wright, "I don't know. You would probably have to come in and talk to Jimmy about that." Mayor Luke, "I know they have taken some properties out and put some properties in; they have moved it around. We have given them information, and they have come back, so we give them more information. I don't know. I would think that they are not the same as what they were three years ago." Attorney Wright, "It isn't. It has changed from the prior floodplain map that was done. If you are interested in seeing how the floodplain map has changed, you would need to come in, and Jimmy will show you. You do need to know that if your property has changed, then you are grandfathered in for its current use. It doesn't really matter if you have a property in a floodplain now that wasn't before; you are grandfathered in."

Alan Schwartz, "Meaning that...?" Attorney Wright, "That you don't have to do anything different than what you are doing." Alan Schwartz, "Okay, so we are all from the same subdivision at Country Club Heights. If my property is now in the floodplain, do I get notification? What happens when I go, and we go to sell the house, and all this comes up? Will that be disclosed saying this property is in the floodplain?" Attorney Wright, "At that point in time, I would expect, I don't know if you would disclose that, but the title company would disclose that. There would be certain requirements, I would imagine." Jeff Clark, "I'm sure the insurance companies will pick up on it pretty quick." Attorney Wright, "That's exactly right. So, really what all this is about is whether or not citizens in the city of Burlington are going to be able to participate in the federal flood insurance program and other programs. Without the passage of this ordinance tonight, anybody that is currently participating in that program would be disqualified."

Jeff Clark, "So, this has nothing to do with mitigating that current problem now?" Attorney Wright, "No." Mayor Luke, "No. That is a whole different thing." Attorney Wright, "This is about updating the current ordinances that exist in the city of Burlington to be compliant with state and federal law. The biggest part of it is that we have to accept or adopt the new floodplain map because if we don't, it will cause problems in the future because the way I understand it is that it will disqualify anybody that is participating in those programs from receiving that." Alan Schwartz, "And you said Jimmy would have that?" Attorney Wright, "He has the current map, yes." Mayor Luke, "I can get you copies of it. That is not a problem."

***[2] CONTINUATION: June 30, 2022 Burlington City Council Special Session***

Alan Schwartz, "Okay. This probably is not the time or place, but how would we go about discussing what types of things are in the works or if there are any plans, like Jeff said, to mitigate future flooding or drainage concerns?" Attorney Wright, "You are right. This isn't the time or place for that, no." Alan Schwartz, "Is that something we come to another meeting or talk to a specific person? Who?" Mayor Luke, "We can have a work session on that one. We will have to work with the county on that one. They did the initial survey and the initial design of the layout as to control the water flow while it was still in the county. It has not been redone since that time. I know the farming community has changed how they do their farming, and that has caused a problem with how the water flows off of that field. That is the issue we have to resolve. We know what the issue is."

Attorney Wright, "This isn't a public hearing for that, and that is not related to the ordinance that is being proposed tonight." Alan Schwartz, "So, this is just, I don't want to say pushing paper, but it's just signing papers to be compliant?" Attorney Wright, "What I would say is this is an administrative ordinance that is required by state and federal law. You are welcome to read it. If there is any new activity in what is now deemed a flood plain area on the map, there are going to be certain requirements for building or maybe not be able to do certain things. You are going to have to know where you are at with regard to the new floodplain map and read the ordinance to see if what you're wanting to do there; if its new activity, or if there is a flood and there is a loss, there is going to be certain requirements to build back in those areas. I hope that helps."

Council Member Lenard, "There is, Alan, initiative at the county level. There are different projects that are being looked at, and drainage is one of those." Alan Schwartz, "I understand that they released money for an engineering firm to do a study." Council Member Lenard, "Yes."

***Close Hearing @ 6:09 p.m.: Council Member Lenard, "I move to close the public hearing." Council Member Curtiss, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.***

**FLOODPLAIN MANAGEMENT ORDINANCE 888**

***Council Member Lenard, "I move to adopt Ordinance 888 for floodplain management." Council Member Shove, "I second the motion." Mayor Luke instructed City Clerk Brown to poll Council for a vote. All votes were in favor. Mayor Luke declared, "Ordinance 888 passed unanimously, 5:0."***

Mayor Luke declared the meeting adjourned.

Approved by Governing Body and signed by Anne C. Brown, City Clerk