

**BURLINGTON CITY COUNCIL REGULAR SESSION 3-17-2021**

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, March 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
- 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:** Jay Hale, Paul Abendroth, Robert Skipper, Hailey Gifford, Becky Voorhies, Craig Marshall

**INTRODUCTION:**

Jay Hale, “Bobby (Robert) Skipper is the new Economic Development Director at the County. I invited him tonight so I could introduce you to him and him to you as well. Bobby and his son live here in town, and we are happy to have him around.”

**AGENDA:**

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

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

*Council Member Curtiss, “I move to approve the draft minutes of March 3, 2021, as presented.” Council Member Hall, “Second.” Motion unanimously carried, 6:0.*

**APPOINTMENT: Becky Voorhies- Thrive Allen County**

Becky Voorhies, “I am the director of health programs for Thrive Allen County. We are administrating the CDBG – CV Grant for the small businesses. We do have one business that qualified. I do believe it’s in your packet. There will be three different signatures needed for the Mayor and the City Clerk. One of them is the determination of level of review. That is just something that CDBG requires through their HUD (Department of Housing and Urban Development) guidelines. Then the close-out certificate for the business. They were able to get \$7,500 worth of eligible expenses to be reimbursed through the program. Then the final one is your drawdown request that gets sent into Kansas Department of Commerce. Once that is signed and submitted, they may deposit the money to your account, then you disperse the funds to the business.”

Council Member Lenard, “Who is the business?” Mayor Luke, “Studio Blonde.” Mayor Luke, “Thank you for all of your efforts on all of this.” Beck Voorhies, “You’re welcome.”

**APPOINTMENT: Hailey Gifford & Craig Marshall**

Craig Marshall, “Thank you very much for the time tonight. We want to come and talk with you a little bit. I came back in September and talked to you a little bit about moving forward with our place. We have an official title now. USD #244 Daycare Center sounded a little clunky and not as inviting. So, we have called it the Burlington Early Learning Center. That is truly what is going to be happening with the kids. I want to turn it over to Hailey here in a few minutes; I don’t want to talk the whole time or steal her thunder. This is the third time this week we’ve done this presentation, so by now, we ought to be semi-decent at it. I want to talk about partnerships, though. Since I’ve been the superintendent for five years, we have done a lot with a lot of different partnerships. I will speak on just a few of them. The restroom and concession stand facility that we have was a Rec Center partnership and a partnership with the Walter and Evan Jones Trust out of Emporia to make something like that happen. It is just a tremendous asset, the facility for our baseball and softball fields that we use there.

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“The partnerships that we have with Burlington Early Learning Center. You as a City helped make this happen because of the partnership that you created with us by letting us take the old City Hall downtown and renovate that. That way, we could turn the old Board of Education office into a daycare/learning center. This has just been tremendous. The partnership that we have with Wolf Creek, who helped out with a generous \$25,000 donation, \$10,000 donation from Economic Development, Trustpoint donated \$1,000 a year for five years, and Coffey County Rotary Club made a donation of \$100 as well. The Walter and Evan Jones Trust Foundation, they also donated \$375,000 towards this project. The partnerships that we have really allows us to do things. We couldn’t do this all by ourselves. Sometimes when you need to have a project, you just can’t do it by yourself; you need people working together. I feel very proud to be part of Burlington and Coffey County to make some things happen that we just couldn’t do alone. With that, I am going to turn it over to Hailey to talk about what is happening as far as the particulars, enrollment, staffing, and so on and so forth.”

Hailey Gifford, “Burlington Early Learning Center can start with about 48 kids, birth through kindergarten. Right now, we have five classrooms; there will be three mixed-age rooms. We can have four infants in each of those mixed-aged rooms and then four two and a half, but really it could be older. The cost is \$150 per week per child; no matter how long you will be there, no matter the age, it is \$150 per week. I know many other daycares have that infants are a little more money, but we have a flat rate. We are open 7:15a.m. to 5:30p.m. We do have the possibility if parents need an earlier drop-off time, we have one potential employee that would be willing to work a little earlier, which would have an added cost. That would be \$50 a week more to drop off about 6:30 a.m. to 6:45 a.m.

“The other two classrooms will be about the pre-school age with pre-school curriculum which we will follow. We really will be getting them ready to transition to kindergarten when they turn five or when they are ready for kindergarten. I have my master’s in early childhood education. The importance of birth through five years old is so important when it comes to education. Those are the founding years. Doing this curriculum, doing these learning activities, and learning through playing will help them through school. We are hoping that we see a huge growth and potential in these kids. I do have a couple of flyers; I’ll hand them to Stan. There are enrollment forms if you know of anybody who needs them.”

Craig Marshall, “You can give them to City employees, take them to coffee clubs or church. We met with the ministerial alliance on Tuesday, the county on Monday, and we are doing one more visit tomorrow; I can’t remember where or when, but it’s somewhere. We do have the ability to go up to 72 children. Right now, we feel like that 48 to 50 number is a good place to start. We are working in conjunction with our local daycare providers. We did get information when we met with them; they saw the need as well. They get people on their front doorstep and begging them to take kids; if they do, they will be over their allotment and fall out of compliance with their inspector. Then they will be written up or closed down by the state if they go over their allotment. They get people begging to take their kids, so they either run the risk of being put out of business or send a kid off crying and a parent without a place for their kid to go. We want to work together. We set our fees in a similar structure to what we heard from all of the daycare providers locally. We want to work together with them; we don’t want to run anybody out of business. We can’t provide all of the needs for daycare in Burlington and Coffey County. We need to work with them.”

Council Member Curtiss, “What is your ratio of employee to children?” Hailey Gifford, “That will depend on the age group. For instance, the mixed-age classroom will have a total of eight kids. We have to have two adults in there at all times. The older kids are a one to ten ratio.” Council Member Curtiss, “Okay.” Craig Marshall, “We think we may hire 10 to 14 employees depending on the number of kids that we get. So, we have some jobs, and now we have some daycare, and we can help out the local businesses. Hospital workers or employees at Wolf Creek coming in need daycare, and we can provide for those needs. Whatever the case may be, city, county, or even school district employees.” Council Member Curtiss, “Thank you.”

Council Member Jasper, “Are you just circulating your lunches through your elementary program.” Hailey Gifford, “It will be cooked at the elementary school and then carted over to us, following all of the regulations for the daycare. This will go through the summer too. We will have a cook that will be cooking the meals and preparing them all summer. That is another thing we will be open all year round. We are not following the school district’s schedule; we will be open for spring break and extended Christmas break. If an employee is sick, then we will have subs. It will not be the struggle of a home daycare provider if they have a sick kid or are sick themselves; the parents have to struggle. I am really hoping this is a reliable daycare source.”

Craig Marshall, “That was one of the reasons that we were able to do that. The old Board of Education office is close in proximity to the elementary school. The playground area, we have the land to put an age-appropriate birth to five-year-old playground there. It just makes a lot of sense—the partnership with you guys, allowing us to renovate downtown. I think Jerilyn and Lewis were able to come down to the open house. If you ever want to come down and see what it looks like, feel free to come down, and one of us will take you on a tour. It is a little different, as Lewis and Jerilyn saw. Again, we greatly appreciate you guys. When we open and do a ribbon-cutting or something, we will send out an invite, and you are more than welcome to come.”

**PUBLIC COMMENTS:**

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**ELECTRIC DEPARTMENT: DISTRIBUTION Update**

**General:** Electric personnel have been doing many line locates, customer service requests, tree trimming, shop maintenance, preventative line maintenance when the weather is favorable, and vehicle and equipment maintenance.

**Temporary Service:** Superintendent Schneider, “We installed a temporary electric service in the 1300 block of Mohawk Street for a new home that is being constructed.”

**Photovoltaic Installation:** Superintendent Schneider, “The photovoltaic installation in the 900 block of Housatonic is complete and in service. I believe we have everything squared away there, and it is working well. This system doesn’t have a battery storage. It is just supplemental energy while they are attached to the grid.”

**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.

**Generator #6 – Turbocharger:** Superintendent Schneider, “Work is still going on generator #6 preparing for the return of the turbocharger installation. We have cleaned the air intake, air filtration system, and intake tubes to the intercoolers and clear out. So, everything is clean. We are sure that there is absolutely no debris in there. We are hoping, and we believe, we had communication with them today; I’m hoping that the turbo is shipped back to us Monday or Tuesday. We will have a couple of days of reinstallation. That will require a break-in run on that turbo with different load levels. It will take roughly a six-to-eight-hour period, and then once that is done, it is ready to go and be put in service for full use.”

**KDHE Reports:** Superintendent Schneider, “I am still completing KDHE reports.”

**Work Plans:** Superintendent Schneider, “Work plans for the department are completed.”

**ELECTRIC DEPARTMENT: Coffey County Housing Authority**

Superintendent Schneider, “I did get a call from Coffey County Housing Authority the other day. They are looking at the possibility of multi-housing units north of the Meadows, just south of Cross Street. That is the lot that the County owns. I have been visiting with Ronda just to let her know that the utilities are there, and we are ready when they are.”

**ELECTRIC DEPARTMENT: Winter Storm URI 2021**

Superintendent Schneider, “We need to talk about the winter storm from February 15<sup>th</sup> to February 19<sup>th</sup>. We need to discuss those financial impacts on the City of Burlington and our electric customers. I have some rough numbers here for that one week. The City of Burlington’s usage, our customers, was up about 17% more in that one week than the entire month of February 2020. Kansas Power Pool, at their level, incurred over 17 million dollars in extra energy costs. So, KPP feels that they are in a good financial position to manage those extraordinary costs due to their conservative financial policy that they have in place. They will allow a 24-month time frame and charge, not only Burlington but the other 24 member cities as well that use power from them, \$0.01 a KWH sold to the City of Burlington. We will pay that penny per kilowatt-hour over the next 24 months. With that comes down to our customers. The Electric Committee, Anne, the Mayor, and I met last Friday to discuss how we can make this as easy as possible for our customers to pay their bills. What we discussed and the solution we came up with is to just charge that \$0.01 per KWH of the customer usage over the next 24 months. That will just be a pass-through to make everything complete. We had some big numbers here as well. KPP deferred over \$700,000 that the City of Burlington doesn’t have to write a check for next month with doing that repayment plan.”

Council Member Lenard, “Can I add to that then? So, the KPP started last week. Every day at noon, they did a webinar, and they did a really good job. In the end, there is not a good story at the end. So, they staged everything; there were several options on the table. The last one we didn’t want was to make that \$0.01 to \$0.25. This one cent is going to be applied for the next three months, on the actual. After the three months, they are going to come back and kind of make sure when all of the charges are in that it is still that \$0.01, or we may still have to alter, a little bit; we hope not. I think the budget for...I’ll give an example. The budget for the SPP charges was \$152,000 for the month, and it ended up being \$13.3 million. It was unbelievable. Our City electric is in a good position. Who knows how the gas is going to come out, that is not us. The other thing I think Stan had was that there are some cities that are not in a position to pay their bills. That is scary. We did have other levers that we could have pulled internally if we would have needed to. Every day that KPP, Larry and Mark, they laid things out. I think we are in as good of place that we can be for now.”

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Mayor Luke, "They announced yesterday that the loan program that the state had implemented for 100 million dollars were at 2/10 of 1%. \$76 million of that has been contracted for. They have a little bit of funds left. It is a serious number for the cities that were not in a position to cover their expenses for what they were going to get on the electric and on the natural gas side. It is a big thing. The pool, having set on the board, we spent almost 12 years putting together this emergency stabilization fund that we could draw from all of the different sources that we have to benefit the customers to be able to level this out. The Pool borrowed no money to cover this. It took a lot of reserved funds that we had out in the money market and operating costs and the stabilization fund, and everything else to make virtually a zero impact on each monthly bill. 1000KWH is a \$10.00 increase in your bill for the month. I talked with Craig at the school and what it would do to them. They feel comfortable with the \$0.01 on the KWH. If others have an issue, I will probably end up talking with the County as well at one of their commission meetings on all of their consumption as well. That would include the hospital."

Council Member Jasper, "That's great for our government entities, but you have to think about our small businesses too and how much that would affect them if we didn't have this." Mayor Luke, "This capability." Council Member Lenard, "In the solution that was chosen, keeps KPP and the cities with the bonds and everything where we are not impacted. The only other thing I have is that I think we need to be proactive and make sure that we socialize to our industrial customers, Hoover's, Forte, EMP Shield, Resellers Edge; I think we need to come up with a plan there. We need to keep our businesses going. How we socialize it, I think, is important too." Council Member Jasper, "Get it out on our Facebook and website or door to door." Council Member Lenard, "I'd be willing to go with Alan if he wants to go visit some people because I think we are in a good position." Superintendent Schneider, "I think sooner rather than later we should do that." City Clerk Brown, "That is kind of why we came up with this letter too for our customers. We can put those in the bills if that is the council's desire to do so. We know we are going to have calls anyway, no matter what we put out." Council Member Lenard, "I'd just like to see it personalized a little bit because some of these guys spend a lot of money. I think we owe it to them." Mayor Luke, "Yes, Lewis and I will be willing to go whenever it is appropriate." Superintendent Schneider, "Okay, we can visit tomorrow sometime in the morning and come up with a plan."

**QUESTIONS/COMMENTS**

Council Member Lenard, "I was going to ask, on the break-in period, is a rep here while we do that?" Superintendent Schneider, "You know I can't answer that. I know when they are going to deliver. Let me get a straight answer for that." Mayor Luke, "Will Wheeler be here?" Superintendent Schneider, "No, he won't be here." Mayor Luke, "Yes, check with them." Superintendent Schneider, "Right, we want to follow the procedure." Mayor Luke, "To ensure that it's proper and we get the warranty." Council Member Lenard, "That we do get their warranty." Superintendent Schneider, "Yes."

**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.

**Coffey County Housing Authority:** Superintendent Hawkins, "We were also approached from Ronda with the Housing Authority on that lot north of the Meadows to make sure that there are adequate utilities as well."

**Water Meters:** Superintendent Hawkins, "We are still installing water meters with weather permitting."

**Personnel Evaluation:** Superintendent Hawkins, "I completed the employee's evaluations."

**KDHE Sewer Lagoon Inspection:** Superintendent Hawkins, "We did have our KDHE sewer inspection for the entire city. We passed it very well; they were pleased with everything."

**EPA Ammonia Standards:** Superintendent Hawkins, "One thing that I do want to bring up, I know that it is going to be in the future. He wanted to make it very clear that the EPA's deadline for ammonia parts going into the river is coming up in 2023. We have a discharging lagoon system. The EPA is saying that 2023 is when they will come to a decision of whether or not they are going to have a bold number that we have to meet. We don't know what that future will hold. Some of the worst-case scenarios that we have discussed were if we cannot comply with the EPA standards, if they set a standard too low and we can't meet it, we have been setting aside money every year for a few years for possible dredging. We could do things right off the bat if we cannot meet those numbers. We have been saving that money on purpose for scenarios just like this. If that does not happen or fix the problem, then we would have to look at other scenarios. The worst case would be to build a fourth cell or do a mechanical plant where I don't want to go. We will try to do everything in our power to make sure that we stop infiltration and things like that. We are staying on top of that, and I will keep you posted as time progresses and what the EPA standards will be. I was told that in 2022 that they are going to start putting the lingo out for us to read and review that information."

**Sewer Main Repair:** Superintendent Hawkins, "Superintendent Hawkins, "We did fix, repair, and clean a sewer main over on 6<sup>th</sup> and Alleghany Street."

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

Superintendent Hawkins, “The plant is running really well.”

Superintendent Hawkins, “We have had some automation issues with some mechanical parts that went out from our ammonia feed. We had to have Jim Morris come in and help us put that all back together. He got that done today.”

**STREET DEPARTMENT: Update**

***General:*** Superintendent Davidson, “We have been doing our normal duties. We have been cleaning ditches, sweeping curb and gutter, fixing potholes and ruts, repairing and re-rocking alleys, fixing and replacing street signs, and truck and equipment maintenance.”

***Culvert Installation:*** Superintendent Davidson, “We installed a new drive culvert at 11<sup>th</sup> and Mohawk for a new residence.”

***Sewer Lagoon – Re-rocking:*** Superintendent Davidson, “We finished re-rocking the sewer lagoons.”

***Concrete for Park’s Department:*** Superintendent Davidson, “Helped the Park’s Department pour concrete at Drake Park.”

***811 Zoom Meeting:*** Superintendent Davidson, “I talked to Jimmy, and he set us up with an 811 Zoom meeting. Everyone at the department attended that.”

***City Hall Renovations:*** Superintendent Davidson, “Richard Mason helped Jimmy install the old drop box at the new building in the wall.”

**POLICE DEPARTMENT: Update**

***General:*** Chief Jones, “We have had our normal calls.”

***Cases:*** Chief Jones, “We have had a few arrests on city warrants, arrests on out-of-county warrants, arrests on the scene for poor choices.”

***City Court:*** Chief Jones, “We had city court last Thursday. We ran through a lot of cases in a short amount of time. We got done pretty quick with that one.”

***Spring Break:*** Chief Jones, “I wanted to remind everyone that tomorrow is the last day of school for a while, spring break starts Friday the 19<sup>th</sup>, and it runs through the 26<sup>th</sup>.”

***Personnel Academy Graduation:*** Chief Jones, “Officer Rachel Hale will graduate from KLETC (Kansas Law Enforcement Training Center) on Friday. I am not allowed to attend. It is staff, students, and guests of honor; that’s it. Maybe next time.”

**POLICE DEPARTMENT: Personnel: Police Officer – Authorize employment and compensation**

Chief Jones, “On March 9<sup>th</sup>, the Police Committee interviewed candidates for the open officer position. With the consensus of the Police Committee, I’d like to recommend the position be offered to Richard Messerly.”

***Council Member Lenard, “I move to authorize employment of Richard Messerly as a Burlington Police Officer, and to approve compensation at the rate of \$17.61 per hour. Council Member Jasper, “I second the motion.”***

Chief Jones, “Richard is currently an EMT, a medic with the Hospital. He intends to remain with them as part-time. He will have to go through all of the training and the Academy. There are a couple more steps that he has to pass. The CVSA pre-interview, testing, and psychological testing. He understands that there are checkpoints that he has to meet. We would be looking at probably somewhere around the first week of April.” Mayor Luke, “For all of the tests to be completed?” Chief Jones, “We should have everything done and have the results back before he actually comes on full time.”

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

**QUESTIONS/COMMENTS**

Council Member Lenard, “I’d like to also say on the city court we had one of our nuisance properties that did go before the Judge and was given another...until next period to get cleaned up. They are going before the judge. Maybe it is a little bit more lenient than I would have liked, but at least the process is starting.” Mayor Luke, “But he did take care of the one item that he had to take care of that night.” Chief Jones, “Judge was very happy.” Attorney Wright, “The refrigerator is gone?” Mayor Luke, “No, it’s not gone. It is strapped shut.” Chief Jones, “He told him that it had to be secured or removed, and he did get that done.” Attorney Wright, “Time clock is ticking.”

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**PARKS DEPARTMENT: Update**

**General:** Superintendent Boyce, “We have had our normal duties. We have been cleaning public restrooms and buildings. We have been doing building and equipment maintenance.”

**Kelley Park - Water:** Superintendent Boyce, “We turned on the water to the Kelley Park ballpark bathrooms for the Rec Center.”

**PARKS DEPARTMENT: City Dam Retaining Wall Repair (West)**

**Fencing:** Superintendent Boyce, “We installed the black fencing at the City Dam along the sloping sidewalk.”

**Handrailing:** Superintendent Boyce, “At the last Council meeting, I reported that they would be down on Thursday the 4<sup>th</sup> to install the hand railing. They didn’t show up Thursday or Friday or the following week. This past Monday, they did show up; the handrail is installed. That allowed us to finish up, take the wood handrail down, and take care of some odds and ends on Tuesday.”

**QUESTIONS/COMMENTS**

Council Member Scothorn, “I might add if you haven’t been by down there, it looks really good.” Superintendent Boyce, “Grass is coming up. Once we can, the south section by the RV campgrounds, we will grass seed it and possibly something else seeded with it.”

**FINANCE: Claims Ordinance & Payroll Ordinance**

a. Claims Ordinance	2021-06	\$	<u>437,295.43</u>
b. Payroll Ordinance	2021-06	\$	<u>87,175.01</u>
	TOTAL	\$	524,470.44

**CLAIMS 2021-06:** Council Member Lenard moved to approve City of Burlington Claims Ordinance 2021-06 for the amount of \$437,295.43 for payment of city bills. Council Member Tschantz gave the second. Hearing no additional discussion, Mayor Luke instructed City Clerk Anne Brown to poll Council. All votes were in favor. Mayor Luke declared, “Claims Ordinance 2021-06 passed unanimously, 6:0.”

**PAYROLL 2021-06:** Council Member Hall moved to approve City of Burlington Payroll Ordinance 2021-06 in the amount of \$87,175.01, as presented. Council Member Scothorn 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 2021-06 passed unanimously, 6:0.”

**PLANNING & ZONING: Update**

**General:** Zoning Clerk Hugunin, “Normal duties.”

**City Hall Renovations:** Zoning Clerk Hugunin, “The new water fountain was installed in the hallway. I also got two desks put together, one in my office and one in Anne’s. In Anne’s office, I had Vinny from the Water Department helping me. I want to thank Danny for sending him up to help with that.”

**Computer Issues:** Zoning Clerk Hugunin, “This week, we have had a lot of issues with the computers here. We did updates, and we lost print drivers. One was hit by lightning last night. We have been trying to get all of that figured out. I have six out of the seven working right now, so that’s not bad.”

**Coffey County Housing Authority:** Zoning Clerk Hugunin, “I have talked to Ronda at the Housing Authority about that property. It is zoned for what they want to do. It is exempt anyway since the County owns it at this point.”

**Arbor Day:** Zoning Clerk Hugunin, “I have been working on the Arbor Day celebration.”

**Reports:** Zoning Clerk Hugunin, “I am still working on census reports for boundaries and annexation. I have another one on housing.”

**Permits:** Zoning Clerk Hugunin, “I have a few people wanting to put up garages.”

**City Hall Renovations- Vault Door:** Zoning Clerk Hugunin, “I have found a locksmith in Emporia. They will come down at some point and look at this vault door to give us a quote to see if we even want to move forward with it.

**City Hall Renovations- Soffit & Downspouts:** Zoning Clerk Hugunin, “Meridian Roofing was here last week. They are the only ones I can get that want to come down and give a quote. They are going to look at the soffit and the downspouts and give us a quote. Then they will give us a separate quote for the awning. I don’t know that the awning needs done, so they are going to quote it separately.”

**Cleveland Street or Avenue:** Zoning Clerk Hugunin, “The letters for Cleveland Street about the rename are going in their bills for those 14 or 15 people. I think most of them use Cleveland Street anyway, so it is not going to effect them.”

**QUESTIONS/COMMENTS**

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**OTHER COMMITTEE OR COUNCIL BUSINESS:**

Mayor Luke, "You have in your packet that information for the expenditures for the funds that we get from the County and what we spent the money for in 2020."

**LEGAL DEPARTMENT: Update**

**CDBG-CV Grant:** Attorney Wright, "It has been a busy week or so. There will be some more requirements that we need to do with regard to the city's compliance CDBG- CV Grant. I am still kind of working through that a little bit. One of them was that we needed to have a code of ethics which I think we already have that. Another thing that we need to do is adopt a civil rights fair housing policy which doesn't make a lot of sense because we don't do that in the City. We need to do that just to be in compliance with the grant. I think what we need to do is to circulate a proposed; we can do that by resolution with regards to the civil rights fair housing policy. We have one that I have looked at. I am just fine with it, but I think the city council needs to review that." City Clerk Brown, "The reason they are asking for that is because it is related to HUD."

Attorney Wright, "The big one in my mind is that we also need to have a procurement or purchasing policy in the city that is written. I think that that would probably be by resolution as well. That is something I think the council probably needs to consider relatively seriously. Just due to the fact that it is going to change the way these guys are operating. Right now, it is pretty loosey-goosey. They come to the city council, and they can get what they need done; this will put a written guideline in place and more rules and regulations that they are going to have to follow. I have a copy of the City of Iola's purchase policy. I think it is about 15 pages long. I don't think that we need to do anything like that and it will make a headache for all of the department heads and everybody else to buy anything. I am going to be looking at it and working with Anne. Maybe finding a simpler policy that is more in conformance with what is actually happening with regard to that. That is something that we have to work on; we have until...." City Clerk Brown, "July 31<sup>st</sup>." Attorney Wright, "I'd like to get that out of the way sooner. Again, this is all to be in compliance with that grant."

**Police Department – Job Descriptions:** Attorney Wright, "Chief, I reviewed your proposed job descriptions. They look great. I think it is important to get those in place as soon as possible. You need to have some sort of a clear track for advancement in the Police Department, or we lose people. I thought it was great; I thought it was very well thought through and done. I think we need to get that taken care of and adopted."

**RESOLUTION - 2021-02, Salaries/CPI/Work Plan & Evaluation Guideline**

Attorney Wright, "The resolution for the work guideline that is proposed tonight, I don't think can be done by resolution." City Clerk Brown, "I did find out that this is just for the salary and the wage stuff. The people that are appointed in May are covered by Ordinance in May when that is done. That is why this has always been done as a resolution." Attorney Wright, "I see that, but the problem with that is, is that it has some of the officers on that schedule. In order to do this properly, we are going to have to remove officers off of that and have them just by ordinance only. Then if we scrubbed the officers off of that list, then we can go ahead and do it by resolution with the rest of the employees. Does that make sense? As long as any officers that are appointed officials are on or are part of that compensation or work plan and guideline, it must be by ordinance by statute. It sounds to me that we probably ought to bifurcate that because that is what we have been doing. We just need to remove the appointed officials from this employment compensation guideline, and they need to be included in the separate one that is done in May. Then we just do the employees on this one. Does that make sense? What I saw was, like Anne, you're on there, and you are an appointed position, so as long as you are on there, we can't adopt something by resolution with you on there. If you are not on there or other appointed people, then we could do it by resolution."

Mayor Luke, "So, we need to take off all appointed positions?" City Clerk Brown, "But this is just approving the wages and salary." Council Member Lenard, "This is just on the wages." Attorney Wright, "I understand that, but wages for appointed officials must be done by ordinance." Mayor Luke, "Okay, so all superintendents can be left?" Attorney Wright, "Well, I should say appointed officials and potentially whoever we consider an officer." Mayor Luke, "Okay, so Anne would be the only one considered an officer." City Clerk Brown, "Chief?" Attorney Wright, "I think Doug is too. He is an appointed official." Council Member Lenard, "So, if we get everything squared away where we could do the ordinance next meeting, we could still come back and retro the salary to get it caught back up?" Attorney Wright, "I agree. I don't think that there is any issue doing it retroactively. Quite honestly, what I would think that would be the easiest thing would to just do it all by ordinance in May for everybody and just keep it one thing. Instead of bifurcating it out. Does that make sense? Just do it all at once."

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City Clerk Brown, "Then you're putting the merit raise and the evaluations later." Council Member Lenard, "It's off." Attorney Wright, "It's a timing thing, right? You would have traditionally have done it before. I'm not trying to rock the boat too much here, but that statute is very clear. It says that if it is an appointed person, the salary and the job description must be fixed by ordinance. Maybe the best thing to do is just bifurcate it out and pull Anne and Chief off of there." Council Member Lenard, "We will be prepared to do an ordinance next time, then the timing can all stay synced up. I'd be okay with that."

Council Member Jasper, "Don't we appoint all superintendents?" Mayor Luke, "Yes, but they are not all officers." Attorney Wright, "That statute specifically references the clerk and the chief of police and city attorney. I'll have to read it again carefully. I think it does reference any appointed official. So, if that is the case, then we have to pull all of the department heads off of there as well and do all of those by ordinance. I don't mean to rock the boat here. I know that is a little bit different than what we have done in the past. I talked to the League about it, and I talked to Tom about it." Council Member Lenard, "So, would you recommend pulling all of the superintendents off of this one and maybe and by next council we can do it." Attorney Wright, "That would be the fastest way to do it." Mayor Luke, "Then we can still make it retroactive?" Attorney Wright, "I don't see any reason why we couldn't. I am not aware of a statute that says that you cannot do that." Mayor Luke, "The key thing is, I guess by next meeting, is still going to be the pay period that would be impacted by this. So, we wouldn't actually have to do anything retroactively." Attorney Wright, "If we got that resolution passed by the next meeting and the ordinance."

Council Member Jasper, "As long as these guys and their employees don't miss out on any money." Mayor Luke, "No, they aren't." City Clerk Brown, "It is not effective until April 10<sup>th</sup>." Mayor Luke, "And the meeting is on the 3<sup>rd</sup> or 4<sup>th</sup>, so we should--." Attorney Wright, "We have time to get it in there."

**Job Descriptions:** City Clerk Brown, "There was just a couple of other changes within the job descriptions. The water for the wastewater foreman, the senior officer, and the superintendent per KDHE for the water wastewater to be changed from a Class II to a Class I." Attorney Wright, "I saw that, and it looks fine to me." City Clerk Brown, "Then on the resolution, it talked about when you have a new hire or a relocate, they were off-cycle for four years. Once they've completed the four years, they went on cycle the 5<sup>th</sup> year. We would like to change that to two years because that is a long for them to be out of cycle. If you all are okay with that." Council Member Lenard, "Yes." Council Member Curtiss, "Yes."

Council Member Lenard, "I had a couple things on this Phil. On the oral boards for the master, that was in reference to go before the Police Committee. Then it also had some language in there that there is a little bit of waiver for the Master Police Officer, it stated that they had to be four years in the Police Department. We added language that they could also be experienced outside...if the time in grade requirement waived as appropriate and in the best interest of the City. It's not in there. We have a couple of small edits to put back into this." Attorney Wright, "I'll take a look at it; I don't see that MPO in my packet." Council Member Lenard, "The committee had approved those changes; we just didn't get them in there." Attorney Wright, "Okay."

Attorney Wright, "I guess I have a question; how do you deem who does that?" Chief Jones, "My thinking was that it would be my recommendation to the committee." Attorney Wright, "Right, that gives Chief Jones and you some discretion to waiving that requirement. I don't think there would be any issues with that at all. I think they will be fully vetted before they would be able to advance." Chief Jones, "Yes, they would. A couple of checks in there as well, I would have to make the recommendation to the committee, the committee would have to agree to it, and it being in the best interest." Mayor Luke, "Then it would have to come before everyone else." Chief Jones, "Right, so there are some checks and balances, it wouldn't be automatic." Attorney Wright, "It sounds appropriate too because the best interest might be the fact that we need somebody in there that has the best qualifications that we have at the time."

Mayor Luke, "What we will do is when we go into the executive session to look at personnel evaluations, we will exclude all superintendents, and then we will have the ordinance, and everything in place for review and approval at the next meeting before any of the other salaries or anything goes into effect. So, we will have all of the backup paperwork to go with it." Attorney Wright, "I'm just wondering if it matters; I'm not sure that you need to do that. We are just going to do the ordinance anyway at some point. So, you are just doing this in advance of that. I don't see any reason why not move forward as planned and then just change everything around." Mayor Luke, "We could do everybody. Then when the ordinance comes into play at the next meeting, then we will be fine there. All of the other evaluations will be included in the resolution." Attorney Wright, "That's right. I am not trying to slow things down. I want to keep things moving along as much as we can." Mayor Luke, "In 15 years, it has never been this way. I have been at it for 15 years." Attorney Wright, "Let me tell you what one of the staff attorneys over at the league told me, 'you could also call around to find out what other cities are doing,' and that is where I left it. So, there you go, but the statute is explicitly clear. Unless the City at some point has opted out of that statute by home rule which I am not a historian on the resolution and ordinances for the City of Burlington, with that not happening, we have to follow the statute."



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**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.

**2019 Flood - FEMA:** City Clerk Brown, "I have started working with FEMA and trying to get the final reports to them for reimbursements."

**Annual Insurance Policy:** City Clerk Brown, "Kerri, our deputy city clerk, and myself met with Kimberly Robrahn from trust point insurance on Tuesday, March 9<sup>th</sup>, in regards to our city annual insurance policy. We actually had about a 2% decrease on the property, and that was due to the old city hall being taken off and selling industrial lots. The worker's compensation MOD stayed the same on it, which was 0.74. That is a very good rating on that. I will be working on the policy and getting it ready for payment for the next council."

**Personnel Evaluations:** City Clerk Brown, "I completed Jimmy's evaluation. I only had one this time because everyone else is off cycle."

**City/County Grant Funds:** City Clerk Brown, "I did want to mention that the infrastructure report is in your files there."

**Working with Attorney Wright:** City Clerk Brown, "I have been working back and forth with Philip quite a bit on different subjects."

**Personnel Retirement:** City Clerk Brown, "Ron Ohmie is going to be retiring March 31. We do have a card here that we would like everyone to sign. He did not want anything; he does not want a retirement party, reception, or anything. I know Mark has something planned through the street department there."

**CITY CLERK: Personnel Evaluations**

***Council Member Scothorn, "I make a motion to enter a 20-minute Executive Session for Non-Elected Personnel Evaluations with the Governing Body and Personnel Officer Brown present." Council Member Hall, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.***

Council entered Executive Session at 7:03 p.m. and exited at 7:23 p.m. The following action was taken:

***Council Member Curtiss made the motion to enter into another Executive Session for ten minutes. Council Member Lenard seconded. Motion carried.***

Council entered Executive Session at 7:23 p.m. and exited at 7:33 p.m. The following action was taken:

***Council Member Tschantz, "I move to adopt Resolution 2021-02, Providing For and Fixing Salaries and Compensations, as modified, of Officers and Employees of the City of Burlington, Kansas pursuant to the Personnel Policies and Guidelines Established by the City of Burlington, Kansas in 1996, including Exhibit "A", Wage and Salary Schedule, and Exhibit "B", Employee Annual Work Plan & Evaluation Guideline." Council Member Hall, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.***

**REPORT BY CITY OFFICERS:**

**Coffey County Economic Development Director:** Council Member Lenard, "I had a little meet and greet with Bobby Skipper. I am impressed. I think he is going to fill a void for this community that we desperately need. It was mentioned earlier with the school; there is a partnership. I think with the commission and the city and the council, we resurrect that partnership. I think he has some really good ideas." Mayor Luke, "I met with him also. We talked about the program, the study and things that are being done, the opportunities, his abilities to write grants to obtain the funds, and support of a consulting engineer that the county has hired to do the evaluation. He is quite anxious to get that report so he can start." Council Member Lenard, "He is not sitting around."

**Clean-Up Help:** Council Member Curtiss, "Did we get any positive responses for help with clean up?" Mayor Luke, "I talked with the head of the pastoral alliance, which is Ryan Akers, and he has notified all of the pastors of the churches that are part of the pastoral alliance. He requested that they support their members. If there is a need for it, they have the ability to move things around. Their only concern was if there was an old garage full of stuff vs. a few things as to whether or not how many people they could get to do that commitment for longer periods of time." City Clerk Brown, "I did talk to him also, and he said that there were some that would be open to that as long as it is truly people that needed assistance." Council Member Curtiss, "Right, that is a concern that I have." City Clerk Brown, "If those who truly need help could call us, then we can pass their information on to the ministerial alliance." Council Member Lenard, "I visited with Tom Hugunin, there is legitimately, like tires, they don't want to pick up tires because there is a cost. It is a liability to the county. We are going to try to brainstorm some ideas. If we could just get the tires out of town, would be tremendous, and that would help Kevin with the mosquitoes."

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Mayor Luke, "I think, Lewis', they have to pay \$1.00 or \$2.00 for every tire that they send back. If we had 100 tires laying around town that we would need to get rid of, then that would be \$200." Council Member Jasper, "That is if the County gives it to us at their cost." Mayor Luke, "Or if it went through Lewis's or someplace that they normally pick them up anyway." Council Member Jasper, "Right, and tires are a different price than a tire and wheel." Mayor Luke, "Right, and it's a different price than concrete; it is a whole different scenario." Council Member Jasper, "It is \$15 for a tire and wheel customer cost." Council Member Lenard, "Did we socialize out that people can put out one item? Did we get that out?" City Clerk Brown, "We will do that." Mayor Luke, "One bulk item per week." Council Member Lenard, "Can we put that on the bills? I think there is an opportunity there. I am not going to say it is going to solve our problems." City Clerk Brown, "We can put that on our Facebook page and our webpage."

**MAYOR'S COMMENTS:**

**FUTURE AGENDA ITEMS:**

<b>GENERAL:</b> City Debt - How to fund projects Expense Tracking on Projects Budget 2021 Flooding 5-2019 – Updates	GAAP - Infrastructure Capitalization City/County Grant Funds – Discussion on Matched Funding Council Discussions on Evaluations, Succession Planning, etc. 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) City Dam - West Wall Repair – Engineering Services Proposals	Kelley Park Light Poles – Repair/Replace (also see Legal) Girl Scout Rock Garden - Updates
<b>LEGAL DEPARTMENT:</b> Municipal Court Updates	Misc. Legal - Documents, Cases, Contracts, etc.
<b>PLANNING AND ZONING</b> 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.
<b>POLICE DEPARTMENT</b> Nuisances (Work with Zoning Clerk) Voice Stress Analyzer Project	Department Activities and Cases
<b>STREET DEPARTMENT:</b> Concrete St. Repairs/Free State Ct. Replacement/Repair Pavement Management System/Asset Management System	Street improvement Plan, Paving Gravel Streets, Crack Filling, Street Improvements 2020 6 <sup>th</sup> & Alleghany Project Street Improvements 2020 Asphalt Project
<b>WATER &amp; WASTEWATER DEPARTMENT:</b> Sensus Water Meter Replacement Sewer Lagoon Maintenance/	Sewer Lagoons - Analysis (KRWA/funds for dredging) Sewer Liftstations –Flushing Rags, etc.

Mayor Luke declared the meeting adjourned.

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