

BURLINGTON CITY COUNCIL REGULAR SESSION 3-2-2022

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, March 2, 2022. Mayor Stan Luke called the meeting to order.

THE PLEDGE OF ALLEGIANCE

ROLL CALL: Stan Luke, Mayor

Council Members present:

- | | | |
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| <input checked="" type="checkbox"/> Jerilyn Curtiss | <input checked="" type="checkbox"/> Maxi Berryman | <input type="checkbox"/> Lewis Lenard (President of Council) |
| <input checked="" type="checkbox"/> J.J. Jasper | <input checked="" type="checkbox"/> Thomas P. Tschantz (6:09) | <input checked="" type="checkbox"/> Martin Ernst |

Superintendents Present:

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| <input checked="" type="checkbox"/> Kevin Boyce (Parks) | <input checked="" type="checkbox"/> Alan Schneider (Electric) | <input checked="" type="checkbox"/> Mark Davidson (Street) |
| <input checked="" type="checkbox"/> Doug Jones (Chief of Police) | <input checked="" type="checkbox"/> Danny Hawkins (Water/Wastewater) | |

Also Present:

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| <input checked="" type="checkbox"/> Anne Brown (City Clerk) | <input checked="" type="checkbox"/> Mary Mader (Administrative Assistant) |
| <input checked="" type="checkbox"/> Philip Wright (City Attorney) | <input checked="" type="checkbox"/> Jimmy Hugunin (Zoning/Grants Clerk) |
| <input type="checkbox"/> Kerri Weltha (Deputy City Clerk) | |

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Paul Abendroth, Kathy Payer, Arden Payer, Vickie Wolford, Rachel Hale, Thomas Johnson

AGENDA:

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

MINUTES 2/16/2022: Mayor Luke, “You have before you the draft minutes of our regular session of February 16, 2022. Are there any additions or corrections?”

Council Member Curtiss, “I move to approve the draft minutes of February 16, 2022, as modified.” Council Member Ernst, “Second.” Motion unanimously carried, 4:0.

APPOINTMENT: Kathy Payer – Coffey County Fair Board Entertainment Committee

Arden Payer, “Thank you for hearing us tonight. The fair is coming up and our committee is getting younger. We have some pretty good night activities coming up. One of them is Friday night which is what we are talking about tonight. I will have Rachel Hale fill you in on that.” Rachel Hale, “This year’s event will be held on July 22, 2022 with the approval of this special use permit, we might have a concert and a street dance, and if permitted a beer garden. The area that we want to utilize will be designated with a physical barrier along its perimeter to keep the alcohol consumed within the designated area. We will sell tokens at a booth along with checking ID’s and placing bracelets on individuals 21 and older. If someone has a beer in their hand and no bracelet then the beer will be confiscated and will be asked to leave. It is to everybody’s knowledge that alcohol is consumed every year at the fair so why not take advantage of the situation by monitoring the consumption and allowing the profit to benefit the fair. We plan to request security through volunteers and also cooperation through local law enforcement. Certificates of insurance will be provided to the Coffey County Fair Board and the City of Burlington prior to the event. It is our goal to add more attractions each year to this event for the community members and also individual surrounding the area. On behalf of the Coffey County Fair Board, we thank you and hope that this will build our annual fair.”

Mayor Luke, “We will open it up for discussion.” Council Member Ernst, “So, you’re not going to do it on the Saturday night?” Rachel Hale, “No, it falls on the Friday night.” Kathy Payer, “We were talking about doing the cooler on Saturday night like the demo derby. People can bring coolers in. Years ago, they charged \$10 a cooler and we wanted to see if we could do that again this year. The grandstands will be no alcohol.” Council Member Curtiss, “So where do you bring the coolers in?” Kathy Payer, “In the pits.” Council Member Curtiss, “Where do you want this concert and street dance to be? Down there at the fairgrounds?” Arden Payer, “It’s going to be down there. Was anyone down there last year where we had the free concert?” Mayor Luke, “Yes.” Arden Payer, “It will be in that same general area. Right now, I can’t tell you where we are going to put the beer garden. We have to get with ABC if this is approved tonight, then they will come down and set our area up for what we have to have to secure that area.”

Council Member Curtiss, “Okay. Kevin?” Superintendent Boyce, “I want the park full, that is all I ask.” Council Member Ernst, “So, what do we need to do? Do we need to make a motion then?” Mayor Luke, “We need input from law enforcement. We have had these discussions before and I think it was before all of you were on the governing body. Doug?”

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Chief Jones, "Most people know where my stance is on it. I think the 4-H and a family event Fair and having a beer garden sends the wrong message to the kids. I don't think that it is a good idea. When this came back up again this time, I was afraid the alcohol in the pits for the derby and alcohol for a street dance.... I am not in favor of it." Sheriff Johnson, "When I found out about this, I of course called my compadre Doug to ask what his opinion would be and it's as he told you. I called around today to several persons in the community to ask their opinion and it was 50/50. I can tell you that I don't anticipate a problem but we never do but we set up so we can take care of a problem. I have known the Payers since I have lived in Coffey County and I know that they wouldn't do anything to make this issue a problem, but it only takes one problem and we are the ones that have to deal with it. If you are asking me what my opinion is, it is that I have to back up my partner over there wearing a badge and that is Doug. Nothing against Payers or I have one of my employees sitting here. If you allow this to happen, I'm sure they will work with us, but you're going to have to give us some leeway to make sure that it is going to get done safely. Again, if we have major problems this first year, we will be back to fight the second year. I am here to work with Doug and the city council anyway I can."

Council Member Ernst, "Is there anything that needs to be done besides the insurance and working with the ABC?" Chief Jones, "They can't even begin the process with the ABC until the council gives them a positive answer. I think it has to be by resolution." Mayor Luke, "Resolution, yes. They will have to take the resolution to the ABC to start the process." Sheriff Johnson, "And they will get a permit from the ABC that will allow it." Mayor Luke, "Any other comments or concerns?" Council Member Jasper, "I think Tom needs filled in a little bit if he is going to be asked to vote on it." Council Member Tschantz, "I already know all about what they want down there. My biggest concern is nobody walking around the fair with alcohol. That is my biggest concern. I know people are going to bring it in and have it in a cup from outside but if we are going to have a beer garden, I guess that is my biggest concern. I am not opposed to it but that is my biggest concern."

Arden Payer, "May I address that?" Mayor Luke, "Yes." Arden Payer, "When a beer garden is set up, the ABC is set up to where you have to be within this perimeter. We have a guard or somebody set up that is checking IDs at the entrance and checking to make sure no alcohol is leaving that area. It has to be kind of an enclosed area where no alcohol can get out of there unless they go to their car and bring it in and we cannot stop that." Council Member Tschantz, "I agree with that." Arden Payer, "I have been talking to a guy a lot that has 23 years at ABC and under their guidelines, he said if they are run right and we have support then they have never had a problem with anything. We also want you to know that the grandstand is a family grandstand. It is a beautiful grandstand down there. That is off limits to any kind of alcohol. I can't guarantee that it isn't getting in there but that is beyond our control."

"This will be kind of to the west of the grandstands out in that open area where we have that border fence there on the backside. We will have to figure out what we can do to enclose it and put it in to where we have one entrance in and one exit. The other thing that we are going to do is that they have to buy a token to go in and that token will be with so many or so much towards beer. Then we have control over that. We won't have near as much problems with money. It will be like a carnival; you have one place to go get your tickets and that is where you go." Sheriff Johnson, "I have seen places that have had this in Coffey County and they put up an orange snow fence, that is their perimeter. You stay inside the snow fence. You get outside the snow fence and you are fair game. That is the perimeter set up by the ABC and this organization. It is not that difficult folks, the ABC is going to tell them what they can and can't do and Doug and I will help them out. We don't want to do anything to cause a problem. We are not here to arrest people because they are walking around with alcohol outside there. We want to make sure that there is a secure area so we don't have those problems. We want to have a good time. If you decide to pass this, we will work with them and make it work."

Council Member Curtiss, "Is this going to be an enclosed tent on the side with two entries then?" Kathy Payer, "It won't be a tent." Council Member Tschantz, "It will be an open area that is enclosed." Arden Payer, "And it won't be cans or bottles. It will just be a draw or a draft that way we can eliminate a lot of problems with the bottles and cans." Council Member Curtiss, "What other kinds of activities are going on this Friday night? Are there any type of activities involving the children?" Arden Payer, "No. We have a parade Friday night, that starts at 6 and then that will be over with. As far as any other activities, we don't have any scheduled." Chief Jones, "Are you having a carnival?" Arden Payer, "No, truthfully, I don't think we will ever get one." Chief Jones, "I know a lot went out of business." Arden Payer, "Well, they want \$45,000 to come to Burlington and I don't think we can handle that."

Council Member Jasper, "With all of that said, it is not our job as a council to parent for the parents. If they feel like they want to go down and participate and they take their children then that is on them. We will police the law through our police department as best as we are capable." Council Member Ernst, "Can they even have kids in there?" Council Member Jasper, "If they are running around at the playground or whatever the case might be." Mayor Luke, "They can't be inside the confined area." Council Member Jasper, "Right, so if somebody brings their kids and drops them off at the playground then they come in, then that's on them. It's not our job to police it. If we can use this to utilize 4-H and make more money for it then why not try for here and reassess it. It is our job since we own the property to facilitate the property, I feel like." Kathy Payer, "If we can say one more thing. This will be just for the Coffey County Fair only and not any other organization." Council Member Jasper, "So, everything that you draw in off this benefit goes back to the Fair Association for something down the road." Kathy Payer, "Yes."

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Mayor Luke, "Is there any other discussion? If not, I would accept a motion to provide authorization for the fair board to have a beer garden on Friday evening for the Fair on July 22, 2022." City Clerk Brown, "Does this need to be a resolution." Mayor Luke, "It will be a resolution but we need Philip to put together the resolution." Council Member Ernst, "Were we just going to make a motion for Friday or for Saturday as well?" Mayor Luke, "Saturday goes to a totally different thing if they want to go to coolers." Council Member Curtiss, "What are your hours?" Arden Payer, "Right now, 8:00 p.m. to midnight." Council Member Curtiss, "Including the beer garden and the dance?" Kathy Payer, "Yes." Council Member Jasper, "I am okay with making the motion wide open for the weekend and let them decide. We just own the property; they are holding the event." Mayor Luke, "That is up to them if they want to provide the security and other stuff." Kathy Payer, "We will do the insurance too." Mayor Luke, "You have no choice on that." Council Member Jasper, "That way we don't have to call an audible later if they just do Friday night, that's on them or if they do Saturday night too."

Council Member Ernst, "I move to approve the Coffey County Fair Board to have beer during the fair on nights up to their discretion for 2022." Council Member Tschantz, "I second the motion."

Council Member Curtiss, "And you said the beer on Saturday night, that would not be in the bleachers at all." Kathy Payer, "No." Council Member Jasper, "For the entire weekend." Council Member Curtiss, "Okay." Chief Jones, "I know you said the grandstand but what about the portable bleachers on the south side." Arden Payer, "On the south side? To be honest with you, they get it there. What we have been trying to do as a Fair Board, we have been trying to not let anything in that stadium. We really can't control that out there on the south side because there is so many entrances coming in. The only thing that we do is that we stop coolers from going in to that area of the grandstands. We allow no coolers in the grandstands or south in the bleachers." Maxi Berryman, "Will they be limited on how many tokens they can use?" Kathy Payer, "We haven't gotten that far yet." Arden Payer, "Our first step was passing through the Fair Board. They passed it now the next step is to have it pass through here. The next step would be to go to the ABC and that is where we will get our guidelines. They will be here I can guarantee you because I know this guy. He will make sure that we do it right the first time."

Mayor Luke, "Philip, you feel confident in putting together a resolution for us for our next meeting." Attorney Wright, "Yes, I will work with Mary. She will put it together in 30 seconds." Mayor Luke, "Okay then we will modify the motion just a little."

Hearing no further discussion, Mayor Luke called for a vote. Council Member Ernst, Curtiss, Tschantz and Jasper voted, 'Yea' and Council Member Berryman, voted 'Nay'. Mayor Luke declared the motion passed, 4:1.

Mayor Luke, "Okay, now do we need a motion for the resolution?" Attorney Wright, "No, I can just to that and then that will be ready for the next meeting." Mayor Luke, "Okay, next meeting we will have the resolution to review that." Kathy Payer, "Do we need to come back in for that?" Mayor Luke, "I don't know why you would." Kathy Payer, "Okay." Mayor Luke, "It is going to outline all of the stuff that has to be done for the ABC and insurance." Kathy Payer, "Okay, thank you." Council Member Jasper, "Thank you guys for coming in." Council Member Tschantz, "I'll call you."

PUBLIC COMMENTS

ELECTRIC DEPARTMENT: DISTRIBUTION Update

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

Pole Replacement: Superintendent Schneider, "We replaced a power pole in the northeast side of Country Club Heights in the last couple days."

Outage: Superintendent Schneider, "We worked an outage Wednesday February 17th very early in the morning. The downtown circuit was down which is circuit #4. We did drive the line thoroughly to look for any issues like if there was a line on the ground or a tree limb on it. We got it reenergized. That was about an hour and twenty minute roughly. We went back in the daylight when we got back into work for our normal day and covered circuit #2 and #4 which is Hoover's area, down the highway and the down town circuit."

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."

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EIA (Energy Information Agency): Superintendent Schneider, "I have the first of the energy information complete and submitted."

Generator #4 Maintenance: Superintendent Schneider, "We replaced some air filters on the intercooler on generator #4."

Industrial Park Substation: Superintendent Schneider, "The industrial park substation transformer that I reported on with the cat getting into it. We had the transformer tested for internal damage. It all tested good. The lightning arrestors did arrive. We have that back in normal operation feeding that industrial park substation."

Generation Project: Superintendent Schneider, "I visited with Larry Wheeler. They are busy disassembling the generator to get it ready to ship. It should be able to ship around April 22 to start heading this way. We are starting to get some drawings for Allgeier Martin to review for them to coordinate with what work needs done in the plant. As they are disassembling the generator Larry is taking pictures there so we have pictures to show everybody the process as the project goes along, I will share those as soon as I receive them."

QUESTIONS/COMMENTS

Council Member Curtiss, "Do we know how long after April 22 it is expected to be here." Superintendent Schneider, "I am guessing two to three days travel time with as big and heavy as it is." Council Member Jasper, "What is their plans for travel?" Superintendent Schneider, "I don't know J.J." Council Member Jasper, "Truck?" Superintendent Schneider, "That's what I'm hearing. Part of this process in waiting for that timeframe is that they are trying to get all of their permits approved to move it down this way."

Council Member Jasper, "On the lighting arrestors is that something that is cost efficient to keep on hand?" Superintendent Schneider, "It wouldn't hurt anything, no." Council Member Jasper, "I understand that it takes a contractor to place them." Superintendent Schneider, "Actually, no it didn't J.J. We did it ourselves." Council Member Jasper, "Good." Superintendent Schneider, "I wasn't sure about the mounting process and I didn't remember from the other time that it happened. It bolts to the top of the transformer. We did have to do some modification on the brackets. It has stud bolts that come out of the transformer. The bolt pattern on the arrestors were the same but the mounting was thicker so we had to make an adaptor plate. It was a pretty quick and easy fix. So, to answer your question, no it wouldn't hurt to have them on hand because lighting could take it out just as easy as a cat or other wildlife could. They are like \$860 a piece. Really, it's cheap insurance and saves a delay. Summertime load it would cause a little bit of an issue out of the substation to serve that down there. They were readily available. I was surprised." Council Member Jasper, "That's what I was getting at with inventory on everything and even the costs if we could buy low." Superintendent Schneider, "I will get with my vendor again and visit with him about that." Council Member Jasper, "Thank you."

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 Jasper, "I move to authorize the Mayor to open the public hearing for the City Budget for 2022." Council Member Curtiss, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0. Mayor Luke, "We enter the hearing at 6:30 p.m."

Mayor Luke, "Are there any comments from the public? What this is, the previous budget was approved and reviewed with Sean (Gordan CPA) and he found that there were some inconsistencies between things. It does not change the overall budget. Everything will remain the same but now all the numbers add up correctly." City Clerk Brown, "I actually found it." Mayor Luke, "So, between Anne and Sean we have it straightened out but by statute to repeat the process. Any comments or discussion?"

Closing the Hearing: ***Council Member Curtiss, "I move to close the Public Hearing." Council Member Jasper, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0. 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 Jasper, "I move to adopt the City Budget for 2022 as presented." Council Member Tschantz, "I second the motion." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0. Mayor Luke declared the City Budget for 2022 adopted.

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.

Water Leak: Superintendent Hawkins, "We tried to fix the leak in front of the library. We had Tony Kimmi with Kansas Rural Water Association come in to try to find it. He heard something so we tried to fix it but to no avail. We did not find the leak anywhere in there. The leak is very very tiny. Before we tear up the whole world, we put it back and we will have Tony Kimmi come back again to see if he can look a little bit better before we spend a lot of money on concrete. We are trying to fix it but we couldn't find it. There was nothing on the line for 20 feet."

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Water Service: Superintendent Hawkins, “We did an install on a new water service at 9th and Potomac. That one is completed.”

Pump Station #3: Superintendent Hawkins, “We installed our new back up sewer pump at pump station #3. We had Krayton Cox come down to wire that up. It is running right now. The other one is being rewound right now at Douglass Pumping.”

KDHE State Inspection: Superintendent Hawkins, “We had our state inspection. Kansas Department of Health and Environment (KDHE) came in last Friday to do that at the water treatment plant and the backwash holding basin. They were very pleased with our reports and our paperwork that is in order. They were very happy with everything that was done. We passed that.”

WATER AND WASTEWATER: Production Update

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

Chemical Controls: Superintendent Hawkins, “Based upon the tests that we have been doing that I have been telling you guys about with the lime feed and changing it over to the reactors have been going really well. So, I have been getting some samples back from the TOC. It is not the best we have ever had but they are much better than what we have had; we have roughly 43% removal of TOC. We expect that to go higher even yet because we have changed some things since then. I am very pleased with that.”

Chemical Supply: Superintendent Hawkins, “We got our first bulk order of 2071 which is going to save us a bunch of chemical costs. That is a filled up.”

Evoqua J Press: Superintendent Hawkins, “On our Evoqua J press that we have at the water treatment plant, we have been working for several weeks in there and talking with the technical people, and replacing the parts we have in inventory. The press was purchased back in 2003. So, it has roughly 13000 hours of time on it. I have requested that they have a technician come in. They will be coming in out of New Jersey. It is not what I wanted; I wish I had a tech that was up the road but we are going to have to pay for the airfare for them to come out. The issues that we are having are the brains on the inside of it are going to have to be upgraded. I want to see while they are here if we can find out what that upgrade is or if that is part of the problem that we are having with our airlines and our actuators on the press right now. We are running the press manually, so the guys are going back and operating the press manually. We cannot seem to get it to work in auto. The cost for them to come out is going to be roughly \$7,700 but it also depends on whether they stay the full two days. Their recommendation was to come for two days so they had time to go through that. That would be under repair and replace on that.”

WATER AND WASTEWATER: Non-Certified Operator Position – Recommendation to Hire

Superintendent Hawkins, “I know it’s been a long time and I am so happy to say these words. We had an interview with a gentleman and we would like to offer an employment opportunity with your blessings to a gentleman names Joseph Ward.” Council Member Tschantz, “I would like to say before we vote we did have an interview with this gentleman and I was pretty impressed. That is the first one I have seen since what eight of them now. I was impressed.”

Council Member Tschantz, “I move to extend an offer of employment to Joseph Ward for the position of Water/Wastewater Non-Certified Operator, at the starting hourly wage subject to the new minimum CPI adjustment.” Council Member Ernst, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Mayor Luke, “Is that a two-week notice?” Council Member Tschantz, “That’s a tough one.” Superintendent Hawkins, “I’m hoping. I told him that I don’t have the authority to hire him. I can give my recommendation but that he is going to have to wait for council to make the final decision. I have heard rumors that he has already quit.” Council Member Curtiss, “Are you at full employment then?” Superintendent Hawkins, “Yes.”

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.

Snow and Ice Control: Superintendent Davidson, “We had done snow and ice control on the 17th. We cleaned up downtown. I want to give a thank you to Danny and Dillon Brown and Norman Foster for being able to come help with the snow.”

Safety Meeting: Superintendent Davidson, “We attended the safety meeting.”

Bridge Cleaning: Superintendent Davidson, “Yesterday, we borrowed a fire truck from station #3 and washed all four bridges in town to wash the salt and rock off to get it off the concrete.”

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6th Street Bridge Project: Superintendent Davidson, “Mary put in your packets a drawing of the bridge and the approximate price. We have been talking about the bridge for several years for what we can do with it being narrow and where the sidewalk is placed. The bridge doesn’t have any deficiencies so it is really hard to recommend removing the bridge. I have spoken with Brady Hedstrom with B&G Consultants about it. He contacted me about a week and a half ago about what we can do. The idea is, should we proceed with this, we will have a contractor come in and cut off the raised portion which is the sidewalk. There is a square tubing railing to keep you from stepping off into traffic. We will cut the sidewalk off, pour two more piers, extend the bridge out and we will do roughly 12-foot 6-inch widening on that. We will widen the street and there will be a concrete barrier from the street to the sidewalk and then we will have the railing.”

“You have the approximate price. I think we have talked about getting funding from safe routes to school. It will be an 80-20 match with the state. Our portion would be just shy of \$209,000. We need to get an application to the state if we so desire to this and get our name in the hat, for lack of a better word, to get some of this funding.” Mayor Luke, “A key thing on that is that we make the request in 2022 and if we are successful on getting comments back from them and for additional information that has to be done by the middle of May. If it gets approved, the approval would arrive the 1st of October and the project would be included in the 2023-2024 budget. If we are not included this time, we can make the same application next year and it will be included in the 2024-2025 budget year. So, the application is not in the current budget year, it is for the year following. We don’t know when or if we will ever get approval. But if we don’t put our hat in the ring, we know we will never get approval. So, we are just looking for the authorization to move forward with making a request and submitting the initial paperwork.”

Council Member Jasper, “With that being said, these numbers will change by the time it rolls around. We can send you to go talk to the county, once again” Council Member Curtiss, “That’s what I was thinking.”

Council Member Jasper, “I move to authorize City Clerk Brown to submit the FFY 2023-2024 Transportation Alternatives Project Concept Form.” Council Member Ernst, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Council Member Jasper, “That way they know it’s coming. They have a couple years to think about it.”

2022 Street Improvements Project: Superintendent Davidson, “I would like to ask permission to go ahead and bid the 2022 Street projects. I think I gave to you several meetings ago a list of our streets. I think we have 45 or 46 blocks we are going to do this year. I spoke with Ken Massingail with Killough Construction and he said within the last month and half oil prices jumped \$100 and he suggested we get our bids out now so we can get a locked in price. We generally don’t bid until the end of May usually and then open mid-June. I’d really like to get this done and locked in.”

Council Member Jasper, “I move to authorize Superintendent Davidson to go out for bids for the 2022 Street Improvement Projects.” Council Member Tschantz, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Superintendent Davidson, “Thank you.”

POLICE DEPARTMENT: Update

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

Activities/ Cases: Chief Jones, “We have had a normal run of calls for us. Making arrests on city warrants, out of county warrants, traffic stops that have led to arrests for possession of narcotics.”

City Court: Chief Jones, “We have had city court next week. We are still staying busy but it has been our normal run.”

Nuisance: Properties/Vehicles Update: Chief Jones, “We have started making some contacts on nuisance properties stuff. With the extremely wild swings in the weather, we haven’t been getting too carried away with stuff. We are hoping the weather stabilizes a little bit. We are seeing a little bit of work get done but not much. We are hoping over the next couple of week we will see some improvements there.”

QUESTIONS/COMMENTS

Radar Sign: Mayor Luke, “And the status on the sign?” Chief Jones, “It is sitting on the charger. I have just been waiting to see what the weather was actually going to do.” Mayor Luke, “It is not going to take anything other than getting charged? Nothing failed on it?” Chief Jones, “The way I had it set last time the solar panel was not facing south so it wasn’t getting the solar trickle charge to the batteries. We will put it back up again probably tomorrow.” Mayor Luke, “Okay, I didn’t know if we had to send it off somewhere.” Chief Jones, “No, there wasn’t anything wrong with it, just the batteries had not gotten trickle charged so it drained itself down sooner than we thought it would.”

PARKS DEPARTMENT: Update

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

Snow and Ice Removal: Superintendent Boyce, “We did snow and ice removal.”

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Downtown Flower Pot Maintenance: Superintendent Boyce, “We are still chipping away at the cement flower pots. We have two of them poured and we have two more to go. The hanging baskets we will be getting them cleaned up. They will be going most likely to Arnolds; I got him the paperwork to get me a quote. We will see how that goes.”

City Dam Maintenance: Superintendent Boyce, “Right now we are in the process of making two fire pits for the City Dam at the chain link area. We also did work on the chain link fence on the city dam.”

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2022-05	\$	<u>90,917.88</u>
b. Payroll Ordinance	2022-05	\$	<u>83,091.68</u>
	TOTAL	\$	174,009.56

CLAIMS 2022-05: Council Member Curtiss moved to approve City of Burlington Claims Ordinance 2022-05 for the amount of \$90,917.88 for payment of city bills. Council Member Tschantz gave the second. City Clerk Brown, “The larger expenses we have tonight are Advanced Design for \$2,098.98, Brenntag Southwest \$4,268.73, Midwest Electric Transformers \$5,531.63, National Sign Company \$1,710.64, and Wheeler World \$2,519.55. **Hearing no additional discussion, Mayor Luke instructed City Clerk Brown to poll Council. All votes were in favor. Mayor Luke declared, “Claims Ordinance 2022-05 passed unanimously, 5:0.”**

PAYROLL 2022-05: Council Member Curtiss moved to approve City of Burlington Payroll Ordinance 2022-05 in the amount of \$83,091.68, 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 2022-05 passed unanimously, 5:0.”**

FINANCE: Personnel - Employees Salary & Consumer Price Index Recommendation

City Clerk Brown, “It is the same as always. We always check it from the Federal Bureau of Labor at the same time every year, the 21st of February. This year it came in at 8.2%.” Council Member Curtiss, “The highest it has been in a long time.” Mayor Luke, “It’s the third time since 1982 that it has been above 5% and our budget normally is 5%. In the budget we have 5% for cost of living and a 5% max on merit increases.” Council Member Jasper, “When you’re doing a merit increases, do we have to include that?” Mayor Luke, “We cannot go above 10% because that is what is budgeted. We cannot go above it.” Council Member Curtiss, “So if we wanted to give a 10 % merit increase to any of our employees, if we pass this, we could only do 1.8% for the merit.” Mayor Luke, “Yes, this year we are between and rock and a hard spot. The county went with a \$0.75 per hour increase across the board for everybody.” Council Member Jasper, “CPI and merit or just merit?” Mayor Luke, “That is all they got period.” Council Member Jasper, “That will keep up will gas.” Council Member Tschantz, “With the rising cost of gas I doubt it.” Mayor Luke, “Our role here is to look at whether we utilize the 8.2% consumer price index as normal.”

Council Member Tschantz, “Over the past years I don’t feel that it is normal.” Mayor Luke, “Well, following the same process that we always do.” Council Member Jasper, “Because years past it’s been 2% or something.” Mayor Luke, “2% to 5%.” Council Member Jasper, “Right, and we have always said that 5% was it. If next year they come back and say it’s 1.3%, we are going to follow that, that has been my history in the council.” Council Member Curtiss, “Right.” Mayor Luke, “And if it’s negative, we do not reduce.” Council Member Jasper, “So, if we are going to stay true to what we have done in years past then we have to go with it. We set that precedent and we just have to understand--.” Council Member Curtiss, “Understand that we can only go 1.8% on merit increases.”

Council Member Curtiss, “I make a recommendation to approve an 8.2% Consumer Price Index (CPI) increase to City of Burlington employees, beginning April 9, 2022, and to adjust the wage band.” Council Member Jasper, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

PLANNING & ZONING: Update

General: City Clerk Brown, “Normal duties.”

Webpage Update: City Clerk Brown, “Most of his time was spent putting the city codes, zoning regulation, subdivision regulations, and the developer’s agreement on the city webpage. Him and Mary have been spending a lot of time on that to get everything set up so it is out there for everyone to see.”

[8] CONTINUATION: March 2, 2022 Burlington City Council Regular Session

City Wide Clean Up: City Clerk Brown, “The county has designated April 11-16 as free land fill clean up week. I don’t know what your thoughts are on that with how the last clean up went as to whether or not we are going to do that. They didn’t abide by what we were wanting last clean up.” Mayor Luke, “They haven’t for several years.” City Clerk Brown, “Yes, but we said we were going to try it one more time.” Mayor Luke, “My recommendation is that we notify them of the timeline and then it is up to them to get their trash out there. Then we will set up at a later date our pick up for brush.” Council Member Curtiss, “I agree.”

Tree City U.S.A: City Clerk Brown, “We have been recognized again as the Tree City U.S.A. for the 29th consecutive year.”

QUESTIONS/COMMENTS

Superintendent Davidson, “So, we are not doing trash clean up?” Mayor Luke, “That is correct.” Superintendent Davidson, “Okay, thank you.” Council Member Jasper, “We are ready to do that right here?” Council Member Curtiss, “We aren’t doing trash clean up?” Council Member Tschantz, “No, just brush.” Mayor Luke, “We had all the problems in the last few years with them not abiding what we say, mixing stuff up and putting out contaminated material. People are bringing it in from the county and putting it in front of their friend’s house. If they can haul it there then they can haul it to the dump.” Council Member Curtiss, “I understood what you said that we were going to follow what we did in the past from the 11 to 16.” City Clerk Brown, “That is the county’s.” Mayor Luke, “We are just going to follow their period of time.” Council Member Jasper, “So, are we going to set up our own period of time for our trash clean up?” Mayor Luke, “Not at all, we were only going to do brush. The brush pile is under the city’s jurisdiction.” Council Member Curtiss, “When did we decide we weren’t going to do trash?” Mayor Luke, “We didn’t permanently vote on it but the discussions that we had right after trash pick up last year, it was recommended that we not do it. We are the only community that does it. The other communities in the county do not.”

Council Member Jasper, “Okay, I am just going to put this out there. We are hammering people and trying to get them to clean up their yards and their places. I am going to go somewhere else with this; a lady got sick, her grandson came in from Woodson County to mow the yard and didn’t understand that it was against the law to blow grass out in the street. He had a letter to mow the yard, he mowed the yard, then was told it’s against the law to blow it on the street, so the guy was in a pickle. I want to put it all hand in hand that we want people to do stuff, we have offered this for a long time, and then we are going to take it away. I don’t know if that benefits us as a community to get things cleaned up the way we want people to get it cleaned up. I just don’t want to deter anybody that has a chance to get something cleaned up.”

Mayor Luke, “I am not in the process of wanting to deter anybody either but I am also concerned about the safety of our employees. They put used hypodermic needles out, used diapers, and bed bug infested mattresses.” Council Member Jasper, “I get all that.” Mayor Luke, “That puts our employees at risk. If we don’t pick it up then it just stays there.” Council Member Jasper, “I get that, I’ve seen it myself.” Council Member Ernst, “But we have always done this in the past, right? This would be the first time that we have never done it?” Mayor Luke, “That would be correct. I don’t think we have ever missed any, have we Mark?” Superintendent Davidson, “We just missed one through COVID. As far as I can remember we probably have had one for the last 30 years.”

Mayor Luke, “But all the other communities have dropped it and they don’t do it at all because of that same issue. The others have dropped it, Mark (Petterson)?” Mark Petterson, “Spring clean-up? No.” Mayor Luke, “new Strawn still does?” Mark Petterson, “New Strawn still does and there are a couple of other communities that still do it too.” Mayor Luke, “Oh, county commissioners said that we were the only ones.” Council Member Jasper, “Can we have further discussion about it before we...?” Mayor Luke, “Yes, we can delay the discussion.” Council Member Jasper, “Let’s table this for a second.” Council Member Curtiss, “Yes.” Mayor Luke, “Alright, let’s table this until next meeting. We will put it on the agenda there.” Council Member Jasper, “Thank you.”

ORDINANCE 883 Salaries/Work Plans/Evaluations

Council Member Curtiss, “I move to adopt Ordinance 883, Providing for And Fixing Salaries and Compensation of Officers and Employees of The City of Burlington, Kansas, Pursuant to The Personnel Policies and Guidelines First Established by The City of Burlington, Kansas, in 1996 As Amended and Codified by Ordinance 851 Dated July 26, 2017” Council Member Jasper, “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:

Kansas Municipal Energy Agency - Appoint Director #2: Mayor Luke, “We have two directors for the board for the KMEA. They are voted on for different years. My term as director #2 expires in April of 2022 so they are asking us to appoint a person.”

Council Member Jasper, “I move to appoint Mayor Stan Luke as Burlington's Director #2 to the Kansas Municipal Energy Agency Board of Directors, to serve a two-year term from May 1, 2022 to April 30, 2024.” Council Member Ernst, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

[9] CONTINUATION: March 2, 2022 Burlington City Council Regular Session

LEGAL DEPARTMENT: Update

General: Normal duties. Attorney Wright, “I don’t have much. I just responded to questions and worked with defendants for court.”

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.

City/County Grant Funds: City Clerk Brown, “I have completed the city/county grant fund report for the commissioners and that report is in your packets.”

Water/Wastewater Interview: City Clerk Brown, “I sat in on the water/ waste water interview on February 17th.”

Finance: City Clerk Brown, “I attended the finance meeting last Thursday February 24th.”

Municipal Finance Training: City Clerk Brown, “I also attended a Zoom municipal finance institute training yesterday.”

Tax Reports: City Clerk Brown, “I also handed out the monthly comparison sales tax and utilities revenue report.”

Evaluations: City Clerk Brown, “I wanted to remind everyone to have the employee evaluation work plans completed by March 16th and the same for the superintendents.”

Governing Body Institute: City Clerk Brown, “I also want to let the governing body know that through the League there is a governing body institute on April 29th and 30th in Manhattan. If you are interested in going, let me know.” Mayor Luke, “That’s Friday and Saturday.” Council Member Curtiss, “When is that?” City Clerk Brown, “April 29th and 30th.” Council Member Curtiss, “Do we have any kind of agenda?” City Clerk Brown, “I can get that to you, I don’t have it right here.” Mayor Luke, “The elected officials and mayors start at noon on Friday and all other governing body members are around 3:00pm until Saturday at 2:00 pm.” Council Member Curtiss, “Oh so it’s not very long.” Mayor Luke, “It would be one night in Manhattan.”

Generation Project: I also wanted to let you know that we did close on schedule for the G.O. Bond for the electric generator.”

REPORT BY CITY OFFICERS:

MAYOR’S COMMENTS:

Flint Hills Community College: Mayor Luke, “Mayor Luke, “Last council meeting we discussed issues in regards to Flints Hills Community college establishing a campus here in the city of Burlington. Their board of directors gave the president of the community college the authority to negotiate prices to purchase the Walmart building and continue discussions for the school.”

EMP Shield Surge Protectors: Mayor Luke, “I The cyber security issues. I met with EMP Shield and there is no financial obligation from the city. There is no long-term reporting process that we would have to make with respect to the utilization of that. They are using their grant to supply this to the county and to all the cities, including the city vehicles. So, if there are any issues their equipment will protect everything. They have been in a surveyed all of the structures and inventoried the number of vehicles and types. They are including in their proposal the ability to put their surge security equipment on personal vehicles if those so choose. Those vehicles can be utilized by the employee to get to work so they can use the vehicle that the city has to do the job that they are supposed to do. I don’t know if that will fly with the grant people but it was a major issue for the police force in Topeka and a couple of other larger cities that have 200 to 300 police officers to look at to do that. They figured they would include that in everybody’s but the discretion will be with the city employees to whether that happens. It is just part of the process.”

Auburn Pharmacy Tax TIF: Mayor Luke, “On the 7th of March at the next commissioners meeting, I will be there as will Auburn Pharmacy in the process of looking at a financial TIF for auburn pharmacy for a construction of a new pharmacy building just north of the pizza hut. The entrance will be off of Garrettson and the exit will be onto 75 highway. The TIF program is a special funding for an individual business not a district. The funds would come from the county through the city to Auburn. It would place a mortgage on their property and they would be paying this money back to the county over a ten-year period of time. The commissioners will make their decision on the 7th after we meet with them and they have a chance to ask direct questions to Auburn.” Council Member Jasper, “We are just he middle man.” Mayor Luke, “We are just he middle man. No finance or commitments.” Council Member Curtiss, “Isn’t there a house there too?” Mayor Luke, “That is in the process too.” Council Member Curtiss, “Oh, okay.”

[10] CONTINUATION: March 2, 2022 Burlington City Council Regular Session

Council Member Tschantz, “What are they planning on doing? Buying the property with the house sitting on it or what?” Mayor Luke, “Yes.” Council Member Jasper, “We can’t really....that is--.” Council Member Curtiss, “Right, I was just wondering how they were getting from Garrettson to there.” Mayor Luke, “It’s including all the property from pizza hut to Garrettson street. So, that is the information and we will know more after the meeting next week.”

Flint Hills Community College: Mayor Luke, “I met yesterday with Turner, Marshall, and Duran and they are working at the federal level to support Flint Hills Community College. I thank them for their support on that. Senator Tyson who is here in Topeka is working with them on the same project. I just want to thank them for their support.”

Family Dollar/Dollar Tree (919 N. 4th): Council Member Curtiss, “When is the new place going to be open? Do we have a tentative date from them?” Mayor Luke, “Their initial dates were March and I don’t know if they have changed that.” Council Member Curtiss, “Okay.” Mayor Luke, “they have some major issues in some of their warehouses around the country and I don’t know if that is going to slow them down or not.”

FUTURE AGENDA ITEMS:

GENERAL: 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.
ELECTRIC DEPARTMENT: Power Plant - Additional Generation PARKS DEPARTMENT: Events in Parks (Updates)	<i>RICE NESHAP Compliance</i>
LEGAL DEPARTMENT: Municipal Court Updates PLANNING AND ZONING Work with Advantage Computers and City Departments to improve Cyber Security Nuisance Grass: Work with PD FIRM Floodplain Map Changes – Updates	Misc. Legal - Documents, Cases, Contracts, etc. 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 Lagoons - Analysis (KRWA/funds for dredging) Sewer Liftstations –Flushing Rags, etc.

Mayor Luke declared the meeting adjourned.

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