

BURLINGTON CITY COUNCIL REGULAR SESSION 10-5-2022

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, October 5, 2022. Mayor Stan Luke called the meeting to order.

THE PLEDGE OF ALLEGIANCE

ROLL CALL: Stan Luke, Mayor

Council Members present:

- Jerilyn Curtiss
- George Shove
- Maxi Berryman
- Thomas P. Tschantz
- Lewis Lenard (President of Council)
- Martin Ernst

Superintendents Present:

- Kevin Boyce (Parks)
- Doug Jones (Chief of Police)
- Alan Schneider (Electric)
- Danny Hawkins (Water/Wastewater)
- Mark Davidson (Street)

Also Present:

- Anne Brown (City Clerk)
- Philip Wright (City Attorney)
- Kerri Weltha (Deputy City Clerk)
- Mary Mader (Administrative Assistant)
- Jimmy Hugunin (Zoning/Grants Clerk)

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Paul Abendroth, Jay Hale, Robert Skipper

AGENDA:

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

MINUTES 9/21/2022: Mayor Luke, “You have before you the draft minutes of our regular session of September 7, 2022. Are there any additions or corrections?”

Council Member Tschantz, “I move to approve the draft minutes of September 21, 2022, as presented.” Council Member Ernst, “Second.” Motion unanimously carried, 6:0.

APPOINTMENT: Public Hearing for 1014 Alleghany

Council Member Lenard, “I move to open the public hearing for 1014 Alleghany Street to determine whether the structure should be condemned as dangerous and unfit.” Council Member Ernst, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Mayor Luke, "The public hearing is now open, and we will accept input from the floor." Chief Jones, "There are a couple of sets of pictures that I took Monday afternoon. There have been no improvements or changes. I haven’t had contact with anybody." Mayor Luke, “Are there any other comments?” There were none.

Council Member Lenard, “I move to close the Public Hearing.” Council Member Tschantz, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Attorney Wright, “The city council is going to be asked to consider a resolution 2022-08. Because we don’t know whether or not someone is going to appear in the third paragraph, it has (appeared) (appeared not) and (replied) (replied not). The (appeared) and (replied) will be crossed out since they are not here. Then (replied not) and (appeared not) will be circled since no one appeared or replied. If you want to see how I have done that, then I can send this around, and you can look at it.”

Mayor Luke, “Do you want us to do that now because I put it under legal?” Attorney Wright, “It’s fine; whenever is good by me. I just wanted everyone to be aware that we have to modify this a little bit because I don’t know whether someone is going to appear. Does that make sense?” Mayor Luke, "Yes." Attorney Wright, "That can circulate, and then we can certainly move that when it's on the agenda."

PUBLIC COMMENTS

ELECTRIC DEPARTMENT: DISTRIBUTION Update

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

Service Requests: Superintendent Schneider, "We have worked a few service requests."

Tree Trimming: Superintendent Schneider, "The main activity we have been doing since the last council is trimming trees."

[2] CONTINUATION: October 5, 2022 Burlington City Council Regular Session

Apprentice Lineman Progress: Superintendent Schneider, "Apprentice lineman Cole is working on his apprenticeship program preparing for chapter tests. Bill Cole attended overhead line school in person at the KMU Training Center. Basically, it was two full days, two half days, and one full day in the middle. I got very good reports and feedback on that. The program is going well."

KMEA Conference: Superintendent Schneider, "Mayor Luke, and I attended the KMEA conference in Wichita Thursday and Friday. It was a very good conference. I was hoping to hear more about the generation penalties the SPP (Southwest Power Pool) is working towards imposing for prorated capacity payments when we should have the generator in service. It is all brand new to everybody at the KMU staff and KPP staff. KMU staff had not been trained on that stuff yet. So, as soon as we know how that is going to go, then I'll update that."

Thank You: Superintendent Schneider, "I want to thank the Street Department and all the other departments. Whenever the electric department needs something, they are willing to jump in and help us out. I missed that last council."

ELECTRIC DEPARTMENT: PRODUCTION Update

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

Reports: Superintendent Schneider, "We are still completing plant reports."

Generator #6 Maintenance: Superintendent Schneider, "The men did a maintenance run on generator #6 yesterday. It had been two or three months since it had been operated. That was a good exercise for it."

KPP Operability Test: Superintendent Schneider, "The annual KPP energy operability test reports are complete and have been submitted for our capacity payments for 2023."

Generator Project: Superintendent Schneider, "On the generation project, Larry's crews are just getting back into town. They are preparing to set the bed plates. Farabee out of Nebraska is going to be onsite to help set those bed plates. They are preparing to move the generator from where it is currently sitting to the north side of the power plant, where it will enter in that hole in the north side."

ELECTRIC DEPARTMENT: Personnel – Recommendation to Hire

Superintendent Schneider, "On September 23rd, City Clerk Brown, members of the electric committee, and I held an interview for the vacant position that we have open for apprentice lineman one. I would like to recommend the city hire Rodney Breeze Jr. to fill that last vacant position.

Council Member Tschantz, "I move to extend an offer of employment as an electric lineman to Rodney Breeze at the starting hourly salary of \$21.34, effective October 24th." Council Member Lenard, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Superintendent Schneider, "He was excited, and I will call him as soon as I get out of council."

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, attending safety meetings, customer call-outs, and concerns.

AMI Meters: Superintendent Hawkins, "A very large portion of the one-inch meters that we have, have already been installed."

New Employee: Superintendent Hawkins, "Noah Hollinger, we are in the process of training him right now. He is super excited to come. We are happy to have him."

Call Out: Superintendent Hawkins, "We had a call out on Friday night where we had to go out and reset some lift stations."

Plant Tour: Superintendent Hawkins, "We did a plant tour for the RV group that was in town. That was a good time. They were a great group of people that came, and they asked a lot of really good questions. It was entertaining and a lot of fun."

Water Tower Maintenance: Superintendent Hawkins, "I have been in contact with Brent Cunningham as well with getting the blue water tower finished up. He said that his crews are really busy right now. I told him with our water usage being so high that, we didn't want to shut down until some rain comes and the water usage goes down. We are going to try to squeeze it in right before the end of the year. I am working with him on that."

Sewer Line Cleaning: Superintendent Hawkins, "The crew has been going out cleaning a few sewer lines."

WATER AND WASTEWATER: Production Update

General: Superintendent Hawkins, "The plant is running well. I am very pleased with it."

[3] CONTINUATION: October 5, 2022 Burlington City Council Regular Session

Clean Out: Superintendent Hawkins, "We did a clean out this afternoon. We started really early this morning, and we were working right up to the moment that I came in here. The guys were finishing up as I was leaving. They should get out around 6:00 p.m."

Brenntag Southwest: Superintendent Hawkins, "We had Randy Dye with Brenntag Southwest come visit us. Now that they can officially get out of their COVID mode, they can come in person and talk to us. That was unusual not seeing him for so long."

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, tree trimming, fixing and replacing street signs, and truck and equipment maintenance.

Drive Culvert: Superintendent Davidson, "We have been resetting and replacing several driveway culverts."

Loader Maintenance: Superintendent Davidson, "We had a hydraulic valve fail on our big loader. It took us a little while to find parts. We finally found them and ordered them. We were able to fix it in-house."

Business Entrance Repair: Superintendent Davidson, "Down at the new coffee shop by the post office, there were people dragging their bumpers coming out. We were able to remove that and basically rebuild the entrance for them and re-rocked the alley."

Spreader Box Maintenance: Superintendent Davidson, "We started doing spreader box maintenance in preparation for this winter. We found that one of the stands was severely rusted. Thanks to Alan's guys, we removed the spreader box off of the stand. We took it in and started rebuilding it. Hopefully, by tomorrow we can get a coat of primer on it, then the week after, we can get it put back together."

Crack Sealing: Superintendent Davidson, "We have started crack sealing again. We were able to do Neosho Street to 16th in the last two days, and we started on Potomac."

QUESTIONS/COMMENTS

Council Member Curtiss, "I just want to thank Mark for furnishing cones for the Mexican drive-through dinner at the Methodist church. Thank you." Superintendent Davidson, "Dinner was good also."

POLICE DEPARTMENT: Update

General: Normal Duties.

Activities/ Cases: Chief Jones, "We had a pretty active Sunday. We had a couple of girls and a couple of kids out looking for grandma. While they were looking, they were cruising through Kelley Park, and there was a guy standing by a tree. They turn around and drive back, and he is at the entrance of the woman's bathroom, and he is manipulating himself. They immediately called 911. They had two young children in the car with them, ages four and five, who were pretty well freaked out. We got him and got him to jail. We then went to look for grandma. Because of her age and her mental health issues, she qualified for a silver alert. She was gone for about six to six and a half hours. We were out, and the Sheriff's office was out. They had the drone going up and down the river checking it and the river banks. She finally showed up back at home, the 300 block of Niagara. No harm, no foul; she was fine. Our lewd and lascivious had his 48-hour affidavit filed in front of Judge Breshears, and she put \$25,000 cash or surety on it. She was not amused."

"We had reports of domestic violence calls, noninjury accidents, and arrests on city warrants. An individual that we arrested for trespassing at Hoover's, after he was told to leave, refused to leave, then he left. Then he came back. So, he went to jail."

"I had an unattended death at G&D Apartments Monday evening. I think he was 63. He had a whole lot of medical issues."

Drive-Through Flu Clinic: Chief Jones, "We have the drive-in flu clinic this Friday."

Cancer Support Group Lunch: Chief Jones, "We have the Cancer Support lunch next Tuesday."

City Court: Chief Jones, "We have court next Thursday."

Nuisance: Properties/Vehicles Update: Chief Jones, "We have not had any more issues with John Frye's truck with the work that he has been doing on the apartments downtown. Then we had the 1014 Alleghany hearing, and that is about all I got."

[4] CONTINUATION: October 5, 2022 Burlington City Council Regular Session

PARKS DEPARTMENT: Update

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

Kansas Campers Association: Superintendent Boyce, "I worked with the Kansas Campers Association. We ran extra water hoses down along the river out of the buildings and off the hydrants for them to hook onto. Looks like possibly spring of 2024; they may be asking to come back. They all like it here. On September 23rd, late evening, I was contacted; they were concerned about one of the electric pedestals. They said not to worry about it that evening; we could look at it the next morning. I contacted Alan, and he came down to assist me with it. We couldn't find anything wrong with it."

Superintendent Schneider, "I meant to see you. I did test it today with our RV tester, and it tested perfectly." Superintendent Boyce, "The guy was able to hook into the next pedestal next to it and got along fine. Everybody had power, and it was really no big issue."

4-H Building - Lights: Superintendent Boyce, "This past Saturday, the 4-H Building was rented. The officer opened it and turned the lights on, but the lights didn't come on. I was down moving a water sprinkler around, so he was able to tell me that. It was a fuse blown on the pole behind the building. I contacted Alan again. One of his guys came down. A raccoon had got on top of the transformer, and that popped a fuse. We got that all taken care of, and the raccoon will not be back. Thank you for your help, Alan."

Seeding Areas Kelley Park: Superintendent Boyce, "The sprinkler that I talked about. We did some seeding down in the northeast corner where Rock Creek runs into the Neosho River on the curve. It seems like a good lunch spot, I guess, so when we haven't had a lot of moisture but when it is damp, they still pull off into the grass. So, there were several bare spots that we reseeded. I am trying to water it and get it to grow back. It is roped off for now."

Kelley Park – Rubber Resurfacing: Superintendent Boyce, "I have been working with the contractor in Kelley Park with the rubber surfacing. They started this morning. Most of the rubber is pulled out. They had a dumpster delivered. They have it piled on the playground. I'd assume tomorrow, they would start back with the installation. Once they are done with Kelley Park, they will move to Jones Park and do that one. I requested Kelley Park first because of Boofest next weekend."

Hazardous Tree List: Superintendent Boyce, "I am working on putting together a list of hazardous trees for contract removal. Hopefully, at the next council meeting, I will have some numbers on that."

QUESTIONS/COMMENTS

Council Member Lenard, "The flowers still look good throughout the city. It sure is nice when you pull down to the four-way seeing everything edged and looking really nice. You guys always do a fantastic job with that intersection."

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2022-19	\$	<u>148,291.93</u>
b. Payroll Ordinance	2022-20	\$	<u>91,098.64</u>
	TOTAL	\$	239,390.57

CLAIMS 2022-19: Council Member Curtiss moved to approve City of Burlington Claims Ordinance 2022-19 for the amount of \$148,291.93 for payment of city bills. Council Member Ernst gave the second. City Clerk Brown, "The larger expenses we have tonight are Allgeier Martin and Associates \$4,071.71, Core and Main \$12,175.37, U.S. Line Company \$4,763.16, and Wheeler World \$75,000.00." **Hearing no additional discussion, Mayor Luke instructed City Clerk Brown to poll Council. All votes were in favor. Mayor Luke declared, "Claims Ordinance 2022-19 passed unanimously, 6:0."**

PAYROLL 2022-20: Council Member Tschantz moved to approve City of Burlington Payroll Ordinance 2022-20 in the amount of \$91,098.64, as presented. Council Member Ernst 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 2022-20 passed unanimously, 6:0."

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, "Normal duties."

City Wide Clean Up: Zoning Clerk Hugunin, "I want to remind everybody that clean up starts Monday morning."

Permits: Zoning Clerk Hugunin, "I have been updating permits to send to the county; the appraiser's office. This week I have issued a couple more building permits for garages and fences."

Information Requests: Zoning Clerk Hugunin, "I am still taking several calls every day about subdivisions and RV Parks. They are mainly wanting building regulations and city codes. I have been directing them to the webpage to get all that."

[5] CONTINUATION: October 5, 2022 Burlington City Council Regular Session

QUESTIONS/COMMENTS

Council Member Lenard, "You had mentioned one time of having a potential developer. Did you ever get a timeline on when you expect a response from that particular individual?" Zoning Clerk Hugunin, "No, I think they were going to have the developer agreement looked over by an attorney or something. Somebody was going to look it over before they brought it back. I have not heard back." Council Member Lenard, "Okay, thank you."

RESOLUTION 2022-08, to Condemn 1014 Alleghany Street

Council Member Lenard, "I move to approve Resolution 2022-08, Declaring Structure(s) at 1014 Alleghany Street to be Condemned and Demolished and the bid process to begin for the demolition and cleanup of the property and all bids to be submitted no later than 10:00 a.m. on November 2, 2022, and bid opening to begin at that time, at Burlington City Hall." Council Member Curtiss, "I second the motion."

Mayor Luke, "It will be as Philip had indicated with the areas marked out that do not apply."

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

LEGAL DEPARTMENT: Update

General: Attorney Wright, "Normal duties."

City of LeRoy – Municipal Court Conflict: Attorney Wright, "I just wanted by way of information for the city council, the city of Burlington has a contract with the City of LeRoy to provide municipal court services to the City of LeRoy. I have developed a conflict with being able to be the prosecutor for cases in the City of LeRoy. Essentially, I have a private client where I am investigating potential claims against the City of LeRoy. I have contacted the City of LeRoy's attorney and explained the situation, and offered for that attorney to come to prosecute those cases during the pendency of my matter that I have privately. I just wanted to make the city council aware of that, so if you hear things, that is what is going on. I will say the city attorney for LeRoy is probably not really understanding where I'm coming from."

"I reviewed that contract just to make sure that I wasn't putting the city at risk for breach of contract and that sort of thing. I don't see that that is an issue. The contract itself was kind of news to me. I wish I would have known a little bit sooner. It provides that the city of Burlington doesn't pay for the prosecutor for prosecution for the City of LeRoy. That is to be billed directly to the City of LeRoy. I have also sent an email to the municipal court judge with regard to this and made him aware of the conflict. There are three cases that it affects right now in municipal court. What I have done in the past when I have had a conflict is Judge Campbell will call a special prosecutor to prosecute those cases. That prosecutor would bill the City of LeRoy directly for their attorney services. So, I have kind of offered that the City of LeRoy's attorney should do that since he is the attorney for the City of LeRoy. I don't know if he is going to accept that. He hasn't indicated that he is willing to do that. I just wanted to make the council and everybody aware that way in case you get some sort of communication from the City of LeRoy regarding this. If there are any questions that come up, by all means, I am an open book."

Mayor Luke, "If he does not accept, then the judge would be the one to appoint?" Attorney Wright, "Yes. The judge will appoint an attorney. What we have done in the past is appoint someone that is on the criminal defense panel, which is a little bit weird. It's difficult to get attorneys to come in and do that kind of stuff. There are just not a lot of people around. There is an attorney who practices down here that I think is from Overland Park, but he practices quite a bit in district court in Coffey County. He has stepped in as a special prosecutor at least once or twice, that I can recall. I just wanted to make sure that I was clear as to what is going on in case people are communicating things differently than that."

EXECUTIVE SESSION:

Mayor Luke, "At this time, I would like to go into executive session."

Council Member Lenard, "I make a motion to enter a 15-minute Executive Session for Non-Elected Personnel Matters with the Governing Body, Mayor Luke, Attorney Wright, and Superintendent Hawkins present." Council Member Curtiss, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0. Entered 6:31 p.m. Exited 6:46 p.m.

Action Taken: Council Member Curtiss, "I move to terminate the employment of Dillon Brown effective immediately." Council Member Ernst, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Council Member Lenard, "I move to approve Superintendent Hawkins to post the vacant position until filled." Council Member Curtiss, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

[6] CONTINUATION: October 5, 2022 Burlington City Council Regular Session

OTHER COMMITTEE OR COUNCIL BUSINESS:

Mayor Luke, "You have in your packet a polio proclamation that needs to be approved."

Council Member Curtiss, "I move to approve the proclamation for world polio day." Council Member Ernst, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

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. For September, we will be sending \$295.72 in delinquent accounts to the Kansas set-off program for collections.

Employee Recognition – 10 years of service: City Clerk Brown, "First off, I would like to recognize and thank Dorinda Snyder and John Hegg for their ten years of service with the City of Burlington."

Reports: City Clerk Brown, "I have handed out several reports this time. You have the overtime/ comp report for April through July and the COVID-19 sales tax and utility revenue reports."

TA Award: City Clerk Brown, "There was a letter from Governor Kelly announcing the next round of the TA awards tomorrow Thursday, October 6, at noon. Probably the easiest way to participate would be on their Facebook page if you wanted to go and listen to that."

Annual League Conference: City Clerk Brown, "Those of you that are going to the Leagues conference, I have your registration and your other information laid out for you. I will be attending the conference this weekend as well."

Employee Appreciation: City Clerk Brown, "We have planned our Employee Appreciation lunch for October 20th at noon here at City Hall in the back where we have had it before."

QUESTIONS/COMMENTS

Mayor Luke, "Can we remove the COVID-19 report off of the sales tax and just have it as a sales tax report?"
City Clerk Brown, "If you want me to, yes, I can do that."

REPORT BY CITY OFFICERS:

MAYOR’S COMMENTS -EXECUTIVE SESSION:

Mayor Luke, "At this time, I would like to go into executive session."

Council Member Lenard, "I make a motion to enter a 10-minute Executive Session for Non-Elected Personnel Matters with the Governing Body, Mayor Luke, and Attorney Wright present." Council Member Shove, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0. Entered 6:52 p.m. Exited 7:02 p.m.

No action was taken after the executive session."

FUTURE AGENDA ITEMS:

GENERAL: City Debt - How to fund projects Expense Tracking on Projects Budget 2023	GAAP - Infrastructure Capitalization City/County Grant Funds – Discussion on Matched Funding Council Discussions on Evaluations, Succession Planning, etc.
ELECTRIC DEPARTMENT: Power Plant - Additional Generation	<i>RICE NESHAP Compliance</i>
PARKS DEPARTMENT: Events in Parks (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 Grass: Work with PD FIRM Floodplain Map Changes – Updates	Quarterly Construction Valuation Report Prepare Easements for any City-owned property without one Permits - Building/Zoning/etc. Burlington Corporate Boundary Updates on Map (Work with State)
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 2022 Asphalt Project
WATER & WASTEWATER DEPARTMENT: Sewer Lagoon Maintenance/	Sensus Water Meter Replacement Sewer Liftstations –Flushing Rags, etc. Sewer Lagoons - Analysis (KRW/ funds for dredging)

Mayor Luke declared the meeting adjourned.

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