

BURLINGTON CITY COUNCIL REGULAR SESSION 9-15-2021

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, September 15, 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

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: Maxine Berryman, Martin Ernst, Becky Richwine, Duane Humlicek, Robert Skipper, Jena Jacobs-Garcia, Paul Abendroth, Jered Schulte

AGENDA:

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

MINUTES 9/1/2021: Mayor Luke, "You have before you the draft minutes of our regular session of September 1, 2021. Are there any additions or corrections?"

Council Member Curtiss, "I move to approve the draft minutes of September 1, 2021, as modified." Council Member Scothorn, "Second." Motion unanimously carried, 6:0.

APPOINTMENT: Maxine Berryman – Nuisance Property at 902 11th

Maxine Berryman, "I'm Maxine Berryman, and I live at 1102 Merrimac, and I am here about a nuisance property at 902 11th. That property was purchased a few years ago and has not been maintained. I understand the person who owns it works at TrustPoint hires people to come and mow periodically. The last few weeks, it has not been mowed, and the ditch has not been mowed in three years. For those of you on the council that might not be aware, I've got photos if you would like to see what it looks like. It is an accident waiting to happen. The ditch is so overgrown it is impossible to see around the weeds without pulling out. I understand the owner was served a paper saying that it had to be cleaned up by last week, and she did not do it." Mayor Luke, "No." Zoning Clerk Hugunin, "I contacted her last week, and she has until tomorrow to have it mowed, or we will do a ten-day letter. I spoke with her this afternoon, and it will be mowed tomorrow and the ditches." Maxine Berryman, "Okay, because that is my big concern is the ditch. Who owns the ditch? Does the owner or the city own it?" Zoning Clerk Hugunin, "The city owns it, but the landowner has to take care of the ditch."

Maxine Berryman, "So, if she has people out to mow, and she has done this in the past, somebody has mowed the lawn and did not weed eat it, and the ditch has not been done." Zoning Clerk Hugunin, "I spoke with her, and she knows that the ditches will be done and weeded. If they don't mow tomorrow, then I will send out a ten-day letter, then the city will go in and mow it if she has not." Maxine Berryman, "Now, if I wanted to, could I pay the city to mow it and put vegetation killer on it." Mayor Luke, "No, that is personal property." Maxine Berryman, "Okay, because based off of her track record in three years, the grass has been mowed, and the ditches have not been touched. It is full of trash. I am sure there are rodents living in there. Again, it is an accident waiting to happen. I have looked at it for three years." Mayor Luke, "Hopefully, it is resolved tomorrow." Maxine Berryman, "Well, I will be camped out, and if it's not mowed, then I will be back here in two weeks." Mayor Luke, "Okay." Maxine Berryman, "Thank you." Council Member Jasper, "Thank you."

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APPOINTMENT: Bobby Skipper – Rotary – Fundraiser

Bobby Skipper, “Thank you for council for allowing me to appear this evening. I hope you all are doing well. I am here on behalf of Rotary Club of Burlington. Rotary club all of a sudden has a desire to extend its reach into charitable projects and the community. To do these projects, just like anything else, it takes funding. Being proactive, we are out to raise funds for various projects. I am here tonight to ask for \$250. One of the fundraisers we are having is an eating competition held on October 16th at Kelley Park. It is also hosted by Subway. It will be a subway sandwich eating contest. Whoever can eat the most subway sandwiches in 15 minutes wins the competition. We will have prizes and awards for that person. We are seeking governmental and corporate sponsorships for each contestant. That is what I am asking for tonight. The Sheriff has a deputy that he is sponsoring and I was hoping in the nature of friendly competition and good taste that the city might sponsor an officer. If you wouldn’t mind, I’d like to stir the pot just a little bit to create a little bit of friendly competition, again all in good taste. That is what I’m here for tonight to ask for a \$250 donation to benefit Rotary Club and its projects in our community.” Attorney Wright, “Who are you going to put up, chief?” Chief Jones, “Brian.” Council Member Lenard, “Feels like we have two Mayors here too. We have to include the mayors in this deal too.”

Council Member Jasper, “I move to donate \$250 to the Rotary Club of Burlington, KS.” Council Member Tschantz, “I second the motion.”

Mayor Luke, “Does Brian know this?” Chief Jones, “Not yet.” **Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.**

Bobby Skipper, “Thank you so much. I really appreciate it.”

APPOINTMENT: PUBLIC HEARING FOR REVENUE-NEUTRAL RATE

Mayor Luke, “At this time, we will look at resolution 2021-06. This is the resolution that will allow us to go into a revenue-neutral rate hearing. Basically, what this says is that we are looking to levy property tax rates seeking a revenue-neutral rate. We are only doing this because we will not have the final numbers from the county until towards the end of the year and we don’t know what those numbers are going to be, they may be up, or they may be down. We are protecting ourselves, so if it does come back that the rate would be higher than what we anticipate then we would be able to successfully do what we need to do without violating the senate bill 13 legislation that was passed by the Senate this year. Upon completion of the resolution, then we can go into the actual hearing.”

Resolution 2021-06

Council Member Lenard, “I move to adopt Resolution 2021-06, for the city of Burlington to levy a property tax rate exceeding the revenue-neutral rate.” Council Member Tschantz, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. *Motion unanimously carried, 6:0. (Adopted again later in meeting)*

PUBLIC COMMENTS

Mayor Luke, “The hearing is set at 6:20 p.m., and it is now 6:10 p.m. We will move into public comments section. For those of you who have never been to one of our council meetings, I will give you how the public comments section works. It is exactly that, public comments; it is not a question-and-answer period. It is just comments to make your feelings known. You have a five-minute timeline to do so. At the end of the five minutes, I will give you a one-minute notice to have your discussion completed.”

No public comments were made.

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.

3 Phase Power Pole: Superintendent Schneider, “Today we changed out a three-phase power pole. It was bad around the base.”

Area Light Installation: Superintendent Schneider, “We installed a new area light in the 900 block of Jarboe Street.”

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 continue to fill out plant reports.”

Catalyst Recertification: Superintendent Schneider, “As a reminder, Tuesday the 21st and Wednesday the 22nd, we will do our recertification of our catalyst. KDHE will be onsite for the testing as well.”

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.

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Water Meter Installs - AMI: Superintendent Hawkins, “We installed a new fire hydrant with a new water valve on Shea and Sanders. We couldn’t get parts for the fire hydrants, so we replaced it with an all-new one. That is completed. We didn’t have to shut any water off.”

Alleghany Water Line – Touch up: Superintendent Hawkins, “We did a little touch up on Alleghany by tilling and seeding. That is completed.”

Thank you- Street Department: Superintendent Hawkins, “I’d like to thank Mark (Street Superintendent Davidson) and his guys for helping us. They went back and put concrete back in at the library and on 3rd and Hudson Street. I am very grateful. Mark has been a big help to our department here lately. He has done some work that I want to thank him again for today that he did out by the sewer lagoon.”

Slurry Pit: Superintendent Hawkins, “We built a slurry pit for our VAC trailer. So, when we have our contractors, or any department we can go in; we dug a pit so when we dump the slurry, it will just stay inside the pit. That is completed.”

Personnel- Testing: Superintendent Hawkins, “I want to report that Chris Hammond and Dillon Brown took their tests. Dillon came really close to passing which I was very pleased for his first time taking it. Chris Hammond did pass his exam, so he is now a Class III water operator. That was good news.”

WATER AND WASTEWATER: Production Update

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

Sludge Holding Basin: Superintendent Hawkins, “We had an issue with our #4 filter air valve. I want to thank the people down at Fittings Export. They saved us that day so we were able to make some water. We needed a quick air connect to the valve. We got that fixed and got it online.”

WATER AND WASTEWATER: Personnel

Superintendent Hawkins, “The only thing that I have left is that I would like to go out, based on our personnel policy handbook, of going out internally for the foreman position until September 30.”

Council Member Lenard, “We didn’t get to talk, but I would like to modify the motion. I believe it’s a best practice to advertise internally as well as externally and to not put a date.”

Council Member Lenard, “I move to authorize Superintendent Hawkins to advertise for a Water/Wastewater Foreman internally & externally, until filled.” Council Member Curtiss, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

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.

Equipment Maintenance: Superintendent Davidson, “We have been repairing some equipment. We had a wall repair on our track hoe that was due to some work that we were doing at Burlingwoods, I believe. We did get that repaired. Burlingwoods is finished other than we have some concrete gutter to replace and an apron approach on the street side.”

Removed Old Concrete: Superintendent Davidson, “We removed the old concrete slabs that we had piled out there from the sidewalks. We hauled them off.”

Assisted Water Department: Superintendent Davidson, “As Danny said, we helped the water department with their patches.”

Sewer Lagoon Culvert Installation: Superintendent Davidson, “We installed a culvert down at the sewer lagoons.”

POLICE DEPARTMENT: Update

General: Normal Duties.

OK Kids: Chief Jones, “We had OK Kids over the weekend. I would like to thank Kevin, Mark, and Alan for their help with getting everything ready and making it work. It was not our best year. We had about 300 kids and probably another 150 or so adults. It was a decent turn out; a whole lot better turn out than it was last year. Hopefully, next year we can get back out to Redmond and the Corps of Engineers. For what we had to work with and what events we had, we thought it went pretty well.”

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Cases: Chief Jones, “We have been investigating some spray-painting type graffiti in a couple of the city parks. We thought we had a lead and that one didn’t pan out.

City Court: Chief Jones, “City court was last week. It went pretty quick; we were done by 6:30.”

Nuisance: Properties/Vehicles Update: Chief Jones, “We have identified and contacted, generally by letter and a couple have been in person, 25 properties and I believe 18 property owners, most of those served personal service, a couple of them are out of town owners. One of the significant ones is the burnt house at 509 N. 1st. That property has been sold, and the new owner says that he should have it down within three weeks. We have been identifying properties, taking pictures, generating the formal letters, and my officers have been helping out greatly making individual contacts and spreading hate and discontent all over town. That is the short version.”

APPOINTMENT: PUBLIC HEARING FOR REVENUE-NEUTRAL RATE

Council Member Tschantz, “I move to authorize the Mayor to open the public hearing for the Revenue Neutral Rate.” Council Member Lenard, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0. Mayor Luke, “We enter the hearing at 6:20 p.m.”

Mayor Luke, “At this time, if there is anyone from the public who wishes to speak with respect to the revenue-neutral rate, please stand and be identified.” Duane Humlicek, “I am Duane Humlicek. I saw at the county commission meeting in their paperwork the revenue-neutral rate mentioned. I don’t know what it means to the average person. I was wondering if somebody could explain that a little better.” Mayor Luke, “The revenue-neutral rate basically says that as the assessment of the properties goes up within your jurisdiction, the revenue that we can receive can be no more than what we received the previous year. So, we need to reduce our millage rate so that the revenue that is brought in is the same. We cannot change and increase the property tax value without going into a hearing. We went into the hearing because we do not get all of the final information from the county until towards the end of the year when they do all of their evaluations of the property and our budget year exceeds the year-end. We have to protect ourselves legally by doing the revenue-neutral rate. We basically are staying at the same numbers that we have stayed right on for the last six or seven years. There is a big fine if we exceed the rate and we don’t have the hearing.”

Duane Humlicek, “So, how would you ever cover increased cost for the city?” Mayor Luke, “That is a good question. The only way we can do it is if we go into a hearing, we have the public present, they raise questions about it and have a discussion, we hear the comments, and that is what has always been available. We always have a public hearing for the approval for the budget. This is the first year the state, cities, and counties, are running through the same issues and the same problems of trying to figure out what this legislation means. Right now, we are staying right on where we have been for years. We are not looking at doing any major changes; it is all a matter of where we end up at the end of the year when we get the finals with the property valuations.”

Duane Humlicek, “So, the public would have to attend all of these meetings if the rates were going to be increased so they could ask questions?” Mayor Luke, “We have to publish any and all hearings. We don’t do a series of 10 or 15 hearings. We have a hearing this time for the neutral rate because it is the first time ever. Upon approval of that then we can go into a hearing that approves the budget for the year. That will have all the millage rates in it so everyone will know exactly what that is and that has been published in the paper for the last couple of weeks.” Duane Humlicek, “Thank you.”

Council Member Curtiss, “I move to close the public hearing.” Council Member Lenard, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0. Mayor Luke, “We closed the public hearing at 6:24 p.m.”

Council Member Hall, “I move to adopt the Revenue Neutral Rate as presented.” Council Member Scothorn, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Attorney Wright, “I think, Mayor, I think you did this before the ordinance to actually approve to exceed the revenue-neutral rate potentially. I think you have to have the hearing before you do that ordinance. So, I think we need to go ahead and do the motion on that ordinance again to adopt that just to make sure that we are in the right sequence procedurally. I think we have to have a public hearing prior to adopting an ordinance to exceed the revenue-neutral rate.” Mayor Luke, “Our understanding was that the resolution had to be before the hearing.”

Attorney Wright, “We already did a resolution to have the hearing, but I think that the resolution to exceed the revenue-neutral rate after the hearing that we just had was closed needs to come in that order. The ordinance that I reviewed and saw was an ordinance to exceed potentially the revenue-neutral rate. Just to kind of cover our bases, and again I think you nailed it, Mayor; this is the first time that many cities and counties are dealing with this. The city of Burlington doesn’t need to be the poster child of what not to do or to do either way. Procedurally I want to make sure that we follow that. I think the intent of the legislation was to have a hearing first and then have the governing body at that point consider either a resolution or an ordinance. We have had a conversation about this a couple of times. The reason that we are doing this is because if we do end up having to exceed what our rate is at this point, potentially the liability is that the city would have to pay back the excess mill levy.”

Council Member Lenard, “What if we do have the sequence right?” Attorney Wright, “Then it doesn’t matter.”

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Resolution 2021-06

Council Member Lenard, "I move to adopt Resolution 2021-06, after consideration of the public comments that were made during the revenue-neutral rate hearing." Council Member Tschantz, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

APPOINTMENT: PUBLIC HEARING FOR 2022 CITY BUDGET

Opening the Public Hearing: Mayor Luke, "At this time, we will go into the Public Hearing on the 2022 budget."

Council Member Hall, "I move to authorize the Mayor to open the public hearing for the City Budget for 2022." Council Member Scothorn, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0. Mayor Luke, "We enter the hearing at 6:30 p.m."

Mayor Luke, "Are there any comments from the public with respect to the budget that has been published in newspaper? Hearing none, I would accept a motion to close the Hearing."

Closing the Hearing: Council Member Curtiss, "I move to close the Public Hearing." Council Member Scothorn, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0. Mayor Luke declared the Public Hearing closed at 6:31 p.m.

Taking Action: Mayor Luke stated, "At this time I would accept a motion to approve the city budget."

Council Member Tschantz, "I move to adopt the City Budget for 2021 as presented." Council Member Hall, "I second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0. Mayor Luke declared the City Budget for 2022 adopted.

PARKS DEPARTMENT: Update

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

OK Kids: Superintendent Boyce, "As Doug said, we have been down at Kelley Park for OK Kids to help set up things."

Park Clean up – Graffiti: Superintendent Boyce, "We have been removing graffiti in Kelley Park and Conrad Park."

Hazardous Tree List: Superintendent Boyce, "I did receive four quotes for the hazard trees. You should have them in front of you. My recommendation would be for Trenary's Tree Care for \$3,250.00. Out of 11 years they have had the tree removal contract for 9 or 10 years."

| | |
|-----------------------------|------------|
| Trenary's Tree Care | \$3,250.00 |
| Custom Cutters Tree Service | \$5,200.00 |
| American Tree Care | \$7,738.75 |
| Wellnitz Tree Care | \$8,510.00 |

Council Member Curtiss, "I move to accept the quote from Trenary's Tree Care for removal of 11 hazard trees, grinding out one stump and one tree limb stob, not to exceed \$3,250.00, as being in the best interest of the city." Council Member Lenard, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Superintendent Boyce, "They will be starting in four to six weeks depending on the weather."

QUESTIONS/COMMENTS

Council Member Curtiss, "Are we still spraying mosquitoes?" Superintendent Boyce, "Yes." Council Member Curtiss, "Twice?" Superintendent Boyce, "Once, and it will probably be coming to an end before too long because people start to open their windows."

FINANCE: Claims Ordinance & Payroll Ordinance

| | | | |
|----------------------|---------|----|-------------------|
| a. Claims Ordinance | 2021-18 | \$ | <u>405,805.99</u> |
| b. Payroll Ordinance | 2021-19 | \$ | <u>89,910.98</u> |
| | TOTAL | \$ | 495,716.97 |

CLAIMS 2021-18: Council Member Lenard moved to approve City of Burlington Claims Ordinance 2021-18 for the amount of \$405,805.99 for payment of city bills. Council Member Hall gave the second.

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City Clerk Brown, "The larger expenses we have tonight are Brenntag \$3,866.07, Equipment Share \$3,355.30, Kansas Power Pool \$299,014.51, and Wheeler World \$2,928.65." **Hearing no additional discussion, Mayor Luke instructed City Clerk Brown to poll Council. All votes were in favor. Mayor Luke declared, "Claims Ordinance 2021-18 passed unanimously, 6:0."**

PAYROLL 2021-19: Council Member Tschantz moved to approve City of Burlington Payroll Ordinance 2021-19 in the amount of \$89,910.98, as presented. Council Member Hall gave the second. **Hearing no discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. All votes were in favor. Mayor Luke declared, "Payroll Ordinance 2021-19 passed unanimously, 6:0."**

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, "Normal duties."

City Wide Trash Cleanup: Zoning Clerk Hugunin, "I have updated the sign to reflect the fall clean-up on October 11th. The first ad should hit the paper Thursday. It will run for four weeks."

Permits: Zoning Clerk Hugunin, "I have been working on permits to get up to the appraiser's office. I just finished a permit for a new home."

Nuisance: Grass: Zoning Clerk Hugunin, "Since the last meeting with the nuisance grass, I have contacted 15 properties, and four needed to be mowed yet. It sounded like Jerilyn gave me an update; it sounds like three of them are getting mowed. We talked about Tai's property earlier; hopefully, it will be mowed tomorrow. If not, then I will send a 10-day letter and go from there."

Council Member Jasper, "Let's say that she mows the yard but doesn't weed eat the ditch. Do we still leave it on the board?" Zoning Clerk Hugunin, "Yes, I am not taking it away if the ditches didn't get mowed." Council Member Jasper, "Okay."

QUESTIONS/COMMENTS

City Wide Brush Pick Up: Mayor Luke, "And what was the timeline on cleanup for brush?" Zoning Clerk Hugunin, "I believe we talked about November 1st." Council Member Lenard, "Have we socialized that yet because I've started noticing people putting brush out." Mayor Luke, "No, we haven't socialized that yet. After tonight we can. I have spoken with Alan and Danny on the timeline being set with them and I have spoken with Mark with respect to the equipment from the street department; it was acceptable to them. November 1st that week is when the brush pick up will be done."

City Wide Trash Cleanup: Superintendent Davidson, "Mayor, could I ask a question?" Mayor Luke, "Yes." Superintendent Davidson, "Could I have councils' agreement on what we are considering clean lumber when we get into this fall clean up. We have always picked up, in the past, lumber with nails in it, and that has been one of our big concerns. Am I going to have permission to go ahead and leave the piles if they have nails in them?" Mayor Luke, "The flyer that we put out says it has to be clean, which means no nails or screws." Superintendent Davidson, "Alright, if I have the backing of the council, then that is what I'll do." Mayor Luke "Is there any issue with leaving it as that?" Council Member Curtiss, "No, that is what it says." Superintendent Davidson, "Okay, thank you."

OTHER COMMITTEE OR COUNCIL BUSINESS:

ORDINANCE

RESOLUTION

LICENSE

LEGAL DEPARTMENT: Update

Coffey County Extension Office- - Old Crops Building: Attorney Wright, "You should have in front of you a letter of understanding from the Coffey County Extension Office. This is really informational and if there is something that you believe needs to be added to this, let me know. The city council voted on July 7th to go ahead and allow the 4-H Crops building to be razed and put a new building in its place. This is just a formalize and memorialize the understanding between the county and the city with regards to what is going to happen over there. So, I don't know if you have had a chance to take a look at that. I'm sorry for getting it to you a little late. It took me a while to get that cranked out and done."

Mayor Luke, "I met with the extension office this morning. It is basically everything that they felt that needed to be done. The Fair Board is meeting tonight if we get out of here in time, then I will go to see if there are any additions or corrections that they would like to see in it. Tonight, the only thing that I would look for is if the governing body would give approval with any modifications be approved by the city attorney and allow for me to sign the document with those changes that are proposed if any."

Council Member Lenard, "I move to approve the Mayor to sign the letter of understanding for the Coffey County Extension Office, based upon approval from the City Attorney with any modifications or changes that would be proposed." Council Member Hall, "I second the motion."

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Superintendent Boyce, "One concern I have with the building would be water. Danny and I have talked about it some. We are already low on pressure. Basically, everything in the park is run off of a 2-inch meter. Fair time is when we really have issues. The livestock barns have been on us for three years that they are low on pressure. Are we running a new water line to support the new building and also run down and tie in with the livestock barns?" Attorney Wright, "Is there water now in the old building?" Superintendent Hawkins, "We have it right by there but not..." Mayor Luke, "It's right next to it, there is no tap."

Council Member Jasper, "Where is the meter from that building?" Superintendent Hawkins, "The meter sits over by the 4-H building and then back over to the south. It depends on which one you come off of. There are a couple of meters there. The one Kevin is talking about actually comes in from the south to the stockyard. We have discussed tying onto the main line out there and running a trunk around." Superintendent Boyce, "The 4-H building and coming in with a much bigger line." Superintendent Hawkins, "The issue that we have is that we have a 2-inch line going down there and every time that they open a fire hydrant, you are just reducing pressure because there are just so many. It is like a soaker hose after a while. If we were to be able to go in there with a four or six inch, make the line larger, so we can have more volume of water, it would be much more beneficial. I am sure that the Fair Board would be happy."

Council Member Lenard, "I would suggest then, Stan, if you are going to talk to them, that we add that the county, like I said they are bearing all of those costs, so if they want to take that option, then they bear that cost as well." Mayor Luke, "Then we can modify this with respect to that." Attorney Wright, "So, is the problem with the water usually just during fair time when they are using a lot? I think they are going to have a couple of toilets and a drinking fountain in there probably, right? Is there enough water to run that stuff?" Superintendent Hawkins, "You have enough for that, yes." Attorney Wright, "It is just during the fair when there is not enough. As part of this, the county is agreeing that they are not going to be using the premises essentially during the fair. I guess I would say if you guys want more water there, then you can pay for it, and if not, you can take what we have." Mayor Luke, "I will talk with the fair board and see what direction they want to move to." Superintendent Hawkins, "It would just be nice to correct it. I agree with Kevin. We have the same issue every year." Attorney Wright, "Right, because there just isn't enough water there."

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

Water Easement: Attorney Wright, "I have been working with Danny a little bit with regard to getting a water easement. You can tell me where it's at." Superintendent Hawkins, "It is south of town. It is where the Sam Hiner property is if you are familiar on the south end. It is the properties that go out to Marty Black's, Doug Stewart's, and Mike Schmidt's." Attorney Wright, "So, what we are trying to do is hook onto an existing water line in lieu of having to put a line all the way around to supply some water. It seems like it is going to be a lot less costly to do that than it would be and a lot easier. That being said, I think that there are six to seven property owners that might be involved in this that would have to sign off on it. Because it is going to be a little bit of work, I'm not saying I'm lazy, but I don't like doing work if it isn't going to work out. As an attorney, you do a lot of work that never works out. I just want to make sure that the city council would be okay with us proceeding in doing that. I just wanted your thoughts on it. I don't want to go ahead and get easements ready to go and not have the city council want to have anything to do with that. It would entail the city taking over. I don't know how many hundreds."

Superintendent Hawkins, "It is roughly 800 feet or just short of that. I would have to go out to make sure." Council Member Tschantz, "Didn't we talk about this about six months ago?" Superintendent Hawkins, "Yes. This is the same property." Council Member Tschantz, "Did we do anything about it then?" Superintendent Hawkins, "Yes. That's what we have been working on." Attorney Wright, "We have been working on it." Council Member Curtiss, "Are the residents aware of this?" Superintendent Hawkins, "Yes, and they are all in agreement of what we are wanting to do." Attorney Wright, "Basically, the city would be responsible for maintaining that line because it is a private water line now. The residents are saying that they would love for us to take over the maintenance of that, I think."

Superintendent Hawkins, "Right, and it is a benefit to the city. When we loop the line in, we do not have to come up and run another 1280 feet into town. We can run a short 600-foot line, that is short for what water line is. That is a quick connect and saves the city a ton of money, and it benefits them as well. They are happy to have it." Mayor Luke, "That way, it is no longer a dead-end line." Superintendent Hawkins, "That is correct. It will move the water and help it circulate." Council Member Lenard, "Committee's recommendation?" Council Member Curtiss, "Go for it, yes." Council Member Jasper, "Move forward." Attorney Wright, "I appreciate that. I want to make sure that it was out there and you guys knew about it before I put a lot more work into it."

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Nuisance: Grass on Streets and Sidewalks: Attorney Wright, “I don’t want to be the one keeping us here real long, and even though perception might be otherwise, I don’t like to listen to myself talk, but there have been some concerns with grass on the sidewalk and in the streets when people mow. I have reached out to other attorneys in the state of Kansas with regards to the ordinances that their cities have done. I have received several ordinances. Some of them are very elaborate, and some are one page that would really work and cover this. I also received some concerns back from cities that have done this and basically said don’t do it. One problem I understand that is not going to be a problem at the city of Burlington, and that is that the city was the biggest offender of the ordinance in one jurisdiction. The city was causing the problem. The second concern with regards to something like that is really just an enforcement concern. We are already being stretched a little bit with regards to enforcing some of the nuisance ordinances that we already have. This would be stacking something else on that. We already have complaints. There have been several citizens concerned about selective enforcement arguments. Obviously, the city doesn’t selectively enforce against certain people. Sometimes people perceive it that way. This would be the same thing if we weren’t able to enforce it and catch every single offender in the city. I think that if it is something that the city wants to do, then I’m great with doing an ordinance. I think we need to think about that part of it and how are we going to enforce it. Make sure that we have the resources to be able to enforce it on everybody so that way so we don’t have people thinking that the city is picking on people. That being said I don’t know if anybody has any comments. I am happy to move forward with it. I would kind of like to see where everyone is at with it because I go ahead and proceed with a draft ordinance.”

Council Member Lenard, “I would say move forward with it. Then if there are issues, let the police committee figure out the resources and things like that. We can’t not do something. I think a lot will take care of itself once we socialize it, and people won’t do that.” Council Member Curtiss, “Have we not put stuff on Facebook before that it is harmful and things. How else can we make the people aware of the fact that it is not good for the street cleaners, it clogs up the machine.” Superintendent Davidson, “And storm drains.” Attorney Wright, “I think it’s hard on streets, it’s acidic, and it can harm the asphalt, can’t it?” Superintendent Davidson, “Yes and concrete.” Council Member Curtiss, “Is there some way...?” Chief Jones, “Well, if Mark happens to mention this discussion in his report on this meeting, then I think that will get as much attention as anything else will.” Council Member Curtiss, “But a lot of people don’t take the paper, a lot of people don’t have Facebook, and I am just wondering how in the world? If we didn’t go with this ordinance, how would we make people more aware of the fact that it is very detrimental?”

Council Member Jasper, “I guess on that, we have a jaywalking ordinance but that doesn’t mean that we enforce it every time we see someone jaywalk. We can have the ordinance in place and then figure out how to manage it.” Officer Black, “I have two things on that. One would be who are we enforcing it on, the property owner or the person mowing? That can become an issue. I would say it is whoever mowing the grass responsibility to make sure that they are not putting it in the roadway. As far as enforcing or getting the word out – every person I stop for speeding, I don’t cite them for speeding. We can still go up and talk to someone and tell them that there is a city ordinance against shooting your lawn clippings into the roadway; for this such reason, take care of it, or we are going to cite you. The first time we do it, we aren’t going to cite them for it. It’s incumbent upon us to make sure people are aware. Even though ignorance of the law doesn’t necessarily mean they are not still at fault. Once word gets out as well, again is it against the property owner or the person cutting the grass? We do our job of talking to people and not just passing it by writing up everyone we see, that should help curb some of the issues. It’s been on the book or not on the books for however long, and nobody says anything, it is going to take a while for people to start to figure out that it is an issue. Whether they like it or not, that is the ordinance. It’s the same with nuisance properties; people say it’s my property, and I should be able to do what I want; it’s the same issue with lawn clippings.”

Mayor Luke, “I think we have enough time right now that we are getting to the end of the mowing season. We can do several publications between now and the start of the next mowing season. We can try to promote it as much as we can. We can do some courtesy stops as much as we can.” Council Member Lenard, “It does feel kind of ironic that we are looking at grass clippings when we can’t manage more severe types of nuisances, so...but if that’s where we want to go then...” Council Member Scothorn, “When they are clogging up the drains and you get a flood there.” Council Member Lenard, “Yeah, but if this is the direction and this is the legal support, we need from Philip, then we will let Philip take care of the legal piece of it and the council will take care of managing it. We will stay in our lanes and do what we need to do.”

Attorney Wright, “I was going to say one of the city attorneys replied back that they are having a hard enough time to get people to mow their lawns, let alone to take care of the clippings. I will put together an ordinance and go ahead and get that to everybody to take a look at. Then we can address the officer’s concern of who to charge, probably both.”

REPORT BY CITY OFFICERS:

Council Member Scothorn, “Here is my letter of resignation. We are moving to Franklin County.” Mayor Luke, “We have officially received the resignation from Dallas Scothorn from the governing body as he is relocating out of the area. We are sorry to see you go. You have been an asset to the governing body in the city during your terms. We appreciate what you have done for the city, and we wish you and your family well.” Council Member Scothorn, “Thank you.” Council Member Tschantz, “Good luck.”

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OTHER COMMITTEE OR COUNCIL BUSINESS:

Mayor Luke, “We also have the proclamation that the Kansas Power Pool and public power has put out. It is included in your packet. We will be putting it out on the website and on Facebook, and other locations. There are 118 public power cities in the state of Kansas. The average is about 1000 population. We are well above the average with the number of customers and citizens of Burlington. We are not the largest by any means, but we are in the upper third of the cities that have public power.” Council Member Lenard, “When we had the freeze, there was some dialog that maybe three cities might be soluble financially.” Mayor Luke, “I don’t know but some of the really smaller ones – I know one for sure is no longer a city; they have dissolved. The other two I don’t know.”

MAYOR’S COMMENTS:

Coffey County Capital Improvement Plan: Mayor Luke, “Last meeting we had the city-county improvement plan. Jerilyn and Lewis have volunteered to be our representatives. I have talked with Jim from the consultants that if we have a person of interest in a particular project; streets, parks, or recreation, that individual we can take to the meetings when we are discussing that particular area of interest. He thought that was a good idea. We will be getting an agenda-type report from him as to what is going to be discussed at a certain meeting. If that means subcommittee, whether it’s somebody from streets or parks, someone from the public on the recreation side, or someone from the downtown area or from Burlington promotions, then they can be included in their expertise and specialties that they have. I don’t have any idea yet of when things are going to be started or when they are going to schedule meetings.” City Clerk Brown, “When I talked to him earlier this week it seemed like it might be after the first of the year by the time they meet with the commission and the other cities to get through the holidays.”

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.

Level Pay: City Clerk Brown. “We are preparing to send out the new level pay contracts next week.”

KPERs 3 Webinar: City Clerk Brown. “Kerri and I attended KPERs 3 webinar on August 31st.”

City Hall Renovations: Awning Painting: City Clerk Brown. “I contact Shawn Sharp, just to keep you updated on the painting of the awning out here. He said that it is probably going to be another three weeks before he can get to it.”

COVID Pay: City Clerk Brown. “I would like to talk about reinstating the COVID pay for our employees since there has been a spike in COVID again. My recommendation is to allow them to use, if they have not used, all of their 80 hours that was given to start with. They could finish that up for those who have not used it.” Council Member Lenard, “Can we solicit any input from the League because some of the rules are changing for corporations on vaccinations. I’d be curious to see.” Mayor Luke, “Most of those are for staff of 100 or more, which we are not, so we wouldn’t be in some of that stuff. Some of the cities are going to the additional 80 hours for those who have not used the 80 hours. Some of the counties are doing it as well. It is a matter of, maybe we will have 3 or 4 maybe, hopefully not anybody serious. I would say that we probably should with the uptick that we have had. At least cover those 80 hours for those who have not had any use of them before.”

Council Member Jasper, “Is that all subject on testing?” Mayor Luke, “Yes, everything is based upon testing.” Council Member Lenard, “I feel like this is another one of those slippery slopes. Is it also something we could do to offer the vaccinations to the employees again if they choose to?” Mayor Luke, “Well, the vaccinations are basically always available.” Council Member Curtiss, “I guess we could encourage them.” Mayor Luke, “It can be encouraged.” City Clerk Brown, “Before we were doing whether they tested positive or if they were under quarantine and we were allowed to use it for that. Either way they had to have a letter from the health office stating that.” Council Member Curtiss, “We don’t want them coming to work if they should be in quarantine and infecting somebody else.”

Council Member Lenard, “Could you write up your recommendation and send it to us? I just don’t feel like I’m prepared to make a decision tonight; maybe you guys are.” Council Member Curtiss, “The finance committee talked about it.” Council Member Jasper, “What is the recommendation right now?” Mayor Luke, “The recommendation from the finance side was to allow for the 80 hour for those who have not used their hours.” Council Member Jasper, “For quarantine and sick?” Mayor Luke, “Yes.” Council Member Curtiss, “And once it is used, it is used.” Attorney Wright, “These are people who haven’t used it all up. They would have been able to before so it is just kind of an extension of that time period.” Council Member Curtiss, “Now those that have used part of it, they only have part left.” City Clerk Brown, “Yes. They can use whatever is left and then use personal time after.”

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Council Member Jasper, “So, they are using it until the test comes back? If the test comes back negative, is that still used while waiting on testing? If it comes back negative --.” City Clerk Brown, “If they are under quarantine whether they tested positive or not. As long as they are under quarantine, they can use that pay.” Council Member Jasper, “Once it comes back negative then it is on them to use their sick leave from there?” City Clerk Brown, “We have not really discussed that.” Mayor Luke, “If it’s a negative test then they would be able to come back to work.” Council Member Jasper, “If they are sick then they are sick. They could have the flu or something else so...” Mayor Luke, “Then they would use their regular sick days.” Council Member Jasper, “That’s what I’m asking. If they have a negative test and are still sick, we don’t want them at work.” Council Member Lenard, “Then it reverts back to normal policy, right?” Mayor Luke, “Yes.” Council Member Jasper, “That’s my thing.” Council Member Curtiss, “And it all has to come through the doctors.”

Mayor Luke, “We can get something written up.” Council Member Lenard, “That makes sense, though.” Attorney Wright, “Well, Lewis, there are several cities out there that are offering incentives for employees to get the shot. Personally, I think if there is a mandate, then that is just not American.” Council Member Curtiss, “I am not in favor of that at all.” Attorney Wright, “I think you are running into tenuous waters. I think the president by issuing that mandate, has run into some tenuous waters there. It is certainly going to be legally challenged. I hope that the challenge wins. I think people should be given that choice, and I don’t care if it’s a religious choice or they just don’t want it; they should have the choice to get the shot or not. I think the city of Topeka is offering \$125 or something. One of the larger cities is to the employees if they will get the shot.” Council Member Tschantz, “That would be a pretty nice incentive for them.”

FUTURE AGENDA ITEMS:

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| 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/ | Sewer Lagoons - Analysis (KRWA/funds for dredging) Updates Storage Building for Dirt -Construction Sewer Liftstations –Flushing Rags, etc. |

Mayor Luke declared the meeting adjourned.

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