

## BURLINGTON CITY COUNCIL REGULAR SESSION 2-16-2022

City of Burlington Governing Body met in Regular Session at City Hall's address, 1013 N. 4<sup>th</sup> Street, Burlington, Kansas, at 6:00 p.m. Wednesday, February 16, 2022. Mayor Stan Luke called the meeting to order.

### THE PLEDGE OF ALLEGIANCE

**ROLL CALL:**  Stan Luke, Mayor

Council Members present:

Jerilyn Curtiss (6:08)                       Maxi Berryman                       Lewis Lenard (President of Council)  
 J.J. Jasper                                       Thomas P. Tschantz                       Martin Ernst

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, Greg Holmquist, Jay Hale

### AGENDA:

*Council Member Tschantz, "I move to approve the agenda as modified." Council Member Martin, "Second." Motion unanimously carried, 4:0.*

**MINUTES 2/9/2022:** Mayor Luke, "You have before you the draft minutes of our regular session of February 9, 2022. Are there any additions or corrections?"

*Council Member Jasper, "I move to approve the draft minutes of February 9, 2022, as modified." Council Member Tschantz, "Second." Motion unanimously carried, 4:0.*

### APPOINTMENT:

### 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.

**Pole Replacement:** Superintendent Schneider, "We changed a three-phase distribution pole in the alley north of Niagara and 10<sup>th</sup> street."

**Line Maintenance:** Superintendent Schneider, "We are doing routine preventative line maintenance."

**Bucket Truck Replacement:** Superintendent Schneider, "I am working on completing the bid specs for the replacement of the 2003 F550 bucket truck. I will get those to Mary. She has found our standard cover letter that will go out with it."

**Spring Sampler:** Superintendent Schneider, "I met with Melissa Daily this last council. We walked through downtown and talked about what she is needing for the Spring Sampler. We went over what we can do for her. As we get closer, we will get that installed for her to help her out."

#### **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.

**Maintenance:** Superintendent Schneider, "The men are doing normal plant building maintenance."

**Reports:** Superintendent Schneider, "We have been completing plant reports."

**Maintenance:** Superintendent Schneider, "We also have been doing normal DC power supply maintenance in the substations."

**Generation Project:** Superintendent Schneider, "With the contract signed on the generator, I would expect to see Larry Wheeler in Burlington in the next few weeks to start planning and making preparations for that project."

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**Industrial Park Substation:** Superintendent Schneider, “This afternoon roughly 4:00, as you probably noticed, the lights got really dim. What happened was in the industrial park substation our 10mva transformer that serves the industrial park, a cat got up on that transformer and on the secondary side bushings for the lightning arrestors, it just destroyed those lightning arrestors. I have already visited with Midwest Energy out in Newton. We had this happen roughly eight or nine years ago and got two arrestors then. They have the history on the transformer, and they should be able to come up with the part numbers. We are using our 7200/12470 underbuild to feed that substation to service customers in that area right there. When this happened before, I believe we served the industrial park out of our power plant substation for about a month before we were able to get the lightening arrestors replaced. If I remember right, I think that they had to make the arrestors. That was the cause of the delay. We are serving them out of the power plant substation.”

**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.

**Pump Station #3:** Superintendent Hawkins, “We were called out the other night about 1:00 in the morning to pull pump station #3. It was full of rags again.”

**WATER AND WASTEWATER: Production Update**

**General:** Superintendent Hawkins, “The plant is running well. We have been spending a lot of time down at the water treatment plant.”

**Equipment Maintenance- Sludge Mixer:** Superintendent Hawkins, “We did have JCI come in, and they got our new mixer in. He got it installed in the sludge pit, so it was up and running. I am grateful for that. The guys did a good job with helping with that.”

**Chemical Controls:** Superintendent Hawkins, “We did go into our lime machine with a recommendation by Randy Dye, our chemical representative (Brenntag Southwest). So, we put in a temporary line from our mixer box directly to our reactors to try to control our reactors a lot better. The results that we are seeing are things that we have never seen. We have better control of our Phs. Our blankets are responding really well. If you go up there and look, it looks like a swimming pool. I am very pleased with the control that we have by doing that. We will continue to keep doing that, and if it continues to go down the path, we will do something a little more permanent. We are anxious to see the numbers that come off of that. The guys did a good job at plumbing that in temporarily to make it work. It is stuff that we have never seen. We are very pleased with how that is working. Again, Randy Dye came in to help with that. He is also helping us with different chemical doses as well. For example, putting the ferric into the rapid mix which is actually helping us to understand the coagulation process better; other than throwing the lime and the ferric into one, we are able to have a process of actual coagulation. Then it goes into lime softening, and the results have been great. I am very happy and excited about how it is going.”

**Thank You's:** Superintendent Hawkins, “They have been taking a lot of pride in our water treatment. I want to thank my guys for what they are doing. They have been doing a great job.”

**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.

**Street Signs:** Superintendent Davidson, “We have been doing maintenance on several street signs.”

**Vehicle Equipment:** Superintendent Davidson, “We have put the boxes back in the truck yesterday and serviced them.”

**Rock Hauling:** Superintendent Davidson, “We started hauling in rock from Paxton Quarry out west of town.”

**POLICE DEPARTMENT: Update**

**General:** Normal Duties. Chief Jones, “We have been staying busy.”

**Activities/ Cases:** Chief Jones, “I mentioned a domestic that we worked last week. The judge put a \$25,000 cash surety bond on that individual. I was tickled with that.”

**City Court:** Chief Jones, “We had city court last Thursday. A new one for us, we had a Zoom translator for sign language. The Judge warned us that this was going to be rather expensive, but the invoice came in, and I was amazed that it was \$159.00. I think we caught a good break on that one.”

**Procedure Question- Donations:** Chief Jones, “I do have a procedural question. Over the last few weeks. Bonnie (Foster), our Animal Control Officer, has had a significant amount of donations come in for the Animal Shelter. She has a project down at the shelter that involves putting in gates for the outside runs. It is going to be right at \$3,000. Just over \$3,000 is how much we have received in donations. So, because these are not tax dollars, do we have to go through the normal bid procedure and get council approval to spend this money? How can we use this donation for something specifically for the animal shelter?” Mayor Luke, “Philip?”

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Attorney Wright, "I am going to have to get back to you on that one, Chief." Chief Jones, "This is something that needs to be done. She has been working on this for a while. It will help bring the outdoor runs up to a standard that the state of Kansas Small Animal Health Department would be satisfied with. It will need to be done, but we were hoping that the donations are something that we could dedicate to this project."

Council Member Jasper, "So, with that being said, if Philip gets back with you in-between councils and you can use it, use it." Chief Jones, "My question was since these aren't tax dollars, are we still required to follow procedure on that?" Council Member Jasper, "If Philip comes back and tells you no, then just proceed on since our legal counsel says we are good." Attorney Wright, "How were the donations made?" Chief Jones, "\$2,000 of them were donations for Susan Parks memorial contributions. We had another individual who came in with right at \$1,000 donation out of the blue to specifically the animal shelter." Attorney Wright, "And the donation was just to the animal shelter?" Chief Jones, "Yes." Attorney Wright, "We will talk."

**Nuisance: Properties/Vehicles Update:** Chief Jones, "This morning we had a new territory arrived in. The condemnation bids were to be opened at 10:00 a.m. this morning. Anne covered that for me since I had my wife's doctor date in Emporia. We had no bids. I am not sure what to do at this point. I did visit with Philip a minute before council. The individual in question has changed his official legal address on one of his required reporting statuses to an address out in the county. Philip is going to visit with the property owner and see what we can do. Basically, I am going to throw a whole lot of work on you this next week or two and see what happens." Attorney Wright, "We should say that Mary found the change of address." Administrative Assistant Mader, "Laura did." Attorney Wright, "Oh, Laura did. I want to give credit where credit is due."

**PARKS DEPARTMENT: Update**

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

**Downtown Flower Pot Maintenance:** Superintendent Boyce, "Some of our downtown flower pots that we moved in and out of Neosho Street have cracks in them. One of them last fall, when we were unloading them at the shop for storage, broke in half, so we are building some new ones. We should have them done before the flowers need to be planted."

**Tree Removal:** Superintendent Boyce, "At 12<sup>th</sup> and Niagara on the south side of the street, we have city property there. There are a few small trees there that had died, so we cleared them out. We will be cleaning more of that area up. It is next to where our woodchip pile is to the west."

**Park Maintenance:** Superintendent Boyce, "We have been picking up small branches in the parks that fell in the wind yesterday and last night."

**FINANCE: Claims Ordinance & Payroll Ordinance**

a. Claims Ordinance	2022-04	\$	<u>1,777,430.60</u>
b. Payroll Ordinance	2022-04	\$	<u>84,786.61</u>
	TOTAL	\$	1,862,217.21

**CLAIMS 2022-04:** Council Member Curtiss moved to approve City of Burlington Claims Ordinance 2022-04 for the amount of \$1,777,430.60 for payment of city bills. Council Member Ernst gave the second. City Clerk Brown, "The larger expenses we have tonight are Armscor Cartridge \$3,200.00, Brenntag Southwest \$5,576.04, Kansas Power Pool \$224,054.24, Provision \$2,125.71, Kansas State Treasurer \$147,423.25, Wheeler World \$1,290,000.00 for our first payment for the electric generator." **Hearing no additional discussion, Mayor Luke instructed City Clerk Brown to poll Council. All votes were in favor. Mayor Luke declared, "Claims Ordinance 2022-04 passed unanimously, 5:0."**

**PAYROLL 2022-04:** Council Member Tschantz moved to approve City of Burlington Payroll Ordinance 2022-04 in the amount of \$84,786.61, as presented. Council Member Jasper 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 2022-04 passed unanimously, 5:0."

**PLANNING & ZONING: Update**

**General:** Zoning Clerk Hugunin, "Normal duties."

**Permits:** Zoning Clerk Hugunin, "Most of my time since the last meeting has been spent learning more about ARPA (American Rescue Plan Act), watching videos, and trying to figure out what we are going to do there."

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**Comprehensive Plan Extension:** Zoning Clerk Hugunin, “The comprehension plan extension is in the packet. Did you read all of that, Philip?” Attorney Wright indicated no. Zoning Clerk Hugunin, “Okay, but with that resolution, we also have the ordinance in there. This will extend the plan until 2025. In the meantime, we will look at getting this comprehension plan updated with the census and incorporate any land that has been annexed in since then and things like that.”

**ORDINANCE 882, Approve Comprehensive Plan Extension to 12/31/2025**

***Council Member Curtiss, “I move to adopt Ordinance 882, to accept the Burlington Planning Commission Plan Adoption Resolution and to extend the Comprehensive Development Plan for City of Burlington Area, Kansas to December 31, 2025; thereby amending Ordinance 680 which created the Plan on April 18, 2001.” Council Member Tschantz, “I second the motion.” Mayor Luke instructed City Clerk Brown to poll Council for a vote. All votes were in favor. Mayor Luke declared, “Ordinance 882 passed unanimously, 5:0.”***

**OTHER COMMITTEE OR COUNCIL BUSINESS:**

**LEGAL DEPARTMENT: Update**

**General:** Normal duties.

**MT Networks Franchise Agreement:** Attorney Wright, “I have been kept pretty busy since the last meeting with finalizing stuff with the MT Networks repayment franchise fees.”

**Building Code: Plumbing & Gas – Fitting Code 4-418:** Attorney Wright, “I met with the water and wastewater committee today with regards to the code. With that, I would like to turn it over to the chair of the committee to discuss that part of it.” Council Member Tschantz, “On our plumbers permit and electrical permit, it has city inspector on it. We felt as a committee that we didn’t need that on there. There are also some more upgrades that throughout the packet that we have that need to be changed as far as city inspector since we do not have a city inspector of any kind. We want to take that out of the ordinance. I will turn it over to Martin for the electrical part.”

Council Member Ernst, “I believe that the electrical should be consistent with how the plumbing is with the wording. I think that we ought to do that together.” Council Member Tschantz, “The verbiage needs to be changed. We have had a lot of problems with a few people building homes that come in here, sign their permits, go do what they want to do, and we don’t have an inspector to inspect it.” City Clerk Brown, “This is on the city ordinances that we have in place. That is what we are talking about changing.” Council Member Curtiss, “So, not requiring?” Council Member Ernst, “You would still have the licenses.” Council Member Curtiss, “Plumber and electricians?” Mayor Luke, “Correct.” Attorney Wright, “So, when you look at the ordinances for the plumbing and gas fitting – I am going to go big level here. There are two sections of it. The first part of it deals with having a building inspector. That inspector is given certain duties to go in and inspect the work as it’s in progress and then finally sign off on it certifying that the work was done in conformance with the city code. The city code also adopts the uniform plumbing code, which is a national code. The second half of the ordinance deals with if you are not a homeowner, you don’t own the property, and you are doing that work for yourself, then you have to have a licensed individual do the work for you.

“Traditionally, as I understand it, the city has not done inspections; we don’t have a building inspector to do that. We are not in the city’s practices and conformance with the ordinance. There are a lot of practical reasons in there as to why that is the case. We don’t have a building inspector. It’s hard to enforce things. We would have to hire someone to do that or outsource that, or somebody here is going to have to do that. That is what the ordinances that we have now demand, we should have a building inspector, and we should have that building inspector inspecting new work and remodel work. The same thing exists in the electric code too. It is two different sections in the ordinance but very similar issues. Everyone is kind of on the same page of the committee. Let’s just eliminate the building inspector portion of that. Essentially, we are deregulating, right? The regulating would be to still require licensed electricians that are bonded and insured to do the work unless it is a homeowner.” Council Member Curtiss, “Okay, now I understand. Thank you.”

Attorney Wright, “It is simple because we have to figure out how to do that; I guess that’s my job. Do we go in and repeal things selectively or just try to adopt a new code that does the same thing? I don’t know where everybody else is at with this, but we wanted to discuss it. Give me some direction if you want me to proceed to put together some proposed ordinances that would be in conformance as I outlined, meaning that just requires the permit requirements and eliminates building inspector requirements.” Council Member Curtiss, “Have we ever had a building inspector?” Mayor Luke, “No. Let me ask a question. On the electric side or the plumbing side, correct me if I’m wrong; we go out and verify that the connection box or breaker box meets UL code listing and that the ground is appropriate on the line that is on the meter?” Superintendent Schneider, “At the meter, yes.” Mayor Luke, “Because that is safety issues for our people. So, we still need to do that.” Attorney Wright, “We didn’t really discuss the electric side of it because this was the water side. I didn’t look at that code as – I’m just familiar with it because of past things, but I don’t know. The question that you raised, I am going to broaden it out just a little bit and re-ask the question. Do we want to be able to regulate a little bit or not everything? As soon as you regulate, then you have to have some kind of inspection process.”

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Mayor Luke, "Well, what we regulate on the electric side is employee safety. That is a total employee safety issue. On the plumbing side, Danny, what do we do with respect to what comes to the water meter?" Superintendent Hawkins, "Yes, we set their water meters, and then we have the licensed plumber come and hook into the water. If the plumber is on-site, then many times, they will tie directly into the riser. Otherwise, we put a coupling on and then come back later. On the sewer side, we require that they go out and dig up the main and place alleyways back or anything that was destroyed based on the plumbers, but we physically go in and do the original tap on the main, so we protect our own infrastructure. Then they can hook onto that tap from their end into the house."

Mayor Luke, "We don't inspect anything; we just provide the tap and set the meter there for them to hook up to." Superintendent Hawkins, "That is correct." Council Member Tschantz, "That also doesn't mean if you're building a brand-new home and you come down and get your permit saying that you're going to live in it and then sell it right away. That is protecting the new homeowner also." Mayor Luke, "I understand that, but we are not inspecting the actual installation of the plumbing beyond the meter or beyond the connection of the sewer to the main. Beyond that, we don't inspect anything on the water/sewer side." Council Member Jasper, "That's why they are talking about getting rid of the inspector on the cover sheet." Mayor Luke, "Correct."

Attorney Wright, "How does it work on the electric side?" Superintendent Schneider, "Once the electrician is ready or the homeowner, which it has to be their primary residence, it can't be one of the rental properties, I will go in to verify we are grounded, and the panel is appropriate. I will do a brief walk-through to make sure that everything looks safe before we put power to it, so it's not an issue and will not hurt any of the city employees or the people in there. Then we will provide them service." Attorney Wright, "Suffice to say there is a little more room for error with water than there is for power, right?" Mayor Luke, "Yes." Attorney Wright, "Give the smell test; make sure there is no fire when you flip the switch." Superintendent Schneider, "Right, we will see sparks if there is a problem." Council Member Jasper, "With that being said, there are several different applications on the electric side. Overhead to the house or underground that is attached to the house, the meter can. Or there is a meter on the pole and then underground or overhead to the house."

Superintendent Hawkins, "On new structures, a person also goes in and takes a quick look. Just an example of something, if a sump pump is tied into the sewer lines, it is just a brief look-over. We are not going in and saying that vent is 27 inches away from a drain or anything that could be a violation; it is just a quick look over." Council Member Jasper, "Back to your point Alan, if the homeowner or electrician doesn't give you permission to come into the house, then what?" Superintendent Schneider, "If we know they are doing work?" Council Member Jasper, "Right, if the electrician has his panel in place and says that they are ready for you to power up the meter." Superintendent Schneider, "I don't suppose I will power up until they give me access. It is a safety thing. I have never run into that issue. I suppose what I would have to do is call Doug and see if he couldn't persuade them. They have to prove it's safe because we are not going to kill anybody or burn anyone's house down."

Zoning Clerk Hugunin, "I think city code says that they have the right to enter during reasonable business hours." Attorney Wright, "It gives the inspector the right. So, it sounds to me we need to maintain at least the right to the department head to go in there whether it's on the water side or your side (electric)." Superintendent Hawkins, "We are not going to storm in there and say that we heard this or that. We understand that we are going to be called in and asked at a reasonable time to go in." Council Member Jasper, "I get all that, but what credentials does a normal inspector have to have to be able to go in and inspect a panel inside the house? A licensed electrician? I think there are guidelines for an inspector to have if he is going to go inspect something, then he has to be a licensed electrician or master plumber; I think he has to check boxes to be able to inspect. I am not for sure on that, but I feel like that is something that we need to look into. If we are signing off on it as an inspector--."

Mayor Luke, "When I had the house built, they came in and checked grounds at every outlet, the made sure you didn't switch the neutral and the hot wires, that breakers were the proper size for the circuit and the wiring, checked ceiling vents, the air conditioner to make sure everything was correctly installed there. I don't know what they did on the plumbing side because I wasn't there when that happened. I just happened to be there when the inspector came on the electric side. I would assume that is similar stuff that a master electrician would be involved in. There it was, a city employee. I don't know if he was just trained to do that particular thing to sign off on or if he knew anything else, I don't know." Council Member Jasper, "That is where I am going back to if there are certain guidelines that we have to follow and we are signing off on stuff as inspectors with our cover letters and things, what kind of liability are we putting on ourselves?"

Attorney Wright, "I don't think there is a liability issue there. I guess we need to make the ordinance conform with what we are willing and actually doing. You know what I mean? Otherwise --. We need to follow the law that city council has put there. If it is not working, then we need to amend it, fix it, and get it to where it needs to be. It sounds like you guys aren't going in and inspecting any of that stuff; you are just checking kind of the main stuff when you turn the power on."

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“You aren’t checking the polarity or breakers or making sure the circuits aren’t overloaded. That is why you have the licensed electrician do that work. The one thing that everybody has to keep in mind is that all work must be done by ordinance and in conformance with the universal plumbing code and the national electric code. If it is not in conformance with that, then we would probably have some type of – and this is not a little tiny issue, unfortunately. It is kind of a big deal.”

Mayor Luke, “As far as a consensus is that we need to look into this and get it corrected so that we are doing it right.” Council Member Jasper, “If we are not inspectors, then we are not inspectors.” Mayor Luke, “Right, which is why we need to go ahead and do this.” Attorney Wright, “I guess I am hearing that we should go ahead and look into trying to fix it and not have a building inspector.” Mayor Luke, “Alright, that is your direction.” Attorney Wright, “Alright, so this is not going to happen overnight. It will probably be over the next several council meetings we will try to get some proposed ordinances in front of the city council on this issue. The main things that I am looking at, it sounds like we do need to maintain some sort of right to inspect because there are probably going to be some instances where you need to get into a house, and you’ll need to right to check something. At the same time, not create a duty for new construction or remodeling to have to go in and do a traditional inspection. Does that sound fair enough?”

**City Court/ Thank you:** Attorney Wright, “We did have city court, and I thought it went really smooth. I thought there were going to be more cases than what there were. We have kind of pushed stuff back, but we ended up getting through everything really quickly, so it was kind of nice. It has been running really smoothly, and I just want to thank the Judge, Lisa (Birney – Court Clerk), and Chief Jones. It makes everybody’s job easier when everybody is doing their job.”

**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.

**Financials:** City Clerk Brown, “I have handed out your 2021 financials. I would like to go ahead and schedule a finance meeting with the department heads next Thursday, February 24 at 3:00 p.m. if that works with everyone to go over CPI.”

**Water Committee:** City Clerk Brown, “I met with the water committee this afternoon.”

**MT Networks:** City Clerk Brown, “I got a revised list back from MT Networks because they had a lot of people in there that were not in the city. That dropped it to around \$37,000 from the \$44,000 something number. So, that was a plus.”

**QUESTIONS/COMMENTS**

**MT Networks:** Attorney Wright, “The council should be aware, Anne and I have been working on this quite a bit, and I think we will have the initial letter go out next week informing the affected customers. It is happening pretty quick.”

**REPORT BY CITY OFFICERS:**

**Coffey County Community Improvement Plan:** Council Member Curtiss, “Last fall, the Coffey County commissioners came up with the Capital Improvement Plan for Coffey County. That is why I was late. I was at that meeting. We had representatives from Coffey County, myself, Gridley, New Strawn, and Waverly; Lebo and LeRoy were not represented because of various reasons as to why they could not make the meeting. This first meeting was to come up with the top five projects that they want our group to handle this year. Those top five were trails connecting Burlington and New Strawn, adding three fishing lakes, city stormwater study, housing study, and adding sidewalks. It was a consensus of most people there that they wanted to concentrate at our next meeting on the city stormwater study. What is going to happen next meeting is that we are going to be given a map, then we have to fill in where our stormwater problems are and where we want the study to be conducted. When we went through that list, city-wide stormwater study was at the top. It was specifically around country club heights. I need to know before the next meeting what other areas we need to look at. So, just let me know.”

Council Member Jasper, “So, with that all being said, I guess the committees and probably everybody in that group, we don’t have any control really with what the state owns or has the legal control of, right? Like our highway is KDOT controlled. It’s not that we don’t think it’s an issue; it’s how much of it is in our hands.” Mayor Luke, “Mark, with the highway, the storm drains, and curb and gutter, are they the city’s responsibility?” Superintendent Davison, “Just the storm drains.” Mayor Luke, “Okay, so the storm drains are the city’s responsibility on the highway. With respect to country club heights, the biggest issue with stormwater is due to the water that comes across the farm ground from the west. That should be a study that the county does because they did the initial stormwater study when that property was put platted.” Council Member Curtiss, “Okay.”

Council Member Jasper, “I guess what I am saying is if it is not in that jurisdiction of that committee, there is probably no reason to waste time on it. Does that make sense?” Council Member Curtiss, “Yes, but one of them said that their major concern was stormwater and to have the city stormwater study done. So, the other guys agreed with that too, and so that is what we are going to study next time.”

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Council Member Jasper, "Full steam ahead." Council Member Curtiss, "Yeah. Trails connecting Burlington and New Strawn that has been talked about for a long time." Mayor Luke, "They did not give any direction as to what they thought that would cost?" Council Member Curtiss, "No. None what-so-ever. Bob said the beginning place would be to connect Burlington and New Strawn, but you would have all of the county connected eventually. That is his dream. As far as adding three fishing lakes, that was high. Eight dots were given to that; we went up and put dots on the thing like we did before. Trails connecting Burlington and New Strawn got ten dots, adding three fishing lakes got eight, city stormwater study got seven, housing study got eight, and add sidewalks got five. Those were the top five."

Mayor Luke, "And you are looking at the storm drain study first?" Council Member Curtiss, "Yes." Council Member Jasper, "Keep working on it over there; we appreciate you." Council Member Curtiss, "Like I said, you people will have to help me put down where I need to put the dots on the map." Council Member Tschantz, "Your partner in crime wasn't here." Council Member Jasper, "He flaked out on you." Council Member Curtiss, "I know." Mayor Luke, "He is sick." Council Member Curtiss, "I know." Council Member Jasper "I guess whatever benefits the most people in the county." Council Member Curtiss, "Right."

**OTHER COMMITTEE OR COUNCIL BUSINESS:**

**MAYOR'S COMMENTS:**

Mayor Luke, "I just have a couple of things. You have probably heard around town that Flint Hill Community College is looking at putting a complex in Burlington. I have been meeting with the County, the school board, and Flint Hills Community College on this issue. Last Monday night, Flint Hills met with their board of directors and has been given a direction to look into the old Walmart building as a spot to start their complex with respect to welding operations and a couple of the other training classes they have. They are looking at other options that they were going to by the elementary school. That is part of the discussion. I think that is a long way from resolution. That would mean that the new elementary school would have to be built north of the baseball fields on property that they already own. We cannot put any of their training locations downtown Burlington because those locations would be a C2 property, and all of downtown is zoned as C1. C2 opens it up to other types of businesses meaning automotive paint shops and repair shops, and motor repair facilities. You have to have the approval of the building owners to even propose a change in the zoning. They basically are not going to be looking at downtown Neosho or 3<sup>rd</sup> Street for any of their facilities."

"The second item is EMP Shield's has received a 25-million-dollar grant from the federal government. They are looking into each of the cities, and I think the county with respect to the installation of their surge suppressors at no cost to all of the city buildings and structures that need it. The key ones would be the Electric Department, Water Department, all of the lift stations because of the SCADA control systems that are in there, Street Department, Parks Department, City Hall, Kelley Hall, and 4-H Building, so anything operational in there electrically would be protected with their surge protectors. I have a meeting tomorrow morning with EMP Shield to find out more information. They have a rather short turnaround and, of course, like typical programs on getting set up as to what it is that they are going to do. If there is no financial obligation and no long-term commitments, no nothing on the city's part--." Council Member Jasper, "We give you permission."

Mayor Luke, "And they will go around and look at all the locations to determine exactly what they need for each spot. If there are financial obligations and other things associated with it, I told them I have to bring it back here since I cannot make that decision." Council Member Jasper, "I think it would be a good asset." Mayor Luke, "Yes. If everything is included – I also told them it had to be a licensed electrician; it can't be anything else to do the installation. I will know more tomorrow and will let you know if there financial or long-term commitments that might be involved. If there is not, I think it would probably be a good deal." Council Member Jasper, "Yes, move forward, and don't forget about the Police Department." Mayor Luke, "They already have it." Council Member Jasper, "Oh, okay." Chief Jones, "EMP Shield installed the surge protector at our building and on all of our vehicles at no cost." Mayor Luke, "So, we have experience with their system." Chief Jones, "There is no maintenance involved either." Council Member Jasper, "It's a no-brainer. If they are willing to turn it over to you, then go ahead. If everybody feels the same way?" Council Member Curtiss, "Oh yeah, definitely." Mayor Luke, "Okay."

**[8] CONTINUATION: February 16, 2022 Burlington City Council Regular Session**

Mayor Luke, “I spent the day in Topeka. There are 23 bills being discussed that impact cities, municipalities, sales tax, and utilities. So far, they have not gotten out of the senate, and turn around is next week. Anything that has not already been voted on can be turned over to the house. I met with the vice-chair of the house utilities committee, and the comment was made that the house utilities committee does not see these bills moving forward. Some of the sales tax bills they are not quite so sure of. They had a taxation hearing this morning. I set in on part of the utility hearing and part of the judicial hearing this morning. We will see what comes out next week because they will have to have everything turned around by a week from Friday. They will be gone for three weeks, then back for a week, and they are hoping that that will not be longer than a two-week time frame coming back to approve the budget and finish up on any bills that have not been determined at this point in time. They have 147 bills in front of them under consideration at this point.”

**FUTURE AGENDA ITEMS:**

<b>GENERAL:</b> City Debt - How to fund projects Expense Tracking on Projects Budget 2022	GAAP - Infrastructure Capitalization City/County Grant Funds – Discussion on Matched Funding Council Discussions on Evaluations, Succession Planning, etc.
<b>ELECTRIC DEPARTMENT:</b> Power Plant - Additional Generation	<i>RICE NESHAP Compliance</i>
<b>PARKS DEPARTMENT:</b> Events in Parks (Updates)	
<b>LEGAL DEPARTMENT:</b> Municipal Court Updates	Misc. Legal - Documents, Cases, Contracts, etc.
<b>PLANNING AND ZONING</b> 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)
<b>POLICE DEPARTMENT</b> Nuisances (Work with Zoning Clerk) Voice Stress Analyzer Project	Department Activities and Cases
<b>STREET DEPARTMENT:</b> 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
<b>WATER &amp; WASTEWATER DEPARTMENT:</b> Sewer Lagoon Maintenance/	Sensus Water Meter Replacement Sewer Liftstations –Flushing Rags, etc. Sewer Lagoons - Analysis (KRWA/funds for dredging)

Mayor Luke declared the meeting adjourned.

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