

BURLINGTON CITY COUNCIL REGULAR SESSION 2-17-2021

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, February 17, 2021. Mayor Stan Luke called the meeting to order.

THE PLEDGE OF ALLEGIANCE

ROLL CALL: Stan Luke, Mayor

Council Members present:

- Jerilyn Curtiss (President of Council) Dallas Scothorn Lewis Lenard (Via Zoom- Late)
- 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) (Zoom) Jimmy Hugunin (Zoning/Grants Clerk)
- Kerri Weltha (Deputy City Clerk)

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Salli Stewart, Paul Abendroth

AGENDA:

Council Member Jasper, “I move to approve the agenda as modified.” Council Member Scothorn, “Second.” Motion unanimously carried, 5:0.

MINUTES 2/3/2021: Mayor Luke, “You have before you the draft minutes of our regular session of February 3, 2021. Are there any additions or corrections?”

Council Member Curtiss, “I move to approve the draft minutes of February 3, 2021, as modified.” Council Member Tschantz, “Second.” Motion unanimously carried, 5:0.

APPOINTMENT:

Salli Stewart, “I have a couple of things I’d like to ask for. One of them is for Burlington Promotions and one is the Rec Center. June 12th is the Crap Fair that we have had in the past, we would like to do that again. We didn’t get to do it last year because of COVID. We are asking to shut down the street on 3rd Street from Neosho to probably just one block north. If we would get a lot of vendors, we might need two blocks. I am guessing we would only shut down the one block in front of Vintage Sisters in that area.”

Council Member Curtiss, “I move to approve Salli Stewart’s request to close N. 3rd Street between Neosho and Miami, and a half block east and west on Hudson Street, for the Burlington Commercial Club’s annual Crap Fair (Flea Market) on Saturday, June 12, 2021, between 6 a.m. and 2 p.m.; with the stipulation they will clean up the entire area right after the event.” Council Member Hall, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Salli Stewart, “The second thing is the Boofest. We did that for the first-time last October, and we would like to do that again on October the 16th, that Saturday. We would use Kelley Park from 3:00 p.m. to 10:00-ish. The only building I think we need is Kelley Hall, and we just use that to store our candy and things. I know you had October 15th shut down; that was the last you were going to let in events, but Kevin and I talked a little bit, and he thought that would be okay.” Superintendent Boyce, “So, you need Kelley Hall Friday evening and Saturday?” Salli Stewart, “If we could have it Friday so I could carry stuff in Friday during the day.” Superintendent Boyce, “Okay.”

Council Member Curtiss, “I move to approve Salli Stewart’s request on behalf of Burlington Promotions to hold BooFest in Kelley Park on October 16, 2021, including reserving Kelley Hall, on Friday and Saturday from 12:00 p.m. to 10:00 p.m.” Council Member Hall, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

PUBLIC COMMENTS:

Paul Abendroth, “Have you heard anything about First Impressions at all?” Mayor Luke, “As to?” Paul Abendroth, “Have they gotten back with you?” Mayor Luke, “No.” Salli Stewart, “I just got an email about that. Is that what you are talking about? The thing between us...” Paul Abendroth, “And other towns.” Salli Stewart, “Yes, that she was running behind on that. If I had my phone, I could pull it up and show you, but it said that she was running behind and that we were the next ones for her to work on. So, it is still in the works.” Paul Abendroth, “Who do you talk to?” Salli Stewart, “The gal from the state I think.” Paul Abendroth, “Oh, okay.”

ELECTRIC DEPARTMENT: DISTRIBUTION Update

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

Scrap Wire: Superintendent Schneider, “We have dumpsters out that we keep our scrap wire in that way we can get it loaded for sale. They are very rusty so we have been patching holes with scrap metal that we have there on site.”

Tree Trimming: Superintendent Schneider, “We did lower a service for some tree trimmers that were in town on North 2nd street. We had it down two to three hours and then put it back up for the customer.”

Service Upgrade: Superintendent Schneider, “We did upgrade a service on south 5th street. It was one that was involved in a house fire on Thanksgiving Day. The electrician came back and completed his work then we upgraded our meter cam while it was all free to make it a lot easier.”

ELECTRIC DEPARTMENT: PRODUCTION Update

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

Cold Weather Maintenance: Superintendent Schneider, “The men have been watching really closely to make sure we don’t have frozen radiators, intercooler, or piping that may be exposed.”

Southwest Power Pool- Grid Stabilization: Superintendent Schneider, “We were asked to generate to help the electrical transmission grid. We started producing Monday at noon to cover the City of Burlington, all of our customers. This is reimbursable; we will get reimbursed by Kansas Power Pool. We had the #6 generator, and we had our CAT generator running. 6:00 a.m. Tuesday morning generator #6 tripped offline. It didn’t take long to figure out that there was something wrong with the motor. What had happened upon investigation is that the turbocharger disintegrated, and we don’t know why yet. All of the fins on the inlet side of the turbo are gone. We got that disassembled, got it ready for shipment to Turbo Specialties in Salina. They specialize in Cooper Motors. They have had that turbo before back in the day, probably in the 1980s, on the install of this generator. It is loaded, and it is ready to ship out there. We did have an insurance adjuster come in today. He got a lot of pictures, and we had a lot of conversations. Once he gets his report written it will go into the hands of our insurance company. We don’t know yet for sure how much the insurance is going to cover on that.

“Without that generator though, without that turbo, the generator is worthless without it. It has to have it. All of this bad, we did get lucky, when the fins disintegrated, of course that’s pushing that towards the intakes of that motor and the cylinder, luckily our intercooler stopped all of the debris. That is the only thing good that happened that morning. We are very lucky on that. With that being said, we are currently still running our CAT generator, and we are running one other, that is R.I.C.E (Reciprocating Internal Combustion Engine) and NSHAP (National Emissions Standards Training: for Hazardous Air Pollutants) compliant to help take some of the load off the electrical grid. We are covering about 50% of Burlington’s load right now. The latest email I got was that we are down to a severity level 1, which is pretty good. A level 2 is a little shaky, and then level 3 is when they are load shedding throughout the region. We are in a level one right now.”

Council Member Jasper, “How many megawatts was generator #6?” Superintendent Schneider, “#6 was 4.6 MW. We were producing 4.5MW.” Council Member Tschantz, “How much damage did the intercooler get?” Superintendent Schneider, “It doesn’t appear that is it leaking, but we have fin damage. There are a couple of deep hits in it. That is the cheap part of it. It also got pictures taken and noted with the insurance adjuster today. We are going to try to pressure test it ourselves. It would probably be best to have that looked at to make sure from somebody professional. None of the debris went through the intercooler.” Council Member Tschantz, “That’s good.”

Council Member Jasper, “What is the department’s speculation on what caused this?” Superintendent Schneider, “We are not 100% sure. Obviously, there are icing issues, but we are not sure of that. We found some debris this afternoon; we don’t know what it goes to. There is nothing out of place on a visual inspection, internally on that turbocharger. We didn’t see anything visually on the exhaust side of that. There is no way because the turbo wheel, the fan, the fins are gone, but there is no damage to the wheel itself to where something could have broken or come through to cause that. I’m just speculating; I don’t believe it was ice. I don’t believe that it was sucked down too tight. If that restricts too much, your in and out pressure; if they are different, that can suck that wheel one way or the other. I don’t believe that happened. We didn’t find some pieces but we have no clue what they are just yet. We are going to hopefully.... It’s not a real emergency; we do have to investigate this; I do want to know exactly what happened. The weather is supposed to be a little better, I haven’t seen Fridays but I think it is supposed to be a little bit better the first part of the week. We are going to do our very best to get to the bottom of everything. As I said, we did find something that we don’t know what it is.”

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Council Member Lenard, “What are we thinking as far as a timeline both good and bad of potentially getting this back in service?” Superintendent Schneider, “There are a lot of variables in there. The good thing is Turbo Specialties has the original spec sheet, bill sheet, everything for that turbo. They already have them pulled out which gives them the head start to find... I don’t know if they carry those in stock or not; that is a pretty special item. So, they are going to get ahead of the game as much as possible about getting a turbo wheel here. The shaft doesn’t seem bent, you can freely spin that turbocharger. It is heavy, but you can freely spin that turbocharger. I don’t believe a shaft or shaft bearing or anything of that nature has failed on it. So, to answer your question, it could be a couple of months.” Council Member Lenard, “Is that worst case?” Superintendent Schneider, “I would say worst case four months and best-case scenario one month. I know there is a lot of play there, but there is a lot of unknowns still.”

Council Member Lenard, “Second part of the question, I know we don’t know the answers yet, but I’m guessing there will probably be more if a few weeks that comes out, maybe American Power and KPP, what this potential rolling blackout impact may be for us Stan and we may have to respond...?” Mayor Luke, “KPP is probably already doing their response. Larry Holloway is probably already submitting reports with respect to which city’s generated and which ones had problems. A couple of the cities that did not have generation were on the rolling blackouts. None of the ones with generation had any outages. I don’t know what the final reports are that they will have to submit to SPP (Southwest Power Pool) at all. I know everybody that had generation was running at least part of their generation.”

Council Member Curtiss, “But there were municipalities within the pool that did have brownouts?” Mayor Luke, “Yes, because they don’t have generation and they were part of the Evergy system.” Council Member Lenard, “So, it is going to be kind of a wait and see...” Mayor Luke, “Yes, I would guess it would probably be at least March before the report gets back to the pool, from the Southwest Power Pool back to the Kansas Power Pool. I can find out tomorrow there is a board meeting tomorrow. I can listen in and ask some questions.” Council Member Lenard, “Okay, thank you.” Council Member Jasper, “What is the power plant capable of without #6 being online as far as MW?” Superintendent Schneider, “Give me a second here because I’ve got to add this up in my head. Roughly 4.7 – 4.8 MW. We had our lightest load early this morning; it was under 5MW. Up until then we were running 5.4 to 6.1MW.”

Thank You’s: Superintendent Schneider, “I do want to thank Mark (Superintendent Davidson). He came out last night in the cold and braved it. He helped us load the turbocharger on the trailer. So, thank you very much Mark.”

ELECTRIC DEPARTMENT: Personnel: Dallas Birk – Evaluation

Superintendent Schneider, “Dallas Birk has completed his 4th year of his apprenticeship program. He is doing a good job for us. He is ready to advance to Journeymen Lineman. His final score on his written test was 93%. Dallas’s anniversary date was February 6th, but it was after the last Council which is why we are talking about it tonight. I would like to recommend a pay increase to \$24.27 with that effective on February 20, 2021.

Council Member Curtiss, “I make a motion to move Dallas Birk from Fourth Year Apprentice Lineman to Journeyman Lineman at the hourly rate of \$24.27, effective February 20, 2021.” Council Member Tschantz, “I second the motion.”

Superintendent Schneider, “If I could, with three plant operators over there, we have been rotating shifts. There has been some overlap with everything that has been happening to get repairs and things in order. We have had one running, split in three shifts, and we have had a lineman over with him, especially through the night. It just helps out to go check on things, especially since we have to go out and check radiators and intercoolers. It is a safety thing as well.”

Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Mayor Luke, “Give Dallas our congratulations.” Superintendent Schneider, “I will and sorry to interrupt that motion.”

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.

Water Leaks/Cold Snap: Superintendent Hawkins, “We are getting a tremendous number of calls from customers. We are trying to help everybody in town; everybody is freezing up and having issues at their places. We are trying to stay on top of everybody. I know we are getting lots and lots of calls here lately. Please bear with us; we will come to your house and do what we can to help.”

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Issues due to Cold Snap: Superintendent Hawkins, “We spent a lot of time preparing for the big freeze that was coming. We were putting heaters and all kinds of stuff in. The men even went out in the river intake and put insulation in that, which we have never done before. The heaters have always done their jobs. We have had a lot of issues. We even had a glitch on Saturday morning saying that our blue water tower grew 60 feet. So, that was interesting. We knew we needed to run to town and find out what was wrong. The heater inside the blue water tank went out, so the pressure gauge inside froze, so we had to unthaw it. We didn’t spend any money; we just had to unthaw it, put it back online, and put a new heater in it. There has been little stuff like that that we have been trying to stay on top of. We have had to replace meters around town that have been freezing up.”

KDHE- Lab Inspection: Superintendent Hawkins, “We did end up having KDHE come in to do their lab inspections today and we did pass that. We have our certification for the next three years through KDHE.”

Water Leak: Hudson Street- due to Cold Snap: Superintendent Hawkins, “We ended up having a water leak last night (4:00 p.m. February 16th to 7:30 a.m. February 17th). It was a long, long water leak. I want to thank Mark; his guys brought chips and everything. We all are very grateful for that because it was a long night, and everything we did; chasing it. It was by The Republican office; we had water coming up next to the buildings, water was coming up in Mr. Hatch’s yard, it was coming up in the alley. The problem was that the permafrost was 18 inches thick, so the water was trying to find a way to get out of the ground and it made finding the leak even that much harder. That corner has been notorious for us with old pipes that is in there. We tore up a lot of ground. We ended up having to have both of our backhoes jackhammering through the permafrost trying to get down to dirt so we could actually dig. By the time we hit 3:00 a.m. we knew that the battle was about over with and we just decided that we were changing gears. We had all the parts and pieces, we fabricated everything new, ran new line underneath the road, and eliminated everything in there. We had the water back on to all of our customers around 7:30 this morning. It was a long and very cold night.

WATER/WASTEWATER: Production – Water Treatment Plant Update

Superintendent Hawkins, “The plant is running great.”

Water Usage: Superintendent Hawkins, “We are seeing a very high percentage of water being used. Actually, we are around 700,000 gallons a day, so it is kind of like summertime. We know everybody is running a little water to keep their pipes from freezing. Other communities, rural water districts, and towns are having the same water leaks that we are having. We are trying to meet that demand plus we want to make sure that we keep enough water for fire protection. If we have a fire in the middle of the night, we want to make sure that we have enough water to supply the fire department.”

Equipment Issues: Superintendent Hawkins, “We did have an issue with our air compressor. One of the seals on it began to leak, and oil was coming out. A timer also went out on it. Chuck with Quincy Air Compressor came down. He had the parts to get us up and going so we were still able to keep operating there in the plant.”

Lime Silo Feeder: Superintendent Hawkins, “We are still waiting on our controller to come in from ACRISON in New Jersey for the lime silo. The guys are still going out every 20 minutes and vibrating the lime machine. That is going to be nice when we get that.”

Hacking into Water Treatment Plants: Superintendent Hawkins, “One of the things the KDHE wanted me to bring up to all of you and I know you have probably seen it on the news. In Florida, a hacker got into the Florida water treatment plant and they were injecting sodium hydroxide in it which is caustic soda which raises the PH levels. The EPA, even Homeland Security, are asking us to look and evaluate what our plans are. I just want to let you know, our plans at the water treatment plant here, we don’t have hackers because we don’t plug into the internet. We don’t do WIFI. Everything we do at the water treatment plant is completely isolated so we have no way of being hacked. They can’t come in and change our system controllers. I don’t even have it on my phone to where I can even view it. That way, there is no chance for a hacker to get in there. That is one of the benefits that we have always had with the plant. Some people may say that it’s primitive, but the other side of it is, it makes us protected too. I just wanted to pass that along to you, as well.”

COMMENTS:

Council Member Tschantz, “I do want to say that I thank the County for sending out the email about the water leak. I think that is a good thing, and they should be doing it all the time instead of part of the time.”

Superintendent Hawkins, “I am very grateful for my men to stay out there and dredge along with us. I want to thank them too. That was a long night and I am very grateful for them to stick through it. Also, thank you Ms. Anne (City Clerk Brown) for helping us with breakfast this morning.”

STREET DEPARTMENT: Update

Vehicle Repair: Superintendent Davidson, “Finished up on the cab protector on the 2007 International. It is welded up, but it still needs to be painted. We changed out the heating oil on our crack filler. That is yearly preventative maintenance on that machine. We caught a good day that we could do that.”

City Hall – Vault Door Repair: Superintendent Davidson, “We came up to remove the door off of the safe. Kyle Dauber cut out a patch and welded in a new one. It is back on the wall.”

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Snowstorm Clean-up: Superintendent Davidson, “We worked Sunday, February 14th on the little snowstorm that came in. We took two trucks out in the residential area, three of us went downtown to clean up that area. We turned around and did it again Monday. We were out again today plowing and cleaning up downtown. We are getting tired of it.”

STREET DEPARTMENT – STREET BIDS

Superintendent Davidson, “We had the bids for the 2021 Street Improvements, Heather Street, and the City Hall parking lot. Anne (City Clerk Brown) and Mayor Luke sat in on the bid openings. We sent out the three bids to Killough, APAC, and Bettis. Bettis sent their copies back, so we had Killough and APAC. I would like to ask that the bids be bona fide; they did have all of the criteria.”

Council Member Jasper, “I move to accept the bids as bona fide.” Council Member Hall, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

2021 Street Improvement Projects: Superintendent Davidson, “Mary (Administrative Assistant Mader) put the bids in the packets. Let’s do the 2021 Street Improvements. Killough’s bid came in at \$324,870 and APAC came in at \$395,920.66. That is a difference of \$71,050.26. As you can see most of the difference was twice per ton of the asphalt; Killough’s was \$83.30, and APAC was \$107.98. I ask that we accept Killough’s bid for \$324,870.40 for the 2021 Street Improvement Projects.”

Council Member Jasper, “I move to award the Street Improvements Project 2021 to Killough Construction as presented, not to exceed \$324,870.40; as being in the best interest of the City of Burlington.” Council Member Scothorn, “I second the motion.”

Mayor Luke, “My only question Mark, is that Killough shows three months to do the work and APC shows nine days?” Superintendent Davidson, “Yes, we have always had a working agreement with Killough. They will come in and do a little bit of the project and then we allow them to leave to finish up another project. So, they have just given themselves an extended time. Once they get started, they are usually in and out within a couple of weeks. That has been ongoing for the past several years.” Mayor Luke, “I just wanted to make sure that we were still running that same process.” Superintendent Davidson, “Yes.” **Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.**

2021 Heather Street: Superintendent Davidson, “The second bid would be the Heather Street project. Killough came in at \$127,882.25, and APAC came in at \$206,674.40. That is a difference of \$78,792.15. The approximate start date will be April 19th. He did not give me a completion date. Also, in that bid, the City will furnish any of the AB3 to bring the street back up to grade after they have gone in and removed the concrete. That will save us money from them having to bring rock in from either Emporia or Ottawa; we have it at the yard. We can use our trucks to haul or they can bring a truck over.” Mayor Luke, “That is still basically the difference between price per yard of the asphalt?” Superintendent Davidson, “Yes, I believe so. Also, Heather Street is a concrete street, so in the bid, when they remove the concrete, it will be taken down to the water department and will be used to fill for the washout that we had from the flooding. This is including the trucking fee from Heather Street to the river.”

Council Member Jasper, “I move to award the Heather Street Project 2021 to Killough Construction as presented, not to exceed \$127,882.25; as being in the best interest of the City of Burlington.” Council Member Tschantz, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Superintendent Davidson, “Also, we had the engineers estimate, back from 2018, which is what we based the dollar amount on was \$215,994 to replace Heather Street. We came in significantly under the estimate of the engineer. I thought that was a really good price.”

2021 City Hall Hot Mix Parking Lot: Superintendent Davidson, “The final one will be for the City Hall parking lot. That is this area out here where the council members park and on the south side of the building. The only one that bid on it was Killough Construction for \$27,321.05.” Council Member Tschantz, “That is both the north side and the south side?” Superintendent Davidson, “Correct.” Mayor Luke, “Killough will use the asphalt from APAC settlement that we have leftover?” Superintendent Davidson, “Yes, basically what this price is; is the laying of the material and the hauling from the APAC plant east of Emporia.” Council Member Jasper, “Does that pretty much use it up?” Superintendent Davidson, “Yes. My calculations, what I’ve been keeping track of from our usage, we were pretty much spot on with what it was going to use here. According to their figures we are going to have some left. We are going to have to wait and see.” Mayor Luke, “Use it for patch or something.” Superintendent Davidson, “I don’t know where they got their figures. They have a new man at the plant, and we ended up gaining like 75-100 tons of hot mix.” Mayor Luke, “Okay.”

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Council Member Jasper, "I move to award the Hot Mix Parking Lot to Killough Construction as presented, not to exceed \$27,321.05; as being in the best interest of the City of Burlington." Council Member Tschantz, "I second the motion."

Council Member Lenard, "So, do we have any issues with Killough Construction picking up materials from a competitor?" Superintendent Davidson, "No, they were quite pleased to do that actually." Council Member Jasper, "The warranty probably won't be there for the materials, right?" Superintendent Davidson, "Right." Council Member Lenard, "We just need to make sure that if the materials are bad that workmanship is still covered correct?" Superintendent Davidson, "I will need to check with Killough and see what their warranty will be. I didn't think to do that." Mayor Luke, "If the material is bad, we should know that basically on the first load." Superintendent Davidson, "Yes." Mayor Luke, "Before we do anything else." Council Member Lenard, "Okay."

Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

POLICE DEPARTMENT: Update

General: Chief Jones, "We have had our normal calls and dealing with the weather and the snow like everybody else."

Cases: Chief Jones, "We have had several welfare checks, we were requested to check on people. Some of those turned into ambulance calls to get them to the hospital or some kind of medical service that they needed."

Accidents/ Thank you: Chief Jones, "We had a few, very few, minor accidents. I would like to compliment the Street Department and Parks Department for the outstanding job they have done keeping our streets clear. It really makes a difference getting around." Superintendent Davidson, "Thank you."

Scams: Chief Jones, "The unemployment scams are still going on. I personally have received four of the unemployment claim letters on me now in the last week. The scary part is that they say they found no wages for me on all four of them."

City Court: Chief Jones, "City court last week went quite well. We were done in a very timely manner."

PARKS DEPARTMENT: Update

General: Superintendent Boyce, "We have been cleaning public restrooms and buildings. We have been doing building and equipment maintenance."

City Hall Renovations: Superintendent Boyce, "We have been doing some painting here down the hallway, in the map room, the little meeting room, and the big meeting room where the big table is in the back. We painted those on inclement weather days."

Snow and Ice removal: Superintendent Boyce, "We did have snow and ice removal."

PARKS DEPARTMENT: City Dam Retaining Wall Repair (West)

Change Order #6: Superintendent Boyce, "I thought we were going to get through this with no more change orders. I was going back through my notes; in the beginning once they had everything tore out at the city dam rock wall, when they started to form the base where the water was running around into the dam and coming back in underneath the rock, that area under the rock wall was soft. They took the soft stuff out and then they had to lay some rock in there to get it to stabilize to build on top of it. This was clear back in the beginning, we talked about it then and I told him I needed the change order request. He forgot it; I forgot it. It has already been paid; it was paid in the first billing cycle." Council Member Jasper, "This is basically for audit reasons?" Superintendent Boyce, "Yes, we just need the paperwork."

Council Member Jasper, "I make a motion to accept Change Order #6 for the City Dam Retaining Wall to B&B Bridge Company, for an increase of \$991.50." Council Member Scothorn, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Sidewalk Fence: Superintendent Boyce, "Onto the sidewalk that slopes down, the long sidewalk of 100 feet. It is a 1:20 slope, we don't have to have any railing or fencing. In my opinion, if we don't then people will be walking down through the grass area and it will be hard to maintain the grass. Then if we go into a flood situation it will be washing that dirt out. So, my request is to put that fencing there to keep people from walking over the grass area. They have to do the stairs or go down the sidewalk."

"I have the three quotes from Burlington Lumber (\$3,748.20), Lebo Lumber (\$3,568.75), and Waverly Lumber (\$4,039.34). Burlington has the 5% advantage because they are local. They were \$1.01 over that 5%. At that rate I feel we should still go with their quote of \$3,748.20."

Council Member Scothorn, "I move to accept the quote from Burlington Lumber for fencing at the City Dam, not to exceed \$3,748.20, as being in the best interest of the city." Council Member Lenard, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

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Center Handrail: Superintendent Boyce, “Next I have the center handrailing for the sets of stairs. I visited with B&B Bridge Company; they said they send theirs out to Collins and Hermann. So, I contacted them. They do the engineering of it, they measure the degrees, and lay it all out and then they send all the drawings to a place that actually builds them. That quote came in at \$8,350.00 to do the center hand rail for the two small sets of steps and the long set of steps. This does not include installation. The same company (Collins and Hermann.) will be doing the installation but he wanted to come back and look at it. He said they will look at it when they come in to measure, and then I will get a quote.

“I looked up, also I asked Jimmy to look into it, whether we had to have these center handrails. We only have to have the side handrails. I visited with the engineer that has taken over the project; this is why it was engineered to only have the side rails. We do not have to have the center handrail. It is up to you guys for what you want to do.” Council Member Scothorn, “How wide is that?” Superintendent Boyce, “On the south end, those are ten feet wide, the stairs. The small set up by the chain link on the north end is nine feet. The foot difference is basically because of that big cottonwood tree next to it. They were trying to stay as far away as they could without skimping too much on it.” Council Member Scothorn, “How much traffic—”

Council Member Lenard, “Did I hear right, Kevin, that there is no requirement based on the width?” Superintendent Boyce, “You are right. We only have to have it on each side.” Council Member Tschantz, “That is what I found out.” Council Member Lenard, “And Kevin’s recommendation is to proceed without it?” Superintendent Boyce, “Yes.” Council Member Lenard, “Okay, then I’d go with Kevin’s recommendation.” Mayor Luke, “Alright, then we will just put this on hold for now.” Council Member Jasper, “Thank you for your efforts.” Council Member Tschantz, “Thank you, Kevin.”

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2021-04	\$	<u>644,563.31</u>
b. Payroll Ordinance	2021-04	\$	<u>86,674.12</u>
	TOTAL	\$	731,237.43

CLAIMS 2021-04: Council Member Hall moved to approve City of Burlington Claims Ordinance 2021-04 for the amount of \$644,563.31 for payment of city bills. Council Member Scothorn gave the second. City Clerk Brown, “The larger expenses we have tonight A. M. Cohron & Son Inc. \$159,741.57 for the bridges, B&B Bridge Company \$35,490.28 for the City Dam Retaining Wall, B&G Consultants for engineering fees \$8,883.50, Kansas Power Pool \$158,644.56, and Kansas State Treasurer \$151,023.25 for our bond repayments. **Hearing no additional discussion, Mayor Luke instructed City Clerk Anne Brown to poll Council. All votes were in favor. Mayor Luke declared, “Claims Ordinance 2021-04 passed unanimously, 6:0.”**

PAYROLL 2021-04: Council Member Tschantz moved to approve City of Burlington Payroll Ordinance 2021-04 in the amount of \$86,674.12, as presented. Council Member Hall gave the second. Hearing no discussion, Mayor Luke instructed City Clerk Anne Brown to poll Council for a vote. All votes were in favor. Mayor Luke declared, “Payroll Ordinance 2021-04 passed unanimously, 6:0.”

PLANNING & ZONING: Update

General: Normal duties and general maintenance around City Hall.

Inventory: City Clerk Brown, “He has been working on sign permits for The Dam Liquor Store.”

City Hall Renovations – Front Counter: City Clerk Brown, “He has been working on finishing the front counter. The staining and the polyurethane are done on that. All we have left is to paint the inside.”

Tree City U.S.A.: City Clerk Brown, “Tree City U.S.A application has been submitted and approved for 2020. This will be the 28th consecutive year for being a Tree City U.S.A community.”

City Hall Renovations - Painting: City Clerk Brown, “The Parks Department has been painting here at City Hall. Thank you to Kevin, Dorinda, and John for all of the work that they have been putting in on it.”

City Hall Renovations - Soffit: City Clerk Brown, “He has been working on getting quotes for the outside soffit on the south side of the building. They need to get fixed and replaced before they fall out. If you walk around and look at them, they look really bad. They do need to be replaced.”

City Hall Renovations – Vault Door: City Clerk Brown, “The vault door has been repaired and reinstalled by the Street Department. He painted it with the help of Mary. He wanted to thank the guys for fixing it. They did a great job. He is looking for a locksmith who can replace and repair the lock mechanism in it. It does look really nice.”

QUESTIONS/COMMENTS

Council Member Lenard, "I got an email the other day asking if there was a law on the timeliness of cleaning off sidewalks. I thought we addressed this years ago but I couldn't give them an answer." Mayor Luke, "If I remember correctly it is 48 hours, we would have to verify that." Council Member Lenard, "Okay." Mayor Luke, "We can get that answered for you, Lewis." Council Member Lenard, "Okay, thank you."

OTHER COMMITTEE OR COUNCIL BUSINESS:

LEGAL DEPARTMENT: Update

City Court: Attorney Wright, "We had municipal court, and I agree it went really well. We were out in a very timely manner. So, far we haven't had any issues of crowding that I was anticipating. That has been kind of nice. Unfortunately, that means that people are showing up to court."

216 Hudson – House Fire: Attorney Wright, "I have just a brief update on the Hudson Street property. I have been in contact with Mike Powell; he is the bona fide owner of that property at this point. He has hired a contractor. He will be here next week to clean up some of the stuff himself, and then I was told that they are scheduled to have the building cleaned up or start by March 1st. I think the last week of February, he had somebody arranged to come to get the cars out of there. I think there is progress made there. That was actually verified by the Housing Authority, who contacted me and said that he had applied to get a waiver for the landfill. I think that is working okay."

Ordinance Violations: Attorney Wright, "I was also asked to take a look at some ways to handle ordinance violations. To review that as far as keeping the looks of the City up. I think there has been a lot of complaints in regards to that. I had a brief conversation with Stan and Anne about that. I believe that there are a lot of ways that we can handle this. I also discussed with the city attorney with the City of Chanute with what they were doing. Right now, how it works, if there is an ordinance violation, they get cited up usually by Chief, and end up in municipal court. We tell them to get it cleaned up, give them some time to do that, and then they get fined. I think it is hard for the police department to keep doing that. I think the ordinance violation goes to the bottom because they are more for public safety and that sort of thing."

"There are a lot of things the city council could think about. One of them would be hiring a code enforcement officer. It wouldn't have to be a full-time person. I think that is maybe one solution to start enforcing the ordinances as they are, getting them in court, and enforcing it that way. The City of Chanute enacted its own ordinances that I haven't had a chance to study with regards to how to bring some of that in house. Instead of just doing it as a violation that goes to municipal court, there are a lot of issues doing that. I can certainly take a look at that and maybe make a recommendation of doing some new ordinances. I just need to know kind of what direction the city council is thinking about going. Where are the real problems at? I know you guys had a work session; I wasn't there, I wasn't privy to the conversations. I think it is mostly unkept lawns maybe, and junk cars."

"The City of Chanute does have a citizen volunteer force that just stated helping people keep stuff cleaned up and deal with these ordinance violations. At some point, that citizen group came to the city and asked for some funding then the city did fund them. It was not something that the city initiated. It was a citizens group that initiated that. Those are some of the thoughts that I have. I guess there is the question of how effective is it just to keep dragging people into court? It is kind of a lengthy process. We only have court once a month. Usually, it takes two or three months by the time they get drug in, the judge tells them to get it cleaned up, then gives them a little while to get it cleaned up or they end up getting fined. It is probably appropriate for long term or habitual violators, people who are constantly having problems...I don't know. My thoughts are to find somebody to enforce it if that is really what the city council wants to do. Get someone that that is what their job is and they can enforce the code."

Council Member Curtiss, "So, what would that person do?" Attorney Wright, "They would go around and look for ordinance violations. They would go through that process and issue a citation for an ordinance violation. They could warn them that they will get a citation and then have to go to municipal court if it isn't cleaned up by a couple of days. Then if it isn't, they could cite them. They would serve the notice to appear in municipal court for a violation and they would serve as a witness in municipal court for that violation. They would monitor the progress and be able to report to me and the judge kind of what is going on if they are getting things cleaned up or if they are remediating the problem."

Council Member Jasper, "Is that what most municipalities do or do they use their police officers?" Attorney Wright, "It depends on the municipality. I have some experience on the other end of it." Council Member Tschantz, "I know Ottawa hires a code enforcer." Attorney Wright, "I've got clients where I have defended them and it is usually a part time or full-time code enforcement officer from the bigger cities that do this. That is what they do. They aren't worried about speeding tickets or responding to other types of calls; there are out there with a ruler measuring people's grass and looking for garbage."

Council Member Hall, "At one time, didn't the planning and zoning person do that? Could Jimmy not do that part time, when he isn't doing --." City Clerk Brown, "It has kind of changed so I'm not sure how or when it changed before me so." Council Member Hall, "I thought the Zoning clerk did it." City Clerk Brown, "It's been the zoning clerk; it has been with the police and back to zoning and back to the police." Council Member Hall, "The Police Department doesn't have time to do that."

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City Clerk Brown, "It's up to the council to--." Council Member Tschantz, "What about our dog catcher? I know she has a full-time job too, but she is all around town." Chief Jones, "She helps out by telling us what she sees so we can add it to our to-do list. Bonnie has her own responsibilities as well." Council Member Tschantz, "I understand that part of it." Chief Jones, "She helps out as I said. I wouldn't want to try to put that...she has a confrontational job as it is. She doesn't need to be adding grass height to that."

Attorney Wright, "One of the other thoughts that I had, and I had a pretty good conversation with Doug about this, when people show up in a uniform there is an intimidation factor there." Council Member Jasper, "Good. That's what we want. People don't like it when cops show up on their property. So, that will make them maybe want to move forward." Attorney Wright, "I think it does the opposite, right? The people that are having problems it makes them kind of dig in, right? Then they just fight against you. I don't know; it just depends on the person. Really the big problem here is your splitting responsibility between different jobs. You are just pulling people in different directions and are not going to be able to focus on one thing. So, they are going to do animal control or they are going to do code enforcement."

Council Member Jasper, "I'm stuck with it all. What good is making an ordinance if you never follow up and do anything?" Attorney Wright, "I know with the Police Department they have a manpower issue. They have been down officers for a year and a half or longer; they are just constantly down the officers that they need just to do the enforcement that they are doing; the criminal enforcement. I don't think this would need to be a full-time job; I think it could be a part time job. I think you could hire somebody ... you don't have to pay them as much. You don't have to go through police training to be a code enforcement officer. Those are just some thoughts that I have." Chief Jones, "There is training for code enforcement. I know Jimmy has been to those courses. I think the League of Municipalities does that. So, there is training available specifically for that position. It is not mandated or required by state statute or regulation."

Attorney Wright, "That person could be extremely familiar with ordinances. So, if you want to know how long to get your snow off of your sidewalk then that person would know off the cuff without having to think about it, eventually. There is a lot of different ordinance violations that are written into code. Those are my thoughts on it." Mayor Luke, "Okay, I think we need to think about it. We need to think about what we might want to do and what their responsibility would be. I don't believe it is a full-time job; I think it is part time." Council Member Scothorn, "How much is there to do in the wintertime?" Mayor Luke, "You still have the debris. You still have the trash sitting around. You still have the car tags and the ones that are not tagged. Like Lewis's question, you have snow removal from the sidewalks. You may not have five hours in the wintertime and you may have 30 hours in the summertime because now your trash and debris are more obvious. Grass, ditches, and the grass out in the streets, and it wouldn't be a Monday through Friday job; it may be the weekends too."

City Clerk Brown, "We can look at the job descriptions too, I did not pull that, but I think it is in the planning and zoning position. I can check into that some more as well to see what the position has listed." Council Member Jasper, "Maybe we could ask each department if they have a guy that could ...swing around to all departments." City Clerk Brown, "If it is already listed in a job description too then." Council Member Hall, "Yes." Mayor Luke, "So, we will look into it." Council Member Jasper, "I just want to say this, it's been two or three years that we have been talking about it and we have not come to any resolution. Let's keep going."

City Court: Attorney Wright, "Just one other thing briefly, I identified.... Just as heads up for City Council, you will be getting an ordinance from me to modify the ordinance for municipal court. Right now, the ordinance says that 'municipal court shall be held in the Coffey County District Courtroom at the Coffey County Courthouse.' So, just as a matter of cleaning house, we will have to modify that and allow city court to be held at City Hall." Mayor Luke, "It's been in and out of the courthouse hasn't it?" Chief Jones, "We were at the old city hall, then we were at the court house for a long time and now we are at the new City Hall. That actually worked out with the COVID stuff because we couldn't have held city court in the district courthouse."

ORDINANCE:

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.

Employee Benefits Meeting: City Clerk Brown, "We did have our annual employee benefits meeting, which was very different this year. They had good information for the employees that were there. All of our employees got their information in packets, so if there were any changes that you wanted or needed to be made, then they have that information."

Bid Openings: City Clerk Brown, "I attended the 2021 Street Improvement Project, Heather Street Project, and City Hall parking lot bid openings on Monday."

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2019 Flood: City Clerk Brown, “We finally heard from FEMA. Todd Ullsup is going to be our representative for recovery of funds for the 2019 flood. We are starting to move forward on that. They have finally gotten through that process.”

Audit 2021: City Clerk Brown, “The auditors are scheduled to be here on May 20th and 21st to do our audit for 2020.”

Finance Meeting: City Clerk Brown, “Just a reminder that the finance meeting is scheduled for next Friday, February 26th at 3:00 p.m.”

Tornado Drill: City Clerk Brown, “We will be participating in the statewide tornado drill on Tuesday March the 2nd at 10:00 a.m. with a back up in case there are any issues on Thursday, March 4th at 10:00 a.m.”

City Hall: Landscaping Quote: City Clerk Brown, “In your packets, we do have the landscaping quote from Strawder’s and Daughter’s in the amount of \$6,588.51. \$2,500, a little more, is labor. When you consider \$4,000 of it is for materials, I think that is a pretty good quote. I would like to recommend approval for the landscaping quote to Strawder’s and Daughter’s.”

Council Member Hall, “I move to accept the quote from Strawder’s & Daughter’s for landscaping services for City Hall, not to exceed \$6,588.51, as being in the best interest of the city.” Council Member Tschantz, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Council Members Hall, Lenard, Curtiss, Tschantz, and Scothorn voted, ‘Yea’ and Council Member Jasper voted ‘Nay’. Mayor Luke declared the motion passed, 5:1.

Thank you: City Clerk Brown, “I want to thank all of the departments for putting in a lot of extra hours and working together as needed to keep our streets clean, our electricity on, and our water going during this winter storm in below freezing temperatures. I appreciate our departments. You all are doing a fantastic job.”

REPORT BY CITY OFFICERS:

Council Member Lenard, “Stan, did I hear Mark correctly that we are going to deplete all of our asphalt from APAC next year?” Mayor Luke, “The anticipation is that it will be awfully close to utilizing everything, we may have a little bit left over to use for some patches, but that is about all.” Council Member Lenard, “When was our deadline to use it all up?” Mayor Luke, “We had five years. And we are in the third year?” Superintendent Davidson, “Fourth year so it has to be used by next year.” Mayor Luke, “It has to be completely used by next year.” Council Member Lenard, “Okay, so we are safe?” Mayor Luke, “We are safe.” Council Member Lenard, “Okay, thank you.”

MAYOR’S COMMENTS:

Mayor Luke, “The only thing I have, if I remember correctly, from the commissioners meeting the other day, they set the trash pick-up for April 12-17. So, we need to put that on our schedule and get it out on Facebook to let everybody know.”

FUTURE AGENDA ITEMS:

GENERAL: 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. 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 2020 6 th & Alleghany Project Street Improvements 2020 Asphalt Project
WATER & WASTEWATER DEPARTMENT: Sewer Lagoon Maintenance/ Sensus Water Meter Replacement Updates Storage Building for Dirt -Construction	Sewer Lagoons - Analysis (KRWA/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