

BURLINGTON CITY COUNCIL REGULAR SESSION 5-5-2021

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 5, 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: Paul Abendroth, Jay Hale, Robert (Bobby) Skipper

AGENDA:

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

MINUTES 4/21/2021: Mayor Luke, “You have before you the draft minutes of our regular session of April 21, 2021. Are there any additions or corrections?”

Council Member Tschantz, “I move to approve the draft minutes of April 21, 2021, as presented.” Council Member Curtiss, “Second.” Motion unanimously carried, 6:0.

APPOINTMENT:

Robert Skipper, “Thank you, Council, for allowing me to come before you. I am still finding my way through the differences between Kansas law and Alabama law. For instance, we were not able to have executive session to discuss the economic development because you are only able to go in with the purchase of property and not the sale of the property. In this instance which you see before you, there is a client that will be located next to you, the deal is still not done, but they are purchasing the property. I reached out to the Mayor and to Lewis (Council Member Lenard) to ask about the possibility that the council might consider selling some of its property that is adjacent to that property. What would you refer to that property as?” Mayor Luke, “It’s just the laydown area.” Robert Skipper, “The client had originally asked for the city to sell them just a few feet beyond the existing property line. We didn’t know what that was until the engineers got involved and now apparently determined that they could fit everything within the existing property.

“So, there is no request. It was too late for me to –other than calling and canceling. I appreciate the City being willing to hear this. There is still the possibility that they may come back. I assume once they start construction, any further requests will be from the developer to the clerk and then to the council. Thank you, Mayor and Mr. Lewis, for your fast response.” Mayor Luke, “The key thing I would say is at the start of the process, have them get a hold of Jimmy (Zoning Clerk Hugunin) for zoning to make sure we’re all covered. There may be a couple of items that we want to include to it that they did not have on their drawings; fencing or something to keep any debris rolling out of their building area.” Robert Skipper, “Yes, sir.” Zoning Clerk Hugunin, “They can get with me, and I can walk them through it.” Robert Skipper, “Thank you.”

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.

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

New Power Pole: Superintendent Schneider, “We did change a power pole since last Council There was a down guy and anchor strut, those are repaired.”

[2] CONTINUATION: May 5, 2021 Burlington City Council Regular Session

Tree Trimming: Superintendent Schneider, “We just started tree trimming. We will not get into it really heavy just yet, but there were some spots that we had the opportunity to do.”

KMU Safety Training: Superintendent Schneider, “The men did attend KMU safety training Tuesday.”

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 20: Superintendent Schneider, “In the old part of the plant, the radiator system that runs generator #2 and #4, the men repaired a piece of piping in that. It is ready for service. It wasn’t a major issue, just preventative. Then a maintenance run was done on generator #2 and #4.

Reports: Superintendent Schneider, “I have been completing reports to keep our records straight in house at the power plant.

KMU Safety Training: Superintendent Schneider, “The men at the power plant also attended the safety training.”

ELECTRIC DEPARTMENT: Annual KMU Conference

Superintendent Schneider, “I attended the annual KMU conference this last week. Stan and Jerilyn also attended the conference with me. There was a lot of discussion on the February winter storm. It was good to hear their stories and know the Burlington is not the only one that is having challenges throughout it; it was still a bad thing for everybody. Collin Hansen, KMU Executive Director, and Kimberly Svaty, Liaison for KMU, right after the storm hit they started the conversation about what to do to help Kansas communities. They got ahold of Representative and Speak Pro Tem Blaine Finch from Ottawa, which produced Senate Bill 88. The reason I am bringing this up is because they did such a great job. It went from discussion and passed as a Bill in less than 24 hours. Those three really got the ball rolling and really helped Kansas municipalities out a lot.”

ELECTRIC DEPARTMENT: “Welcome to Burlington” Sign – South

Superintendent Schneider, “I want to talk a little bit about the welcome sign on the south side of Burlington on 10th Road. I was visiting with Mark Doeble at 4 Rivers Rural Electric Cooperative Tuesday. They do not have anything on record for an agreement with the City of Burlington to provide lights to that sign. It is not metered energy. The main reason he was calling was to let me know that they will be installing an electric meter there. He was also wanting to know if we could find any sort of agreement that we had with Lyon-Coffey at the time. Mary has looked really hard for that, and she is still looking for anything that we may have. When I say that they are going to meter their energy, it doesn’t necessarily mean that they are going to start billing the City of Burlington. They will come to us at some point and try to work out an agreement with the City of Burlington. There will be discussion on that in the future about that.”

Council Member Jasper, “Is there any way that we can solar power energy that?” Superintendent Schneider, “That would be an option. I’m going to get with Kevin (Superintendent Boyce) about that. Currently, their rental is roughly \$11.13 for an area light. I think that it is a good idea to research a solar option as well for that.” Council Member Lenard, “I don’t like having unwritten or handshake deals because they are good for the short term, but when we are all gone, then it is a problem.” Superintendent Schneider, “Yes, and that’s the problem that we have now because this was back in 1994. So, who knows what happened? There will be something talked about in the future with an agreement with them.”

Council Member Tschantz, “What would it cost to have solar out there?” Superintendent Schneider, “I can’t answer that without doing some research on that. Kevin may be able to give you an idea on the solar panels.” Superintendent Boyce, “The East and West welcome signs were roughly \$2,500 per sign. Since we have installed them, we haven’t had much maintenance; we clean the solar panel, that’s it.” Superintendent Schneider, “I think it is a very good option to look at.”

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.

KMU Safety Training: City Clerk Brown, “The men attended the KMU safety training.”

Rec Center – Outdoor Pool: City Clerk Brown, “They have been working with the Rec Center to schedule a time to get the outdoor pool filled; that is done.”

[3] CONTINUATION: May 5, 2021 Burlington City Council Regular Session

Risk Assessment – Cyber Security: City Clerk Brown, “The Mayor had attended the KMU conference and attended a risk assessment training class in Wichita. Stan had contacted Danny to ask him about checking into it to see if we qualify for it or not; they had some changes. Danny checked with Jason Schultz with KDHE. He at first told us no, that we don’t qualify but that he would check into it some more. Turns out we do qualify. It goes on population; it used to be just on the population of Burlington, now it is everybody that we service which is more than 3,300. Now they have criteria that they want us to meet. Danny is working with Jason with KDHE, and he is also working with Katie with KMU. They are working on getting a deadline with them to get all of their information in. So, we have until June 30.”

New Water Services: City Clerk Brown, “Staff has installed two new water meter services.”

EPA – Volunteer Sampling: City Clerk Brown, “He visited with the committee concerning the forever chemicals that was discussed at the last meeting. They agreed to go ahead and do the volunteer testing. As the results come in, they will be relaying it to the committee, council, and the city attorney.”

MT Networks – Water Tower Antenna: City Clerk Brown, “Rob with MT Networks has contacted him. He sent an email with pictures of the WIFI antenna that they are wanting to place on the tower for us to look at to make sure that the City is okay with it before he ordered it. Danny and the committee were good with it and told him to go ahead and order it.”

WATER AND WASTEWATER: Production Update

Rapid Mix Cleaned / Chris Hammond Commended: City Clerk Brown, “They got the rapid mix cleaned out. He said they are seeing a tremendous amount of good with keeping our sludge blankets tight on the front of the plant. The calcium deposits are not getting past the clarifiers. Danny and Chris Hammond did a lot of testing in the plant last winter. It has really paid off. He wants to commend Chris with his hard work of learning and understanding the plant. The results in the field are really beginning to show.”

Backwash Holding Basin Pump Maintenance: City Clerk Brown, “He reported to Council last meeting about taking the sludge pump to Douglas Pumping in Kansas City. That was turned around very quickly; they got it back, it is in and running well. Our staff did the install.”

Maintenance: City Clerk Brown, “They are scheduling a couple more times for the clarifier clean-outs in the near future. He did not have any dates yet for those.”

QUESTIONS/COMMENTS

Risk Assessment – Cyber Security: Mayor Luke, “The risk assessment through the KDHE and the EPA, that is risk assessment with respect to cyber security and the ability to get into their computer systems. That is what the whole risk assessment is. I was kind of surprised; Katie was the one that initiated the discussion about Burlington. There is no financial penalty if we are not done by June 30th. KDHE is really busting up there right now because they are having to notify a whole bunch of municipal utilities that are serving more than just their city. I don’t know how many there are, but they are working hard now to get those people notified. We just happened to be there and catch it.”

MT Networks – Water Tower Antenna: Council Member Lenard, “I was going to ask, Mark (Petterson) have you guys installed the antenna on your tower out in New Strawn?” Mark Petterson, “They installed something on ours several years ago.” Council Member Lenard, “So, we had a fatality in the county with someone up on a tower. I just want to make sure that we don’t have one in our town. So, when these guys get up on the tower, somebody has a little safety reminder for these guys.”

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.

Replacement & New Culvert Installation: Superintendent Davidson, “We replaced a driveway culvert and installed a new driveway culvert on south 5th street.”

[4] CONTINUATION: May 5, 2021 Burlington City Council Regular Session

Street Improvements- Heather Street: Superintendent Davidson, “Heather Street was completed. They found one soft spot on the northeast corner of Heather along 12th Road. At the time, they thought it was about 6ft wide and 20 ft long. After they were done, it ended up being about 60ft long. We didn’t have any rock at the street shop that was dry enough to put in the hole; ours was wet due to recent rain. The only option we had was to put hot mix in the hole. We’ve added another 60 tons of hot mix to our project. So, the northeast corner of Heather Street is about a foot thick, 5ft wide, and 60ft long. We had no other choice; the equipment was sitting there, and they had hot mix on the trucks ready to be put down when they found the soft spot. We did find it; we had been running trucks across it ourselves. When they pulled on their big dump trucks across it, it started settling. The project is completed.”

KMU Safety Training: Superintendent Davidson, “We also attended the KMU Safety Training.”

City Hall Renovations- Parking Lot/Sidewalks: Superintendent Davidson, “We are replacing the sidewalk on the Southside of City Hall. We will be pouring concrete tomorrow morning.”

STREET DEPARTMENT: Sidewalk Cost-Share Applications 2021-01

Superintendent Davidson, “We have a sidewalk cost-share application for Doris Van Pelt. She had applied last fall; I believe the latter part of November. Burlington Construction wasn’t able to get to the project, so she needs to reapply for this year. As of right now, we haven’t had any other applicants other than this one.”

Council Member Jasper, “I move to approve Sidewalk Replacement Cost-Share Application 2021-01, Doris Van Pelt for 815 Niagara Street.” Council Member Hall, “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 been extremely busy.”

Cases: Chief Jones, “We participated in a search warrant this afternoon. It was a multi-agency effort; us, Sheriff’s Office, Emporia, and DEA. This one reaches out to California. We have one adult female in custody and some product that she had shipped in. That is still ongoing.

“We have had some injury accidents and thefts.

“We had a call from the grocery store; they had yet another person that had come in wanting to buy a whole bunch of different gift cards. We had talked with management up there several times. They called us to come in to talk to the person wanting to buy the gift cards to make a little inquiry as to what their intent was. After my officer talked to them a little bit, they were able to convince that person that they were being scammed, which saved that person some money.”

City Court: Chief Jones, “We have court Thursday. Just as an example. The new records management system that we and the sheriff’s office went with, we went live with that on January 26th, we are over 1,000 cases already just in those three months. We have been pretty busy.”

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, and most of the spraying is down for now.”

Camping Groups: Superintendent Boyce, “We have been working with the camping groups that are in Kelley Park. That has been a good turnout. I told them to be sure to come back. They are actually looking at moving their annual fall event to here, possibly.”

Flowers – Beautification Project: Superintendent Boyce, “We are preparing the flower pots for planting possibly the 12th or the 13th, so that’s next Wednesday or Thursday depending on the weather. It will be at 5:10 p.m. at the caboose. If we don’t get a lot of rain the first of the week, it will be Wednesday; if we do, then it will be Thursday.”

QUESTIONS/COMMENTS

Council Member Lenard, “I did visit with the KCA (Kansas Campers Association) people. They did come to the Boy Scout’s pancake feed. They were very complimentary. Our Chamber gal (Melissa Daily) gave them all really nice bags of things from the community. I told them about the City Dam that we just got done, so I think they went down there. They loved the Kelley building. It was nice to hear positive things about what we have here.” Mayor Luke, “They had an appointment for a special visit with the museum.” Council Member Curtiss, “There were quite a few campers there.” Council Member Lenard, “Yes, a lot of happy people there. It was nice to see.” Council Member Hall, “Some of the ladies came in the fabric shop. They were leaving from here and going to John Redmond and staying longer.” Mayor Luke, “Some of them are still going to be here tomorrow.”

[5] CONTINUATION: May 5, 2021 Burlington City Council Regular Session

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2021-09	\$	93,734.39
b. Payroll Ordinance	2021-09	\$	86,564.19
	TOTAL	\$	180,298.58

CLAIMS 2021-09: Council Member Lenard moved to approve City of Burlington Claims Ordinance 2021-09 for the amount of \$93,734.39 for payment of city bills. Council Member Hall gave the second. City Clerk Brown, “The larger expenses we have tonight are Brenntag \$8,845.88. Moridge Manufacturing for the mower \$9,423.25, U.S. Lime Company \$4,548.21. **Hearing no additional discussion, Mayor Luke instructed City Clerk Anne Brown to poll Council. All votes were in favor. Mayor Luke declared, “Claims Ordinance 2021-09 passed unanimously, 6:0.”**

PAYROLL 2021-09: Council Member Hall moved to approve City of Burlington Payroll Ordinance 2021-09 in the amount of \$86,564.19, 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 2021-09 passed unanimously, 6:0.”

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, “Normal duties.”

Arbor Day: Zoning Clerk Hugunin, “We did hold the Arbor Day celebration. I talked with Kevin and Steve Strawder about the weather coming in; we moved it to Thursday. It was a day late. We had a fairly decent turnout. Everyone got a tree except for Anne.”

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

F.I.R.M. - Flood Plain Meeting: Zoning Clerk Hugunin, “I attended a Zoom meeting today on the flood plain mapping. There were a few small corrections that they need us to take care of. They are sending us a letter; I just have to sign it, agree to the changes, and send it back. We are talking three little areas like a tenth of an inch difference in elevation. That is how accurate these maps are.”

Email Issues- Blacklisted: Zoning Clerk Hugunin, “Doug (Chief Jones) started emailing me. Our emails, for some reason, are blacklisted. So, some government agencies aren’t getting our emails. What it has come down to is that the server that we are on through IM Design, everybody’s email comes to the same IP address. It is not us that created the problem. It is somebody else on that IP address that has been black flagged, so she is working on that. If you didn’t get an email from of us, then that is probably why.”

Council Member Curtiss, “What does that mean?” Chief Jones, “It means, for instance, we are going into a cloud share account for electronic submission of court files and discovery requests for defense attorneys. The company I have been dealing with, I’d send them an email, and they would get an automated email from the server that says that they just received a quarantined email in your spam folder. It wasn’t going directly to them; they had to go into the quarantine file to find what I had sent them. We started checking on it, and anywhere from one to four of the main blacklist companies has our emails on blacklists. Not just ours but everybody on the server, apparently. Our emails aren’t going where they are supposed to be going.”

Council Member Curtiss, “So, what do you do to rectify that?” Zoning Clerk Hugunin, “We are working with IM Design out of Emporia. They did our webpage and our emails. She is working on it. I don’t know what her solution is going to be.” Chief Jones, “There has to be something that we can do. Everything we are sending is from a .gov address, and those are supposed to not be simple to get.” Zoning Clerk Hugunin, “Hopefully, we will hear back from them tomorrow.” Mayor Luke, “Has it caused us serious problems?” Chief Jones, “Minor inconveniences at this point. It is just the whole concept that we send out an email from a burlingtonkansas.gov address, and it’s considered spam, and people aren’t seeing our emails.” Zoning Clerk Hugunin, “I have been sending emails all week to the state, and I found out today that they haven’t been getting mine.” Mayor Luke, “I’m glad we caught it, and we can hopefully get it taken care of pretty quickly.”

OTHER COMMITTEE OR COUNCIL BUSINESS:

City-Wide Clean-up: Council Member Jasper, “We are just trying to hash out new ideas for trash clean-up. We feel like we have hit a brick wall. People may be holding onto their junk and trash longer than they need to. I have just some bullet points of things we went through in our meeting the other day. We want our residents to sign up for recycling to be a part of the program on trash clean-up. This could maybe help sift out some things before trash clean up. If somebody sticks out something along the line that is hazardous to our employees when it comes time for us to pick up, it is our discretion to move on, and then the next person in line would be somebody from the Police Department. They will tell them to move it off the street, or they get a citation.

[6] CONTINUATION: May 5, 2021 Burlington City Council Regular Session

“We haven’t hashed out all of the details yet, but just some bullet points. If we are going to have clean-up start on a Monday, we are not going to allow them to set anything out until the prior Saturday and Sunday. That way, we don’t have trash and junk sitting out for three to four weeks at a time. Once again, the first person in line on that one would be the Police Department. Something that we need to involve the County in would be to have two continuous weeks for the landfill. So, Monday through Saturday and then again, the next week, so there is really no excuse. We talked about doing it both weeks. We decided probably the first week we would clean it up, and then they have the additional week to get it to the dump.

“Then we want to separate brush from the trash clean up. Maybe moving it to one day per month. Like the last Friday of the month or every other month or something along those lines. We don’t want to get those two involved with each other. We want to try to separate the two; that way, we can keep from people piling trash underneath the brush. There are some options there. We basically control our own brush pile. It’s something that we could do more often for the community. Those are the main things; there are some smaller issues. I would sure like to hear some feedback from anybody in the room on adding to it or giving pros and cons to the items we just discussed.”

Council Member Lenard, “I just got an email from my cousin down in Oklahoma, just by coincidence. They did a clean-up, and they do the sign-up. It sounds like it’s very manageable. I think that is a good approach for that, and then it puts people accountable.” Council Member Jasper, “That is another thing that we have talked about is the sign-up program. If something were to come up along the way. We want to keep it to two times a year, but there are some cases that we can make exceptions for. We are just really trying to eliminate people holding on to things for the trash pick-up. We have talked about people putting actual trash bags out, which is not necessary because the trash company will pick it up. What it creates is somebody coming along and tearing open trash bags to see what’s in it and see what they can scavenge--.” Council Member Tschantz, “Then it’s all over the country.”

Council Member Jasper, “Right, now there is trash blowing everywhere. We are really trying to eliminate... just to get people to do the right thing here. It has been abused, so we want to go a different direction. I would like to hear any pros and cons or any additions from anybody in the room. It was an hour and 15-minute discussion between several of us. I think we moved pretty good on it and came up with some pretty good ideas. We are going to put a brochure together or a flyer, so to speak, on our Facebook page. Jimmy is going to start working on that. We are going to get it to the public as soon as possible; then we are going to keep getting it to the public.”

Council Member Tschantz, “This is in lieu of quitting picking up trash and brush.” Mayor Luke, “I’m going to add that we are also working with Philip (Attorney Wright) about how we add teeth to the enforcement of this policy and process. How to notify the public as to what those issues are and how it will be resolved, and what the penalties are if they don’t abide by what is necessary to be done. If they continue to abuse the system, then we will just eliminate it.” Council Member Jasper, “That is the last resort.” Council Member Lenard, “There will be people that will try to ruin it, so we shouldn’t bend to that.” Mayor Luke, “If we use the enforcement issues, hopefully, that type of stuff will disappear.” Council Member Jasper, “I would like to give it one full cycle. There is nothing that says that we cannot add anything. If anybody has anything, shoot someone an email, Stan, Jimmy, Chief, or Mark, get in contact with them. It is not going to take care of itself, obviously.”

Zoning Clerk Hugunin, “It will probably be September or October, so we are trying to get everything in place before then.” Mayor Luke, “I’d like to look at some time around the first of July to have something that we can work with to inform the public. That way, we know that they have had ample time to be informed. We will use all mechanisms that we have available; Facebook, newspaper, website, and if we have to the radio. We can also use the mail system with bills.” Council Member Curtiss, “Yes, I think we have to do that.” Mayor Luke “So there is a whole variety of ways that we can do this. We just have to make sure it is legal and published correctly.”

Council Member Jasper, “Right, and going back to the brush clean-up. That is going to be getting with Alan (Superintendent Schneider). We were talking a little bit yesterday; the street department is on 4x10s (working four days a week- 10 hours per day) right now. Maybe on a Friday, he could send out a couple of guys with the loader and dump truck, maybe the last Friday of the month. If something were to happen, like outages or stringing new service, if he can’t get to it and people do set out something, we could catch it the next week. Whenever someone gets a chance. Our hands aren’t tied to brush. We don’t have to worry about it blowing all over the City or being a hazard to the neighbor.” Zoning Clerk Hugunin, “I will say that the reason we brought up the brush was because when they start setting out brush, then everyone starts setting out trash. That way, we can start to separate or put a gap in there; I don’t think we will have the overlap there.” Council Member Jasper, “We did bring it up yesterday that this all started as a junk clean up and it has turned into trash.”

Superintendent Boyce, “As far as the brush, if we do it multiple times, as far as the brush pile, I would like to change it to dump by appointment if they are going to haul their own stuff if they would contact City Hall or me, that way we can monitor what is going in. If they come in and get the key, we have had where they write somebody else’s name down and a bogus phone number. They will dump boards, then we are down there picking them up, and we hold them until the free dump week, then we take them to the landfill. Just different things like that.” Council Member Jasper, “I’m fine with all of that. I have a thing in my mind that if we are going to do a junk clean-up flyer, then we keep it strictly to that. Once we nail that down, then we can move to the brush, so they are totally separate, and they are not intertwined with each other at all.” Council Member Curtiss, “Sounds good.”

[7] CONTINUATION: May 5, 2021 Burlington City Council Regular Session

Attorney Wright, "J.J., did you create some kind of working document?" Council Member Jasper, "Slowly working on it, but we are kind of turning that over to Jimmy." Zoning Clerk Hugunin, "Are you talking about the flyer?" Council Member Jasper, "Yes." Mayor Luke, "We are going to get you the highlights of what we are talking." Attorney Wright, "That's more of what I'm talking about so I can take a look at that. I think we have the enforcement mechanisms that we could use anyway without changing ordinances or adopting things." Mayor Luke, "Right, that's why we were going to give you the bullet points, and you can identify what else we need." Council Member Jasper, "I can type something short tomorrow and get it over to you." Attorney Wright, "Yes, if you don't mind. That would be awesome, thank you."

ORDINANCE – 871 – Sell water to New Strawn

Mayor Luke, "We have Ordinance 871, which is to allow us to sell water to New Strawn."

Council Member Lenard, "I move to adopt Ordinance 871, An Ordinance Authorizing The City Of Burlington To Sell Water To The City Of New Strawn, Kansas." Council Member Curtiss, "I second the motion." Hearing no additional discussion, Mayor Luke instructed City Clerk Anne Brown to poll Council. All votes were in favor. Mayor Luke declared, "Ordinance 871 passed unanimously, 6:0."

Resolution 2021-03, Purchasing Procedures

Mayor Luke, "We also have resolution 2021-03 for purchasing procurement. Philip, would you tell everyone why this came about?" Attorney Wright, "Yes, this is the resolution that has been promised, and now it's here. This is a requirement of the CDBG-CV grant to comply with how federal grant funds are spent. They require the city to have a purchasing policy. This resolution applies only to purchasing goods, services, contracts, etc., just with federal grant funds. It doesn't change anything in regards to any other money. All the requirements that pertain to this resolution are almost verbatim from the code of federal regulations that dictates how federal funds are spent. For example, the high points are that we can't have people having certain conflicts of interest with regards to money, no kickbacks going on, that sort of thing. Also, there are requirements with regards to minority and women-owned businesses; if you are aware of them, you have to give them notice of these grants and fund money and spend the money there if possible. It is just a laundry list of different requirements. Everything in here is required under the CFR part 200 of the Code of Federal Regulations with regards to federal money. I know that is all fascinating stuff. If anyone has any specific questions, I'd be more than happy to do my best to address it. In short, we have to pass something, and this is as bare-bones as I can come up with that would comply with the CDBG-CV grant requirements. Anne, you had this looked at by the grant administrator, and she was okay with it?" City Clerk Brown, "Yes."

Council Member Lenard, "So, then have we disbursed the funds then?" City Clerk Brown, "The only thing that we have had...this is the one they had for small businesses apply for it. We just had the one business that did that. They don't release any funds to us until it is approved. They give us the funds, and then we give it to them, and then it's done." Attorney Wright, "Everybody should be aware that this is regarding any federal grant money; this would extend to that, not just the CDBG-CV grant."

Council Member Hall, "I move to adopt Resolution 2021-03, establishing purchasing procedures for goods, services, contracts, or leases made using DIRECT OR Pass-Through awards of federal grant funds." Council Member Lenard, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

LEGAL DEPARTMENT: Update

Attorney Wright, "That's about all I had. I have been working with Doug (Chief Jones) for a more efficient and more secure way to handle criminal justice information. A situation arose that we had a defense attorney mail back a flash drive with defendant discovery on there. The envelope had been destroyed in probably one of the sorting machines; the flash drive was not there. It was not our fault. There is general frustration, I think, on everybody about getting discovery to defense attorneys. We have defense attorneys entering their appearance from all over the place; Topeka, Wichita, Overland Park, and all over. It has been kind of a struggle to securely and confidentially get that information to those attorneys. I think Chief has found a pretty good alternative that will allow that, basically, cloud computer solution that complies with all of the CJIS requirements. CJIS – Criminal Justice Information System is some of the most protected information on planet earth. It is federally protected. The compliance issues with that are somewhat onerous."

[8] CONTINUATION: May 5, 2021 Burlington City Council Regular Session

“He has found a vendor that has full compliance with all of that. I’ve been looking into that, and it looks very promising. Thank you for doing that. I think it is going to make life a lot easier. In the past, even getting discovery to me, we have to do it on an encrypted flash drive and mail it to my office. Often times I’d get an attorney calling me before the flash drive makes it to my office. Then I have to bug Becky (Police Administrative Assistant Richwine). This will get the information out a little bit sooner and will give me access to the information at any point in time as well. I won’t have a delay which will make things on my end a little more efficient. I know that is all fascinating too.”

City Court: Council Member Lenard, “City court next week?” Attorney Wright, “Yes, city court is next week. We are going to be dealing with the nuisance issue. I will be kind of curious to see what happens there because nothing has been remedied from the pictures. I told Chief he needs to set up a tripod-like in the same place so I can see if anything has moved because it’s really hard to tell at different angles. From what I can tell, there has been no progress.” Chief Jones, “When I take the pictures, I try to be in about the same spot each time.” Attorney Wright, “It looks the same to me.” Council Member Curtiss, “He talked about mowing his grass, and he hasn’t done that yet either.” Council Member Lenard, “He might need it bailed.”

Attorney Wright, “On that, there is another process that will probably be likely. The criminal process is that you get fined. That is really the only remedy there. He potentially can be held in contempt for not following the court’s order. Constitutionally if that is the case, he will have to be appointed an attorney because that would involve going to jail; whenever there is jail time involved, you are entitled to an attorney. There is an administrative process that will allow the city to go in and remedy that and charge it to him or the property owner. We have discussed that quite a bit. I think we are going to start that route, too; we can go down both pathways. Eventually, it just gets charged as a tax levy through the county’s property taxes for the owner. That will make the landlord really happy when he sees that. It will allow us to clean the mess up.”

New Strawn Water Agreement: Attorney Wright, “The water agreement with New Strawn, I have a conflict of interest to advise the city with specifics about the contract. All I can say is that I have reviewed the ordinance 871 and that looked good to me.” City Clerk Brown, “We did have Tom (Attorney Robrahn) look at it and was good with it.” Mayor Luke, “New Strawn will be meeting on the 13th, have had legal counsel look at it, and are fine with it, correct?” Mark Petterson (Mayor of New Strawn), “Yes.” Mayor Luke, “What we will do tonight is authorize the signature of it, assuming that they pass it in their council meeting. It won’t be signed until after they have their meeting.”

Council Member Lenard, “I move to approve the Water Purchase Contract for New Strawn, Kansas as presented as being in the best interest for the City.” Council Member Curtiss, “I second the motion.”
Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

LEGAL DEPARTMENT: Mayor’s 2021 Annual Appointments

Mayor Luke, “You have before you the Mayor’s Appointments for May 1, 2021, which will be from May 1, 2021, through the first meeting of the Council in May 2022. We have on correction on the annual appointments. The electrical examining board is authorized within the ordinance. The plumbing examining board is not because they call it an inspector. So, we are not including anyone under the plumbing examining board.” Attorney Wright, “If I may, Mayor. The City ordinance is not compulsory with having either an electrical or plumbing examining board. It’s a may, not a shall. The plumbing examining board requires the chairperson of that board to be a plumbing inspector, which we do not have. Because of the fact that we do not have a plumbing inspector, it’s my opinion and advice that we cannot have that examining board because the ordinance requires that chairperson of that board to be the inspector. Does that make sense? That is where we are at with it.”

Council Member Lenard, “So, if we had an issue, we would form a committee or hire?” Attorney Wright, “It’s probably important to know what the purpose of the examining boards are, really it’s a very defined and narrow mission for the boards, that is to just examine the license applications for electricians and plumbers. That is really the only authority that they have within the city ordinance. If there was an issue in regards to that, we could modify the ordinance or go ahead and have someone be an inspector. Interestingly enough, the ordinance with regards to the electrician examining board it just has head of the electrical department as the chairperson. The plumbing examining board differs just a little bit because it does have an inspector instead of the head of the department. I don’t know if it’s been an issue in the past.” Mayor Luke, “It hasn’t been, but we need to make sure that we are doing it right.” Attorney Wright, “Right. This will make sure that we are in compliance with our own city ordinances.”

1. City Clerk: Mayor “We need a motion to ratify appointment of City Clerk, Anne C. Brown.”

Council Member Curtiss, “I move that we ratify the Mayor’s annual appointment for City Clerk to be Anne C. Brown from May 1, 2021, through the first meeting of the City Council in May 2022.” Council Member Scothorn, “I second it.” Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

[9] CONTINUATION: May 5, 2021 Burlington City Council Regular Session

2. **Chief of Police:** Mayor, "We need a motion to ratify appointment of Chief of Police, Douglass L. Jones."

Council Member Lenard, "I move that we ratify the Mayor's annual appointment of Chief of Police to be Douglas L. Jones, from May 1, 2021, through the first meeting of the City Council in May 2022." Council Member Hall, "I second it." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

3. **Electric Superintendent:** Mayor, "We need a motion to ratify appointment of Electric Superintendent, Alan Schneider."

Council Member Curtiss, "I make a motion that we ratify the Mayor's annual appointment of Electric Superintendent to be Alan Schneider from May 1, 2021, through the first meeting of the City Council in May 2022." Council Member Tschantz, "I second it." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

4. **Parks Superintendent:** Mayor, "We need a motion to ratify the appointment of Parks Superintendent to be Kevin Boyce."

Council Member Scothorn, "I make a motion to ratify the Mayor's annual appointment for Parks Superintendent to be Kevin Boyce from May 1, 2021, through the first meeting of the City Council in May 2022." Council Member Lenard, "I second it." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

5. **Water & Wastewater Superintendent:** Mayor, "We need a motion to ratify the appointment of Water and Wastewater Superintendent to be Danny Hawkins."

Council Member Tschantz, "I make a motion to ratify the Mayor's annual appointment for Water and Wastewater Superintendent to be Danny Hawkins from May 1, 2021, through the first meeting of the City Council in May 2022." Council Member Hall, "I second it." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

6. **Street Superintendent:** Mayor, "We need a motion to ratify the appointment of Street Superintendent to be Mark Davidson."

Council Member Jasper, "I make a motion to ratify the Mayor's annual appointment for Street Superintendent to be Mark Davidson from May 1, 2021, through the first meeting of the City Council in May 2022." Council Member Scothorn, "I second it." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

7. **All Other Appointments of Boards, Officers, and Committees:** Mayor, "Now we need a motion to ratify all other appointments for Boards, Officers, and Committees."

Council Member Curtiss, "I will make a motion to ratify the Mayor's Annual Appointments of all other Boards, Officers, and Committees from May 1, 2021, through the first meeting of the City Council in May 2022." Council Member Lenard, "I second it." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

=====The following motion is to include all the Board Appointments=====

8. **Ratify all Appointments inclusively:** Mayor, "Now, we need a motion to ratify the Mayor's Annual Appointments."

Council Member Hall, "I make a motion to ratify the Mayor's Annual Appointments for 2021, from May 1, 2021, through the first Council meeting in May 2022, as presented." Council Member Jasper, "I second the motion." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Mayor Luke, "We do not have a judge pro tem now. That takes special training. Gina had that training, and nobody else does at this point in time." Attorney Wright, "Anne doesn't want to?" Mayor Luke, "I didn't say that. We don't have anybody at this time."

Council Member Lenard, "Let me ask, the president of council is not an appointment?" Mayor Luke, "No."

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. We will be sending \$207.45 in delinquent utility accounts to the Kansas Set-Off Program for collections for April.

Sales Tax Report: City Clerk Brown, "You have the COVID revenue report in the sales tax report."

[10] CONTINUATION: May 5, 2021 Burlington City Council Regular Session

Budget: City Clerk Brown, “This month, we get to begin working on the budget. Let the fun begin.” Mayor Luke, “Does Senate Bill 13 go into effect this time, Philip?” Attorney Wright, “I haven’t gotten any updates on that. I am not 100% sure. I can check into it, though.” Mayor Luke, “I think if it is, the only way to be legally safe is if we have a revenue-neutral hearing. That way, we have complied with the first step of the law, and we can then proceed with finishing up our budgets.” Attorney Wright, “I think we are planning on doing it. I haven’t heard anything but the last word was kind of a for sure thing; they are just working out some of the details. There is going to be a lot more, I think, talk and training. I am going to be going to a CLE (Continuing Legal Education) here in June, and I’m sure it will be discussed.”

REPORT BY CITY OFFICERS:

Municipal Court Report: Council Member Scothorn, “The municipal court reports on the balance, when I first got on here several years ago, we were just about at a negative balance. Now, there is money in there. What does that money eventually go towards?” Mayor Luke, “There is a variety of different things if I remember correctly.” City Clerk Brown, “The biggest balance of it is the bonds that we have taken in. The bonds are held until they are either applied or refunded to the fines, the judge’s fees, or fingerprint fees. There are certain things that they stipulate that we have to pay. So, there are certain areas that they go to, but the biggest balance is the bonds we have in holding until they decide what to do with them.” Attorney Wright, “Where does the revenue go from that?” City Clerk Brown, “It goes into the general budget.” Council Member Scothorn, “Every year?” City Clerk Brown, “Yes, as we go through, it is applied.”

Municipal Court: Council Member Lenard, “From this then Phil, do we know what is still outstanding?” Attorney Wright, “That’s a good question for Anne.” Council Member Lenard, “Judge Campbell is a special guy. I appreciate everything that he does. I think when it comes to, like where we are at with the nuisances, I don’t want to see as much tolerance around that. I know that he is very lenient with a lot of people on making payments.” Attorney Wright, “My experience has been, it is like he will give you one shot and then after that you are pretty much screwed. I think you might see a little bit different side on Thursday. He does give people all of the opportunity in the world to do that right thing; he gives them a shot. I think his tolerance is going to be limited to some of those nuisance things. That was the first time that particular defendant had been in court. We will see what happens.”

Chief Jones, “How many times did we have cookie monster in court and how many warrants issued for her?” Attorney Wright, “I don’t know, every month for about a year and a half.” Chief Jones, “She wound up with a bench warrant for her arrest for \$2,500 for shoplifting a one-dollar package of cookies at Hoover’s.” Attorney Wright, “There is some crazy stuff that goes on. At some point, fines just don’t bother people when you’re dealing with different personality types. It doesn’t matter what you do; they just don’t care. When you take their liberty away, it switches them up pretty fast. I think that should be a pretty extreme remedy for the most part. There have been times when the City has had more people in the county jail than the county. It is somewhat frequent, I believe. Anyone is welcome to come and see for themselves how that goes down.” Council Member Lenard, “It’s interesting.” Council Member Curtiss, “It is.”

Conference: Council Member Curtiss, “Thank you for sending me to the conference. I found out all I wanted to know about storm URI in Missouri, Oklahoma, and Kansas.” Mayor Luke, “And I learned all I wanted to learn about water certification.”

MAYOR’S COMMENTS:

Mayor Luke, “The Leagues Conference is October 9, 10, and 11.” Council Member Curtiss, “And it is in Topeka?” Mayor Luke, “Yes, it will be probably both virtual and onsite.” Council Member Curtiss, “That is always a good one.”

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: 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 and signed by Anne C. Brown, City Clerk