

BURLINGTON CITY COUNCIL REGULAR SESSION 10-20-2021

City of Burlington Governing Body met in Regular Session at City Hall’s address, 1013 N. 4th Street, Burlington, Kansas, at 6:00 p.m. Wednesday, October 20, 2021. Mayor Stan Luke called the meeting to order.

THE PLEDGE OF ALLEGIANCE

ROLL CALL: Stan Luke, Mayor

Council Members present:

- Jerilyn Curtiss
- VACANT
- Lewis Lenard (President of Council)
- 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:

- Anne Brown (City Clerk)
- Mary Mader (Administrative Assistant)
- Philip Wright (City Attorney)
- Jimmy Hugunin (Zoning/Grants Clerk)
- Kerri Weltha (Deputy City Clerk)

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Sean Gordon, Paul Abendroth

AGENDA:

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

MINUTES 10/6/2021: Mayor Luke, “You have before you the draft minutes of our regular session of October 6, 2021. Are there any additions or corrections?”

Council Member Curtiss, “I move to approve the draft minutes of October 6, 2021, as modified.” Council Member Tschantz, “Second.” Motion unanimously carried, 4:0.

APPOINTMENT: Sean Gordon – Gordon CPA – Present 2020 Audit

Sean Gordon, “My name is Sean Gordon with Gordon CPA. We performed the 2020 audit at the city. I will go through that audit report that you have in front of you or that you had in your agenda packets. If you have any questions, please feel free to stop me along the way. Starting with pages one and two, this is called the independent auditor's report. Here we discuss the councils’ responsibilities for these financial statements, then management's responsibilities, then our responsibilities for these financial statements. Our biggest responsibility is to issue an opinion on the city’s financial statements for 2020. You will see that opinion paragraph at the bottom of page one. Here we have issued an unmodified opinion for the city’s financial statements. That is the highest and cleanest opinion that we are allowed to give the city under state and federal guidelines. That reflects very well on the financial management and internal control management of the city-by-city staff, council, and the mayor.

“At the top of page two, there is an emphasis of matter paragraph that you will see there. The city is required to adopt a new GASB statement. It is a requirement that the city had to follow, and it had to do with some fiduciary funds and how those were being treated by the city. I’ll come back to that later, but I just wanted to point that out for right now. Pages three through four are the balance sheet and the income statement. This shows assets, liabilities, owners’ equity, revenues, and expenses of the city for the calendar year 2020. The next section forward pages five through 17; these are detailed breakouts of the city’s major funds. You will see the general fund and a few other funds listed in this section. Then you will see a couple of pages where it compares each fund to the budget that was adopted for 2020 as well. You can see how each fund functioned compared to the budget.

“The next big section forward are pages 18-44. This section is called the notes to the financial statements. There is quite a bit of information discussed here, including information on long-term debt, capital asset activity, involvement in the KPERs retirement program; like I said, quite a bit of information. In this section on page 24, towards the middle of the page. I mentioned earlier the city was required to adopt a new GASB statement on fiduciary funds; this paragraph talks about the effects of that and the restatement that was needed in order to make that GASB change.

“The final section forward are pages 45-61. These are just more detailed breakouts with what is the city’s more non-major funds. These are more minor funds that don’t have as much activity running through them. So, they are presented separately from the general fund and some of the more major funds. This year we didn’t have any internal control recommendations or recommendations for the mayor, management, or council to be aware of. That reflects very well on the financial management and internal control management by city staff. Anne and her staff as well. We had another good audit this year with Anne and her staff. We look forward to carrying on to the next audit. If you have any questions, please let me know.”

Gordan-CPA - Contract for City's 2021 Audit

Mayor Luke, "Anne is going to present the request to issue a contract for 2021s audit." City Clerk Brown, "You do have a copy of that in your packet as well. This is just the contract for Gordon CPA to do our audit for 2021 not to exceed \$15,900."

Council Member Jasper, "I move to accept Gordan-CPA's proposal as presented to perform City of Burlington's Financial Audit for Fiscal Years ending December 31 of 2021, at a cost not to exceed \$15,900." Council Member Curtiss, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 4:0.

PUBLIC COMMENTS

ELECTRIC DEPARTMENT: DISTRIBUTION Update

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

Equipment Repairs: Superintendent Schneider, "We have had field equipment repair on some of the line equipment. The men changed out two 3-phase power poles in this last week. We also replaced a down guy anchor."

Service Removed: Superintendent Schneider, "We removed an electric service from Wolf Creek Lodge last Friday."

Outage: Superintendent Schneider, "We had an outage on Saturday the 9th. The sewer lift that is in the Street Department's parking lot, a squirrel had gotten in. That service is a three-phase and it single-phased by blowing a fuse to a transformer. We replaced the fuse. Sunday, October 10th, down at Willow Bend, we had a large tree branch that fell and broke the primary phase and the neutral as it fell. That is fixed."

ELECTRIC DEPARTMENT: PRODUCTION Update

General: Power personnel have been performing normal power plant and equipment maintenance, over current relay maintenance, plant reports, DC power supply, and substation maintenance.

Reports: Superintendent Schneider, "We are still working on plant reports."

Generator Maintenance: Superintendent Schneider, "We are cleaning generators."

Air Construction Permit: Superintendent Schneider, "I worked on the submission of the air construction permit for the proposed generator. That is submitted to KDHE. I looked on the KEIMS website today, and it shows that it is in process. They do have it, and they are reviewing that."

WATER AND WASTEWATER: Distribution Update

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

Safety Training: Superintendent Hawkins, "The men attended safety training."

Meter Removal: Superintendent Hawkins, "We removed the water meter from Wolf Creek Lodge over here as well."

Sewer Lagoon Request: Superintendent Hawkins, "At the request of the landowner by the sewer lagoon, we removed the two fence posts that we put up several years ago when they wanted a gate. They asked if we could remove them. We did get those removed and got that out of the way."

Pump Station Issues: Superintendent Hawkins, "I'd like to thank Alan and his guys. At our #2 pump station, we thought we had some issues with power. It turns out we lost our VFD on our pump. Jim Morris and I worked on that, replacing it, and getting the new one in. We thought we had some issues with our flow meters, but we had to do some factory resets on them. The VFD on pump station one ended up going back to its factory settings. So, Jim had to go in and reprogram all of the settings. Everything is working well on it right now."

New Meters: Superintendent Hawkins, "We did receive 100 meters. We did not get the radios. We are still waiting on the radios that are going to go with them; we won't get them until next month."

WATER AND WASTEWATER: Production Update

General: Superintendent Hawkins, "The plant is running very well."

Motor Replacement: Superintendent Hawkins, "I ordered a new motor with a variable frequency drive for our reactor on the west side. The guys are noticing that it is starting to trip out and do things that we are not familiar with. That motor has been in there since May of 2006. I ordered a new one, so we will have it when that one finally gives up. Then I will take that one and get it rebuilt at Douglas Pumping when that occurs."

Bulk Storage Plumbing: Superintendent Hawkins, "We are still working on the plumbing for the bulk storage tanks as well."

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STREET DEPARTMENT: Update

General: Personnel have been doing the normal duties: cleaning ditches, sweeping curb and gutter, fixing potholes and ruts, blading rock roads, repairing and re-rocking alleys, fixing and replacing street signs, and truck and equipment maintenance.

Call Out: Superintendent Davidson, "We had a call out about 6:30 last Monday morning. When the storm came through, we had a limb that took down some lines. It was cable and CenturyLink lines on south 6th between Potomac and Yuba. The guys cleaned up the tree."

City-Wide Clean-up: Superintendent Davidson, "We started getting ready for clean-up. I want to give a big thank you to John Hegg and Jimmy Hugunin for their help. We were to have started on Monday, but with the rain Sunday night, the landfill asked that we put it off until Tuesday. So, Monday, we cleaned out catch boxes and plugs in culverts. We started picking up Tuesday. We were done with ¾ of the town by 5:00 p.m. on Tuesday. We were finished up within a couple of hours on Wednesday. We had just about half of what we picked up in the spring. We had 43 tons and 33 loads that we picked up in the spring. This fall, we had picked up 22.5 tons with 22 loads to the landfill. A lot of that tonnage was due to water in the couches and mattresses. I don't know if that is good, bad, or indifferent. We also left three residents; the piles were unsorted. As of Friday, two of them had been taken to the landfill by the property owner. I am not sure about the one of Comstock's out on Yuba if that one has been cleaned up or not."

Boofest: Superintendent Davidson, "We put our barricades up for Boofest."

POLICE DEPARTMENT: Update

General: Normal Duties.

Cases: Chief Jones, "We have been staying busy. Intoxicated people wanting to fight. DUI's, driving while suspended, and arrest on city warrants. We are still working on some elder abuse cases and scams. We worked an accident involving a school bus. Fortunately, it was right before school zones, so there were no kids on the bus."

City Court: Chief Jones, "We had city court last Thursday. It went well. Even after the judge talked for a while, we were still out of there by 6:30 p.m."

Training: Chief Jones, "We have been doing some training. The officers were at the range this afternoon. We caught a really nice afternoon for it; that went well. Rachel went to a DUI enforcement investigation seminar in Wichita. The county attorney paid for the entire thing, so that was a bonus."

Health Department – Drive-Thru Flu Clinic: Chief Jones, "The Flu Clinic is next Wednesday, which is at Station 3 Fire Station from 10:00 am to 1:00 pm."

Downtown Trunk or Treat: Chief Jones, "Trunk or Treat is next Thursday."

Nuisance: Properties/Vehicles Update: Chief Jones, "I have 20 of the properties that are completely done. They have abated their stuff. I have 24 of them that are working and made progress; some of them have made substantial progress. One of them, the council voted to start condemnation proceedings last council. I have four that will be receiving NTA's to come to court. Next court will be in December."

Council Member Curtiss, "When do they receive that notification?" Chief Jones, "Possibly this week since the court date is December 9th. It is not going to accelerate anything to jump on them right now. It may wait until next week, but they will be getting served unless they get something done. One of them I won't allow my officers to serve him in person. We will probably send it to him and/or his wife certified mail and see if they will show up in court. I do not want to get into a gun battle over a city code violation."

QUESTIONS/COMMENTS

Attorney Wright, "It sounds like most people are cleaning their stuff up with notice and without having to take it any further." Chief Jones, "Yes, the letters and personal contacts. We have had really good cooperation. We will probably have four that will end up in front of the judge."

Chief Jones, "Did you get my email about an address for that property owner, Earnest?" Attorney Wright, "No, I don't recall. When did you send it?" Chief Jones, "We sent a letter to him, and it came back as undeliverable." Attorney Wright, "Alright, well, I was going to talk about Gene Earnest anyway. I had contact with him this week, and I told him about the hearing and that I'd like him to be here to talk to the city council about it. He is the landowner, and he reaffirmed to me that he wants the city to condemn the property." Chief Jones, "Jimmy did get served also as the tenant. It is a courtesy copy to him, but he got the same paperwork." Attorney Wright, "Okay."

PARKS DEPARTMENT: Update

General: Personnel have been doing the normal duties: cleaning public restrooms and buildings, building and equipment maintenance, spraying weeds, watering flowers and trees, and mowing.

Tree Maintenance: Superintendent Boyce, “We are watering a few new trees. We removed two trees in front of Citizen’s bank. I noticed something had hit it up high, a bus or truck. It had split at a Y. I talked to the bank about removing that tree. The other one had root defects. At any time, they could pop the cement and create trip hazards. We ended up removing both trees in front of the bank. We will go back and put concrete in those spots. I am working with the street department on concrete, so neither of us has a short load.”

Flowers: Superintendent Boyce, “We took down the hanging flower baskets. Removed the flowers from the concrete pots, picked the pots up off of Neosho Street.”

Hazardous Tree Care: Superintendent Boyce, “I worked with Trenary’s Tree Care on the hazard tree removals. He has a new stump grinder, but it is having mechanical issues. The parts that they need are in a container somewhere. He will be back to grind the stumps on those as soon as he gets that stump grinder going or if he can talk them into upgrading him into the next size bigger, giving what he paid for the new stump grinder that will not run.”

Winterizing Restrooms: Superintendent Boyce, “We are starting to shut down and winterize the seasonal restrooms.”

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2021-20	\$	<u>362,009.87</u>
b. Payroll Ordinance	2021-21	\$	<u>88,531.44</u>
	TOTAL	\$	450,541.31

CLAIMS 2021-20: Council Member Tschantz moved to approve City of Burlington Claims Ordinance 2021-20 for the amount of \$362,009.87 for payment of city bills. Council Member Curtiss gave the second. City Clerk Brown, “The larger expenses we have tonight are Brenntag \$3,306.14, Emporia Kenworth \$1,439.50, Kansas Power Pool \$250,152.11, Lewis Oil \$4,545.45, Power Plant Compliance \$2,500, Richmond Bodywork \$2,605.85, and Sharpe Painting \$2,567.00. **Hearing no additional discussion, Mayor Luke instructed City Clerk Brown to poll Council. All votes were in favor. Mayor Luke declared, “Claims Ordinance 2021-20 passed unanimously, 4:0.”**

PAYROLL 2021-21: Council Member Hall moved to approve City of Burlington Payroll Ordinance 2021-21 in the amount of \$88,531.44, as presented. Council Member Curtiss gave the second. Hearing no discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. All votes were in favor. Mayor Luke declared, “Payroll Ordinance 2021-21 passed unanimously, 4:0.”

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, “Normal duties.”

City-Wide Trash Clean-up: Zoning Clerk Hugunin, “As Mark said, I helped with the clean-up on Tuesday.”

Permits: Zoning Clerk Hugunin, “I did get a permit issued today for the Family Dollar. That has been taken care of. I think they will probably be in tomorrow to pay for that.”

Planning Meeting: Zoning Clerk Hugunin, “I am looking at having a planning meeting in December or January. I have been getting with my members to go over some zoning regulations and take a look at our comp plan. I have talked with Bickley Foster about it a little bit; they are waiting on census stuff, then we can move forward with that.”

Family Dollar: Zoning Clerk Hugunin, “I have a meeting tomorrow. I sent an email out to the superintendents that we have that at 1:00 tomorrow with the contractors with Family Dollar to go over what exactly they want to do. There are some discrepancies on property lines, so we are going to have to get a survey. I don’t know how you want to do it. What we have done in the past is split it with them. Where we pay for one side and they pay for the other. That is kind of up to your discretion there.” Mayor Luke, “It’s normal procedure.” Zoning Clerk Hugunin, “Okay, I just wanted to make sure before I said anything to them.”

Nuisance: Grass: Zoning Clerk Hugunin, “I am still talking with people on mowing their yards. I have one right now, and I think it should have been mowed today.”

QUESTIONS/COMMENTS

Family Dollar – Storage of Materials (919 N. 4th): Council Member Curtiss, “Have they moved any stuff yet for us to take care of before they can start building?” Zoning Clerk Hugunin, “No. I haven’t heard for sure whether they are going to do that or not. I need to get with Philip on that when I hear, and then we will get an agreement written up.” Council Member Curtiss, “Okay.”

OTHER COMMITTEE OR COUNCIL BUSINESS:

Veterans Day Proclamation: Mayor Luke, “You have in your packet the proclamation for Veterans Day.”

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COF Transportation Support Letter: Mayor Luke, “You also have the support letter for COF transportation.”

ORDINANCE 877 – Nuisance Grass

Attorney Wright, “You guys have seen this. I tried to elicit some input, and I guess everyone is happy with it. I guess we are going to give it a whirl. I don’t know if anybody has any questions for me. Essentially it just makes it unlawful for people to dump their grass in the street or on sidewalks. It does also cover leaves or other yard debris.”

Council Member Tschantz, “I move to adopt Ordinance 877, Prohibiting the Discharge of Grass Clipping and Other Yard Waste on Public Surfaces.” Council Member Hall, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Council Members Curtiss, Hall, and Tschantz voted, ‘Yea’ and Council Member Jasper voted ‘Nay’. Mayor Luke declared the motion passed, 3:1.

LICENSE

LEGAL DEPARTMENT: Update

Court - Tickets: Attorney Wright, “I just want to say that last week I think I had more phone calls on speeding tickets than I have had ever. I think we have set a record. It is not just picky stuff either. I think most of them have 13 miles per hour or over the posted speed limit. I think Chief’s officers are doing a good job. It is kind of a concern; I think most aren’t from around here, and they are just blowing through town.”

Thank you’s: Attorney Wright, “I want to thank Mary for helping finalize that ordinance for me.”

QUESTION/COMMENTS

Radar Signs on HWY 75: Council Member Jasper, “With you bringing up speeding tickets. If there is a way that we could help that situation out because it is a state highway. Maybe we could spend less time patrolling it, and it might help if we put some radar signs up somewhere.” Chief Jones, “Lewis had asked me to check in on it, and it isn’t going to be cheap.” Council Member Jasper, “I get it.” Attorney Wright, “I think it might be short-lived because of some traffic being diverted through here because of road closures. It might just be a temporary issue as well.” Council Member Jasper, “Sometimes, I am sure it is somebody coming through town one time and probably never come back through unless they are coming back from somewhere. Maybe if they just see a sign and it slows them down, it takes away the chance of somebody getting hit or something happening. If we can avoid the ticket side of it more than we can the safety side of it, I’m for it.”

Attorney Wright, “I don’t know how much they are. Aren’t they around \$8,000?” Chief Jones, “\$8,000 to \$15,000 depending on what you want to do. I don’t have the money in the police department budget for it.” Council Member Jasper, “Would that fall under the emergency equipment fund?” Mayor Luke, “We can look into that.” Council Member Jasper, “It is a safety thing.” Council Member Curtiss, “Are you talking about those that say your speed limit is this and reduce it?” Chief Jones, “The signs that display the speed and says what your speed is. My concern with those types of signs are the ones that say, ‘challenge accepted, I’m going for the high score.’” Council Member Curtiss, “Oh.” Mayor Luke, “We had that up by the old Dairy Queen. They figured out how fast they could get from the stoplight to the sign. That was just temporary while they were doing some work.” Council Member Curtiss, “Well, I know when I see it, I slow down.”

Council Member Jasper, “I’ve seen that Waverly has one.” Council Member Curtiss, “I think that it would be a good idea.” Council Member Jasper, “If it prevents a little kid getting hit by cars because somebody is not aware of how fast they are going or what the speed limit is, then it is worth the money.” Chief Jones, “I only went out to get quotes from a Kansas company, Custom Signals from Chanute and Lenexa. I could certainly put something together to see what we would be looking at.” Council Member Tschantz, “That would be great.” Council Member Curtiss, “Thank you, I think so.” Council Member Jasper, “Thank you.”

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.

Audit 2021: City Clerk Brown, “Included in your packet was the audit contract, which we have already taken care of.”

COF Transportation Support Letter: City Clerk Brown, “We talked about the annual letter of support for COF training.”

Annual Fall League Conference: City Clerk Brown, “Jerilyn and I attended the League Conference this last weekend, October 9th – 11th. Our motivational speaker was awesome. He painted while he talked, and he was funny. Any books of his that you purchase, he donates to the make a wish foundation. He just was good all the way around, and the classes were good too.”

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City Hall Renovations- Awning Painting: City Clerk Brown, “Sharpe Painting was here. They cleaned it off and painted the lower canopy, so it looks really nice out there. You might notice that as you go out.”

REPORT BY CITY OFFICERS:

Council Member Curtiss, “Thank you for sending me to the League Conference. I enjoyed it, but I still don’t think it was as good as some have been. Our speaker was wonderful.” City Clerk Brown, “It was my first conference, so I don’t have anything to compare it to.”

OTHER COMMITTEE OR COUNCIL BUSINESS:

MAYOR’S COMMENTS:

Mayor Luke, “I think most of the governing body listened to a section of Monday’s county commissioners meeting. I will be at either the next one or the following one, depending on what the agenda is for the one next Monday. There are a couple of issues that need to be clarified as to what can and can’t be done. Their desire to utilize sales tax funds will require a vote of the citizens of the city because they are the ones that voted those sales taxes in. They were specifically in for identifiable purposes. If we are to vary from any of those commitments that we made at the time when they were put into place, they have a right to authorize and approve those changes. I don’t anticipate having issues with the citizens wanting to do that. I will express back that that is what will have to be done if those funds are utilized for anything.

“They also discussed the reduction of infrastructure funds by the amount that they want the city to reimburse. In a recent meeting that I was at, they specifically told me that they would not set a precedent by doing something for one city and not for another. So, if they are going to reduce our infrastructure funds by 20%, then the other five cities should have theirs also reduced by 20%. There are also three cities that are suffering and working really hard just to make ends meet, and those infrastructure funds are critical in their operation. We will have a discussion at the next meeting that I can get on.”

Council Member Jasper, “What was their reasoning for striping that money? It was specifically for us?” Mayor Luke, “It was specifically for us because we did not immediately respond with dollars upfront. Although we are still looking at ways to support their project and to minimize any increases by providing other drainage options, etc., that we would benefit from as well.” Council Member Jasper, “What have they asked from us?” Mayor Luke, “\$80,000.” Council Member Curtiss, “Have they asked us that?” Council Member Jasper, “Have they come to us and asked us that as a council?” Mayor Luke, “Bobby Skipper last meeting.” Council Member Jasper, “He asked blatantly for \$80,000?”

Mayor Luke, “He asked us to support any funds that would be coming from the county to support their overages, and it was estimated at \$80,000.” Council Member Curtiss, “To consider it, he did not ask that; he asked us to consider it.” Council Member Jasper, “From what I read in the minutes, he didn’t. It was to consider what we could do. So, are the county commissioners sending Bobby Skipper on their behalf to ask for dollar amounts at this point? Is that the way they are doing business now?” Mayor Luke, “No. They did not verbally say that. They did discuss if the city was not going to utilize the sales tax as their contribution, then they were going to look at considering reducing the infrastructure funds. That is in the minutes of the video of the county commissioner’s last meeting.”

Council Member Jasper, “Have we ever denied a small business loan through our infrastructure fund over the last five years?” Mayor Luke, “There is a difference between a business loan and what the county is asking for.” Council Member Jasper, “The county is asking on behalf of the business.” Mayor Luke, “That is correct. They are loaning the money to them, and they want us to reimburse the county for what they provide for overages to the business.” Council Member Curtiss, “We don’t know exactly what that amount is.” Mayor Luke, “We may not know for three or four months or six or however long it takes them to do the project.”

Attorney Wright, “They were couching it in up to \$80,000.” Council Member Curtiss, “But they don’t know how much it is going to cost to move the gas line or any of that.” Council Member Tschantz, “No, they don’t.” Council Member Jasper, “So, at this point, is it the city’s responsibility for overruns that were unforeseen by the county and the business?” Mayor Luke, “We say no.” Attorney Wright, “Unfortunately, the way it was couched.... You will have to watch the video. The premise that it was presented by I don’t think is factually correct. It was presented in such a way that it made the city look like the city wasn’t wanting to support.” Council Member Jasper, “That is what I got out of the video. This is my kind of thinking – going back to the commissioners right now in open minutes, if you want something, come to us.”

Attorney Wright, “Right. We all know what really happened here. I’m going to say it because no one wants to say it. What really happened was that somebody made some promises late in the game, and they didn’t really go to the city and give the city enough time to work this stuff through. It takes a little while for some of these things to work through. I think somebody thought that those things were going to get crammed through really fast, and when it didn’t, that person ended up going to the county and couching in such a way that it cast a little bit of a shadow on the city, which wasn’t called for. Let me tell you this. I have a bigger overarching concern: before the stuff with our neighbors next door came up at the county commission meeting, there was a lot of discussion about there being more controls and accountability placed. I don’t have a problem with accountability, but Bobby Skipper was asking the commissioners to basically give him more authority to be able to control the infrastructure funds. To me, it looked like a power grab on his part to be able to control what cities were doing with the county money.” Council Member Jasper, “That is what I saw.”

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Attorney Wright, "At least one county commissioner was really saying that he didn't want to do that. He wants to support the cities, but they are not there to micromanage the cities. If I were you guys, I would probably get on the phone with each county commissioner and express your viewpoint that we need to keep local control of those funds. At their own admission in the county commission meeting, the city of Burlington does a great job with the funds that we have, and there were no complaints about what we were doing. I would make those calls. I would make calls to your counterparts in other cities and have them make calls to the county commission as well and let them know that you don't think that is appropriate; because, as I said, the city of Burlington is doing a great job."

"The last thing any city in the county wants is the county commission or an agent of the county commission trying to use some kind of leverage against the cities to angle what they want to have happen in the cities. That is exactly what I heard and what that was about. I think that is a bigger problem than the neighbors next door. It is your decision to make whether you think it is the city's position to bail a private company out when they have a potential \$80,000 overrun on their budget."

Council Member Jasper, "And they haven't broken ground yet." Attorney Wright, "Right. That is what it is. I think the county commission recognized and asked if this was going to be a deal killer for that project? I doubt it. They closed on the property and applied for a permit on the property." Council Member Jasper, "I would just like to see the business themselves; if they have something they need from the city, then they come to the city." Council Member Curtiss, "Right, the city was not involved in this. It was implied that we were with this process since March, and we never were." Zoning Clerk Hugunin, "The money process started September 16." Attorney Wright, "Literally, almost zero notice on what I think is a fairly major type of thing."

Council Member Jasper, "I'll take it a step further and a step backward and going into the jail situation. Once again, if we want something from the county. We, in open minutes, tell the mayor what we want, the mayor goes to them in open minutes, and it is pretty cut and dry, black and white. I feel like they are trying to just push things through really fast on us, and I am calling them out a little bit, I guess." Attorney Wright, "I think that it is Bobby Skipper that is driving a lot of this. I'll say it in the minutes. I don't know if you can blame the whole commission for this. I think we have one guy kind of stirring the pot here." Council Member Jasper, "Well, he works for them. It's chain of command for us."

Superintendent Hawkins, "One thing if I can add in here, one thing we are dealing with in the meeting tomorrow, I'm being told by their engineers that I need to move the fire hydrant. Okay, fire hydrants don't just get moved in a day. There is planning that we have to do. Depending on where this storm drain box will go in and all of this, we need to know exactly where it's going to be. My question is if we have to move our infrastructure if I have to move valves and fire hydrants, who pays for it? Do we eat the cost of buying a new fire hydrant and new valves?" Zoning Clerk Hugunin, "That goes along with the lines in Alan's department. If they are going to move the parking lot that will come clear over to our asphalt parking lot, you aren't going to be able to have poles there. It is going to have to go underground. Who is paying for that?" Superintendent Schneider, "That is triple the cost of overhead construction." Council Member Tschantz, "So, we are eating into that \$80,000 really quick."

Council Member Jasper, "Okay, here are a couple of ways to look at the \$80,000. If they truly do \$2 million of revenue at 2%, what are we looking at three or four years to pay back?" Mayor Luke, "No, the \$40,000 would come from that of which \$20,000 of that is dedicated to streets and utility infrastructure. So, that cuts it down to \$20,000, which is designated for capital outlay in the general budget. It is a matter of whether or not there is any potential for that to be considered as a capital outlay. I don't have that answer back from the league on whether or not that can be classified as a capital outlay. If not, then we can't use any of the sales tax money to reimburse the county for any commitments that they make."

Council Member Jasper, "Let's just say the county bows out, and we just take care of the \$80,000 ourselves. Then we don't have to pay them back; besides, we are just going to recoup sales tax money for having the business here in town. If they can sustain then over three or four years, the money essentially pays itself back, if it sustains, if they make \$2million a year." Attorney Wright, "I think wasn't the projected tax revenue to the city \$60,000 a year." Mayor Luke, "That is 2% for \$3million. Once again, half of that is dedicated to utilities and streets, and the other half is to capital outlay. Whether it's \$10,000, \$20,000, or \$60,000, it is still a dedicated amount of money set for certain things. So, it is still a matter of where do you come up with the \$80,000 if that is what the total comes out to. We don't have a budget that has an \$80,000 line item that we can draw on. The county has multiple millions of dollars in undesignated funds." Council Member Curtiss, "In reserve funds and all of that?"

Mayor Luke, "Yes, and we don't have that. We have some infrastructure money that hasn't been spent, but once again, I don't know if the county would authorize and approve any of that to be utilized. Technically, it could be used to do the changes that we have to do because that is infrastructure." Council Member Jasper, "That's what I was wondering." Mayor Luke, "But that is not the \$80,000 that they want. They want the \$80,000 for stormwater and for gas line relocation."

[8] CONTINUATION: October 20, 2021 Burlington City Council Regular Session

Council Member Curtiss, “I think using some of that money like you said for the infrastructure money to do what we have to do, I think that is money well spent. I think that would tell them something. I got the impression (from the commission video) that the city of Burlington was not promoting new business. That upset me a whole lot. If we would use infrastructure money to take care of poles and moving the fire hydrant and all that, I am for that.”

Council Member Jasper, “So the storm box drains and their draining system. It helps a little bit of our highway problem. There is a tiny benefit there.” Mayor Luke, “And if we do support and work towards getting the water drainage to the unit on Sanders Street, that would help more. That will benefit us as well as the church, Lewis’s, apple grove apartments, that will alleviate a lot of water going out to 75 HWY.” Zoning Clerk Hugunin, “Once again, I’m going to throw this out there; if we would have been involved since March, we would have been past this situation right now.” Mayor Luke, “Right, we could have had these issues resolved.”

FUTURE AGENDA ITEMS:

GENERAL: City Debt - How to fund projects Expense Tracking on Projects Budget 2022 Flooding 5-2019 – Updates	GAAP - Infrastructure Capitalization City/County Grant Funds – Discussion on Matched Funding Council Discussions on Evaluations, Succession Planning, etc. Plan Council Work Session
ELECTRIC DEPARTMENT: Power Plant - Additional Generation	<i>RICE NESHAP Compliance</i>
PARKS DEPARTMENT: 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
LEGAL DEPARTMENT: Municipal Court Updates	Misc. Legal - Documents, Cases, Contracts, etc.
PLANNING AND ZONING Work with Advantage Computers and City Departments to improve Cyber Security Nuisance Structure & Properties: Work with PD FIRM 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.
POLICE DEPARTMENT Nuisances (Work with Zoning Clerk) Voice Stress Analyzer Project	Department Activities and Cases
STREET DEPARTMENT: Concrete St. Repairs/Free State Ct. Replacement/Repair Pavement Management System/Asset Management System	Street improvement Plan, Paving Gravel Streets, Crack Filling, Street Improvements 2021 6 th & Alleghany Project Street Improvements 2021 Asphalt Project
WATER & WASTEWATER DEPARTMENT: Sewer Lagoon Maintenance/	Sensus Water Meter Replacement Updates Storage Building for Dirt -Construction Sewer Lagoons - Analysis (KRW/A/funds for dredging) Sewer Liftstations –Flushing Rags, etc.

Mayor Luke declared the meeting adjourned.

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