

BURLINGTON CITY COUNCIL REGULAR SESSION 6-16-2021

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, June 16, 2021. Mayor Stan Luke called the meeting to order.

THE PLEDGE OF ALLEGIANCE

ROLL CALL: Stan Luke, Mayor

Council Members present:

- Jerilyn Curtiss
- Dallas Scothorn (6:10)
- Lewis Lenard (President of Council)
- 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,

AGENDA:

Council Member Lenard, “I move to approve the agenda as modified.” Council Member Tschantz, “Second.” Motion unanimously carried, 4:0.

MINUTES 6/2/2021: Mayor Luke, “You have before you the draft minutes of our regular session of June 2, 2021. Are there any additions or corrections?”

Council Member Curtiss, “I move to approve the draft minutes of June 2, 2021, as presented.” Council Member Hall, “Second.” Motion unanimously carried, 4:0.

APPOINTMENT:

PUBLIC COMMENTS:

Paul Abendroth, “I was wondering what was happening on that burnt house over on 1st Street and the two buildings on the highway? Is anything going on with them?” Chief Jones, “509 N. 1st, the formal 45-day letter went to both people. One county website has one person as the owner, and the site has the other person as the owner. That letter went to both people. We have heard back from one person; she is living in La Belle, Missouri. She is adamant that she does not own it. She sold it to the neighbor. So, the neighbor has a demand that he has 45 days to respond or accomplish something.”

Mayor Luke, “Okay, and the buildings on 75 HWY?” Paul Abendroth, “Yes, the old service station and Little Joe’s up there. What is happening on them, anything?” Chief Jones, “Little Joe’s has been working on the property, not on the building itself. My understanding is that something is potentially happening with the old U-Do.” Council Member Lenard, “One-Stop?” Chief Jones, “Yes, Jimmy was working something with that.” Council Member Lenard, “I think Bobby (Economic Development Director) has told me that the County was doing that and working with the state to get some kind of policy on the remediation. I believe the County owns it.” Paul Abendroth, “The county supposedly owns the convenience store?” Mayor Luke, “Yes, or they are in the process of attempting to own it. I don’t know.” Chief Jones, “I know that the county attorney had put 50-some parcels on the tax sale, it has been published in the paper twice, but I don’t know what the schedule on that is either.” Paul Abendroth, “That is the delinquent taxes?” Chief Jones, “Yes.” Paul Abendroth, “They will be going up for sale then?” Chief Jones, “That is the county attorney’s schedule, and I don’t know what that schedule is.” Mayor Luke, “They have to respond back to the county by the 5th of July, and after that, then the county attorney sets his process.” Paul Abendroth, “Okay.” Council Member Lenard, “They haven’t done that for a while.” Mayor Luke, “We haven’t had a tax sale in almost five years.” Council Member Lenard, “That’s good.” Paul Abendroth, “So, they have a chance to repurchase that if they come up with the money?” Chief Jones, “That’s my understanding of how the tax sale works.” Mayor Luke, “If they bring it current, they have to pay it all. Other than that, I don’t know what the additional status there is.”

Paul Abendroth, “Okay, so nothing has been done with Little Joe’s down there then, other than a little bit of clean up? There are all those logs back behind the building.” Chief Jones, “That is what they are supposed to be working on cleaning up.” Paul Abendroth, “Okay, well, I hadn’t heard anything lately, so I was just curious.” Chief Jones, “The guy that he has hired to do that work, I have been in regular contact with him.” Paul Abendroth, “It’s not Doug, is it?” Chief Jones, “No.”

[2] CONTINUATION: June 16, 2021 Burlington City Council Regular Session

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.

Tree Trimming: Superintendent Schneider, “The men are still doing tree trimming and progressing very well on that.”

Power Pole Repair: Superintendent Schneider, “We have changed a couple of power poles since the last council. One of them we still have one of our trucks tied to it on south 6th street. It’s a three-phase pole, plus it has a single-phase feeder off of it and a transformer on it. That takes a little bit of extra time. We are hoping to have that done tomorrow. We thought we were going to have it done today, but we were interrupted. A customer on the north end of town had someone working on their basement for waterproofing that damaged their buried service. We had to break away from the pole to go fix that.”

Coffey County Transportation Building: Superintendent Schneider, “There are security lights on 30-foot poles at the Coffey County Transportation building. That pole is in the way of their new addition. It will be in the way of the employee parking on the west side of where that new building is going to be. So, we removed that, and they are going to adapt by putting extra area lights on the outside of their building for security purposes. We removed that at their request.”

Outage: Superintendent Schneider, “We worked a couple of outages since the last council. Two of them were due to wildlife, and the other was due to part of a tree falling off onto an electric service. Only one of those was on overtime. The other two were during normal working hours.”

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 filling out reports and logbooks that we need to do to keep our records straight for KDHE.”

Generator #4 Repairs: Superintendent Schneider, “The men did work on adjusting the fuel racks on generator #4. It wasn’t transitioning natural gas as it should. That is now taken care of and running well.”

R.I.C.E. Rules & NESHAP: Superintendent Schneider, “In September, we will be doing our recertification for R.I.C.E. Rules & NESHAP. So, we are hoping on generator #4 when they made their adjustments and other maintenance work on it, that generator is rated 2400 kW output, and it never did make it above 1800kW. We have gained capacity. When we recertify, we will do it at 2400kW, and we will gain a little bit of output out of that generator.”

Circulation Pump Repairs: Superintendent Schneider, “The circulation pump for the intercooler, the electric motor on it went bad. We keep spares on hand in the basement for that reason. We had that rebuilt and put a new bearing in it. It is back and ready for service should we need it.”

Spraying Substations: Superintendent Schneider, “We have sprayed out substations for weed control. The last few years, we have been spraying for bugs as well. We had such a terrible time with birds nesting in our gridwork; they would get in and cause damages to our equipment. Since we have started spraying, we really haven’t had that nesting issue in there.”

QUESTIONS/COMMENTS

Council Member Lenard, “I think tomorrow is our KPP call on the ECA?” Superintendent Schneider, “Yes, it is.”

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 Leak Repairs: Superintendent Hawkins, “We are still going around dressing up areas that we have had leaks at in different places.”

Sewer Cleanout and Water Meter Installs: Superintendent Hawkins, “We have started on cleaning the sewer. We had to stop to put in a couple of new water meter services. We completed that today.”

Spraying: Superintendent Hawkins, “We sprayed the lagoons, areas around the shop, and the water tower.”

MT Networks Antenna: Superintendent Hawkins, “Rob with MT Networks got the antennas on the blue water tower. You can see that now on the top.”

Sewer Lines Maintenance: Superintendent Hawkins, “We cut trees off of our sewer lines inside of Rock Creek.”

[3] CONTINUATION: June 16, 2021 Burlington City Council Regular Session

Cyber Security: Superintendent Hawkins, “I received an email from KDHE concerning cybersecurity. There was an attack on another water treatment facility. They wanted everybody to go over their policies and procedures, and plans. Like I have mentioned before, we don’t have anything hardwired or WiFi. Everything is all in-house, so we don’t have any issues of cyber-attacks.”

WATER AND WASTEWATER: Production Update

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

Water Usage: Superintendent Hawkins, “We are starting to see usage now, so we have sped the plant up to 1200 gallons a minute. The usage is going up as people are filling pools and watering their gardens.”

Chemkeys – Plastic Shortage: Superintendent Hawkins, “I got a heads up about our Hach Chemical Chemkeys that we use at the water treatment plant to test our chlorine. They are starting to see backorders of those. I went ahead and ordered a year’s supply worth of chemkeys for us, so we don’t get into this shortage that we are hearing is coming down the pipe. They said that there is a shortage of plastic. That is the new one that I heard. We should get that inventory in before too long.”

Council Member Lenard, “So when you say plastic...for the containers?” Superintendent Hawkins, “The chemkeys plastic. The little keys that we put inside of the machine, it has a dry powder depending on what you are testing; the Hach Company themselves are telling us that there is a shortage of the plastic that makes the chemkey. That is what they are telling us.” Council Member Tschantz, “That is a new one.” Superintendent Hawkins, “It’s brand new to me.”

WATER AND WASTEWATER: Personnel Dillon Brown – Evaluation

Superintendent Hawkins, “I have an evaluation on Dillon Brown. He has been doing a good job. I am very pleased with the performance that he has done. I recommend that we give him a 2.5% merit increase.”

Council Member Tschantz, “I move to accept Dillon Brown’s annual evaluation as presented, and to grant a pay increase to \$17.80 per hour, effective June 26, 2021.” Council Member Hall, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

QUESTIONS/COMMENTS

Council Member Curtiss, “Do you still have an opening there?” Superintendent Hawkins, “Yes, we are still taking applications. The applications are coming in very slow.” Council Member Tschantz, “Where have we advertised, just here in town?” Superintendent Hawkins, “We have in the paper. I have been talking to Mary about running more ads in the paper until we get enough applicants to be able to pull a big enough pool to do some interviews.” Council Member Tschantz, “But have we gone out to Lawrence or Ottawa?” Superintendent Hawkins, “No, we have not. We try to pull from the local population first. Usually, we will get 15 -20 applicants, and right now, we only have four.” Council Member Tschantz, “Maybe we ought to reach out.” Superintendent Hawkins, “I can look into that.”

STREET DEPARTMENT: Update

General: Personnel have been doing the normal duties: cleaning ditches, sweeping curb and gutter, fixing potholes and ruts, blading rock roads, repairing and re-rocking alleys, fixing and replacing street signs, and truck and equipment maintenance.

Killough Contractions – Street Projects: Superintendent Davidson, “We received a call from Killough Construction Monday; they were telling me that they were going to be down Tuesday to start our hot mix project. We are not ready for that. We had a lot of tree trimming we needed to do, so we started that. Most of their grinding is almost completed; they should finish maybe tomorrow. We have Monday to do the parking lots. They will be getting in touch with APAC to see when they can pick up the hot mix that is still owed to us. As far as the streets, we will go ahead and start on laying the hot mix Monday. We have quite a few blocks in the southwest part of town that we have encountered several soft spots, especially around the swimming pool. We got over there this morning, dug it down 8 to 10 inches, and out base rock back in this afternoon. They contacted me; there was a soft spot at 5th and Lamoille. We dug that one down a foot, approximately an area 8ft by 10 ft wide, filled it with base rock so they can hot mix over that Monday or Tuesday. Everything else seems to be going fairly well.”

[4] CONTINUATION: June 16, 2021 Burlington City Council Regular Session

STREET DEPARTMENT: Right of Way - Spraying

Superintendent Davidson, "For the past three years, I haven't been able to get anybody in to spray for bindweed. I had several agreements with the DeAngelo Brothers, which is who we have used in the past. He would contact me, I would sign the agreement, and then they would never show up. I would contact him, he would apologize, said that they would be right up, and then they would never show up. I spoke with Todd Bemis with noxious weed; he is very reluctant to come in and spray for us due to the legalities of it. I have visited with Matt Thompson; he doesn't have time to get the licensing for right of way or noxious weeds. So I am asking what the council would like to do. I have at least three people that would be interested in taking the test. It is a general maintenance test on spraying, then right of way spraying, and noxious weed. The test will be somewhere between \$75 and \$100, and it has to be updated every two years, I believe."

Council Member Tschantz, "That's in your department?" Superintendent Davidson, "Yes. If we could get them here, we were spending around \$3,000 a year on spraying. The last time they were here, they covered the entire town in less than half a day. I don't feel that they gave us our money's worth. If we choose to do that, then I would ask that we go ahead and purchase a side-by-side and an 80 to a 100-gallon spray tank. We will be licensed, and then we can do it when the bindweed is starting to bloom. It is going to take several years to get ahead of it right now; we have a pretty good infestation of it along the ditch lines and right of ways that we have. I just wanted to get your ideas and see what you are thinking."

Council Member Lenard, "Any idea what the county's position on supporting us with that?" Superintendent Davidson, "Just Todd. He said he would rather not be involved with spraying in town. He doesn't mind doing outside of city limits, but he does not want to come in town to spray. He wouldn't give me any other details than that." Council Member Scothorn, "Any idea what the cost of the equipment is going to be?" Superintendent Davidson, "We are thinking somewhere around \$24,000 for a side-by-side, tank, and chemicals. The side-by-side tank would be removable, and it would be available for any other department for their meter reading or whatever they needed to do."

Council Member Lenard, "Do we not have any existing side-by-sides or anything in the fleet?" Superintendent Davidson, "Kevin has a 4-wheeler, but the tank on it is around 20 gallons. It just wouldn't be feasible to try to do the entire town with a small tank like that." Council Member Lenard, "I do like the idea of bringing it in-house and doing that." Council Member Scothorn, "Me too." Council Member Curtiss, "I do too." Superintendent Davidson, "This is all dependent on finding people to pass the test; it is quite extensive." Council Member Scothorn, "I'd say give it a shot." Council Member Tschantz, "I'd say give it a shot too." Superintendent Davidson, "Okay, thank you. I will have them start studying for the test then."

Mayor Luke, "Is it still on the computer?" Superintendent Davidson, "I spoke with the County agent. He is not sure at this point in time. He is thinking it is going to be on the computer, but it might still be to where we can go to Topeka and take it in person. He was going to check in on that, and he has been gone for the last several days." Mayor Luke, "You used to have to get your books and everything from K-State." Superintendent Davidson, "I have already purchased the books. I got them through the courthouse, which they got them through K-State." Council Member Curtiss, "You said you have possibly three interested?" Superintendent Davidson, "Yes, I have." Superintendent Boyce, "And I probably have one."

Superintendent Davidson, "This isn't anything that is probably going to be done---we want it done this year, but it won't be done in time for spraying." Mayor Luke, "You'll just be ready for spraying for next spring." Superintendent Davidson, "Yes. I'll get quotes for the side-by-side. I spoke to the Honda shop, and they wanted me to place the order when I spoke with them, which was Monday. They wanted me to order it right then, and it wouldn't be until mid-September before we would get delivery of it. Once we order it, it might be early spring next year before we get it. We just need to get the tests taken and passed, and then we can work on getting the equipment."

STREET DEPARTMENT: Personnel Kyle Dauber – Evaluation

Superintendent Davidson, "The only other thing I have is Kyle Dauber's evaluation. He is a very good asset to my department. He has saved us quite a bit of money on truck repair because he is a very, very good welder. He is a certified welder. I ask that he be given a 5% merit increase and move from \$18.29 to \$19.20."

Council Member Scothorn, "I move to accept Kyle Dauber's annual evaluation as presented, and to grant a pay increase to \$19.20 per hour, effective June 26, 2021." Council Member Curtiss, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Superintendent Davidson, "Thank you very much."

POLICE DEPARTMENT: Update

General: Normal Duties.

City Court: Chief Jones, "We had City Court on Thursday, and we officially finished at 5:59 p.m. Even with the little bit of drama that we had, it was interesting and complete. Next court, we are going to bring in a full Tyvek bodysuit to stuff Jimmy into so we can transport him to jail. He is working for Birk Oil, and he was covered from head to toe, face, hands, beard, everything."

[5] CONTINUATION: June 16, 2021 Burlington City Council Regular Session

Cases: Chief Jones, “We have been working on some accidents. We had a really good three-car accident that happened right in front of Lewis Oil that could have been a whole lot worse than it was. There was a car southbound on the inside lane going to turn into Lewis Oil’s lot. Another car on the inside southbound lane rammed into the back of the first car, which pushed it across the lane of traffic and a northbound car hit it. We got out of that one with minor injuries. We were quite fortunate on that.”

Boating Accident: Chief Jones, “I’m sure everyone is up to date on the boating accident at the city dam a week ago Saturday. We did a critical incident stress debriefing the following Wednesday. They have an outfit called 1033 Foundation, and they help talk things through. One of the things that we noticed, we didn’t have the full team there at the fire station, and we had 26 people involved in that incident. We had a lot of people out there; the Sheriff’s Office, EMS, Fire Department, multiple stations, a lot of volunteers, Life Team helicopter, and Parks and Wildlife. Since Parks and Wildlife is the responsible agency for investigating boating accidents, they are the lead; we basically assisted them. Considering what we were doing, it went quite well. We had everybody recovered, and operations shut down for the night in less than three hours. The Corps was super cooperative as they usually are. We asked them to shut the gates to cut the water flow down. What some people don’t understand is that it takes 45 minutes to an hour before you can see the change in the water flow. We left the boat there. It got kicked out of the boil about 40 yards out; we left the boat there, went back about 1:00 Sunday afternoon, and got the boat out then.”

POLICE DEPARTMENT: Personnel Rachel Hale – Evaluation

Chief Jones, “I also have a personnel evaluation. Rachel Hale has completed her first year with us. She is doing a tremendous job. Everything she has accomplished, including doing a 14-week academy course in 19 weeks because of COVID, and doing our in-house training, as is my practice, I would like to recommend a 5% merit increase. She has truly earned it.”

Council Member Lenard, “I move to accept Rachel Hale’s annual evaluation as presented, and to grant a pay increase to \$19.20 per hour, effective June 26, 2021.” Council Member Hall, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

QUESTIONS/COMMENTS

Council Member Curtiss, “Do you still have one at the academy?” Chief Jones, “I still have one at the academy. He graduates on August 20th and they are still doing face-to-face classes.

PARKS DEPARTMENT: Update

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

Nuisance Mowing: Superintendent Boyce, “Since the last council meeting, we have mowed six properties between June 3rd and June 14; they are 615 S. 9th, 302 S 10th, 216 Hudson, 1110 LaMoille, 928 Des Moines, 2nd and Cross Street the Shopko Property.”

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2021-12	\$	<u>322,169.08</u>
b. Payroll Ordinance	2021-12	\$	<u>89,670.77</u>
	TOTAL	\$	411,839.85

CLAIMS 2021-12: Council Member Lenard moved to approve City of Burlington Claims Ordinance 2021-12 for the amount of \$322,169.08 for payment of city bills. Council Member Tschantz gave the second. City Clerk Brown, “The larger expenses we have tonight are Brenntag, \$7,111.88, Core and Main \$2,260.22, Cunningham’s Sandblasting and Painting \$8,887.50, Kansas Power Pool \$207,634.18, and U.S Bluebook \$2,805.36.” Hearing no additional discussion, Mayor Luke instructed City Clerk Anne Brown to poll Council. All votes were in favor. Mayor Luke declared, “Claims Ordinance 2021-12 passed unanimously, 5:0.”

PAYROLL 2021-12: Council Member Hall moved to approve City of Burlington Payroll Ordinance 2021-12 in the amount of \$89,670.77, as presented. Council Member Lenard 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 2021-12 passed unanimously, 5:0.”

QUESTIONS/COMMENTS

Council Member Lenard, “You mentioned there Brenntag; I was going to ask really quick because we have had issues with the chemical deliveries. Are any of our chemicals with trucking – the trucking industry, have you experienced any delays?” Superintendent Hawkins, “We have been told for the last three months to order at least three to four weeks in advance. That is what I have been doing. Actually, I have been trying to stay a full month ahead. Like our 2071 polymer comes out of Alabama or Georgia, so I always try to keep at least a month ahead of schedule. We can’t afford not to have chemicals to treat water.” Council Member Lenard, “Have they been delayed?” Superintendent Hawkins, “No, not as of right now. But I also have been proactive about ordering early enough that we don’t have any issues; that is what our vendor had us do.”

PLANNING & ZONING: Update

OTHER COMMITTEE OR COUNCIL BUSINESS:

ORDINANCE

Attorney Wight, “Briefly, the ordinance 872 is what we talked about to repeal the breed-specific prohibition in the danger animals’ section in the city code. This will eliminate pit bulls from being specifically excluded within the city.”

Council Member Lenard, “I move to adopt Ordinance 872, Ordinance to Amend and Repeal the Code of City of Burlington, Kansas (Edition 1-2017) Chapter 2 Animal -Fowl, Article 3 Dangerous Animals, Section 2-301 Definitions, Subparagraph 3.” 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 872 passed unanimously, 5:0.”

RESOLUTION

Mayor Luke, “The resolution 2021-04 to set a hearing for condemnation to demolish a structure at 302 S 10th Street.” Chief Jones, “My statement is included in your packets; I think everyone has seen the pictures by now. After city court last week, I went by, and I happened to catch the property owner there. She is living in Waverly now. We talked about the nuisance structure, the grass, and other things. She actually asked me if she had welfare call and talk to me, would I tell welfare that the structure was unfit to live? I agreed and filed the paperwork the next morning.”

Council Member Scothorn, “I move to approve Resolution 2021-04, to set the date, time, and place of a Public Hearing for 302 S. 10th Street to determine whether structures thereon should be condemned as unsafe and unfit, and to be demolished.” Council Member Curtiss, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Council Member Curtiss, “Okay, so the hearing is on the 4th of August. So, what happens after the hearing?” Chief Jones, “At the time of the hearing, if city council votes to condemn the property, then we go out for bids to demolish.” Council Member Curtiss, “And that takes...?” Chief Jones, “I would have to look again, I don’t remember how long --.” Council Member Curtiss, “There is a specific time frame again?” Chief Jones, “I think we have to publish it twice in the paper, then there is a certain amount of time that we have to accept bids, then accept them as bona fide, just like we have done with a few others. I visited with Anne on this before the process started to make sure that we had the funds to accomplish this as long as it is not super outrageous, we do have the funds to accomplish this. What Jimmy (Zoning Clerk Hugunin) has been telling me about the flood plains, that property will remain a vacant lot because they will not be able to rebuild anything because of where it is going to land in the flood plains. That is what I’m being told.”

Council Member Curtiss, “So, then is it the city’s responsibility to mow it?” Chief Jones, “Until it shows up as unpaid taxes, which this is unpaid taxes she also has, it shows up on the tax sale. I am aware that there a couple of neighbors there that would buy it just to keep anybody else from trying to do anything with it. He would be tickled to death to keep it looking decent.” City Clerk Brown, “There is a little over \$3,700 in that fund. He thought that might be enough to cover.” Chief Jones, “The last one that we were going to do, which was Michael Powell’s house at 216 Hudson, those bids were in the \$2,200 to \$2,400 range. So, we are guessing that even though we have seen a fuel increase—if the bids come in at the rate that we can afford, otherwise it’s in the best interest of the city that we reject the bids, drop back 10 yards, and punt.”

Council Member Scothorn, “Can we pull money out from someplace else to get it done?” City Clerk Brown, “We used to collect some special assessments for the that, we are no longer doing that. I don’t know if we can move some from a different capital improvement fund.” Council Member Scothorn, “I’m sure we could do something to pay for the bid and get it taken care of.” Council Member Lenard, “Or lean on the County for maybe some removal.” City Clerk Brown, “I’ll check into that to see; I think there is a different fund that we can possibly move if you choose to do that.” Council Member Curtiss, “I think it needs to be done. Hopefully, it will be a reasonable bid that we get.”

[7] CONTINUATION: June 16, 2021 Burlington City Council Regular Session

Council Member Lenard, "So, the homeowner gave us approval to --." Chief Jones, "When I met with her that night, I was asking about the grass. She indicated at that time that she couldn't mow it herself because she is not physically capable. She doesn't have the money to hire anyone; she tried but couldn't find anyone to mow it. That is when we got into the next steps of the discussion about the assistance and if I would tell whatever agency that it is not fit to live. I fully agree that it is not fit to live in. You have seen the pictures; it is bad." Council Member Lenard, "So, I am just trying to understand. If we had a homeowner come to court or anywhere and communicate that they want their place condemned, whether someone is living there or not..." Chief Jones, "It would have to meet the process." Attorney Wright, "The only other alternative would be to accept the deed to the property which the City does not want to do." Chief Jones, "Among other things, there are back taxes owed on it." Attorney Wright, "It would be easy if people would just say have at it. I think just to protect the city; we still need to go through that process just in case anyone else has an interest in it. We didn't do a title report on a house, those sorts of things. This is probably the cheapest, easiest way to--."

Council Member Scothorn, "Why don't you just sell it to the neighbor and let the neighbor tear it down?" Chief Jones, "She owes back taxes plus the cost to demolish it." Council Member Scothorn, "Okay." Attorney Wright, "This one, I don't know if there is any other way around it, you have to pay for it and get it taken care of. Anne and I have talked about this a little bit. I think she is going to work on finding some money. I think the city council ought to think about a way to fund this because once this money is gone, there is no other money there." City Clerk Brown, "It is kind of a tax levied fund. So, if you want to keep funding that are you going to want to increase the mill levy? Because you cannot keep stealing from the other funds."

Council Member Lenard, "I will say this, I gave you the papers on setting the districts in here where you can allocate funds from that tax business district to go for things like that, your special districts. I think sometime soon; we really need to circle the wagons and talk about that again. That may be an avenue to create those funds." Attorney Wright, "I don't want to put water on a hot fire on that, but those things are a nightmare to deal with. Politically, it's a nightmare because now you are telling the neighbors that they have to pay to take care of a mess. I am familiar with a couple in Shawnee where they did a tax on everybody's driveway. So, everyone within a couple of blocks that had a driveway had to pay a special assessment, and it just did not go over well. I think the best way would be to increase the mill levy overall. Then constantly just be putting a little bit in there. As it is built up enough to take care of a problem, it will be there." City Clerk Brown, "There hasn't been anything that has come into that fund for the last seven years." Council Member Scothorn, "How do we fund the sidewalks when we pay half for something?" Mayor Luke, "We have a sidewalk fund." City Clerk Brown, "That is under the City County Street fund which comes from the County."

LICENSE

Mayor Luke, "We have one application for the 2021 cereal malt beverage license for Mi Veracruz. What is your pleasure?"

Council Member Lenard, "I move to approve the Cereal Malt Beverage License for Mi Veracruz for 2021 as presented." Council Member Hall, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

LEGAL DEPARTMENT: Update

General: Attorney Wright, "The City has been keeping me pretty busy. I have been working on ordinance 872."

Sunday Liquor Sales: Attorney Wright, "I have also been doing a little bit of work on modifying the Sunday liquor sales. I don't know what the city council wants. There has been some interest by a couple of stores here in town. I don't know what the council's feelings are on that, but if the council is open to that, then we probably need to get moving on that because we have some time deadlines we have to deal with, so we don't have to do a special election when it gets contested. I have had some feedback from a couple of you that was up in the air, not strong one way or the other. I provided Stan a copy of the sample ordinance that would extend or allow Sunday liquor sales."

Mayor Luke, "We did it one other time. The Governing Body approved it, we put it in the paper, like always we have to publish it. A petition was drawn with signatures on it and we had to have a special election for that one. Right now, we are looking at making sure if there is going to be a petition, we have to anticipate that there will be, that we have a timeline to make all of the publications and everything so it will be in the November election. That way, we don't have to pay the three to four thousand dollars for the election." Council Member Scothorn, "So when do we need to have this or visit about it?" Attorney Wright, "I would say that the city needs to ...I need to know what direction the city wants to go by the next council meeting. I think we have to do an ordinance at the last meeting in July."

[8] CONTINUATION: June 16, 2021 Burlington City Council Regular Session

City Clerk Brown, "Yes, we need an ordinance either the last council in July or the first one in August. I feel it would be better to do the first one in August." Attorney Wright, "I was looking at that carefully, and I'm not sure. I think we will have to do it the last week in July. That way, to make it to where it is impossible to force us to have to do a special election. I need to revisit that again." Mayor Luke, "It still gives people the time to do the petition. That voting has to be done within a certain timeline, and if we do it before that, then the special election will have to be done prior to the November election. We have to work the timing, so we are within that 90-day period." Attorney Wright, "It is a timing issue. I had Ethan figure it out for me. We worked it backwards and forwards and had it worked out."

Council Member Curtiss, "Is New Strawn open on Sundays?" Mayor Luke, "Yes." Council Member Curtiss, "I thought it was." Council Member Lenard, "So, do we have businesses in town that have communicated that they would like to be open on Sundays?" City Clerk Brown, "Yes." Mayor Luke, "Both liquor stores." City Clerk Brown, "If you would like them to come to council and present or request, we can ask them." Council Member Lenard, "I remember years ago, I think we voted down a beer garden downtown. Just like this with this cereal malt beverage license, I believe we shouldn't suppress a business. Then I have some personal beliefs too. I think as a city, we need to support our businesses, and if that means letting the voters decide, then let's do that." Council Member Scothorn, "I think that's what we need to do." Council Member Curtiss, "I agree wholeheartedly." Mayor Luke, "The State just changed a whole lot of things on the sale of alcohol in this last legislative session. That is the reason that this has surfaced again."

Council Member Curtiss, "I'd say go ahead; we need to pursue it." Attorney Wright, "I will put together a draft ordinance and then the holiday sales too. Is that something we want to work on too? I think we need to do them separately. The State statute does not allow sales on Thanksgiving, Christmas, and Easter. We can't mess with that; that is a state statute. We have no home rule on that. For the rest of the holidays, there now can be sales on; 4th of July, Memorial Day, Labor Day, and everything else. I don't know if we want to restrict any of that or not?" Chief Jones, "We discussed with our municipal judge, and his opinion was that the state had already preempted us on that because it applies to all 105 counties equally. With the state having done that, we don't have home rule on deciding whether or not they can sell on Memorial Day, Independence Day, or Labor Day." Attorney Wright, "The state statute basically allows the cities and counties to adopt an ordinance but still restricts --." Mayor Luke, "It restricts the time that they can open." Attorney Wright, "Right, there are certain restrictions that we can't do anything about." Chief Jones, "Sunday sales are about the only option that you have to go one way or the other." Attorney Wright, "If everybody is okay with it and wants to do it, I'll put some things together."

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.

County Reimbursement: City Clerk Brown, "We received the County reimbursement for the Kennebec Bridge Project that we turned in to them."

American Rescue Plan: City Clerk Brown, "I attended the webinar for the American Rescue Plan last Thursday. They will be holding another one tomorrow in the morning on applications for the American Rescue Plan."

Budget Finance Meeting: City Clerk Brown, "We held the finance meeting on Monday, June 14th in preparation for the 2022 budget."

Closing July 5th: City Clerk Brown, "City Hall will be closed Monday, July 5th in observance of Independence Day since the 4th falls on Sunday."

City Hall Renovations: Parking Lot: City Clerk Brown, "I would like to thank the Street Department and Jimmy for getting the parking blocks put out front here. That has made a world of difference to keep people from pulling up into the landscaping, walking through the rock landscaping; it has made a big difference. I want to thank them for coming up and doing that for us. It is greatly appreciated."

REPORT BY CITY OFFICERS:

MAYOR'S COMMENTS:

American Rescue Plan: Mayor Luke, "You have received via email information with respect to the recovery funds of the American Rescue Plan Act. There are a couple of documents that have to be taken care of prior to actually getting the funds available to us. This is not a loan. These are direct loans that will be paid to us twice. Once this year in July and once next year in July. With that, we have documentation that we have to sign and deliver to them. We have a choice, and we need to do it as soon as possible. There is time to actually do the projects, but we still have to do it in a reasonable time frame and get our paperwork into the state. The state cannot control what we spend the money on. It is federal money. We will be doing everything through the federal government. The state is just passing the funds to us because it went to them in a lump sum. Ball Park numbers, not knowing all of the final things, is approximately \$388,000, and we will get half this year and half next year."

[9] CONTINUATION: June 16, 2021 Burlington City Council Regular Session

Mayor Luke, “They are still finalizing what it can be spent for, but things that they have approved are water wastewater and stormwater. Those are all projects that are approved to be done. Everything else we are still trying to learn because they haven’t finalized all of the paperwork. If you want to do something about it this evening that is fine. If you want to wait and review all of the documents you received via email, then we can take action next meeting. That choice is yours.”

Council Member Lenard, “I perused through the documents; some of them are difficult to read. I didn’t quite understand the social security act, and maybe there is something on that. I suggest that we take advantage of it and move forward.” Council Member Curtiss, “The sooner, the better, I would say.” Council Member Lenard, “I think there are a lot of great uses for it.”

Council Member Curtiss, “I move to accept and to authorize City Clerk Brown to sign the agreements for the U.S. Department of the Treasury Coronavirus State and Local Fiscal Recovery Funds & the Assurances of Compliance with Civil Rights Requirements for the American Rescue Plan Act.” Council Member Lenard, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

City Clerk Brown, “I pretty much have all of the information that they are needing, and that is part of what the webinar is for tomorrow, is to go through that to make sure that we get the paperwork filled out properly. It shouldn’t take much to get it filled out and get it in.” Council Member Curtiss, “The sooner, the better since it’s July that we are supposed to get the money.” Attorney Wright, “I think it is important to know that you have until 2026 to complete a project and 2024 to identify it. So, you have a little while to do it. The other part of it is that it is federal money. Now that we have to follow the federal procurement process that we just passed, and that is what most of those citations to the federal code are about. If I were you, I would take a look at it to make sure you understand some of those strings that are attached. Then as the guidance comes out, we just make sure we spend it on things that are allowed. There are penalty provisions with regards to spending it on the wrong things, including making it a loan to the federal government instead of a grant. We don’t want to do that.”

EXECUTIVE SESSION:

Council Member Lenard, “I make a motion to enter a 5-minute Executive Session for consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship per K.S.A. 75-4319(b); with the Governing Body, Mayor Luke, Chief Jones, and City Clerk Brown present.” Council Member Scothorn, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Council entered Executive Session at 6:58 p.m. and exited at 7:03 p.m. No action was taken.

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