

**BURLINGTON CITY COUNCIL REGULAR SESSION 7-15-2020**

City of Burlington Governing Body met in Regular Session at City Hall’s address, 1013 N. 4<sup>th</sup> Street, Burlington, Kansas at 6:00 p.m. Wednesday, July 15, 2020. Mayor Stan Luke called the meeting to order.

**ROLL CALL:**  Stan Luke, Mayor

Council Members present:

- Jerilyn Curtiss (President of Council)                       Dallas Scothorn                       Lewis Lenard
- 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)
- Philip Wright (City Attorney)                       Jimmy Hugunin (Zoning/Grants Clerk)
- Anne Brown (Deputy City Clerk)

**Media Present:** Mark Petterson (Coffey County Republican)

**VISITORS:** Starley Hatch, Jay Hale, Paul Abendroth

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

**MINUTES 7/1/2020:** Mayor Luke, “You have before you the draft minutes of our regular session of July 1, 2020, are there any additions or corrections?”

*Council Member Curtiss, “I move to approve the draft minutes of July 1, 2020, as presented.” Council Member Scothorn, “Second.” Motion unanimously carried,6:0.*

**APPOINTMENT:**

None.

**PUBLIC COMMENTS:**

Jay Hale, “We try to be good neighbors. We are right next door to you and Sonic is to the north of us. We try to be good neighbors to the people around us. We are invested in our town to do well and business coming in. I am concerned though about the new liquor store coming in just to the north of us that butts up against our property. The state requirements are 200 feet between building to building. We went out and measured today and it is less, not a lot less but some less, than the 200 feet. What I believe though is the City owes people coming in to do business here or downtown a heads up of requirements of what they need to meet before they start spending money and getting in. I don’t know if that is what has happened here or not. That is the State’s, and it is not a new thing, 1991 is when the attorney general said that. I don’t know if you have dealt with them or have addressed that but I believe the City owes them a discussion about getting their license and the limitations on that.”

Mayor Luke, “The state will enforce everything when they go in and apply for their license.” Jay Hale, “If the state knows about it.” Mayor Luke, “The state will have to check it out. That is one of their obligations.” Zoning Clerk Hugunin, “They are aware.” Jay Hale, “Okay, just know that we are concerned about it.” Mayor Luke, “I understand.” Jay Hale, “We do care about our town, and we are in favor of our town doing well. We are behind you, but we are concerned.”

**PUBLIC COMMENTS:**

Paul Abendroth, “Something I brought up last year about mowing, 12<sup>th</sup> and Penobscot, I don’t know why it doesn’t get mowed. Is it because of the person that owns the property or what?” Chief Jones, “I have been in contact with the owner, and he has assured me that he would get it mowed.” Paul Abendroth, “When though? It is over the limit of height that it is supposed to be.” Mayor Luke, “We will keep after it.” Paul Abendroth, “There are several other items that I could bring up, but I won’t at this time.” Mayor Luke, “Okay.”

**ELECTRIC DEPARTMENT: DISTRIBUTION Update**

**General:** Electric personnel have been doing many line locates, customer service requests, tree trimming, shop maintenance, and vehicle and equipment maintenance.

**Distribution System:** Superintendent Schneider, “The men have been doing preventative maintenance on the distribution system.”

**[2] CONTINUATION: July 15, 2020 Burlington City Council Regular Session**

**Coffey County Fair:** Superintendent Schneider, “We will start preparation for the Coffey County Fair on Friday. We will check receptacles on the campsites and the livestock area around the stadium. We will help the Fair Board hang the bunting down at the fairgrounds on Monday morning.”

**Water Department Generator:** Superintendent Schneider, “Last week we worked at the Water Department in preparation for the backup generator. We worked on primary feed conductors. Today we were there as well. We transferred service to its new location and the transformer. The Electric Department is finished on the line side of everything. I know they have a few things to finish on the load side. Everything is transferred and working as it should. Danny is going to talk about this some, so I don’t want to steal his thunder, but everything went very well today.”

**ELECTRIC DEPARTMENT: PRODUCTION Update**

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

**Annual KPP Operability Testing:** Superintendent Schneider, “We have started the process of our annual KPP capacity testing. We have one unit tested that we did today. We are hopeful that within the next week we will have that completed. The extended weather forecast tells us that the heat range will not be an issue. I wanted to remind everyone that I will turn in the generation expenses to Kansas Power Pool for a full reimbursement to the City.”

**WATER AND WASTEWATER: Distribution Update**

**General:** Personnel have been doing the normal duties: line locates, work orders, reading meters, meter rereads, maintenance on trucks and equipment, customer call-outs, and concerns.

**Meter Replacement:** Superintendent Hawkins, “We did a new meter install at a house between 2<sup>nd</sup> and 3<sup>rd</sup> on Lamoille. We did get that completed.”

**Weed Control:** Superintendent Hawkins, “The guys have been out spraying the weeds at the sewer lagoon and the fence all the way around it. That was completed.”

**Generator:** Superintendent Hawkins, “Alan didn’t mention that they got the job done in just under three hours. I am very appreciative of what they have done, Krayton and all of them. They all orchestrated and worked around that. We did have a small delay. The crane operator, Jay Franks out of Americus, was on his way over, and I got a call about 7:15 this morning that they had a flat tire. He was quick to get it repaired and got back over. We were only delayed by an hour. I want to thank my guys as well because they stayed late to get the water up there just in case of an emergency. Everything did go well. Krayton said that he is probably going to be in next week to get everything tied up; get the tank full, and start on the process of firing the generator up and seeing how it works. I am very pleased with everything and very thankful for everybody who has helped us with that.”

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

Superintendent Hawkins, “The plant is still running very well. Shane Newland will be here tomorrow and he will be doing the normal maintenance on the chlorine injectors for the Water Treatment Plant.”

**STREET DEPARTMENT: Update**

**General:** Superintendent Davidson said, “We have been doing our normal duties. We have been cleaning ditches, sweeping curb and gutter, sign replacement, culvert cleaning, tree trimming, and servicing equipment.”

**Salt Building Construction:** Superintendent Davidson, “We purchased the lumber for the salt building and trusses. Hopefully we will get started on that within the next two to three weeks.”

**POLICE DEPARTMENT: Update**

**General:** Chief Jones, “Normal calls.”

**July 4<sup>th</sup>:** Chief Jones, “We did not have any major issues from the 4<sup>th</sup> of July week. Some late fireworks being shot off, officers were diligent on reminding people of the time.”

**Military Sendoff:** Chief Jones, “We did the National Guard escort Sunday morning the 5<sup>th</sup>.”

**Cases:** Chief Jones, “We made a warrant arrest and a couple injury accidents.”

**City Court:** Chief Jones, “We had city court last Thursday. It seemed to go a lot smoother, and we were out in about two hours. We started at 4:30 p.m., and we were done about 6:30 p.m. No issues there.”

**Academy Dates:** Chief Jones, “I’ve got academy dates for our two new officers. Brian will start on July 27<sup>th</sup> and then Rachel will start her academy after he graduates. He will graduate on October 30<sup>th</sup> and then Rachel will start on November 9<sup>th</sup>. They got them in much quicker than I anticipated. I’m just as happy with that; get them through their training and then get them back.”

**POLICE DEPARTMENT: Personnel Chris Allen – Evaluation**

Chief Jones said, “The last thing I have is Chris Allen’s first year evaluation with the department. I am very, very pleased with Chris. He has done a very solid workmanlike professional job for us. I am recommending a 2.5% merit raise.”

***Council Member Lewis, “I move to accept Chris Allen’s annual evaluation as presented, and to grant a pay increase to \$20.54 per hour, effective July 18, 2020.” Council Member Curtiss, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.***

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**PARKS DEPARTMENT: Update**

**General:** Superintendent Boyce, “We have been cleaning public restrooms and buildings. We have been doing building and equipment maintenance. Most of our time has been spent mowing grass and watering flowers and trees. We also have been spraying weeds and grass in gravel areas.”

**Nuisance Property – Mowing:** Superintendent Boyce, “We have mowed one nuisance property this week. We will have another one before the end of the week. Probably one next week the way it sounds.”

**Roofing Projects:** Superintendent Boyce, “We have been working with Alpha Roofing on the damaged roofs. Most of them are complete. They have a couple of touchups that they have to come back to do.”

**Vehicle – Truck Purchase:** (Regular Cab 2020 or 2021 ¾ Ton Pick Up) Superintendent Boyce, “I did hear from Crow -Moddie Ford. Ford is back building trucks. They were closed down for three months because of COVID-19. Our truck is supposed to be at Crow Moddie the first part of August. Don’t hold your breath on that, it might get hung up once it gets into Kansas City.”

**Hazard Tree Removal:** Superintendent Boyce, “I have been working on getting a list of hazard trees. If anybody sees anything, let me know so we can get it on the list. We will probably have the contractors in to look at those trees the first part of August.”

**QUESTIONS:**

Mayor Luke, “Are we doing mosquito spraying?” Superintendent Boyce, “Yes.” Mayor Luke, “Is it still just Thursday?” Superintendent Boyce, “Wednesday or Thursday night depending on the weather.” Council Member Curtiss, “So, you do that weekly? Somebody asked me, and I really didn’t know.” Superintendent Boyce, “Yes, weekly.”

Lewis Lenard, “The flowers look good still.” Superintendent Boyce, “They are starting to decline.” Council Member Lenard, “Not because of effort, though.”

**FINANCE: Claims Ordinance & Payroll Ordinance**

a. Claims Ordinance	2020-13	\$	<u>325,398.21</u>
b. Payroll Ordinance	2020-14	\$	<u>90,928.12</u>
	TOTAL	\$	416,326.33

**CLAIMS 2020-13:** Council Member Lenard moved to approve City of Burlington Claims Ordinance 2020-13 for the amount of \$325,398.21 for payment of city bills. Council Member Hall gave the second. City Clerk Kewley, “The larger expenses of the whole ordinance tonight are to Anixter Inc. \$17,472.26, Kansas Power Pool \$185,487.55, Payless Concrete \$6,128.50, and Schwab Eaton \$17,932.54.” Council Member Scothorn, “What is Payless Concrete on?” City Clerk Kewley, “The generator and then USD 244 downtown.” Mayor Luke, “Where they did the sidewalk in front of the old City Hall.” **Hearing no additional discussion, Mayor Luke instructed City Clerk Kewley to poll Council. All votes were in favor. Mayor Luke declared, “Claims Ordinance 2020-13 passed unanimously, 6:0.”**

**PAYROLL 2020-14:** Council Member Hall moved to approve City of Burlington Payroll Ordinance 2020-14 in the amount of \$90,928.12, as presented. Council Member Lenard gave the second. Council Member Scothorn, “Just one, I can’t go without asking. Overtime on the Police Officers?” Chief Jones, “I haven’t seen the list, I don’t know which one you are referring to.” Council Member Curtiss, “There are two of them, Christopher and Debra.” City Clerk Kewley, “That is the regular one, it is not the regular overtime that you are probably thinking about.” Chief Jones, “Without knowing what pay period we are looking at, we do an overtime sheet for what the overtime is for. But without knowing which one you are looking at... I don’t have my stuff.” Council Member Scothorn, “Pay period 14 but I don’t expect to know that off the top of your head.” **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 2020-14 passed unanimously, 6:0.”**

**FINANCE: Budget Hearing for the 2021 Budget - Permission to Publish Notice**

City Clerk Kewley requested permission to publish Notice of Hearing for the 2021 Budget hearing. Council Member Curtiss, “I move to authorize publication of the Notice of Public Hearing for City of Burlington’s 2021 Budget, which will be held during the City Council meeting on August 5, 2020, at 6:30 p.m. at 1013 N.4<sup>th</sup> Street, Burlington, Kansas.” Council Member Hall, “I second the motion.” **Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.**

**[4] CONTINUATION: July 15, 2020 Burlington City Council Regular Session**

**PLANNING & ZONING: Update**

**General:** Zoning Clerk Hugunin, “Normal duties. I finally got permits updated and up to the appraiser’s office. It has been a while since that has been done because of COVID-19. I did issue a few building permits this week.”

**City Hall Updates:** Zoning Clerk Hugunin, “I have been doing updates in the storeroom and vault to get those prepped for paint. The sign that we have Wade Handley doing should be here this week. This is for the front door, not the business sign out front.”

**CARES Program:** Zoning Clerk Hugunin, “I have been doing some research for the CARES program that you have probably heard about.”

**Nuisances:** Zoning Clerk Hugunin, “There is a property over here that has been getting cleaned up. Someone is going to move in over on Wilson Street. There is a property that is going to get mowed probably next week, like Kevin said, by the Parks Department.”

Council Member Scothorn, “Is one of them on Lamoille?” Zoning Clerk Hugunin, “Yes.” Chief Jones, “That is the one. His ten days are technically up Friday, but I am going to give them through the weekend. If I haven’t seen or been contacted by them by Monday morning, then we are going to start with the tow company to haul off four vehicles. I have already visited with Kevin. We are probably going to have to walk that yard and then come in with the tractor and bush hog.” Council Member Scothorn, “Okay.” Council Member Jasper, “Has there been any contact with the owner on that?” Chief Jones, “No. We have not had any contact. The letter came back as undeliverable with no forwarding address. We had a contact for a daughter, but we haven’t been able to get ahold of anybody. I did post two of the letters, one taped to the door of the property, and one taped on the mailbox. The one on the mailbox was removed completely including all of the tape. So, there is a chance that he did get it, but I don’t know. I don’t know if he came over from where he was at. He was picking up his mail for a while but the post office says he isn’t getting mail there now.”

Council Member Jasper, “So, going forward after we do the vehicle removal and the mowing of the yard is there a next step that we can take?” Chief Jones, “The next step is the structure itself which I included in that list. It is ten days on the vehicles and the grass. It is 45 days on the structure. If I have gotten no cooperation at 45 days then we can start the condemnation proceedings. That is published in the paper and the public hearing and everything else.” Council Member Jasper, “At any point does the Housing Authority step in and help us with removal or budget?” Chief Jones, “The Housing Authority sometimes will help. Ronda will go down to the commissioners and ask them to waive the landfill fees if we have to tear it down. They have helped out in the past on stuff like that. Sometimes they are less than amiable to that request, but generally, they have been helpful.” Council Member Jasper, “Talking with some people that live close by there, they said it is two years – even before when he lived there, it was pretty bad. Now, that he doesn’t live there for the past two years it...” Chief Jones, “We have dealt with this last year, I think two years ago. I think my records go back about four years on this place.”

Council Member Curtiss, “Each year we have to start over?” Zoning Clerk Hugunin, “Yes.” Chief Jones, “Each calendar year starts all over again.” Council Member Curtiss, “So, we need to get on this right away then. Okay, ten days was July 17<sup>th</sup> on Friday?” Chief Jones, “Yes, that will be ten days on the grass and the vehicles. The date that it started out would be 45 days for the structure. I have to give 45 days for the next step.” Zoning Clerk Hugunin, “Unfortunately, they could show up this weekend to mow like last time. They were out at 9:00 pm with flashlights taped to the front of their mowers to mow.” Council Member Jasper, “Then it starts all over?” Chief Jones, “Afraid so.” Zoning Clerk Hugunin, “It starts all over on the grass.” Chief Jones, “On the structure, that is not the case. There has to be something done with the structure to abate the dilapidated/deteriorated blight to the neighborhood status.” Council Member Jasper, “That’s what I was wondering for the neighbors.” Council Member Curtiss, “That is 45 days?” Chief Jones, “That is 45 days to start the process; to go to the next step. That is one of them that the County Commissioners may not be quite as amiable to waive the landfill fees because the property taxes have not been paid.” Zoning Clerk Hugunin, “If they owe taxes, they will not waive the fees.”

Council Member Scothorn, “How many years do they have to go without paying property taxes?” Chief Jones, “We are on a new county attorney. Generally, it is three years but with the new county attorney and the workload that he has, I do not know when Wade will be able to get to any tax warrant items.” Council Member Jasper, “We don’t have anything budgeted to go ahead and do anything like that, do we?” City Clerk Kewley, “I have mentioned that several times that we have dwindled down the Community Improvement Fund to not much. We did the one on 6<sup>th</sup> Street.” Chief Jones, “I have another one that, from a health standpoint is going to have to be a higher priority. We have to get something done with that one. We will just call it a health issue.”

Council Member Curtis, “Nothing yet on Hudson Street with the insurance?” Zoning Clerk Hugunin, “No, I need to talk to Ronda on that. It was about a month ago the last time I talked with Ronda on that, and he was still in the court system trying to get everything transferred to him.” Council Member Tschantz, “Someone was out there looking around at that place a couple of days ago.” Zoning Clerk Hugunin, “It may have been him. He comes to town every so often. He isn’t really good about answering calls from anyone.” Council Member Jasper, “Thanks, Chief.”

**[5] CONTINUATION: July 15, 2020 Burlington City Council Regular Session**

**QUESTIONS:**

Council Member Lenard, "I have one question that I fielded. We have licenses for our electricians and plumbers. The question was why do we not have any kind of a permit or registration form for general contractors in town?" Zoning Clerk Hugunin, "I don't know. That is how it has been since I have been here." Council Member Lenard, "What would drive that? Does anybody know?" Mayor Luke, "I don't know. You have the building permits that people have to fill out if they want to build something but I don't know what there is on contractors and construction." Zoning Clerk Hugunin, "We don't cover HVAC or anything like that right now." Council Member Jasper, "I've always kind of wondered that too on a state and community level. Why a GC (general contractor) doesn't...I don't know either." Attorney Wright, "The cities fall back on the State requirements, and they are fine with that. There are certain state requirements to become a contractor." Mayor Luke, "To be licensed in the state you have a process you have to go through but that is not the same." Zoning Clerk Hugunin, "That is like what we do on roofers. We fall back to the state requirements." Attorney Wright, "Right, so the City just falls back on that. As long as the City it okay with that, you don't want to have more stringent requirements than state requirements. I don't know. None of us were here when some of these decisions were made and they haven't been thought about." Council Member Lenard, "Okay, thank you."

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

None.

**LEGAL DEPARTMENT: Update**

Prosecutor Wright, "I don't really have much. I just wanted to say that municipal court did go well. I think we are still going to see that big surge of cases and late nights in the next month and the month after that. It went smooth."

**ORDINANCE:**

Mayor Luke, "We have an ordinance 867 in your file, which is to change from 818 which changes the city attorney's compensation and his duties. Since we have agreed upon on what the contract is, we need to change this ordinance and update it also."

***Council Member Hall, "I move to adopt Ordinance 867, An Ordinance Establishing Compensation for the City Attorney of the City of Burlington, Kansas." Council Member Tschantz, "I second the motion." Hearing no discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared the motion unanimously carried, 6:0.***

**CITY CLERK: Update**

**General:** City Hall Staff have been busy with customers paying utility bills, many calls and inquiries, preparing work orders, vouchers for bill paying, payroll, and council meeting minutes.

**LEPC (Local Emergency Planning Committee):** City Clerk Kewley, "I attended the LEPC meeting last Wednesday at the Court House. The main topic of discussion was the CARES money that the SPARK committee is controlling or putting into phases."

**City/County Infrastructure Money:** City Clerk Kewley, "We did receive the City/County infrastructure money. We are very appreciative of that from the County."

**League of Municipalities Annual Conference:** City Clerk Kewley, "Yesterday, the League of Municipalities announced that they were canceling the annual conference in Wichita. Instead, they will be hosting a virtual conference. They will be sending out more information in the coming weeks. I think the first of August."

**Financials:** City Clerk Kewley, "I handed out the second quarter finances. If you have any questions please come see me. We can sit down and go over it. We are kind of ahead of it because we have been giving out financials regularly because of COVID-19."

**Budget:** City Clerk Kewley, "I have been spending most of my time on the budget."

**Finance Meeting:** City Clerk Kewley, "We have our finance meeting tomorrow at 3:00 pm here in the back-meeting room."

**COVID-19 Update:** City Clerk Kewley, "We have continued with COVID-19 updating from the League by conference calls."

**QUESTIONS:**

Council Member Scothorn, "Do we have the revenues from April, or was that last week that I was gone?" Council Member Curtiss, "They are in your packet." City Clerk Kewley, "Yes, there is a report. We are up." Council Member Scothorn, "That's all I needed to know." City Clerk Kewley, "Yes, very pleased with it."

**[6] CONTINUATION: July 15, 2020 Burlington City Council Regular Session**

**REPORT BY CITY OFFICERS:**

**MAYOR’S COMMENTS:**

**FUTURE AGENDA ITEMS:**

<b>GENERAL:</b> City Debt - How to fund projects Expense Tracking on Projects Budget 2021 Flooding 5-2019 – Updates	GAAP - Infrastructure Capitalization City/County Grant Funds – Discussion on Matched Funding Council Discussions on Evaluations, Succession Planning, etc.
<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)	Quarterly Construction Valuation Report Prepare Easements for any City-owned property without one Addition Nuisance Structures for Possible Condemn/Demolish Permits - Building/Zoning/etc.
<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 Pavement Management System/Asset Management System	Street improvement Plan, Paving Gravel Streets, Crack Filling, Street Improvements 2020 6 <sup>th</sup> & Alleghany Project Street Improvements 2020 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. 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