

BURLINGTON CITY COUNCIL REGULAR SESSION 4-21-2021

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, April 7, 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: Aaron Copeland

AGENDA:

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

MINUTES 4/7/2021: Mayor Luke, “You have before you the draft minutes of our regular session of April 7, 2021. Are there any additions or corrections?”

Council Member Curtiss, “I move to approve the draft minutes of April 7, 2021, as presented.” Council Member Tschantz, “Second.” Motion unanimously carried, 6:0.

APPOINTMENT:

PUBLIC COMMENTS:

ELECTRIC DEPARTMENT: DISTRIBUTION Update

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

Moving Electric Service: Superintendent Schneider, “One of our customer requests was from a local electrician to change out a service entry wire. We raised our meter to make his installation a lot neater.”

Remove Old Switch: Superintendent Schneider, “We removed some old equipment that is not in use anymore.”

Country Club Ivy Removal: Superintendent Schneider, “We went out to the Country Club. Every year the service pole and wire get covered up with ivy. We cleared that away and sprayed it. Hopefully, we can avoid that and, we will be keeping an eye on it throughout the year.”

New Service Install: Superintendent Schneider, “We installed a temporary service for a new structure in the 600 block of Yuba Street.”

3 Phase Pole Change: Superintendent Schneider, “It was getting close to quitting time, the guys were coming in for the evening on their way back to the shop, and they noticed the top of that a phase pole north of Franklin Street on Osborne Street, that runs through Jones’ alley, had burned and was sitting cockeyed. We did have some overtime Thursday night in order to get our tree that we use to do our normal hotline maintenance on, got it up, and got it stable for the night. We called in an emergency locate. We started that next morning and changed out that pole. Monday, we had two electric services that were coming off of the original pole; we transferred those to the new pole.”

FEMA – 2019 Flood: Superintendent Schneider, “I have been answering some FEMA questions from the 2019 flood.”

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.

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Generator #6 – Turbocharger: Superintendent Schneider, “The men did a maintenance run on # 6 generator today.”

KDHE Reports: Superintendent Schneider, “I have been doing paperwork; reporting for KDHE.”

Generator #6 – Turbocharger: Superintendent Schneider, “We paid the bill for the turbocharger tonight. It was \$88,205.24. We will take that out of that 502 funds to pay Turbo Solutions International out of Salina. We worked with the insurance company and worked with their independent firm that came down. The final result ruling from Turbo Solutions International is that they were not able to find anything out of the ordinary that may have got into the system and caused the damage to the turbo. I believe Anne has talked with the insurance company, and unfortunately, we probably won’t be getting any reimbursement from the insurance company.” City Clerk Brown, “Because they couldn’t determine anything.” Superintendent Schneider, “Right, nothing that really stood out as a foreign matter that may have caused that damage.” City Clerk Brown, “Their adjuster, felt the same way.”

QUESTIONS/COMMENTS:

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.

Water Meter Service: Superintendent Hawkins, “We installed a new water meter service at 627 Yuba Street.”

Water Leak: Superintendent Hawkins, “We repaired a small water leak at 10th and Des Moines. That one didn’t last long; we had it fixed in less than 30 minutes.”

Hospital Leak: Superintendent Hawkins, “We did assist the Hospital. They had a major leak on one of their fire hydrants. It took us a little while, but we finally found the valve that comes off our main. Mr. Blaufuss was under a time frame of 10 hours that they couldn’t be out of fire protection. I did go down to assist. We supplied two 6-inch-high max rip rings for them and helped Cook’s to put it together. We wanted to make sure that they got it fixed. They have rotten pipes in the ground; it blew out in several places. He is very concerned now; they don’t know what is going on—if they have electrolysis or something else. We wanted to help them with that and helped to get them back online.”

Water Meters: Superintendent Hawkins, “We are still installing new water meters around town.”

Water Tower Inspection: Superintendent Hawkins, “We had our water tower inspection. Cunningham came out and inspected our towers. They were extremely impressed with our water treatment process. They said with all of the years that they had been in business, this is the cleanest the towers have been with sedimentation. I am very pleased with how the guys are running the plant and what we have done to assist with it. The effects are being seen in our tower service. They will have some recommendations on the blue water tower. There are some parts of the foundation that is starting to deteriorate around the bottom. In the report that they are going to give us, I want to make sure that we get that repaired in the very near future.”

Violation- Fourth Quarter of 2020: Superintendent Hawkins, “We did have a violation on the consumer confidence report that is coming out this week. Based on our THHM’s and HAA5’s, even though it was done in the same quarter, the State says that we have to do it in the first month of the quarter. Although we filed an appeal, that didn’t happen. I want to thank Mary (Administrative Assistant Mader), who helped me with that. We have one year to let everybody know. There is nothing wrong with the water; the water is good. The correction is we will now test in the first month of the quarter.”

EPA – Volunteer Sampling: Superintendent Hawkins, “I’ll do the best I can with this. I just got this letter from KDHE from Kathy Vogel. The EPA (Environmental Protection Agency) is starting to look into anthropogenic compounds, which is what’s called a forever chemical. Those chemicals were produced in the 1940s, and our plant is within a half-mile of the criteria. So, what those products are for are waterproofing, stain resistance, nonstick qualities, and they stay in the water. So, they are requesting that we volunteer. I went ahead and accepted the volunteer; it’s a quarterly test. It will start this summer and end next summer. It is at no cost to the City. It is just to help, so in case there is something in the water. I asked Kathy what the EPA’s requirements are, but there are no standards. She did state in her email that anything that is over 70 parts per trillion, then they will start looking at the system for what to do, and they would help us with any mitigations or anything in the future. We will be doing that, it is something new, and it is at no expense to the City.”

Backwash Holding Basin Pump Maintenance: Superintendent Hawkins, “We cleaned out our backwash holding basin. We got it going again. Today the guys pulled the pump out of the backwash holding basin. We will take that up to Douglas Pumping in Kansas City first thing in the morning. It has been in the ground for 16 years, and we have been struggling with it. I don’t know if the propellers are just getting worn and need to be rebuilt. They are going to squeeze us in to see what we need to get that pump running as quickly as possible.”

Maintenance: Superintendent Hawkins, “I scheduled, as I said the last meeting, for April 28th to start the clean-outs in the plant with the rapid mix for the clarifiers.”

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QUESTIONS/COMMENTS

EPA – Volunteer Sampling: Mayor Luke, “Any questions for Danny?” Council Member Lenard, “Yes, I have one. It is kind of for Phil (Attorney Wright) too. When we take on some of these studies and these voluntary things for the EPA, I just want to double-check to make sure that we have good intentions but that there is nothing binding for us. If there is a test result that came out ---. I think you know where I am going with this, Phil. I just want to make sure that you guys don’t commit the City to something totally unintentional, but I’ve seen it happen. I just want to make sure we don’t back ourselves into a corner with some of these things.”

Attorney Wright, “As an Attorney, I don’t voluntarily do anything, right? Especially when you are dealing with government. It is a little bit different when you are a City; you are a government entity. I would probably prefer to have seen that and have the Council decide whether or not to move forward on something like that even though it is a net-zero cost to the City just so that the Council is aware of it. What happens if they find something? I think we just need a heads up on something like that. That is my first impression with something like that. Again, this is just kind of reminiscent; what was it Flint, Michigan, and the lead in the water. Water and the EPA and municipalities just put my red flags up. That’s the thought that I had. I think it’s very similar probably to what you (Council Member Lenard) were thinking too.”

Superintendent Hawkins, “I can change it; it’s not a problem. It’s an email away.” Attorney Wright, “I don’t think that that is the case either. I think that is something that needs to come, and you guys need to decide if we should voluntarily participate in something like this. It is a volunteer program and have the City council decide whether or not we should opt-in on something like that. I don’t think we need a motion; it would probably be good to have a motion or just some informal guidance from the City Council after some kind of review. I really think it’s incumbent on the City Council to review something like that and be familiar with that. It is just the subject matter; it’s not you, Danny.” Superintendent Hawkins, “No, I understand.” Attorney Wright, “It’s just what has happened to other cities unfortunately in the past. I don’t think you have done anything wrong; I want to be clear on that. It’s just when you are talking about the EPA and voluntary stuff.... If you are a criminal defense attorney, the first thing you tell a police officer when they want to search your car, you say no thank you as politely as you can. Doug (Chief Jones) is laughing and thinking, shut up.”

Superintendent Hawkins, “It is not a problem; in the future, I can do that. If you want to discuss it now, we can, or I’d be happy to put it in an email. I can tell them it was discussed in the meeting, and it was decided not to do it. This just happened in the last few hours, and it is not a problem to change it.” Council Member Lenard, “I still think it’s important to utilize our committees how they are structured. So, maybe go to the committee, and if they recommend, it then comes here.” Attorney Wright, “I defer to that.” Superintendent Hawkins, “Sure, I can do that.” Council Member Lenard, “It’s like, is it something that will be discoverable down the road?” Attorney Wright, “Well, everything is discoverable down the road. I would say that it wouldn’t hurt to go ahead and shoot it to me, Danny. I wouldn’t change anything right now, I would just kind of move forward, and if the committee has any other recommendations, then we will bring it up.” Superintendent Hawkins, “Okay, I will do that.”

STREET DEPARTMENT: Update

General: Personnel have been doing the normal duties: 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.

Maintenance: Superintendent Davidson, “We have been working on alleys and patching holes on rock roads.

Drainage Management: Superintendent Davidson, “We have been cleaning catch boxes, and culvert ends.”

Street Improvements- Heather Street: Superintendent Davidson, “Killough Construction has started concrete removal on Heather Street. Prior to that, we contacted the residence to let them know what was happening and where they could park. We didn’t touch on the trash service, which thank you, Mary, for taking care of that for us.” Mayor Luke, “Yes, thank you, Mary.” Superintendent Davidson, “They finished the concrete removal about 5:00 pm today. If the weather stays good, with no rain, they expect to be in Friday to put the first course of hot mix down and should be done by the middle of next week. The weather is going to be the biggest problem.”

Kennebec Bridge Project: Superintendent Davidson, “Lindor Painting, they are what we were waiting on to finish the bridges. They came down and got both bridges painted. They contacted Seahawk Sign Company out of Wichita. They came to pick up all of the signage. We received the final bill the first of the week. I will get with Anne and Kerri (Deputy City Clerk) to get that figured out. Also, the engineering fees so Stan can go to the County for their portion of the project.”

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City Wide – Clean up week: Superintendent Davidson, “We started trash clean up. We were done by 2:00 on Tuesday, so a little over a day and a half. We had a total of 43.34 tons of material taken to the landfill. We had 2.24 tons of metal, 80,580 pounds of solid waste, and 1,620 pounds of construction and demolition.”

Equipment Maintenance: Superintendent Davidson, “We have been doing equipment maintenance. We had an antifreeze leak on the loader. We are trying to get that traced down. We think it is a holding tank on the radiator. We’ve contacted Murphy Contractor; a replacement tank is a little over \$900, and that is a small tank. If we have a rainy day next week, we are going to go ahead and pull it off and see if we can have it welded to make it last a few more years.”

Tree Trimming: Superintendent Davidson, “We have been tree trimming as well.”

QUESTIONS/COMMENTS

Council Member Curtiss, “I have been asked this by a few people. On Neosho Street by the swimming pool where there was a water problem, is that going to be fixed?” Superintendent Davidson, “Yes, it will be. As soon as we get done with Heather Street and up here (parking lot at City Hall), then that will free us up a little bit. We will get with Danny to get those dug out and--.” Council Member Curtiss, “That’s what I told them. I thought it would be, but now I can tell them that it will be fixed.” Superintendent Davidson, “Yes, we have about five different spots that we need to get to, right Danny?” Superintendent Hawkins, “Yes.” Council Member Curtiss, “Okay, thank you.” Superintendent Davidson, “We just need to get a little more free time to get to it.” Council Member Curtiss, “I understand.”

POLICE DEPARTMENT: Update

General: Chief Jones, “We have had mostly normal calls. We have been extremely busy, but there hasn’t been anything really newsworthy.”

Cases: Chief Jones, “We had a hit and run to a gas meter yesterday morning, a few noninjury accidents, and working an identity theft case. The usual scam attempts are still going on. It seems that people are either paying better attention or they are calling to talk to us about it first. We did have some people get letters from the United States District Court about a questionnaire about a potential jury pool. I had two different people ask me if I thought that was a legitimate letter from the United States District Court; I checked on it, and it is.”

Nuisances: Chief Jones, “Our nuisance properties, we had a couple with no action or no significant action. We have had some others that we have had some very significant work done. For the nonsignificant places, I have already sent pictures to Philip Monday morning. He will be addressing that in court next time.”

New Personnel: Chief Jones, “Our new officer Rich Messerly is already scheduled to attend KLETC (Kansas Law Enforcement Training Center) on May 10th.”

OK Kids: Chief Jones, “OK Kids committee had our first meeting of the year today. We are going to try to do OK Kids this year. The issue that we may be facing is that at John Redmond Reservoir, the Corps of Engineers, fall under a federal mandate requiring masks and social distancing. That does not work with an outdoor kids event. As a backup plan B in case, we need it. I would like to request Council to block out all of Kelley Park and both buildings for September 10, 11, and 12. I have visited with Kevin and Anne; there is nothing scheduled for that weekend. I want to go ahead and get us down for that before anything does get scheduled. We will make the call a little bit later with which plan that we will go with. We will have to make the call within the next month or two because it is not something that we can change simply at the last minute. So, with Council’s blessing, I would like to request all of Kelley Park and both buildings for September 10, 11, and 12, which is Friday, Saturday, and Sunday.”

Council Member Lenard, “I move to approve Kelley Park, Kelley Hall, and the 4-H Buildings to be reserved for OK Kids on September 10, 11, and 12, 2021.” Council Member Tschantz, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Chief Jones, “Lewis, I will get with you after a little while. We have a couple of questions for the Boy Scouts too.” Council Member Lenard, “The answer is yes.”

PARKS DEPARTMENT: Update

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

Mowing: Superintendent Boyce, “Mowing has been taking most of our time.”

Water Restoration from winterization: Superintendent Boyce, “We are still turning on the water in seasonal restrooms. By the end of this week, we should have everything on. The ones that I held off on were because of the temperatures this week. So, the livestock barns and the hydrants by the Saddle Club Arena aren’t on, but by the end of this week, everything will be on.”

City Wide – Clean up week: Superintendent Boyce, “John helped with the city-wide clean up for those two days.”

New Mower: Superintendent Boyce, “Parks Department received the new mower on the 15th.”

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Public Restrooms – Power wash and painted: Superintendent Boyce, “Stan called and questioned me for this, and I forgot at the last meeting. The public restrooms at the caboose were power washed and painted. I started that at the beginning of 2020, then Covid started, and we started to conserve money. I had a quote from Sharp Painting, but I put that on hold. He came to me early this spring and wanted to know if I was still interested, then I forgot to bring it to the Council. I had already told him to go ahead with it because he had an opening to get us in and done, outside of being booked with other things. The weather held him up in a couple of spots, but that is the nice thing about having someone in town do it; he can work around the weather do get it done without making special trips into town.”

PARKS DEPARTMENT: City Dam Retaining Wall Repair (West)

Lights: Superintendent Boyce, “I would like to thank the Electric Department. They got the lights installed on the south end of the wall at the city dam. I appreciate that, especially being short notice. I am still working on getting quotes for solar lights there. The problem is that it is going to be in a shaded area most of the morning, but we are still working on that.”

PARKS DEPARTMENT: Nuisance Mowing

Superintendent Boyce, “I have a question for our nuisance mowing. Our normal is 928 Des Moines, 716 Yuba, and a new one we started last year is 1110 Lamoille. Do we need to send notices on that, or can we just go ahead and start mowing?” Chief Jones, “I’d say just go ahead and start mowing. Like the one on Lamoille, we don’t even have an address for them; I’m sure that is one that is going to be on the tax sale whenever they get around to doing it.” Superintendent Boyce, “Okay.”

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2021-08	\$	<u>405,980.40</u>
b. Payroll Ordinance	2021-08	\$	<u>93,696.80</u>
	TOTAL	\$	499,677.20

CLAIMS 2021-08: *Council Member Lenard moved to approve City of Burlington Claims Ordinance 2021-08 for the amount of \$405,980.40 for payment of city bills. Council Member Scothorn gave the second.* City Clerk Brown, “The larger expenses we have tonight are A. M. Cohron & Son Inc. \$8,796.75, Cooper Machinery, which Alan mentioned earlier, and there was another small bill included on that for a total of \$89,137.98, KPP \$190,972.99, Midwest Electric Transformers \$3,301.50, and Sharp Painting, \$3,358.00 **Hearing no additional discussion, Mayor Luke instructed City Clerk Anne Brown to poll Council. All votes were in favor. Mayor Luke declared, “Claims Ordinance 2021-08 passed unanimously, 6:0.”**

PAYROLL 2021-08: *Council Member Scothorn moved to approve City of Burlington Payroll Ordinance 2021-08 in the amount of \$93,696.80, as presented. Council Member Curtiss 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 2021-08 passed unanimously, 6:0.”*

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, “Normal duties.”

Permits: Zoning Clerk Hugunin, “I have been busy with permits, a lot of fence permits. I was joking with Anne and the girls that we may have to change our name from Tree City to Fence City U.S.A.”

Arbor Day: Zoning Clerk Hugunin, “I wanted to remind everyone of Arbor Day. It is April 28th at 5:30 at the Burlington Early Learning Center.”

City Hall Renovations- Soffit & Downspouts: Zoning Clerk Hugunin, “I had some people here today to do measurements for the soffits. They are still working on that; they were surprised that it is still hanging in some spots.”

City Wide - Clean up week: Zoning Clerk Hugunin, “I helped with the city-wide clean up.”

Camper Regulations: Zoning Clerk Hugunin, “A few weeks ago, Stan and Danny can correct me, you guys met with gentlemen about his property for sewer and things.” Superintendent Hawkins, “Yes.” Zoning Clerk Hugunin, “I talked to him briefly. They have a shed now that their son kind of hangs out in and they are wanting him to be more independent; what they are wanting to do is to put a camper in there. I have been doing everything I can and researching, but I just don’t see how we can let them move a camper in there when we are trying to get other people to move campers out. I don’t think we want to do a variance on that. That will open it up. They can have a shed, any kind of an accessory dwelling on their property, and have electric, water, and sewer to it and be just fine. I don’t know what your thoughts are. Everything that I have been reading, I can’t see going to the Planning Board to do a variance on a camper in a yard.”

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Council Member Curtiss, "I agree with that." Zoning Clerk Hugunin, "From a legal standpoint, I think that will open a lot more that we will have to go through every time." Council Member Curtiss, "I agree." Council Member Jasper, "Yes." Mayor Luke, "I think we just proceed down the same path that we have been on." Zoning Clerk Hugunin, "Okay."

OTHER COMMITTEE OR COUNCIL BUSINESS:

LEGAL DEPARTMENT: Update

Attorney Wright, "I don't want to steal any of your thunder Anne. I just wanted to show you guys one of the slides from the training we did on municipal finance. It is talking about the new senate bill 13; if you are not familiar with that, you might want to dig in on it. We will be going into this in a lot more detail, don't tune out. It is going to significantly change the way that we have to do some things, including having a special hearing that we need to call whatever we want to, but something about fair taxing. If we do not have that hearing, it is likely that the City could be exposed to liability up to and including having to back a bunch of money to taxpayers. There are very specific guidelines with regard to when notice has to go. The County is actually going to send actual notice to all property owners. The City will have to put a notice in the paper separately from the budget hearing, I guess it could be the same notice, but there are different rules. I am still trying to wrap my head around it. I was trying not to tune out on it too much. I just don't know why we are doing this and changing things that have been working for 30 years." Mayor Luke, "Since 1978."

Attorney Wright, "Other than that, we had Municipal Court, which I thought went really well. Chief, please say thank you to Becky too, she's done...everybody has done a fantastic job in court. It has been going really well. A couple of people have been able to witness it, and I hope that is what they are witnessing as well."

QUESTIONS/COMMENTS

Council Member Lenard, "I would like to say, Jerilyn and I came to court, and it was packed. I would like to commend Phil. He took a great shot at trying to full-court press on some of the properties. I think we are making progress. It's not where we wanted to be, but we are getting there." Council Member Curtiss, "Very impressed." Attorney Wright, "I did go to bat, hard." Council Member Lenard, "He did." Attorney Wright, "Just so everybody knows, thank you, I appreciate it."

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.

Finance: City Clerk Brown, "I have the financials for the first quarter."

FEMA: Flood - 2019: City Clerk Brown, "I have been working on things for FEMA. I am just about to the very end of it; I have everything we need in to them. Now, it is a waiting game to see what we will get in return."

First Impressions: City Clerk Brown, "I attended the First Impression presentation at the 4-H building. You do have a handout for that. If you want to see the full presentation powerpoint, the web address is on the last page of your handout."

League Municipal Finance Training: City Clerk Brown, "On the 16th I set in on the League's Municipal Finance Training as well, like Phil said. They are doing a lot of changes. It's not going to be a cut and dry number anymore; there are going to have to be other ways to figure this." Attorney Wright, "And the county is going to be intimately involved in this." City Clerk Brown, "Yes, they said we would be getting close and personal with the County Clerk. There will be a lot of new stuff coming that way."

CITY CLERK: Trash Clean Up Week

City Clerk Brown, "I sent an email out earlier on reviewing and consideration on the health and safety of our city employees on the city-wide clean up. It has become an issue that we need to address, and I think our city employee's safety and health need to be considered in this impact. It has been totally abused. These are just some of the things that our employees have told me and picked up, seen, and experiencing during the clean-up."

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- Hypodermic Needles
- Bed bugs
- Coolers with dead fish, water
- Deep Freeze full of all kinds of stuff
- Bike Tires & Glass Stuffed between Mattress
- Lumber with nails (supposed to be clean lumber)
- Lots of Cardboard (even if they don't normally do recycling, you can call and they will come to pick it up)
- 3 Large Hot Tubs (this year)
- Containers full of Cat & Dog Feces
- Loose Soiled Diapers
- Bags of Household Trash: 15-20% of bagged trash appeared like they were trying to hide things
- Fishing Hooks
- Paint and other undetermined liquids
- Items are not being separated (landfill requires), so city employees have to sort through

- People continue to put things out after the fact

Other information given to city employees or seen by city employees

- Seen by citizen: people in hazmat suits cleaning out a trailer and putting on the curb for city to pick up
- Someone had picked up a discarded bed frame, took it home, realized it had bed bugs, and called City Hall wanting us to come to pick it up
- Citizens who need to clean up their own yards, seen out picking up others discarded items and hauling them off (using the excuse they don't have a way to haul things).
- Putting Brush on top of other items to be picked up

Brush

- Putting out after the fact
- Root Balls
- Cutting down trees
- Size 10' lengths or longer

City Clerk Brown, "We are not saying that we don't want to do this anymore, please don't think that. It is a good thing. However, we need to consider our employees and their health and safety. I just want some discussion and your thoughts as to how we can improve this."

Council Member Lenard, "When I look at this list, first and foremost, I think about Mark, if he is out somewhere and there are unsafe conditions, stop. If they are out picking things up and they believe there is a safety concern, stop. The second part of that is empowering the superintendents to get a hold of Doug; if we need to take some kind of action, we do that. Maybe we need to reconsider our flyer or consider some legal.... The superintendents have the--."

City Clerk Brown, "I think they have done some of that. They did leave some things like the brush that was piled on top. Was it just pushed off?" Superintendent Davidson, "Yes." City Clerk Brown, "They can speak for what they have done; there has been some of that. I think it is the citizens' impression that we are going to pick up anything and everything. Since there has not been any kind of notice given on if you don't follow what our flyer says, that we are going to leave stuff, I just wanted that to be addressed as to how we can change that for future."

Superintendent Davidson, "We appreciate you saying that we have the authority to leave the piles. Eventually, that turns into phone calls to the City Hall, which turns into phone calls to the Mayor or a Council Member, and in turn, we end up just going back and picking them up. We are completely overridden." Council Member Curtiss, "Well, I think there needs to be some kind of a fine. Is there some legal way we can fine people if they don't?" Attorney Wright, "You guys could do whatever you want." Council Member Curtiss, "Oh, good."

Council Member Tschantz, "This is ridiculous. Our flyer is pretty cut and dry." Council Member Curtiss, "I can see where some of these things are very, very harmful to our employees." City Clerk Brown, "If you have hypodermic needles in bags, they pick those up, then somebody gets stuck by one, it is hard telling what kind of disease or what they are going to get from that. That is a liability to the city that we will be paying for." Attorney Wright, "Work compensation claim." City Clerk Brown, "Yes." Council Member Lenard, "I believe that if Mark is out, stop it, then someone, whether it be you or somebody, needs to communicate to the property owner, we have to hold them accountable. That is probably the piece that we need to figure out. As far as safety, stop. I would not have a problem supporting that. I don't believe anybody here would have a problem supporting that."

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Zoning Clerk Hugunin, "I think Mark's point was kind of, because I was out there with them, is that it would have been well over half that we wouldn't have picked up." Attorney Wright, "I was going to ask if this was 10% or about what?" Zoning Clerk Hugunin, "It's 60%-70%." Attorney Wright, "Oh, it's more than half that is non-compliant with the City's guidelines." Superintendent Davidson, "Yes." Zoning Clerk Hugunin, "Yes." Council Member Scothorn, "Why don't we just drop it then, if we have that many that are abusing it? Just quit doing it." Council Member Lenard, "That's the wrong answer too. We are not going to stop picking stuff up because of a minority that ruins it because it is a good service." Council Member Scothorn, "So, we are going to get someone injured." Zoning Clerk Hugunin, "But at this point, it's not a minority that's abusing it." Council Member Lenard, "That's where we have to correct that. We have to get that back to where it's not changing. This is a good deal; it's just being abused."

City Clerk Brown, "An option, possibly, some of the other city's trash company has been bringing in the 40-yard containers, but it is a sizable expense to the City. We thought that we would need three. I checked with Jennifer Fagan (Republic Waste Services), and it is going to be \$1,200 per container. If we set them up somewhere and had the citizens that could, there is a majority that can bring them to us. It would save the dumpster diving on other people. It would prevent moving this from one property to another property. We had a person that picked up a bed frame, found out it had bed bugs, called City Hall, and wanted us to come to pick it up." Mayor Luke, "We can 'police' the three containers. I don't mean by the Police Department; I mean by somebody there."

Chief Jones, "Without somebody there basically 24/7 while that container is there, you are going to have no control over what-so-ever on what goes in." Mayor Luke, "We are talking about putting the container behind locked gates and fenced areas. We can control the times and who is there, and we can monitor it continually." City Clerk Brown, "I don't know if that is an expense that you want to put out. That is an option." Council Member Tschantz, "\$1,200 per container?" Mayor Luke, Yes, so \$3,600." City Clerk Brown, "So, what is it worth to your employees? What is it worth for the safety and health of your employees? Are your employees worth that?" Council Member Tschantz, "They are worth more than that, but I think the fine is the way to go." Council Member Scothorn, "Then they can't pay the fine, and we are back to where we are already at with nuisance properties."

Council Member Curtiss, "What is your (Attorney Wright) viewpoint?" Attorney Wright, "I have lots of opinions." Council Member Curtiss, "Well, we want to hear them." Attorney Wright, "I'm thinking about three things, okay? One of them is, I didn't see the notice that went out, but that needs to be very clear about what is accepted and what is not." Council Member Curtiss, "I think that needs to go out a lot sooner. A lot of people don't get the paper. I don't know if we could include it in the water/ electric bill." City Clerk Brown, "We did discuss that." Council Member Tschantz, "It was included in the electric bill." Council Member Curtiss, "That whole thing (flyer), no, it wasn't." City Clerk Brown, "I think a statement is added to the bottom of the bill. If you want to, we can send it out a month ahead of time if we know that far in advance. (County sets the dates for the free landfill week – City does clean up during that week). We could include the full flyer with the billing if that is how the Council chooses to go. I did suggest that we also, very clearly put on there if this is the way the Council wants to go, that we need to have on there if these guidelines are not followed the items will be left. Also, that the owners will be responsible for cleaning it up in a certain period of time, possibly. If it is not cleaned up within that time period, it will be fined."

Attorney Wright, "Let me throw this out there. I would rearrange this just a little bit—simplify it. I would have one list of black and white in large point letters that we will not accept these select items. If these items are present, you'll be charged for the City to pick up these items and put a dollar amount on them at the City's discretion. Then I would just charge them for it and pick it up. It goes to another thing I was thinking about that goes with the city employee's safety issue. We need to make sure that the people that are doing this are trained and that they are being careful. I know it is going to be a two-pronged approach. We need to make sure that they have proper protective equipment and gloves and that sort of thing when they are out there doing it. That we can mitigate that as much as possible. We are kind of doing a push-pull approach here. If you make the potential fine or cost enough.... You are going to have a bad year because people are going to test you. So, next year is going to suck. So, after that, you just hold to your guns, and then people will pick up on it. Because you do it once a year it is going to take a couple of years to--."

Zoning Clerk Hugunin, "We do it twice." Attorney Wright, "Twice a year, that's even better. That will just make the learning curve that much faster for people. That would be what I suggest. It doesn't fix 100% of the employee safety issue. \$3,600 is way cheaper than even a minor work comp claim. I would put \$100 for a cost on there."

Council Member Lenard, "If everything is set out too and Dallas drives around and says my guys aren't picking this up because you have this... I mean, we could do that. A little of that, I don't know how much we should do. I think there is a number of strategies to implement." Attorney Wright, "I hear what you're saying, you're going to be going back and picking this up. At the same time, the City is trying to clean up some stuff anyway, and we don't want to impede that; we want to encourage people as much as possible to get rid of their crap." City Clerk Brown, "The thing is also them not having it out when they are supposed to and then putting it out after the fact. To me, we are enabling them because we have always gone back and picked it up. Not that we don't want to, but if you don't have it out when you are supposed to, why do we keep going back." Attorney Wright, "Quite honestly, that is probably a nuisance violation, maybe that needs to be cited."

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City Clerk Brown, "I think we need to advertise more for the bulk pickup on the trash side. Some of that could be put out there for regular trash pick-up. We can advertise that some more too with the trash pick-up." Attorney Wright, "I saw a lot of just household garbage that should not have been part of this. That stuff you can just leave on the curb since that can go with the regular trash." Council Member Jasper, "I think we have enabled all of this. I think people leave their yards trashy for the two times a year, just waiting for that month to pull the trigger. I bet if you went back five years ago, it didn't take a day and a half to pick up trash; it took most of the week for two departments. The minute we go by somebody's house and circle back and get it, we have enabled again." Attorney Wright, "Especially if there is not some kind of repercussions." Council Member Jasper, "We have enabled this for years, and it has gotten worse. I think that is one of the reasons that we have the ordinance and nuisance issues that we do. They wait for the two times of the year to pull the trigger, and then we end up with stuff like this. Once again, the government probably oversteps a little on trying to do the right thing, which you feel is the right thing at the time but ends up circling back. There is no good solution to fix this. We created it."

Council Member Tschantz, "We did try to fix it once when we had trailers and stuff that was dismantled and put out on the curb for our employees to pick up that had nails and things in it with other stuff. We tried to fix it once; it didn't work." Mayor Luke, "That material doesn't show up anymore. Contractors can't put stuff out." Council Member Tschantz, "You still get material with nails and things." Mayor Luke, "Right, it's normally not contractors, which is what we stopped." Council Member Jasper, "It is pretty hard watching the month leading up to trash clean up, with what happens to this town." Council Member Tschantz, "This is true." Council Member Jasper, "It is pretty sad. It is just gross; you see a sofa sitting there for a month getting rained on, and it just becomes a trash pile." Zoning Clerk Hugunin, "Then, quite literally, you have people going around, we have video, some of the people we deal with on nuisance properties are going around picking up the couches and mattresses, taking it to their house, after they have out a pile in the ditch. That doesn't seem sanitary to me."

Council Member Jasper, "There are instances where the piles were nice and neat but then by the time the scavengers are done with it, they are not so neat anymore. So, that is on the homeowner again." Attorney Wright, "You can regulate it further. There are always unintended consequences, and sometimes you have to flush them out of every action...but you can regulate it. In Lenexa, I think they quit doing it. They have the private trash handle it, and you call them. They are by regulation there. You just call your trash provider, and they are required to do one trash pick-up a year for us for bulk items. However, you could only put it out the night before. You couldn't put it out two weeks before, or you would be cited with a violation. You could do that. Make sure you are very clear in here that they can only put it out the night before. That would eliminate, not all, but some of the people going through stuff and messing up piles."

Council Member Jasper, "I wouldn't be opposed just to stop doing it, then just open the dump for two weeks solid, two times a year. Let them get it there themselves. Let's see how that goes. Attorney Wright, "I think the City of Shawnee, what was proposed, is that they put dumpsters somewhere and they bring the trash to you. They have people there collecting, and they charge you \$15 or something like that to unload a truck in there. That is another way you could do it. I envision here, though, a bunch of garbage stacked up around the fence. People would go at night and just dump, especially if there was a charge associated with it." City Clerk Brown, "And what did they do before? If the County has a free clean-up, if they have stuff that they really need to get right of, they will find a way to get it there."

Council Member Jasper, "I think we pay a pretty good fee to our trash company, and I would like to look at an avenue through them." Attorney Wright, "The problem is, if you do that, from a political standpoint, is that everybody's trash fees are going to increase when you start requiring.... The City can do that. You can require a trash company to provide minimum service like they do in Lenexa and I think, in Overland Park. My trash price just got outrageous. I can't now, as the homeowner, pick and choose what services I want because they have to provide it to everybody, so everybody has to pay a little bit more. It may exacerbate some of the problems that we have with junky houses and nuisance properties because they are not going to want to pay that. I'm just throwing some stuff out there. As I said, there are always unintended consequences. Those are just some of the things that I can see. I know I'm not brilliant enough to come up with every little positive or negative. You just have to decide what you want to do."

Council Member Jasper, "I was just playing the devil's advocate, coming on the other side of things." Council Member Lenard, "I'd say let's retool our form. Then maybe get together and look at all of the different options with increased trash service, pick-up dumpsters; we have some time to get it worked out. The superintendents know and have a lot of good input too."

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Attorney Wright, “How many trash providers are there down here.” Mayor Luke, “Just one.” Attorney Wright, “Who is it?” City Clerk Brown, “Republic Waste Service.” Attorney Wright, “That is who does my stuff.” Council Member Lenard, “We recently, the past few months, found out that they would pick up one bulk item per week.” City Clerk Brown, “It has always been there, but they don’t advertise it that much.” Council Member Lenard, “We didn’t really know that either.”

Aaron Copeland, “They usually like people to help them out if there is a big item there, like a couch. They will take it, but they want somebody to help them if they can.” City Clerk Brown, “Yes, and when I talked to them about the bulk item, they told me that they would pick it up. They have called for help, and if they can’t get someone there to help them, they will come back to pick it up. Kevin and Mark have offered; that they could call them.”

Mayor Luke, “Okay, think about the options. We will get with some of the superintendents and look at getting something put together.” Attorney Wright, “Was there a committee that works on this stuff?” Mayor Luke, “There hasn’t been yet, but I want to get all of the input from the superintendents doing the process. Then we will get somebody from each of their committees together.” Attorney Wright, “I was going to say it might not be bad to form a committee with these guys.” Mayor Luke, “We will come back with several options to see what the Governing Body wants to do.”

REPORT BY CITY OFFICERS:

First Impressions Information: Council Member Curtiss, “I was very impressed with First Impressions. I’m just wondering, what are we going to do with this information from now on.” Mayor Luke, “Mark has started looking into what we can do sign-wise where they talked about not having signage. I am going to talk with Philip about where we stand with what we can do with respect to obtaining the 51% of the pool to do streets. Then we will look at what we can legally do with respect to the clean-up and take care of that so that we have some grounds to stand on and the nuisance property issues. We are going to put that in the legal side so we can get a direction of where we can go and what we can and can’t do.” Council Member Lenard, “We did have, the county has the comprehensive plan. I would suggest another work planning session once this gets done, tied with the First Impressions...because we have several balls in the air right now. They all kind of conflict.” Council Member Curtiss, “Get a workable plan for something to do.” Mayor Luke, “Some of them work together. It is a matter of which...half full or half empty.” Attorney Wright, “Pick your priority.”

Council Member Jasper, “I would like to say about the signage, I think it is the City’s duty to have signage, but we need to be careful with privately owned businesses. Mayor Luke, “We aren’t going to do businesses.” Council Member Jasper, “Okay, something saying ‘business district’ that way or something, then yes.” Mayor Luke, “There is no private business that would be on any sign. It would be things like the dog park, museum, electric department, courthouse, clinic, or hospital. Mark is looking into what we can or can’t do, and we will go from there.” Council Member Curtiss, “Okay, thank you.”

Boy Scout Promotion: Council Member Lenard, “The Boy Scouts are having their pancake feed on May 1st at the First Baptist Church. If anybody is hungry, show up.”

MAYOR’S COMMENTS:

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	RICE NESHAP Compliance
PARKS DEPARTMENT: Events in Parks (Updates) City Dam - West Wall Repair – Engineering Services Proposals	Kelley Park Light Poles – Repair/Replace (also see Legal) Girl Scout Rock Garden - Updates
LEGAL DEPARTMENT: Municipal Court Updates	Misc. Legal - Documents, Cases, Contracts, etc.
PLANNING AND ZONING Work with Advantage Computers and City Departments to improve Cyber Security Nuisance Structure & Properties: Work with PD FIRM Floodplain Map Changes – Updates Burlington Corporate Boundary Updates on Map (Work with State)	Quarterly Construction Valuation Report Prepare Easements for any City-owned property without one Addition Nuisance Structures for Possible Condemn/Demolish Permits - Building/Zoning/etc.
POLICE DEPARTMENT Nuisances (Work with Zoning Clerk) Voice Stress Analyzer Project	Department Activities and Cases
STREET DEPARTMENT: Concrete St. Repairs/Free State Ct. Replacement/Repair Pavement Management System/Asset Management System	Street improvement Plan, Paving Gravel Streets, Crack Filling, Street Improvements 2021 Heather Street Street Improvements 2021 Asphalt Project
WATER & WASTEWATER DEPARTMENT: Sensus Water Meter Replacement Sewer Lagoon Maintenance/ 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 the Governing Body and signed by Anne C. Brown, City Clerk

