

## BURLINGTON CITY COUNCIL REGULAR SESSION 11-17-2021

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, November 17, 2021. 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)

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:** Paul Abendroth, Becky Richwine, Pam Scott, Tyler Ellsworth, Curtis Kaine

### **AGENDA:**

*Council Member Lenard, "I move to approve the agenda as modified." Council Member Tschantz, "Second." Motion unanimously carried, 5:0.*

**MINUTES 11/3/2021:** Mayor Luke, "You have before you the draft minutes of our regular session of November 3, 2021. Are there any additions or corrections?"

*Council Member Curtiss, "I move to approve the draft minutes of November 3, 2021, as modified." Council Member Jasper, "Second." Motion unanimously carried, 5:0.*

### **APPOINTMENT: Pam Scott -Plaza Theatre**

Pam Scott, "I have the opportunity of receiving a grant, I hope. I am getting ready to apply for it and that is why I am here to request a letter of nomination from this organization. It is due Friday. I have to turn the grant application in on Friday. It is on the fast track. It is called HEAL (Historic Economic Asset Lifeline). I am going to tell you a little bit of the timeline of how it came to my attention so you don't think I am a procrastinator. The Association of Kansas Theatres met October 22 through the 24<sup>th</sup> at Salina Community Theatre, and I had been invited so I attended. That following Wednesday, October 27<sup>th</sup> Kansas Historic Theatres Association met in Wamego at the Columbian Theatre I had found out about that at the previous conference I had been at. I attended that. There is where Lieutenant Governor David Toland came in and told us about this grant and explained it to us. As he went around the room and everybody introduced themselves, he used Burlington as a talking point that would fit this perfectly. So, I thought, oh, I guess I'm going to have to get busy and write a grant.

"Then they had their webinar on November 8<sup>th</sup> so everything is moving pretty quickly. In conjunction, there are three groups, Commerce Development, Kansas Main Street, and the Office of Prosperity. The emergency HEAL is from November 8<sup>th</sup>, the day of the webinar, until this Friday. That is the only open enrollment for the emergency money. There is another one, what they call their regular, and it goes until December 20<sup>th</sup>. I thought if I could get in early, then it would help, and I could get started a little bit sooner on it. If I am approved, I would be notified on November 23<sup>rd</sup>. Everything, like I said, is a quick turnaround on this one. Construction has to begin by February 1<sup>st</sup>, 2022, and I have to have a one-to-one match for funding by September 30<sup>th</sup>, 2022, if the grant is awarded. The maximum for the grant is \$75,000. They figured that on \$20 per square foot, and you can't go over that. So, you have to figure out if you have a three-story building where you are going to put that.

"Some of the work that has been completed through the grant that I received from the Heritage Trust Fund, the Historic Preservation Organization in Kansas. There has been a new roof, the left side of the facade has been reinforced. There were some bricks knocked out on the other side and we were able to reuse those along with a few in the basement that we found. When it was repaired, we had enough to do that. I have a contract with the architect that is TK Architect and Mike Cummings is in charge of that. He grew up here in town. So, when they heard it was getting rehabbed then they jumped on board and wanted to help out. Gunlock Electric has put in brand new electrical panels at the north end. There were five small ones that were old and outdated, very scary, and not up to code. He removed all of those and then put in two new huge ones. He is going to be working with me in stages as things have to happen.

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“Currently, I have funds encumbered for the neon; as you have noticed, the marquee has been dismantled. He will be working there to run electricity from the north end to the south end. He is going to put another panel up the stairs at the south end to run more of that equipment that will be coming in also, plus that marquee. On the other side of the façade that the car went through, I have been struggling and struggling in trying to get the bricks. They have to match since it is on the National and Kansas Historical Registry and the place is in Texas. Their building, during the February ice storm that came through, their roof collapsed, and it took out all of their gas pipes and all of their water lines; everything was destroyed. Then a couple of weeks later, they had a flood come through. I have been waiting and waiting because they are rehabbing their building. Last week Monday, they finally tested their kilns. So, I am hoping that I will be hearing from them really soon on my order then we can get started. I have a contract with them (Elgin Butler Company) also.

“I am here just to ask for a letter of nomination. As they told us about the grant, they suggested that you go to your council or your commissioners, and if you could get both, it seemed like your community is more on board and give me a little better chance. I did bring my architect's drawing; I have all of that ready to go. It is hard to get the supplies right now, and the cost is getting--." Mayor Luke, "We are quite familiar with that." Pam Scott, "Yes, he wouldn't even give me the electric bill because the cost was so high, and he hoped the cost would go down. He waited a couple of weeks because he gave me the bid for the marquee. We had to get it done though. Anyway, that is why I am here, just asking for a nominating letter. Maybe later I'll come and ask for money but right now I just need the nomination letter."

Council Member Lenard, "I think we have received this, and I think we are in agreement that we can support it. I think it needs to be socialized that there is nothing binding with this that commits any funding with the city at this point. With that, I would recommend that we do support her with this letter, and I think Anne has one ready to go." Council Member Curtiss, "I agree completely." Mayor Luke, "Thank you for doing this."

**APPOINTMENT: Tyler Ellsworth & Curtis Kaine – Kutak Rock – GO Bond**

Tyler Ellsworth, "Good evening, everyone. I am Tyler Ellsworth with the law firm of Kutak Rock, the city's bond counsel. It is a pleasure to be here this evening. I am joined by my colleague Curtis Kaine who is an associate with me in our Kansas City office. We are here to talk about a bond issue to finance your new electric generator. We have been working with Anne a little bit behind the scenes. I know it has been probably eight or nine years since the city did a general obligation bond issue. It would probably be helpful to have a brief refresher about what our role is and how the financing occurs. I will give a little background on that if that would be helpful and then I'll talk specifically about the action that is being requested of the council this evening, which is the charter ordinance.

"Just by way of background, we are a firm of attorneys. We specialize in bond issues. Really what we do is, our firm prepares the bond certificates and all of the preceding's of the city council that is necessary to make sure that the bonds are issued in compliance with state law. At the end of the financing process as we provide a legal opinion to the city saying that we have looked at the proceedings and prepared these preceding's and the bonds are validly issued. We work closely with Anne, Mary, your city attorney, and also with a financial advisor. He is not here this evening, but the financial advisor is Stifel, Nicolaus & Company, Incorporated, and Dave Arteberry is the contact there. He structures the financing. In this case, it is probably a \$1.5million financing, it would be a bond issue, and it would be structured over a ten-year repayment term. That is kind of what we talked about as far as the size and the structure of the bond issue.

"From a legal standpoint, there are three steps to put this financing in place. The first step tonight is to request that you as a council consider a charter ordinance to give the city the legal ability to issue bonds for the generator project or really for any electric utility project without having to go through an election to get that authority. So, the charter ordinance exempts you from the election requirement that is currently out there for bond issues for electric system projects under Kansas law. That first step for the charter ordinance occurs this evening. If you pass it, the ordinance gets published twice and then there is a 60-day protest period that we kind of wait through to make sure somebody doesn't have an objection to chartering out of the statute. We have calendared out how that 60 days fall.

"While that 60 days are occurring, we move on to do the second step. That is coming back to you at your January 5<sup>th</sup>, 2022 meeting to talk to you about the request for the proposal process. We and financial advisor Stifel, Nicolaus & Company, Incorporated would undertake, solicit proposals on the city's behalf from local banks who would be interested in purchasing this \$1.5million bond issue. So, the RFP process is second in the three steps. The third step would be your first meeting in February to return with the results with the bid for local banks, select the best bid with the lowest interest rate. Then consider a bond ordinance and a bond resolution to authorize the issuance of the bond. At the very end of the process, February 23<sup>rd</sup> is what we have penciled out in the calendar. The city would receive those funds, would issue those bonds, the local bank would purchase those bonds and you would have the funds in hand to proceed with the project. That is a lot of information so it is probably a good place to pause to see if there are any questions."

Council Member Lenard, "Have we overlaid this schedule with everything with Wheeler? Alan, have you looked at these dates?" Superintendent Schneider, "I haven't seen any of this. I guess a good idea would be to communicate with Larry and make sure he understands the time frame." Council Member Lenard, "So, when we look at the construction schedule and everything that we have to do, we still aren't turning a wrench until...does this still work?"

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Mayor Luke, "Yes, I would guess that with the inability to move the generator at this point in time with the weather laws that the states have with their highways and weights that we probably won't get the generator here until sometime around February." Superintendent Schneider, "He has a lot of preparation." Mayor Luke, "He has work that he has to do, plus we have not finalized the contract with him. Once that is done then he will have funds to work with, and we will owe him over a million dollars at that point in time."

Council Member Lenard, "I am just trying to wrap my mind around getting the down payment, tying this in with the bond; I mean, it's going to happen. It's just what's our rate?" Mayor Luke, "And the key thing is that he will be taking what he has apart and shipping out to get certain things taken care of, and hopefully he will have part of that back in February when he can start moving the main unit here. Six months would put it in operation probably in March or April." Council Member Lenard, "So then, the worst case if something went south with the bond, we have some more cash, and that's our backup." Mayor Luke, "Yes, we can handle it for the time being until the actual bonds cash becomes available."

"Tyler Ellsworth, "Right, and if you have cash that you can use to pay expenses between now and the end of February, then you can reimburse yourself to the extent that you would like to do so with the proceeds of the bonds." Council Member Jasper, "The last time we had the generator talks roughly three to four years ago, we did bring Dave Arteberry in and ask for his financial advice on where we stand with our current bonds and going forward with ongoing bonds. Is that conversation still able to be had now that it's three to four years down the road?" Tyler Ellsworth, "I think so. If the question is, are there refinancing opportunities or anything like that, or how does this new debt relate to your existing debt?" Council Member Jasper, "Yes." Tyler Ellsworth, "I know that he is looking at that. I know that he can't be here tonight because it is his wife's birthday." Council Member Jasper, "That makes sense, priorities." Tyler Ellsworth, "Yes, priorities. But I do know when he structured the issue, one of the things that he looks at is what's the city's overall debt burden and how does this add to that. How does this impact your mill levy and also your credit rating? So, you could certainly speak to the broader context there but I know that is part of the equation."

Council Member Jasper, "Okay, I know three to four years ago it was pretty tough at that time." Mayor Luke, "We were looking at almost six million dollars too." Council Member Jasper, "Right, I get that, but I just want to cover it all." Mayor Luke, "Plus, we have some debt that will be paid off in two years?" City Clerk Brown, "2023." Council Member Jasper, "I would like to hear his side of it to cover all the bases." Mayor Luke, "Okay, any other thoughts?" Tyler Ellsworth, "The only other item that I know is the item before you this evening, the action item. If you're ready to take action. If you'd like to wait for additional background from Mr. Arteberry, by all means. I don't want to rush you into something that you are not ready to do. The charter ordinance itself doesn't lock you into the bonds but what it does is starts the clock for giving you the ability to issue bonds without an election. So, if you pass the charter ordinance this evening and we publish it, we go through the 60-day period without a protest which is the likely result. Then you have the ability to issue these bonds in February or in February five years from now. There is no commitment there. That is the choice before you. You can move forward with this step and then hold off on the other steps of the bond issue. You can hold off on all of it until you have more information, whatever works for you."

Council Member Lenard, "I think, if I understand, it would be the value or maybe adjusting refinancing. Is that what you are thinking?" Council Member Jasper, "I am just thinking that we don't want to be put into a bad spot. If we could go forward with the charter, that is fine. Like you said, it could happen in February or in five years. We don't need to hold that part of it up. We haven't committed to anything yet just bypassing ...am I hearing that correctly?" Tyler Ellsworth, "That is correct." Council Member Jasper, "I'm fine with that."

***Council Member Lenard, "I move to approve Charter Ordinance 10, Exempting the City of Burlington, Kansas, From the Provisions of K.S.A. 12-834 Relating to Bonds for Gas, Water, Light, Heat, Street-Railway or Telephone Service and Providing Substitute and Additional Provisions on The Same Subject." Council Member Jasper, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.***

Mayor Luke, "With respect to the financial advisor agreement, how do we handle that one?" Tyler Ellsworth, "That can be considered at the meeting in January. That does not need to be considered tonight. I should actually note that one of the things that Dave wants to do is while we are going through this 60-day process is to take the opportunity to look at your outstanding bonds and see if there are candidates for refinancing and decreasing your interest rate to save some money there. That is part of the plan." Council Member Jasper, "Just using all of our resources."

**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.

**New Service:** Superintendent Schneider, "Since last council we installed a new electric service to a garage in the Hudson Street alley in the 800 block. We installed a new service for the house being constructed in the 1000 block of Penobscot Street. Those are complete."

**Line Maintenance:** Superintendent Schneider, "The men are still doing line maintenance."

**City Hall – Christmas Lights:** Superintendent Schneider, "We have installed the Christmas lights on city hall just like the ones that are downtown on the businesses. We will turn those on when we do everything else."

**Inventory:** Superintendent Schneider, "We are just starting on the department inventory. We will work on that over the next few weeks as time allows."

**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 completing plant reports."

**Generator Preparation:** Superintendent Schneider, "We are organizing and moving parts and electric motors out of the way in the power plant to make room for the generation project."

**Equipment Maintenance:** Superintendent Schneider, "We completed maintenance runs on generators #6 and #4. That should be it for a while depending on how quick this project is for; we may get another maintenance run. We are in good shape with both of those generators."

**Family Dollar/Dollar Tree (919 N. 4<sup>th</sup>):** Superintendent Schneider, "I met with the construction company again building the family dollar. There was some discussion that we talked about. The plan on the electric departments part, we have our locates called in, and we plan on starting with what we can get done before they have to start doing parking lot work the first part of next week. The transformer will sit over here in the northeast corner when we are complete."

**KPP Rate Forum:** Superintendent Schneider, "I did attend the KPP Rate Forum on November 5<sup>th</sup> in McPherson. I had good company with me, Anne and Stan."

**Annual KPP Membership Meeting:** Superintendent Schneider, "A reminder to the committee that the annual membership is December 10<sup>th</sup>. They will finalize the rates for sure, and then we will know at that meeting what the rates for 2022 will be the electric rates. Let me know if you all would like to go, and I will get us signed up for that."

**ELECTRIC DEPARTMENT: Generator**

Superintendent Schneider, "I have been visiting with Alvarez Martin. There was some discussion about the floor in the basement. We are 90% sure that the foundation is not in place already for the added generation. The footprint of the concrete that will have to be cut out – when they built that in the 1980s, when they poured the floor, they have a seam around there where the footprint of that generator foundation is. There was a little bit unlevel there at the power plant. The floor has a little bit of a slope there; that's where the floor shifted. It is roughly 9ft by 15ft, so it won't be half the basement. I was happy to see that. I am still waiting on KDHE for final approval on the air construction permit. I haven't heard anything back yet. I am told that there is no reason to be nervous about that. I believe everything is okay on that."

**QUESTIONS/COMMENTS**

**Generator:** Council Member Lenard, "Could you pull, and if you need to work with the committee then we can do that, but put together an overall project schedule on all the activities that need to go on and overlay some of the financing stuff?" Superintendent Schneider, "Put a time frame with it?" Council Member Lenard, "Yes, and give that to the whole council, so we kind of have a good feel of what is in front of us, so we don't get snuck up on." Superintendent Schneider, "I will work on that." Council Member Lenard, "Thank you."

**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.

**Family Dollar/Dollar Tree (919 N. 4<sup>th</sup>):** Superintendent Hawkins, "We have been in contact with Atmos Energy, Century Link, MT Networks for the Family Dollar/Dollar Tree. That is going really well. We are trying to organize together to get all of our utilities in at the same time. Everybody is in good harmony and I am really pleased with that. We are trying to get everybody together the first week of December. Hopefully, in a day or two, we will have that knocked out and get out of the way of the Dollar Tree."

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**Sewer Lagoon - Fence:** Superintendent Hawkins, "I visited again with Ray Barrett with Midland Fencing Company. He was delayed on a project on I-35 but he will be here next week to start on putting the lagoon fence in. That will be started shortly."

**Kansas Rural Water Disaster Training:** Superintendent Hawkins, "Norman and I attended Kansas Rural Water Disaster Training yesterday. It was in Garnett. It was good training. There was a lot of good information."

**KDHE – Forever Chemicals:** Superintendent Hawkins, "I also contacted Kansas Department of Health and Environment (KDHE) because I haven't seen any sampling for the forever chemicals that we were talking about. What they ended up doing was delaying it because there was so much information. So, tomorrow morning at 9:00 we are going to do a Zoom training with staff for the forever chemicals. They decided to use PACE Analytical Company to do the testing, which is the company that we already use. We are already in their system. That worked out well."

**WATER AND WASTEWATER: Production Update**

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

**Bulk Water Storage:** Superintendent Hawkins, "The guys have been working on the bulk storage tank still within the water plant."

**Equipment Maintenance:** Superintendent Hawkins, "We got our reactor motor in, and we have been working on getting that installed."

**QUESTIONS/COMMENTS**

**Water Output:** Council Member Lenard, "What's our current output right now, Danny? Gallons per month." Superintendent Hawkins, "At this time of year you are anywhere between 475,000 and 500,000 gallons. Nothing unusual."

**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, tree trimming, fixing and replacing street signs, and truck and equipment maintenance.

**Salt for Winter:** Superintendent Davidson, "Last Monday and Tuesday, we had our trucks go to Iola and pick up some AIC chips, which we just mix with salt. We have about 200 tons of chips on hand for this winter. We have bins full of mix and bins full of salt, so we should be good."

**Storage Cleaning:** Superintendent Davidson, "We have been cleaning up some chemical storage cabinets we bought at Federal Surplus to put our spray in."

**POLICE DEPARTMENT: Update**

**General:** Normal Duties.

**Activities & Cases:** Chief Jones, "It seems like we have been hit with medical and family medical issues with staff this last week or two. Two staff members were not here this weekend on their regularly scheduled shift. That left us scrambling a little bit to cover the shift on Friday, Saturday, and Sunday."

"We got hit with that, and then we had a mental health individual in crisis. We dealt with that person twelve times in a three-day period. The individual finally hit the trigger words for care and treatment, and we wound up taking the said person into police protective custody. We had to babysit from about 5:00 p.m. Monday until 1:30 when the county attorney was able to get that person onto a docket and get them into a care and treatment hearing for a district court judge. That means that an officer had to be with that person in a hospital room the entire time. So, over a 36-hour time frame with about four hours of sleep, as Tom mentioned, I was dragging a little bit yesterday."

"We have been incredibly busy. On top of that, we are still working on scams. We still have cases that we are working on; the politest way to describe them is leeches and predators, preying on the elder or older dependent adults. We are still doing welfare checks and still doing domestics."

**City Court:** Chief Jones, "We have municipal court on December 9<sup>th</sup>. Becky has stacked up so many cases I am going to have to have two of those rolling suitcases to bring everything to the court."

**Radar Systems:** Chief Jones, "I have been working with Philip on the radar system project. He and I have been talking about options and possibilities. If you have any comments to make, Philip, I will defer to you."

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Attorney Wright, "Since you brought it up, I am kind of curious to see. I actually went and saw some units over at Kustom Signal. They are in Lenexa, so they are close to me. I drove over and looked at a couple of them. They have a couple of used units that I looked at just to kind of get an idea and also some new stuff. So, what I looked at was a trailer-mounted unit, one of their bigger ones, it's made for highways. They demonstrated that a little bit for me. They showed me the pole-mounted unit, PMD – Pole Mounted Display, to show me how that works. Both ways have their advantages and disadvantages. I talked to them about what my concerns were like during the street into a drag strip and vandalism as well. They have thought of everything. They make the signs to where they can shut off at a point to where you would determine 10, 15, or 20 miles per hour over so that it just shuts down. That way, people don't have an incentive to see if they can make it to 110 or whatever.

"They have an ability to shut off a certain time so you can turn them off at night. The displays are photosensitive, so they are brighter during the day and they kind of dim down at night. All of them operate for at least a week with one battery. The solar units can basically operate indefinitely here because we have enough sun to run them. I don't know if you guys have any questions. I don't know if the committees have gotten together to talk about it further and see where people are at with it. The other thing that I kind of was concerned about was being able to get one sooner rather than later. I think some of the stuff is a little bit temporary with the shutdown and everything. Availability was a concern. I think that we are a month or two out from getting a new unit across the board. I think they have some of those pole mount display units that we can get almost immediately; they might have those in stock.

"One of the things that Doug and I were talking about that I think would be useful is that you can get an option with traffic analytics. So, you can put it out there and not run it, you can turn the display off, and it will record the speed, the amount of traffic so you can see what is really going on. The big unit that I looked at that was used they want like \$9,500, which was their cost. It's not quite ten years old; I think it's 2012. Everything that I looked at was stuff that they used to demonstrate. So, it has never been actually used for things, just demonstration purposes. It looked pretty good and in decent shape. I got a quote actually today for a smaller one; it was trailer mounted, for \$3,000. I don't know if that one has the traffic analytics on it; they are going to get back to me on that. The pole-mounted ones are \$3,500 without traffic analytics in them. It is a few hundred dollars more to get the traffic analytics in them.

"It is literally the box. It has a bracket that you screw to a pole, and you just set it on there, and there is a lock that uses a key that attaches along there, and you can pull them off pretty easily. It is not super heavy." Chief Jones, "All of the options, the base price on that unit is \$2,595." Council Member Lenard, "So, I would say, Doug, if you could socialize that information to the committee. Me, personally, and I would guess the rest of the council is understanding where the funding would come from. Then is it going to be all at one time, or are we going to have to do it in stages?" Chief Jones, "That is part of what I have been working with Philip on too."

Attorney Wright, "I don't know what the council or the committee has thought about funding and where that's going to come from and how long that is going to take. I know the budgets are already kind of set. I don't know what the thoughts have been. I am also really curious if anybody has thoughts on which way they would like to go as far as a trailer-mounted unit that you can tow around, or do you want one that is a more permanent type, like these smaller pole-mounted displays?" Council Member Lenard, "I think some of that could be the chicken or the egg type of a discussion. If we figure out what we have for funding, then we can go that way and see some of the options, whether it's grants or different budgets. Figure out what's available, then we will figure out where we go and what we buy." Council Member Jasper, "We have talked about new infrastructure coming in and stuff like that." Mayor Luke, "Can we include that in some of the infrastructure grants that we are looking at?"

Attorney Wright, "I can't answer that question right now. I don't know." Council Member Jasper, "As far as the traffic analytics, does our north stoplight do that for us?" Superintendent Schneider, "No." Chief Jones, "Those sensors are set for cross traffic on Cross Street, right?" Superintendent Schneider, "Yes." Chief Jones, "That one up there wouldn't be collecting any data on 75 highway, which is what we are looking at." Superintendent Schneider, "Well, there is an infrared sensor on the northwest corner and the southeast corner. One reads west Cross Street and northbound traffic and the other one reads southbound and the east traffic. It's just if traffic is there or if it's not there, is all it is." Chief Jones, "This would if I understand the analytic side correctly, it would not only give us speeds, full-range, average speeds, it would give us the time of day, direction northbound or southbound, wherever you put it. It would give us more information than we actually needed."

Council Member Curtiss, "That sounds like something that would be good. Very useful." Attorney Wright, "I think it snags everything that goes by that, time, how fast; it snags everything." Council Member Curtiss, "Did you say that we have to go through the state to get it on the highway?" Chief Jones, "If we do a permanent pole and it's in the state right of way, then we have to meet their standards, and we have to have KDOT's permission to do it." Council Member Curtiss, "I have a dumb question, but no question is dumb. We have two lanes of traffic, if there are two cars coming down the lane...?" Chief Jones, "Generally on the doppler radar and it has gotten a lot more advanced than it used to be, but the radar will generally pick the vehicle moving fastest or it will pick up the biggest target. So, if I have a semi-truck and passenger car, it will hit the semi-truck. That's why with these types of radars displays we cannot issue tickets based on a static radar display. There has to be human interaction. You have to have an officer that can say that they observed and saw and can identify which vehicle based on certification and training. This would be more passive; there would not be enforcement tied to it.

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Council Member Lenard, "If we proceeded and we wanted to look at the two used units maybe to start, then where is the funding going to come from?" Council Member Jasper, "And we are talking about KDOT, where does our pole line fall, our easement on the highway?" Superintendent Schneider, "I am not sure exactly where that is J.J." Council Member Jasper, "If it's in our pole easement and it's not in their easement, then is that issue still there?" Chief Jones, "If we get the trailer-mounted one and KDOT comes down the street and tells us to move it, then okay, we move it." Council Member Jasper, "Right, but do we put it in people's yards or in our pole line easement?" Chief Jones, "We have some areas that the city owns and has control of; otherwise, we can ask landowner permission." Superintendent Schneider, "If it's on an existing light pole do, we have to ask permission from the state?" Chief Jones, "If the pole is already there, then no, we don't." Superintendent Schneider, "That might simplify that."

Chief Jones, "They do have brackets that these pole mount displays will fasten to one of our wooden utility poles and they are lockable." Council Member Jasper, "I guess my thought, and it goes back to funding like we keep saying, but my thought is basic. Here is your speed; you need to slow down. The analytics part, I get it but who is going to analyze it?" Chief Jones, "If the computer program is doing a lot of that work already, I could see that it would give us a pie chart or a graph pretty easily. It would tell us the high traffic flow times and high traffic speed incidents and where they coincide. That would tell me, quite frankly, we need to have officers patrolling the school zones. We already do that. That type of thing." Council Member Jasper, "We pretty much know that 7:00 a.m. to 8:00 a.m. and 4:00 p.m. to 5:00 p.m. or 6:00 p.m. is our high traffic from commuters." Council Member Lenard, "But do we?"

Chief Jones, "Because that is what we are seeing prior to the road construction on 169 and everything being diverted to 75 HWY, we knew what we would see in traffic flow. Plant traffic going out to Wolf Creek and coming home and school traffic going to school and leaving. That would be the most significant amount of traffic." Council Member Jasper, "I mean reading the paper that pretty much says when people are getting their tickets." Superintendent Hawkins, "There is also a question that I would have, my water and my sewer are in the highway just as much as everyone else. If it's beneficial to me even though I am not on the highway all the time, if it's available to where my men can be safe by setting it up, I don't know why we couldn't pull a portion from water and sewer to assist in some way. It would be a benefit to us too." Chief Jones, "Yes, you tell me you have a project going on, and we could put a radar trailer, a very visible flashing sign that says slow down or men at work. One of them had a message board."

Attorney Wright, "The big unit that was \$9,500, in addition to the speed display, it has a separate unit display on the top that you can put arrows or a message that goes across." Council Member Lenard, "I'd like to proceed if we could just figure out the funding." Council Member Jasper, "In my mind northbound and southbound." Superintendent Davidson, "Who is going to maintain these?" Council Member Lenard, "Street Department." Superintendent Davidson, "Okay, so I know." Attorney Wright, "I talked with Kustom Signal about that because it is a used unit, right? The ones that we are considering. The smaller used unit that they quoted me for \$3,000 is around \$5,000 new; with analytics and solar panels it's about \$6,500 new. This unit is not compatible with solar panels I saw that in an email. I was talking to them about if these things break and of course, you have to take everything with a grain of salt but she told me there was a city that had two of these units that she had talked to within the last week or two that were over 20 years old. They're still going. The solar panel on one had crapped out, but they were still going on batteries, and that can be replaced. I don't think that they are a huge maintenance issue and these had been outside for 20 years."

Chief Jones, "I would expect to see more maintenance issues from the tires on the trailer from being out in the weather all day every day." Council Member Lenard, "I think if we could sure some things up and find out about maintenance and what the warranty would be on these units are." Attorney Wright, "The warranty on these units—they were toying with six months to a year. The new units I think are five years." Chief Jones, "Either two or three years depending on which system, there were some variants on the warranties." Attorney Wright, "They seemed like they would work with us, if we were more serious, I think, on price and warranty. I was concerned about the LED units, and apparently, they do last. They are easily replaceable. They use them in Chanute. This is something that is local and close. That is where they manufacture or at least put together a lot of these units. I think that is a huge advantage if something does go wrong. The batteries in them are pretty much commercial lead-acid, almost like a deep cycle marine battery. They are more on the spendy side probably, a few hundred dollars. That would probably be the weakest link in the whole thing on the trailer-mounted units. The batteries in the smaller units are pretty spendy; I think the quote had one on there that was \$300-\$400 apiece. It is just a little tiny battery."

Chief Jones, "It is a lithium-ion chargeable—it takes about four hours to recharge." Attorney Wright, "I would envision if we had one of those portable ones that you'd buy an extra battery. You would probably move it and put a new battery in, then charge the other one and do that every week or so." Council Member Lenard, "So, who would be responsible for moving it around?"

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Chief Jones, "Probably me." Mayor Luke, "It is a matter of what it takes; a regular two-ball hitch? What departments have that? Every department does—so each takes a month a year? I don't know. The committee can work with Doug on that and Philip, and we can get some recommendations back including the financing side." Attorney Wright, "Well, it sounds to me like it's going to be a financially driven decision anyway. It depends on what they come up with."

**PARKS DEPARTMENT: Update**

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

**Mulching:** Council Member Curtiss, "We have been mulching tree leaves in the parks."

**Hazardous Tree Removals:** Council Member Curtiss, "Cleaning up stump grindings from the removal of the hazard trees and putting dirt in the holes. Then seeding the area."

**FINANCE: Claims Ordinance & Payroll Ordinance**

|                      |         |    |                   |
|----------------------|---------|----|-------------------|
| a. Claims Ordinance  | 2021-22 | \$ | <u>279,764.80</u> |
| b. Payroll Ordinance | 2021-23 | \$ | <u>92,343.45</u>  |
|                      | TOTAL   | \$ | 372,108.25        |

**CLAIMS 2021-22:** Council Member Lenard moved to approve City of Burlington Claims Ordinance 2021-22 for the amount of \$279,764.80 for payment of city bills. Council Member Curtiss gave the second. City Clerk Brown, "The larger expenses we have tonight are Annixter \$18,075.38, Brenntag \$2,403.04, C&B Equipment \$2,063.27, Kansas Power Pool \$203,967.48, Peregrine Cooperation \$3,390.06." **Hearing no additional discussion, Mayor Luke instructed City Clerk Brown to poll Council. All votes were in favor. Mayor Luke declared, "Claims Ordinance 2021-22 passed unanimously, 5:0."**

**PAYROLL 2021-23:** Council Member Tschantz moved to approve City of Burlington Payroll Ordinance 2021-23 in the amount of \$92,343.45, 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 2021-23 passed unanimously, 6:0."**

**PLANNING & ZONING: Update**

**General:** City Clerk Brown, "Normal duties and updating signs and the Facebook page."

**KACE Training:** City Clerk Brown, "He attended KACE training in Manhattan the first week of November."

**Family Dollar/Dollar Tree (919 N. 4<sup>th</sup>):** City Clerk Brown, "He had a meeting with Forge Construction yesterday to discuss revised plans regarding utilities and the new entrance from the highway."

**Video Recording:** City Clerk Brown, "Checked with several vendors and got some pricing for the video equipment. A rough cost right now for a laptop or iPad, microphones, and cameras is around \$4,500. That does not include wires, cables, or installation cost."

**OTHER COMMITTEE OR COUNCIL BUSINESS:**

**Christmas Gifts:** City Clerk Brown, "We have the Christmas gift certificate that we do every year for the board members, city attorney, city treasurers, council members, and mayor. If you want to continue to do that, then we need a motion to move forward with it. We do \$20 of the Chamber Bucks for those gift certificates." Mayor Luke, "What is the governing body's pleasure?"

Council Member Curtiss, "That total comes to \$680?" Mayor Luke, "Yes." City Clerk Brown, "Yes." Mayor Luke, "And it's budgeted for." Council Member Curtiss, "I personally don't care to have it." Council Member Jasper, "Since, it's budgeted, is it audited for specific reasons? Can we do something else with the money? I am not seeing anyone else making a motion. Does somebody have ideas for it or...?" Mayor Luke, "There are no other ideas as far as I know." City Clerk Brown, "I haven't had anything brought up. This is just, do you want to continue to do this?" Council Member Lenard, "I think it's nice for the volunteers." Council Member Jasper, "Okay."

**Council Member Curtiss, "I move to give a \$20 Chamber of Commerce Christmas gift certificate to each Board Member, City Attorney, City Council Member, City Treasurer, and the Mayor." Council Member Tschantz, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.**

City Clerk Brown, "Is this something that we need to reconsider next year?" Council Member Lenard, "That was a tough one." Council Member Curtiss, "I give it to somebody, like the Floyd Lewis Foundation." Council Member Jasper, "Cancer Support Group. I know we already gave to them, but why not give additional funds to our community." Council Member Lenard, "The other people that are volunteer, I like that. Speaking for myself, I have gifted mine over to the scouts or something." Council Member Curtiss, "That's true because these are just all volunteers on these other boards." City Clerk Brown, "If you want to continue to do it for, the volunteers, and then you guys, whatever amount is for the council members and the mayor, we could do that." Council Member Jasper, "I'm fine with that too. Like Lewis said, it is at our discretion, I sign mine over too. It is kind of nice to be able to pick and choose what you want to do with it. We could still look at other things."



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Council Member Curtiss, "We will think about what we want to do next year." City Clerk Brown, "Then we have the Christmas gift day for the city employees. What you have always done in the past is to give an extra gift day off. If they are already scheduled to work that day, then they can use it on a different day. The day that they would be given off would be Thursday, December 23<sup>rd</sup> because Christmas falls on the 25<sup>th</sup> which is Saturday. We will already observe Friday the 24<sup>th</sup>."

**Council Member Lenard, "I move to give each City of Burlington employee the gift of an additional paid day off for Christmas, with the day off for this year to be Thursday, December 23<sup>rd</sup>, with the option that if an employee is on duty that day, the employee can arrange for another day off in lieu of the 23<sup>rd</sup> of December." Council Member Curtiss, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.**

**Work Session:** Mayor Luke, "The council work session is a joint session between the city governing body and the county commissioners to be held on November 30<sup>th</sup> at 7:00 p.m. at the 4-H building. The chairman of the commissioners and myself will be, with your input, finalizing the agenda so that we can publish that and get it out there to the public." Council Member Curtiss, "Is that a Tuesday?" Mayor Luke, "Yes."

**Council Member Jasper, "I move to have a work session November 30<sup>th</sup> at 7:00 p.m. at the 4-H Building." Council Member Lenard, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.**

**ORDINANCE**

**LICENSE**

**LEGAL DEPARTMENT: Update**

No comments.

**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.

**Election:** City Clerk Brown, "We received the official election results."

**Goals and Accomplishments:** City Clerk Brown, "Mary handed out the goals and accomplishments to the department's heads. I wanted to remind you to have them back to her by January 10<sup>th</sup>."

**Trash Exemptions:** City Clerk Brown, "The trash exemption letters have been sent out that are renewed every year."

**HEAL (Historic Economic Asset Lifeline):** City Clerk Brown, "I prepared the nomination letter for Pam Scott for the Flint Hills Plaza Theatre, HEAL (Historic Economic Asset Lifeline) grant."

**Closed:** City Clerk Brown, "A reminder that city hall will be closed Thursday, November 25<sup>th</sup> for Thanksgiving. Then we always take the day after Thanksgiving off, so Friday, November 26<sup>th</sup> we will be closed also."

**REPORT BY CITY OFFICERS:**

**Nuisance: Properties/Vehicles Update:** Council Member Lenard, "It looks like we got so engrossed with the signage that we skipped over nuisance properties in the police report." Chief Jones, "We have been so busy I haven't had anybody with time to be able to work on it. I have nothing new to report."

**OTHER COMMITTEE OR COUNCIL BUSINESS:**

**MAYOR'S COMMENTS:**

Mayor Luke, "I have nothing to bring forward. If I don't see you between now and the 25<sup>th</sup>, have a happy Thanksgiving and a safe one. I will be celebrating in the state of Washington with the family."

*[10] CONTINUATION: November 17, 2021 Burlington City Council Regular Session*

**FUTURE AGENDA ITEMS:**

|  |  |
|--|--|
| <b>GENERAL:</b> City Debt - How to fund projects<br>Expense Tracking on Projects<br>Budget 2022<br>Flooding 5-2019 – Updates   | GAAP - Infrastructure Capitalization<br>City/County Grant Funds – Discussion on Matched Funding<br>Council Discussions on Evaluations, Succession Planning, etc.<br>Plan Council Work Session        |
| <b>ELECTRIC DEPARTMENT:</b> Power Plant - Additional Generation  | <i>RICE NESHAP Compliance</i>  |
| <b>PARKS DEPARTMENT:</b> Events in Parks (Updates)<br>City Dam - West Wall Repair – Engineering Services Proposals   | Kelley Park Light Poles – Repair/Replace (also see Legal)<br>Girl Scout Rock Garden - Updates  |
| <b>LEGAL DEPARTMENT:</b> Municipal Court Updates   | Misc. Legal - Documents, Cases, Contracts, etc.  |
| <b>PLANNING AND ZONING</b><br>Work with Advantage Computers and City Departments to improve Cyber Security<br>Nuisance Structure & Properties: Work with PD<br>FIRM Floodplain Map Changes – Updates<br>Burlington Corporate Boundary Updates on Map (Work with State) | Quarterly Construction Valuation Report<br>Prepare Easements for any City-owned property without one<br>Addition Nuisance Structures for Possible Condemn/Demolish<br>Permits - Building/Zoning/etc. |
| <b>POLICE DEPARTMENT</b> Nuisances (Work with Zoning Clerk)<br>Voice Stress Analyzer Project   | Department Activities and Cases  |
| <b>STREET DEPARTMENT:</b> Concrete St. Repairs/Free State Ct. Replacement/Repair<br>Pavement Management System/Asset Management System   | Street improvement Plan, Paving Gravel Streets, Crack Filling,<br>Street Improvements 2021 6 <sup>th</sup> & Alleghany Project<br>Street Improvements 2021 Asphalt Project                           |
| <b>WATER &amp; WASTEWATER DEPARTMENT:</b><br>Sewer Lagoon Maintenance/   | Sensus Water Meter Replacement<br>Updates Storage Building for Dirt -Construction<br>Sewer Lagoons - Analysis (KRWA/funds for dredging)<br>Sewer Liftstations –Flushing Rags, etc.                   |

Mayor Luke declared the meeting adjourned.

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