

Minutes of a Regular Meeting of the Mayor and Council held on the 2nd day of June, 2003 at 7:00 P.M.

The meeting was called to order by Mayor Ray Hovestadt who presided.

A roll call disclosed the following present: Councilmembers Croucher, Dubois, Fry and Sanders; City Attorney Godderz, Superintendent Rickel and City Clerk Holloway.

Visitors: George Reno, Brenda Dorr, Tom Crowley

A motion was offered by Councilmember Sanders to approve the minutes of the regular meeting of May 19, 2003. Seconded by Councilmember Croucher and the vote was Ayes 4; nays 0.

Claims Ordinance No. 2000, an ordinance making appropriation for the payment of certain claims was introduced, said claims being in the amounts as follows: General \$224.00; Police \$427.79; Street \$286.17; Pool \$1,866.65; Employee Benefits \$212.62; Special Highway \$10,000.00; Special Road, Bridge, Equipment \$20,000.00; Utility Account \$1,550.76; Electric \$9,668.89; Water \$4,154.39; Gas \$21,480.01; Sewer \$20,719.84. A motion was offered by Councilmember Croucher to approve Ordinance No. 2000. Seconded by Councilmember Fry and the vote was Ayes 4; nays 0.

A motion was offered by Councilmember Sanders to approve the agenda as amended. Seconded by Councilmember Fry and the vote was Ayes 4; nays 0.

A motion was offered by Councilmember Fry to adopt Resolution No. 276 as follows:

“WHEREAS, pursuant to Section 8-205, Chapter VIII Health and Welfare, of the Code of the City of Burlingame, notice was sent to Gilbert E. Masters on February 24, 2003, by certified mail and served personally by Police Chief Shaffer on the 1st day of May, 2003, notifying Gilbert E. Masters of the condition of the property described as: Lots 4 and 5 in Block 2, Original Town of Burlingame, Kansas, including the dumping of concrete, metal and other debris on the property in violation of Article 2, Chapter VIII of the City Code, and stating that he had 10 days from the date of the notice to abate the condition or request in writing a hearing before the City Council; and

WHEREAS, the condition of the property has not been abated and a request in writing for a hearing before the City Council was made within 10 days of the date of the notice and Gilbert E. Masters did appear before the governing body on May 19, 2003.

NOW, THEREFORE, BE IT RESOLVED that pursuant to the hearing held on May 19, 2003, the parties hereby agree that Gilbert E. Masters shall have 30 days from May 19, 2003, to remove at his expense the larger pieces and items of concrete, rock, metal and debris from his property as hereinabove described and after removal the City employees or governing body shall inspect the property and if only smaller and acceptable items remain then these items shall be covered with clean fill dirt free of any debris, rubbish, rocks or metal.

BE IT FURTHER RESOLVED that if the larger rock, debris, metal and concrete have not been removed and the remainder not covered with debris free dirt, the City shall proceed with abatement of the condition of the property with any costs to be assessed against the property

and the City Clerk shall certify the costs to the County Clerk to be assessed against the property as other taxes.

BE IT FURTHER RESOLVED that the costs incurred by the City in abating the conditions shall be charged against Lots 4 and 5 of Block 2, Original Town of Burlingame, Kansas.”

Seconded by Councilmember Dubois and the vote was Ayes 4; nays 0.

Pursuant to Resolution No. 273 published for 2 consecutive weeks in the Osage County Chronicle and copy of the resolution sent by certified mail to Harold Sage and Darlene Sage, providing for a hearing before the Governing Body for showing cause why structures located at 227 West Lincoln Avenue should not be condemned and demolished as unsafe or dangerous, and as neither Mr. or Mrs. Sage appeared, bids were opened by the Mayor for contracting the demolition of a house and 3 sheds and assessing the costs to the property. Bid by Tim Love - \$8,250.00; Bid by George Reno - \$2,470.00 for labor and City pays landfill fees at \$35.00 per ton. A motion was offered by Councilmember Dubois to accept the bid of George Reno. Seconded by Councilmember Croucher and the vote was Ayes 4; nays 0.

A motion was offered by Councilmember Fry that the City Attorney prepare Resolution No. 277 for the Mayor’s signature to proceed with the demolition of the structures. Seconded by Councilmember Sanders and the vote was Ayes 4; nays 0.

Exit now, George Reno

A motion was offered by Councilmember Croucher to authorize the Mayor to sign the Engagement Letter with Polsinelli, Shalton & Welte recommended by Utility Resources Corporation to represent the City in filing a tax refund claim before the Kansas Corporation Commission at no expense to the City. Seconded by Councilmember Fry and the vote was Ayes 4; nays 0.

A motion was offered by Councilmember Dubois to go into Executive Session at 7:20 P.M. for a period of 15 minutes to discuss Attorney Client matters with the City Attorney attending. Seconded by Councilmember Croucher and the vote was Ayes 4; nays 0. The Council returned to regular meeting at 7:35 P.M.

Enter now, Mindi Atchison

A motion was offered by Councilmember Fry to postpone shut off of the 2 water customers south of Burlingame for nonpayment until the next meeting on June 16, 2003 to allow the City Attorney time to contact their attorney stating the City’s position. Seconded by Councilmember Dubois and the vote was Ayes 4; nays 0.

Enter now, Leland Boyce and Police Chief Shaffer.

A motion was offered by Councilmember Dubois to table further discussion of the property in Block 5 of Caniff's Addition until next meeting. Seconded by Councilmember Sanders and the vote was Ayes 4; nays 0.

A motion was offered by Councilmember Fry to provide to Mindi Atchison a temporary easement for Lots 20-22, Block 31, Original Town of Burlingame, which shall terminate immediately upon removal of the present house and which shall include removal due to fire, wind or other structural damage. Seconded by Councilmember Croucher and the vote was Ayes 4; nays 0.

Exit now, Mindi Atchison

Discussion was held on trash service rates for multi-family dwellings and it was consensus of the Council to leave the rates as they are now being billed.

A motion was offered by Councilmember Fry to go into Executive Session at 8:00 P.M. for a period of 30 minutes to discuss non-elected personnel with Superintendent Rickel attending. Seconded by Councilmember Croucher and the vote was Ayes 4; nays 0. Power Plant Supervisor Leland Boyce entered the Session at 8:03 P.M. and exited the meeting at 8:20 P.M. Superintendent Rickel exited at 8:25 P.M. and Council returned to regular meeting at 8:30 P.M.

Reports were heard from department heads, Council and Mayor. At this time, Mayor Hovestadt recommended the appointment to the Planning Commission of Dustin Swander for a term ending March 31, 2006. A motion was offered by Councilmember Fry to accept the Mayor's recommendation. Seconded by Councilmember Sanders and the vote was Ayes 4; nays 0.

A motion to adjourn was offered by Councilmember Croucher. Seconded by Councilmember Fry and the vote was Ayes 4; nays 0.

Cheryl Holloway, City Clerk