

BURLINGTON CITY COUNCIL REGULAR SESSION 5-19-2021

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, May 19, 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

AGENDA:

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

MINUTES 5/5/2021: Mayor Luke, “You have before you the draft minutes of our regular session of May 5, 2021. Are there any additions or corrections?”

Council Member Curtiss, “I move to approve the draft minutes of May 5, 2021, as presented.” Council Member Scothorn, “Second.” Motion unanimously carried, 6:0.

APPOINTMENT:

PUBLIC COMMENTS:

Jay Hale, “This month marks ten years of attending your meetings. Thank you for your hospitality.” Council Member Curtiss, “We appreciate you coming.” Council Member Lenard, “That’s awesome.”

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.

Preventative Line Maintenance: Superintendent Schneider, “The men are out doing preventative line maintenance.”

Tree Trimming: Superintendent Schneider, “They are out doing tree trimming.”

Land Plat: Superintendent Schneider, “I got a call from Heidi Harris from the Coffey County Engineer's Office. I just had to give her a little bit of information that she requested on the land north of the country club. They have been working on plotting it. So, we helped her out.”

Downtown Business – Temporary Removal: Superintendent Schneider, “We had a downtown business doing a little bit of remodeling. So, we temporarily removed the service off of the building so that the contractor could get the siding in behind it. We worked with the local electrician to minimize downtown for the customer. That all went smoothly.”

Call-out: Superintendent Schneider, “We had one call-out Sunday evening on the 16th. A rather large tree had fallen on a customer service wire from the pole and to the house. She never lost service, but it tore the meter loose and the triplex off of the house. We were able to restring over the tree and get her back in service safely. We weren’t there but maybe an hour; it was a quick fix.

City Hall Renovations- Outside Lights: Superintendent Schneider, “Since last Council we did the outside lights here on the building. They were old high-pressure sodium, most of them didn’t work, the ones that did work the lenses were discolored. We replaced those with LED lights.”

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ELECTRIC DEPARTMENT: PRODUCTION Update

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

Reports: Superintendent Schneider, “We are still completing logbooks and reports as needed.”

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.

Remove Drive Culvert: Superintendent Davidson, “We had a request to remove a drive culvert from 3rd and Kennebec. It was the owner’s request. That has been taken care of.”

Asphalt Repair: Superintendent Davidson, “We repaired the asphalt on 13th and Neosho. There was also a spot-on 1st and Kennebec. We have a few others ones on Alleghany that we will be getting to as soon as we can get dry weather.”

Street Signs: Superintendent Davidson, “We are repairing and replacing street signs.”

STREET DEPARTMENT: Street Improvements – Heather Street

Superintendent Davidson, “Last Council I had made a comment that Killough had used around another 60 tons of hot mix on Heather Street. She thought I should do that as a change order. With the contracted price, there was a difference between \$5,444.75.” City Clerk Brown, “We need it for audit purposes. Any projects that we do, the auditors will look at that, what was bid, and what we paid out. If it’s more, then they question it. So, we do need a motion to approve that.”

Council Member Jasper, “I move to approve the additional cost of \$5,444.75 for the Heather Street project.” Council Member Tschantz, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

STREET DEPARTMENT: Personnel – Recommendation to Hire

Superintendent Davidson, “Council Member Jasper, Anne, and I had interviews for our opening in the Street Department. I would like to ask the council to approve Vinny Riccobono to transfer from the Water Department to the Street Department, at the current hourly wage that he is at now.”

Council Member Jasper, “I move to extend an offer of employment to Vincent Riccobono for the position of Heavy Equipment Operator at the starting hourly wage of \$18.31.” Council Member Tschantz, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Mayor Luke, “Is there a timeline of when he is going to be over?” Superintendent Davidson, “I spoke with Danny, and we decided on June 1st.” Mayor Luke, “Okay.”

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.

Tilling and Seeding: Superintendent Hawkins, “Before the rain started, we were trying to get around to areas that needed tilled and seeded. We are still working on that.”

EPA – Volunteer Sampling: Superintendent Hawkins, “I have completed the registration for the EPA, which was discussed at the meeting before. I am roughly about 80% done with that. There is just a lot of information that the EPA wants. I would really like to thank Katie Miller with KMU. She has been a great asset in helping me throughout that process. I should easily be done by the time the June 30th deadline comes around.”

New Water Services: Superintendent Hawkins, “We are still installing water meters as well.”

Land Plat: Superintendent Hawkins, “As Alan said, we also have been in contact with Heidi Harris. Jimmy and I will be attending the Planning Board meeting after this meeting, on behalf of the City.”

Water Committee Meeting: Superintendent Hawkins, “I attended a water committee meeting for the blue water tower. We are having some maintenance done there. I want to thank the committee with that.”

WATER AND WASTEWATER: Production Update

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

Maintenance: Superintendent Hawkins, “I am very pleased we were able to get the clarifiers cleaned out. We were able to shut down in time. We did not require any overtime. I am grateful for the guys; they did a good job; they got in, cleaned them out quick, and got the plant back up and running.”

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Backwash Holding Basin Pump Maintenance: Superintendent Hawkins, “The only thing that we have left to schedule is the recarb basin. After that, we are done. We will have all of the mixers, motors, oil changed, and everything done. Things are going really well.”

WATER AND WASTEWATER: Production Update

Superintendent Hawkins, “I would like to ask to go out for applications to fill the vacancy that will be left by Mr. Riccobono until filled.”

Council Member Tschantz, “I move to approve Superintendent Hawkins to advertise for the position of non-certified operator until filled.” Council Member Jasper, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

POLICE DEPARTMENT: Update

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

Cases: Chief Jones, “We have been working domestics, both injury and non-injury accidents, and scam calls.”

City Court: Chief Jones, “We had city court last week. We finished a little after 8:00 p.m. It was interesting.”

KBI Audit for CJIS: Chief Jones, “About every three years Kansas Bureau of Investigation does a whole onsite audit on Criminal Justice Information System. They cover warrants, stolen property, stolen article entries; they cover a little bit of everything. Becky and I had spent some time preparing for this. Then she spent probably 3.5 hours going over files and in-person questions. Becky did an outstanding job. We passed with flying colors.”

City Court: Chief Jones, “Just a little after 5:00 p.m. I got a call from our officer at KLETC, Rich Messerly. It appears that COVID has reared its ugly head again at the academy. I think he said either 12-14 people have tested positive just this week. They haven’t decided exactly what they want to do yet. They are kicking around ideas. Do they shut down again for two weeks or try to do the distance learning? Richard believes that it is uncertain enough that when he leaves the academy to return for the weekend, he is not leaving any of his stuff at the academy. We don’t know what is going to happen with that yet.”

Council Member Lenard, “So, when everyone attends the academy, do they have to have the vaccination before they attend?” Chief Jones, “The ones that are there that have been vaccinated don’t have to wear a mask in the classrooms. The ones that have not been vaccinated are having to wear the mask. That tells me that vaccination is not required.”

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.”

Flowers – Beautification Project: Superintendent Boyce, “We got the flowers planted the evening of the 12th. I want to thank Jerilyn for coming out to help. I also want to thank three ladies for helping from the Jaynes Group, Kathy Rohr, Courtney Finlayson, and Angela Boyce.”

City Hall Renovations – Landscaping: Superintendent Boyce, “Jimmy, John, and I put the rock in out front of City Hall.”

QUESTIONS/COMMENTS

Council Member Tschantz, “I think out front looks fantastic.” Council Member Curtiss, “It looks great.”

FINANCE: Claims Ordinance & Payroll Ordinance

a.	Claims Ordinance	2021-10	\$	<u>412,550.42</u>
b.	Payroll Ordinance	2021-10	\$	<u>88,690.36</u>
	TOTAL		\$	501,240.78

CLAIMS 2021-10: Council Member Lenard moved to approve City of Burlington Claims Ordinance 2021-10 for the amount of \$412,550.42 for payment of city bills. Council Member Tschantz gave the second. City Clerk Brown, “The larger expenses we have tonight are BG Consultants \$3,703.00, KPP \$184,267.90, and Killough Construction \$132,927.00 for Heather Street. **Hearing no additional discussion, Mayor Luke instructed City Clerk Anne Brown to poll Council. All votes were in favor. Mayor Luke declared, “Claims Ordinance 2021-10 passed unanimously, 6:0.”**

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PAYROLL 2021-10: Council Member Lenard moved to approve City of Burlington Payroll Ordinance 2021-10 in the amount of \$88,690.36, as presented. Council Member Hall gave the second. Hearing no discussion, Mayor Luke instructed City Clerk Anne Brown to poll Council for a vote. All votes were in favor. Mayor Luke declared, "Payroll Ordinance 2021-10 passed unanimously, 6:0."

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, "Normal duties."

Permits: Zoning Clerk Hugunin, "I have still been very busy with permits."

City Hall renovations – Landscaping: Zoning Clerk Hugunin, "Like Kevin said, I helped them with the rock out front. I would like to thank Strawder's and Daughters and the Park's Department; it looks really good outside."

Server Software Update: Zoning Clerk Hugunin, "I got an email from CIC about our software on our server. It has come to the end of life, apparently. I have been checking and working with them. We are seeing if this is still going to be feasible or if this is too old. We may have to update the software on the server, not the server itself. They are looking into that."

Permits: Zoning Clerk Hugunin, "I met with Bobby Skipper up here today. He was asking about some City Codes. We had a good meeting with him about some other things around."

Cyber Security from KPP: Zoning Clerk Hugunin, "Also, Gavin Rose with KPP on cybersecurity. He was showing me some good cybersecurity training that we can do for employees, mainly ones that work with computers every day. I am going to look into that, and it is free."

City Wide Clean-Up: Zoning Clerk Hugunin, "I am still working on updating the cleanup flyer."

Land Plat: Zoning Clerk Hugunin, "I will be attending the Planning Board meeting tonight with Danny."

QUESTIONS/COMMENTS

Code Enforcer: Council Member Lenard, "I'll just add to that; I have some other updates. The County may be looking at a code enforcer and trying to sync up their policies. My recommendation to Bobby was to take ours as a base to start with some framework. We could be all over the place in the whole County." Zoning Clerk Hugunin, "I gave Doug a heads up also. It sounds like Doug and I will be meeting with Bobby a couple of times to go over things."

Email Issues- Blacklisted: Council Member Curtiss, "I can't remember who had the problem with the emails?" Zoning Clerk Hugunin, "That has been rectified—we hope. Don't ask me how she fixed it if she has a magic wand or something, but it is fixed." Chief Jones, "As far as we are aware, our emails are going where they are supposed to be going."

OTHER COMMITTEE OR COUNCIL BUSINESS:

ORDINANCE –

RESOLUTION

LEGAL DEPARTMENT: Update

City Court: Attorney Wright, "I don't have much. We had a 1.5 hour-long trial. When the defendant was found guilty, all I heard was, 'I want to appeal it.' We have a little over a week to see if he is going to do that. I have been working on quite a few diversionary agreements. Mr. Talley didn't show up to court. He was issued a notice to appear and was appointed an attorney to represent him. That means that we can move into more of contempt areas potentially at the next court. I can get with Doug on some other things that we can do."

City-Wide Clean-up: Attorney Wright, "I have taken a look at the bulk garbage pick-up stuff."

QUESTIONS/COMMENTS

City Court: Council Member Lenard, "The landowner was here that night. He did state that he would be agreeable to condemning the property. I don't know what our process would be there." Attorney Wright, "So, I've actually had that conversation with the homeowner since, as well. He is very anxious, I think too...I think he is going to want to help the City in all that he can as far as doing some things. I don't think he has a lot of financial resources to be able to do much. I think that is why he is stuck with where he is. I think he is pretty agreeable to letting the City do what the City wants to do. He asked me to help, but he needs to do a civil eviction case against his tenant. I don't know that the City can do much more to help him. I think he has a plan in place to get the guy out and get rid of the trailer house if he had the financial resources to do that. I may reach out to the Coffey County Housing Authority. I know sometimes they have grants for clean-up and some of that stuff. So, he may qualify for something there to help him with some money. I will also refer him to an attorney. He is actually a former client of mine, so there is a little bit of a conflict where I can't represent him on anything because I represent the City. I would have to see if we could get somebody to do the eviction case for him. I think if we got that tenant out, it would be very helpful with regard to just getting stuff picked up."

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Attorney Wright, "I understand that the house is in terrible condition on the inside, so it is probably condemnable. We would need someone to determine that if it is a nuisance and not livable. I can talk with Chief about that. I don't know if he wants to go there." City Clerk Brown, "Doesn't that go through the county?" Zoning Clerk Hugunin, "That will come down to Dr. Sloyer." Attorney Wright, "I know people are upset about it. It just takes a long time to get through some of this stuff, especially when you get someone who is not real cooperative. Our constitution allows due process before a government acts against you. It is one of those things that you have to protect that even if people are not very...you just have to protect it at all costs. It is really easy when someone is like this, and no one likes them. It makes it easier to chip away at someone else. It is what it is. That is our job. We need to make sure that we follow the law and give people due process. Do the right thing."

CITY CLERK: Update

General: City Hall Staff have been busy with customers paying utility bills, many calls and inquiries, preparing work orders, vouchers for bill paying, payroll, and council meeting minutes.

Election: City Clerk Brown, "On April 6th, we sent a letter to Coffey County Elections Officer listing the positions that will be up for election in 2021 for a four-year term. The last filing date is June 1st."

Council Member, All Wards, Position 2

Incumbents: Ward 1, Jerilyn Curtiss; Ward 2, Sharon Hall; Ward 3, J.J. Jasper

Audit: City Clerk Brown, "The auditors will be on site tomorrow, May 20 and 21. They are scheduled for two days. Anymore, it is just one day then they will ask for things, and we will send the information to them as needed."

Saddle Club Agreement: City Clerk Brown, "We also have worked on the Saddle Club Agreement. We are updating that. There is a copy of that in your packets. If you all had a chance to look at it, we were wanting to get approval for the Mayor to sign it tonight. We changed a few things. It was a one-year contract which we changed to ten. The physical description was changed; it used to have the football field and dirt track in there, which are no longer there, so that was updated."

Council Member Lenard, "I don't recall looking at this before. Is this something that just lapsed that we let fall through the cracks?" Mayor Luke, "It was a one-year contract that hasn't been done for many years. We talked about doing an update on it when we worked with the Rec. Center and updated theirs. Anne talked with Denny (Dennis Noonan II) about it because he is the president of the Saddle Club and the fact that it hadn't been updated, so we are in the process of getting it updated. We are getting the things that don't apply anymore out of it, getting a correct map of the area, and the same responsibilities."

Council Member Jasper, "Before they didn't come in and ask for permission, they just based everything on this contract, and this contract going forward will keep it in the same groove?" Mayor Luke, "Right, they will supply us by the 1st of April a list of their activities and the scheduled dates so that we don't have any major conflicts with the softball tournaments or the fair." Council Member Jasper, "Easy enough." City Clerk Brown, "It is past April 1st now, but we can ask for the listing when we give this to them." Superintendent Boyce, "In the past, when they have gone outside of their area that they can use, like the Western Horseman Challenge, we clear it with the Rec. Center, and Parks Department, and others." Council Member Jasper, "That is when they have come here to ask for permission to use the extended area?" Superintendent Boyce, "Yes."

Council Member Lenard, "I move to authorize the Mayor to sign the agreement between the City of Burlington and the Saddle Club." Council Member Tschantz, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Budget: City Clerk Brown, "I started working on the budget. I have scheduled the first finance meeting for Wednesday, June 9th at 9:00 a.m. here at City Hall."

Closed: City Clerk Brown, "We will be closed on May 31st for Memorial Day."

Thank you's: City Clerk Brown, "I would like to thank the Parks Department, Kevin and John, and Jimmy for coming out, and Strawder's and Daughters for all of the work that they did here. It looks good; I am very pleased with the way it looks. They all worked very hard on it."

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REPORT BY CITY OFFICERS:

Business Tours and Plat: Council Member Lenard, “I have a few bullet items. I met with EMP Shield this week and took a tour of the place. They had a request for information on the plat for safer roads to the properties. I got ahold of Jimmy, and he sent me the plat. They are looking at maybe coming in from the south instead of off of the highway. They talked to the state about the deceleration lane, so that is in process. The other highlight while I was out there, I stopped by J.J.’s place (Fittings Export) and got a tour of their business, and that was quite impressive.

Coffey County – Properties: Council Member Lenard, “Also, I thought Bobby Skipper was going to be here tonight. He reported that the County bought the One-Stop property. That is going to be demoed. They received a grant from the state to mitigate that environmentally. The way he explained it to me is that the state will buy insurance on that, so that will be covered. I know that is a concern for us with our company. I discussed the foreign ownership on that property with him, and that was a little bit of a hassle for him. Bobby also told me a few months ago; I gave you guys this community development improvement district; he was saying if we had something like this setup, it would maybe help us protect with foreign entities coming here and buying property, then walking away from it. This guy was in Canada.” Council Member Jasper, “We ran into this before.” Council Member Lenard, “Right, the Music Box.”

“The last thing, I guess the Housing Authority purchased the Aucoin property down by Little Joe’s. I don’t know what is going to happen with that. They are kind of moving on some stuff. I have been really impressed with what he has done so far.”

City Brush Pile: Superintendent Boyce, “One thing that I will bring up is that the brush pile is needing to be burned. It is not going to burn well because of the weather if I do it now. As soon as we dry back up, we will burn it. For the month of April, the state asked us not to burn because of everyone else burning grass. So, we held off, and now we are in the wet season. It is quite full, so if anyone gets a complaint about it, it is on my list to get done.”

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	<i>RICE NESHAP Compliance</i>
PARKS DEPARTMENT: Events in Parks (Updates) City Dam - West Wall Repair – Engineering Services Proposals	Kelley Park Light Poles – Repair/Replace (also see Legal) Girl Scout Rock Garden - Updates
LEGAL DEPARTMENT: Municipal Court Updates	Misc. Legal - Documents, Cases, Contracts, etc.
PLANNING AND ZONING Work with Advantage Computers and City Departments to improve Cyber Security Nuisance Structure & Properties: Work with PD FIRM Floodplain Map Changes – Updates Burlington Corporate Boundary Updates on Map (Work with State)	Quarterly Construction Valuation Report Prepare Easements for any City-owned property without one Addition Nuisance Structures for Possible Condemn/Demolish Permits - Building/Zoning/etc.
POLICE DEPARTMENT Nuisances (Work with Zoning Clerk) Voice Stress Analyzer Project	Department Activities and Cases
STREET DEPARTMENT: Concrete St. Repairs/Free State Ct. Replacement/Repair Pavement Management System/Asset Management System	Street improvement Plan, Paving Gravel Streets, Crack Filling, Street Improvements 2020 6 th & Alleghany Project Street Improvements 2020 Asphalt Project
WATER & WASTEWATER DEPARTMENT: Sewer Lagoon Maintenance/	Sensus Water Meter Replacement Updates Storage Building for Dirt -Construction Sewer Lagoons - Analysis (KRWA/funds for dredging) Sewer Liftstations –Flushing Rags, etc.

Mayor Luke declared the meeting adjourned.

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