



**[2] CONTINUATION: April 20, 2022 Burlington City Council Regular Session**

“If approved, I’ll work with Kevin even further and Chief to figure out alternative parking methods and different schemes; we may try to fit people in. Nothing is perfect. I feel like we will have tons of volunteer help. I am not worried about the gate attendants or parking attendants to help manage that parking situation. I am keen on the fact that we don’t want people parking two or three blocks over in erratic ways, clogging up our streets. I will work really hard to try to figure out a parking flow that works and makes sense. That is what I am here to ask.”

Mayor Luke, “The car show, barbeque, and the rodeo, is that all just Saturday?” Bobby Skipper, “Yes, sir.” Mayor Luke, “I can guarantee when we had the barbeque competition here before, where you have the competition, the rodeo parking and the car show were all setups for the barbeque people and the rigs that they had. That was their parking. They used every last bit of that. The issue that I have is the fact that parking is going to be humongous as well as with the rodeo. Participants then are going to have to park offsite.” Bobby Skipper, “Yes, sir.” Mayor Luke, “That may limit some of the attendance. I know it's not what you want to do, but there may be an advantage to limiting participants in the barbeque. I don't know how big of a car show that you will have. The space that you show will not handle 300 cars.” Bobby Skipper, “I feel like if we get 50 cars, that is realistic.” Council Member Lenard, “I think we had the car show in the fall, and they went all the way down there. It is probably a live and learn. So, when we approved this before--.” Mayor Luke, “It was the circus and the carnival.” Council Member Lenard, “Here is where I'm going with this; if Bobby wants to add more things and we approve the use of the park, that is one thing. It is kind of his problem to solve parking.” Bobby Skipper, “Yes, sir.”

Council Member Lenard, “I’d like to, after we get done tonight, approve this for the park and however they deem fit. I do know there is going to have to be coordination on parking. It is kind of like the county fair. People use to park over at Zscheile’s and all over.” Mayor Luke, “Well, there are two designated parking areas off of the park grounds that will hold quite a few cars, but that is all the participants that you expect to be there to attend the rodeo and the circus, the car show, and all the other stuff.” Bobby Skipper, “We are going to exceed parking capacity.” Council Member Curtiss, “And the rodeo is Saturday night too?” Bobby Skipper, “Yes, ma’am.” Mayor Luke, “There is just one time for the rodeo, right?” Bobby Skipper, “Yes, sir, it’s a one-night event. I hope so; I have not finished my negotiations with the saddle club. They are a different entity, but I feel confident we will end up with one night.”

Council Member Curtiss, “Now, this is in conflict with LeRoy Homecoming?” Bobby Skipper, “Yes, ma’am. That is the only negative thing that we are not able to avoid. I am certain we will avoid it next year; we won’t have that conflict.” Mayor Luke, “Two weeks ago, I left an agreement with the county commissioners. I told them at the time that you were looking at some additional things, and I recommended to them that the insurance that we would be required to have should be taken out for the entire park and not just the areas that were under consideration. As far as I’m concerned, the four items that were on that list apply to the entire park for the clean-up and, everything else, any damage. You would be making the repairs, etc. I just wanted to make sure that you were aware that it was out there.”

Bobby Skipper, “I’ll deliver a copy of the insurance as soon as you approve this; I’ll go sign the insurance papers.” Mayor Luke, “We will need a copy, and the Rec Center will.” Bobby Skipper, “You’ll also be covered as loss-.” Mayor Luke, “Yeah.” Council Member Curtiss, “Kevin, you don’t see any problems?” Superintendent Boyce, “No. I checked both buildings. Kelley Hall and 4-H buildings are both still available. We would go ahead and block them out.” Mayor Luke, “Because there won’t be any parking or anything else.” Superintendent Boyce, “Right, so we will go ahead and block them out. Like Stan said with the barbeque, they did take up the space that is for the car show and rodeo parking down along the river at the campsites. We can set up a parking lot at 3<sup>rd</sup> and Potomac, which is city-owned. I have no other issues.”

Mayor Luke, “The owner of the corner on Alleghany and 3<sup>rd</sup> across from the police station, they allowed some parking there for the fair last time.” Superintendent Boyce, “The fair board contacted them.” Mayor Luke, “You might get with Kevin and find out who owns that and talk with them. That has a reasonable amount of parking spaces.” Bobby Skipper, “Yes, sir. Thank you.” Council Member Shove, “All of this is happening on the 17<sup>th</sup>?” Mayor Luke, “15, 16 and 17 are circus and carnival, then on the 17<sup>th</sup> is all of it. The circus on the 15 and 16 is basically for the schools and youth.” Council Member Curtiss, “Now the barbeque people will probably come in Friday night, right?” Bobby Skipper, “Yes, ma’am.” Council Member Lenard, “Would the carnival be out by then?”

Bobby Skipper, “I’m assuming on school nights we would want it to shut down on the carnival by 9:00 so kids can get back home, get ready to go to bed, and be ready for school again in the morning.” Council Member Curtiss, “Friday night.” Bobby Skipper, “Oh yes, that is not a school night. I guess we could keep the carnival open until 10:30 or 11:00.” Council Member Curtiss, “The reason why I said that is because somewhere where you have the car show, I think barbeque people park there before, too, didn’t they?” Mayor Luke, “Yes.” Council Member Curtiss, “So, you have to make sure you have that blocked off, so they don’t park there.” Mayor Luke, “But that has to be blocked off either Thursday or Friday.” Council Member Curtiss, “Right.”

Mayor Luke, “Any other questions for Bobby?” Council Member Tschantz, “Have you made any arrangements for, you know, there is going to be hundreds of people walking up and down the street with cars going up and down? Have you made any arrangements for rides or anything?”

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Bobby Skipper, "Yes, sir. My hope is, I am talking with a group of people that has a large amount of golf carts if we can get them to dedicate maybe 30 golf carts to us during that week. We would have a group that we would donate money to if they would act as chauffeurs and chauffeur people back and forth. It would be a fundraiser for people, maybe FFA or some club." Council Member Curtiss, "Those golf carts have to be insured and tagged." Mayor Luke, "They have to be street legal." Council Member Lenard, "What about the busses that we use for county transportation?" Bobby Skipper, "That's a good idea; I hadn't thought about that; that would be an asset." Council Member Tschantz, "This is what planning stages are for, to think things out." Bobby Skipper, "Yes, sir."

Council Member Shove, "The rodeo is on the 17<sup>th</sup> as well?" Mayor Luke, "Yes." Superintendent Boyce, "As far as the park area and trash and bathrooms, will you have people taking care of that, or will you expect the city to take care of that?" Mayor Luke, "That is in the agreement. They are taking care of it, and they are to supply adequate portable restrooms to handle the crowd." Bobby Skipper, "We will probably not allow the general public to use the facilities inside Kelley Hall and 4-H." Mayor Luke, "We will leave Kelley Hall and the 4-H building locked." Superintendent Boyce, "But we have restrooms in the stadium that can be opened and at the ball fields. The rock bathroom at the playground will be open until October 15<sup>th</sup>." Mayor Luke, "If you have 500 kids that are there for a circus, you are going to have to have more." Council Member Tschantz, "Porta-potties or something." Bobby Skipper, "I was going to ask the city, I was going to ask Kevin, the things I was going to ask for was garbage cans placement and access to any of the bathrooms outside Kelley Hall and the 4-H building. So, you just told me there are a few in the stadium, but we will still rent a bunch of porta-potties." Mayor Luke, "Yeah, you would still need more than that."

Bobby Skipper, "One last thing, I guess we need to ask for Kelley Hall too for the barbeque judging. These sanctioned barbeque competitions, they get serious about it. They need climate-controlled areas with a flat space for tables that is private. So, if Kelley Hall would also be authorized, that would be great for that." Council Member Shove, "I guess one other question is what kind of overlap is there on the car show and the rodeo as far as time frame?" Bobby Skipper, "So, we are going to stagger things strategically so that the foot traffic for one group benefits the actions of another group." Council Member Shove, "Alright." Mayor Luke, "Car show set up is nine to noon, and the competition ends at 3:30." Superintendent Boyce, "Did you say that you got permission to use the arena or not? Really the city doesn't give permission for that." Bobby Skipper, "Yes, sir. She has not explicitly given me permission, but she implied. I want to have a firm understanding with her before I say yes, sir, 100%. I meet with her tomorrow to finalize everything." Superintendent Boyce, "Okay."

***Council Member Tschantz, "I move to approve the county to utilize Kelley Park from September 15 – 17 to handle all of their events." Council Member Lenard, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.***

Mayor Luke, "Once the commissioners sign the agreement, all the contingents will apply to everything." Bobby Skipper, "Yes, sir, thank you all so much."

**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.

**Distribution Week of 4/12/22**

**Car Wash Electric Service:** Council Member Ernst, "They worked at the car wash installed transformers, CT's and metering equipment. They will transfer service to new structure when their electrician completes their install."

**Service Transfer:** Council Member Ernst, "They have set a new 3-phase power pole behind the Sherriff's Annex on Potomac Street. We have a pole that is broken. Our next step is to transfer to the new pole and transfer the conductors to the new pole and transfer two electric services. Also, they installed a new down guy to support the angle on the line North of the Country Club at the sewer lift station."

**Distribution Week of 4/19/22**

**Service Transfer:** Council Member Ernst, "Completed the 3-phase pole change out and transferred electric service to the new pole on Potomac Street."

"Completed 3 phase pole change out on Cross Street and have conductors transferred to the new power pole. They do have one underground service to transfer to the new pole. They will complete when the rain stops."

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**Ride Along -High School:** Council Member Ernst, "Trenton Davidson, a junior at Burlington High School going through the Tech Program, did his ride along on April 11<sup>th</sup>. When he graduates from high school, he will also be graduating through Flint Hills Tech completing the Power Plant Technology Program.

**Vehicle Maintenance:** Council Member Ernst, "They have been performing maintenance on the Ford bucket truck and our vacuum trailer."

**Service Transfer:** Council Member Ernst, "Routine maintenance on the 277/480 transformer at the Power Plant."

**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.

**Production Week of 4/12/22**

**Generator Project:** Council Member Ernst, "The crew has been making preparations for the new generator to enter the plant."

**Reports:** Council Member Ernst, "Completing plant reports."

**Production Week of 4/19/22.**

**Reports:** Council Member Ernst, "Normal plant maintenance Completing plant reports."

**Generator – City Hall:** Council Member Ernst, "Exercised the City Hall generator and performed a load transfer to ensure proper operation of the automatic transfer switch."

**ELECTRIC DEPARTMENT: Generation Project**

**Week of 4/12/22**

Council Member Ernst, "Our Engineers were on site this morning and met with Larry Wheeler and his Engineer to discuss the project and to coordinate the project. Allgeier/ Martin also collected needed data from our Schweitzer relays and some substation data. This information will be used for the generator protection relay settings."

**Week of 4/19/22**

Council Member Ernst, "Larry and his crew are still preparing equipment to ship from Renneslaer. Most items will come in shipping containers and will sit on the west side of the plant off of the blacktop drive. As you know, the generator motor arrived on Friday. Alan has some very good photos that he has been sharing with everybody. Saturday, the crew that will be moving the generator into the plant was on-site to remove the generator off of the trailer and onto cribbing in the parking lot, where it will sit until it's time to move it inside the plant. It took right at 10 1/2 hours to get it set off of the trailer and onto the cribbing. The motor is covered with a heavy-duty tarp to protect it from the weather. Now that they are about complete moving equipment to where it needs to be here at the plant and to various vendors for inspection. We will start seeing more progress here at the Power Plant. Also, later this week, there will be a box container arriving with more parts, and the next big item to ship will be the muffler for the generator."

**Payment #2 Week of 4/19/22**

Council Member Ernst, "With the delivery of the engine, payment #2 is due. The amount of this payment is \$600,000.00, which amounts to 20% of the purchase price of the generator. Anne is working on getting this ready for payment."

**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.

**Blue Water Tower Maintenance:** Superintendent Hawkins, "We asked the tower company to reschedule for another day because they were delaying and delaying; they told us several times that they were going to be here, and they did not show. We have a major project that is going to be coming up here next Thursday, the 28<sup>th</sup>. So, I requested that the blue water tower company come back on a different date. We are doing some bacteria sampling, and we are hoping by tomorrow morning we will get the last negative on it, and we can get the tower back on."

**Fire Hydrant Replacement – Southern Coffey County Without Water:** Superintendent Hawkins, "So, on the 28<sup>th</sup>, we have to replace the fire hydrant in front of the road and bridge crew building. I want to thank the mayor. He has been helping me a lot with communication with others around too. We are going to come in at 4:00 a.m. Once we cut this 12-inch line, all of Southern Coffey County is not going to have any water. I have already contacted Brian Isch at Gridley, Aaron Copeland of LeRoy, and Mike Riley with Rural Water District #2. Riley says that they are able to come in from the west side around the Emporia area, so they will be able to feed LeRoy any extra water that they need. It's nothing more than turning a valve on, they said. The city of Gridley has roughly about a day and a half supply of water in their tower and wet well.

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"We are saying it is going to take about eight hours, but we do not know that to be exact. We are going to work as frantically as we can to get it done to get it back on. I have contacted Randall Brown as well, and he is contacting the other fire agencies down in those other parts of the world too. We don't want to get into a situation where we cut the line, and there is no fire protection. We are going to fill up, be ready, have the guys there when we cut the line, dig it up, and hopefully, in a short period of time, have it back online. That is a big project. We have done social media and went door to door with those that are affected in town, all the way to the industrial park. We handed out flyers about what our intentions were. It is on Facebook to try to get the word out there as well."

**Power Outage – Hard Drive Failure:** Superintendent Hawkins, "Last Monday on the 11<sup>th</sup>, we had a power surge; pesky squirrels always seem to get us. It fried our hard drive at the plant. We were frantically trying to do everything we could. We had a backup hard drive in a box that we had prior for SCADA. We tried to put that online, but it did not work. The power supply to it was dead. We called Jim Moore out of Kansas City with R.W. Vaught, and he came down immediately and did some MacGyver stuff. I am very grateful for Jim and what he did. He was able to take the hard drive out of one and put it in another. He got us up and going; it was a long night. One of my operators worked until 2:00 a.m. to make water. Chris and I stayed until about 10:00 or 10:30. The only thing that we don't have is automation to the towers yet. They are supposed to be coming back here very shortly to see if they can automate that series."

"That just means once we can get this other tower online, then it will give us all a big breather because we are going to have twice the water capacity. It won't be near as panic mode as to where we are at running on one tower right now. We are still coming in at 2:00 in the morning to do the routine to make sure everybody in the county has water. As soon as we get that online, Jim told me the other day that he is taking the hard drive out, and he is trying to retrieve all of the information on it, which is a good thing. Even though we have paperwork and we have all of the documentation, it is just good to be able to retrieve that information, so if KDHE or whoever wants it will still have it. I am very grateful for Jim; he has been very good to us."

**WATER AND WASTEWATER: Production Update**

**General:** Superintendent Hawkins, "The plant is being really good to us right now. There is nothing out of the ordinary. The averages are still running around 450,000."

**Mixer Replacement:** Superintendent Hawkins, "We did have to replace our Soda Ash mixer. It has arrived and is ready to install."

**QUESTIONS/COMMENTS**

Council Member Lenard, "I think Doug has different systems where we back up; he has requirements to back up some of his stuff. I think Jimmy has done some things here. Is there any way we can tie into the water department to have some redundancy to back things up, or is SCADA an independent system?" Superintendent Hawkins, "Yes, SCADA is an independent system." Mayor Luke, "Independent and isolated." Council Member Lenard, "We can't write anything or back anything up out of that at all?" Superintendent Hawkins, "We can, and we are trying to. That's what we are going to do with this new SCADA that we are going to start doing on June 6<sup>th</sup>. That way, it is kind of like what you are saying; it's going to put it on a back up hard drive. Jim is giving me ideas and R.W. as well, instead of us having just the main screen and the hard drive, they are advising that we go with a touch screen because there is a hard drive in the touch screen as well. So, if something like this were to crash, we would still have the hard drive on the touch screen to where instead of us physically turning the pump on manually, we would still utilize the touch screen to do those things. Plus, to gather the data. That is what I am understanding. These are things where we are trying to keep the data." Council Member Lenard, "Okay, thank you."

**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.

**Ditch Maintenance:** Superintendent Davidson, "We cleaned out the ditches on Jarboe and replaced several drive culverts."

**Sign Replacement:** Superintendent Davidson, "We have replaced several signposts that have been broken."

**Thank you's:** Superintendent Davidson, "I want to say thank you to John Hegg and Jimmy for the help on trash clean up."

**Electric Department Assistance:** Superintendent Davidson, "We helped the electric department move a switch gearbox."

**Ditch Maintenance:** Superintendent Davidson, "We have been tilling ditches that we have cut in the past the back slopes on those."

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**Equipment Repair:** Superintendent Davidson, "Our loader and track hoe were both down at the same time. The loader started getting hot on us. It was a thermostat problem. We had a leak in the cylinder on the track hoe. We were able to fix both of those in-house; our guys were able to take care of that."

**City Hall – Renovations – Concrete for Fence:** Superintendent Davidson, "We poured the concrete valley between Family Dollar and City Hall this week."

**City-Wide Clean-up:** Superintendent Davidson, "We had our 2022 spring clean-up."

**QUESTIONS/COMMENTS**

Council Member Ernst, "How did the spring clean-up go?" Superintendent Davidson, "There wasn't a lot of stuff put out. We were done by 4:00 pm. Monday, which we have never done in the past. It is usually the middle of the afternoon on Tuesday. We had a total of a little over 10 tons taken to the landfill. In the fall of 2021, we had 22.42 tons of material taken, so this year was just about half of what we had done last fall. I think Jimmy had some photographs of piles that were left because they were not sorted properly. I think if you were to drive around town, you will still see stuff that has been put out after the fact. I noticed today there were still piles that were put out in the last couple of days that have been thrown in the ditch."

Council Member Ernst, "Would you say that you had more? Obviously, it sounds like we had about half of what was normal, but would you say that there have been fewer issues this year compared to the past?" Superintendent Davidson, "There were fewer issues because we left piles. That was the big issue. Previously we would have had to sort those piles. That is part of the reason that we got done so early this time; we were able to go off and leave them. These piles are at the same houses year after year after year. I will say there was one pile set out around 7<sup>th</sup> and Niagara; it was the best pile we had ever seen. Everything was so neatly sorted; we were able to pull up and put it in the bucket and move on. They had done exactly what we asked, so that was one out of 50 people."

**POLICE DEPARTMENT: Update**

**General:** Council Member Ernst, "They have been doing normal calls. They have been dealing with accidents and phone spammers. City court ran long. There is not much else to report this week."

**PARKS DEPARTMENT: Update**

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

**Water Restoration from winterization:** Superintendent Boyce, "We have all of the water turned on in the public restrooms now. I think the only thing we have left is the sprinkler systems at Veterans Park and Caboose Park."

**City-Wide Clean-up:** Superintendent Boyce, "As Mark stated, we had an employee help with trash pick-up."

**Fair Board – Beer Garden:** Superintendent Boyce, "The Fair Board came to me with a question on the beer garden. The ABC said all they have to do is have barricades for their fencing. They were questioning me if that was good enough, in my opinion. I told them that it is not my opinion that matters; it is the city council's opinion. They are going to set up on the asphalt, so they are not going to be able to drive posts to hold a fence. In my opinion, now, they could put up the barricades and put the orange fencing around them."

Council Member Curtiss, "I want to see the orange fence up." Mayor Luke, "Yeah, I am disappointed they ended up with it on the parking. I was under the impression that they were going to get it out onto the grassy area to where they could put a good solid fence around it and secure it so people could not sneak in and out without the security and the checkout, so to speak." Council Member Shove, "Zoning wise, is that supposed to be 500 feet from the park?" Mayor Luke, "No. We are compliant with all of our zoning. We are covered there." Council Member Shove, "I just wasn't sure." Council Member Curtiss, "It has to be somewhere guarded going in and out. That is what we voted on." Council Member Tschantz, "I was under that impression too."

Superintendent Boyce, "But we did not state that it has to be fenced." Council Member Curtiss, "Well, they told us that they were going to have that orange fence around there." Superintendent Boyce, "The first comment was barricaded. I went back and read it two or three times; barricaded was mentioned, and fencing was mentioned. Neither one was permanent." City Clerk Brown, "I think we thought that was going to be stipulated by ABC." Council Member Curtiss, "Right, but they have to be able to control entry into the place." Superintendent Boyce, "With the barricades, it still will be." Council Member Curtiss, "How? Can't they just go over them?" Superintendent Boyce, "They will have the entrance and exit and people watching." Mayor Luke, "I would suggest that they come and explain."

Council Member Lenard, "Who has—are we liable for the decision or is the ABC? When you define secure, I don't want it to be us." Mayor Luke, "Philip?" Attorney Wright, "All I can say in the new ordinance that was passed to make this all-in compliance basically says that you guys approve it, and it is contingent upon them being able to permit it by ABC. That is where it's at. I think they represented anyway that it will be controlled. Why don't you explain what barricaded means?" Superintendent Boyce, "Like the street barricades."

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Council Member Curtiss, "Yeah, see, anybody can see over that." Superintendent Boyce, "It has two legs and a 2x8 in between them. They could wrap that with the orange fence." Council Member Tschantz, "They can still go over that." Council Member Curtiss, "Yes." Superintendent Boyce, "If someone is climbing over, it's going to be obvious because they are pretty tall." Council Member Curtiss, "Sure, they could go right over." Superintendent Boyce, "I don't think it's going to be that big of an area. I will direct them to be at the next meeting." Mayor Luke, "Yes, and to explain."

**FINANCE: Claims Ordinance & Payroll Ordinance**

|                      |         |    |                   |
|----------------------|---------|----|-------------------|
| a. Claims Ordinance  | 2022-08 | \$ | <u>895,324.30</u> |
| b. Payroll Ordinance | 2022-08 | \$ | <u>87,142.10</u>  |
|                      | TOTAL   | \$ | 982,466.40        |

***CLAIMS 2022-08: Council Member Curtiss moved to approve City of Burlington Claims Ordinance 2022-08 for the amount of \$895,324.30 for payment of city bills. Council Member Lenard gave the second.*** City Clerk Brown, "The larger expenses we have tonight are Kansas Power Pool \$202,755.47 and Wheeler World \$600,000.00 for the payment for the generator." **Hearing no additional discussion, Mayor Luke instructed City Clerk Brown to poll Council. All votes were in favor. Mayor Luke declared, "Claims Ordinance 2022-08 passed unanimously, 6:0."**

***PAYROLL 2022-08: Council Member Tschantz moved to approve City of Burlington Payroll Ordinance 2022-08 in the amount of \$87,142.10, 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 2022-08 passed unanimously, 6:0."***

**PLANNING & ZONING: Update**

**General:** City Clerk Brown, "Normal duties."

**Permits:** City Clerk Brown, "He has issued a couple of sign permits and a new home permit."

**City-Wide Clean-up:** City Clerk Brown, "He helped with the city-wide clean-up."

**ARPA:** City Clerk Brown, "We did get the ARPA reporting for this year completed. It took a little bit to get in there and figure out their system. We got that done. There wasn't much to report since we haven't done anything with the money yet."

**City Hall – Renovations- Fence:** City Clerk Brown, "Street department has poured the concrete on the south side of city hall. Hardy Fence should be here next week to start installing the fence."

**Webpage Domain Renewal:** City Clerk Brown, "He also renewed the .gov domain for the city webpage."

**RESOLUTION 2022-04- Kansas Department of Transportation for Use of Transportation Alternatives Program**

Mayor Luke, "We have resolution 2022-04; it's a transportation alternatives program. This is to utilize the funds through the grant with 80% by them and 20% by the city. We have to have this resolution in place so we can submit all other documentation; it is a requirement from the state. You should have a draft in your packets. Philip, do you have any concerns?" Attorney Wright, "No, I reviewed this, and basically, you have to do this to be in compliance to qualify so we can get it."

***Council Member Tschantz, "I move to approve Resolution 2022-04, Authorizing the City Clerk to sign the Application to The Kansas Department of Transportation for Use of Transportation Alternatives Program Funds for the 6th St. Bridge Improvements Project." Council Member Ernst, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.***

**OTHER COMMITTEE OR COUNCIL BUSINESS:**

**LEGAL DEPARTMENT: Update**

**General:** Normal duties.

**City Court:** Attorney Wright, "We had city court last week, and it ran way long. We ended up doing a trial that took about 45 minutes to an hour. I think we were done a little after 7:00, which is longer than usual. That's not saying it didn't go smoothly; it did. We just had a trial. We had a pro se defendant representing himself. It just took a long time."

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**Ordinance – Large Item Pick Up – City-Wide Cleanup:** Attorney Wright, “I have been busy reviewing quite a bit of stuff and drafting things. You should have received an email with regard to a draft ordinance regarding the large item pick-up. I was hoping to have a little bit of discussion on that to get some input on that ordinance if it looks okay or if there are some things missing. We used the flyer a little bit because it has, if I'm not mistaken, the biggest problems that we have dealt with in the past. We wanted to address that explicitly in the ordinance. The ordinance has fines attached to it as a penalty in three occurrences. One of them is if you have your trash out too soon, the next is if you have items in there that are prohibited, then there is a fine if you leave stuff out too long if the city chooses not to pick it up. We tried to address those things. We also put a little bit of a higher penalty; if people were hiding stuff in there like burying paint cans and things, then you guys would need to document that. I don't know what your thoughts are on it. I don't know if anyone has any changes or additions. I would solicit thoughts on the fines. I'd hate to be the one that arbitrarily made those up. I think the city council should determine that.”

Council Member Lenard, “I think it looked good. There was one thing in there, Philip, that said whoever is picking up in their opinion and then in three places on the fines it says shall instead of may. Was that intentional? It didn't give us the flexibility to adjust the fines.” Attorney Wright, “The enforcement is going to be up to whoever is enforcing its discretion. What the shall does is it tells the municipal court judge if they get convicted that, that is the fine, and that is what it shall be as opposed to allowing some discretion there when the fine is imposed. We could certainly change that or give some discretion to the municipal court judge; instead, we could leave the discretion with citing somebody with the enforcement side of it. Does that make sense? We could certainly address that and do it however you guys want to do it.”

Council Member Curtiss, “So, would this be the police department to come around?” Attorney Wright, “So the burden would be on the collection crew in part, and they would have to contact law enforcement to issue a citation. Both of them would have to be involved. Whoever is picking the stuff up would have to at least preliminarily take evidence, take some pictures, or something. The alternative is if you find a violation, you just call the police. That is for stuff that is in there that shouldn't be. As far as stuff that is out too early or too long after it hasn't been picked up, that would be a code enforcement issue. I think right now; the police department has been doing that. Whoever the city council decides to enforce that, but it makes sense for the police department to do that. I think that was the understanding when we went into this that they would be responsible for that. That was a longwinded answer to a simple question.” Council Member Curtiss, “I knew I read that someplace not in the packet.”

Attorney Wright, “What do you think of the appropriateness of the fine amounts? What do they need to be?” Council Member Lenard, “I think they are reasonable.” Council Member Curtiss, “Once again, how do we notify those people that are always the habitual ones that do this?” Attorney Wright, “That's a good question. Mary brought up a good point when I was emailing this out, asking if we should put the summary in the paper or the full ordinance. I think we need to publish the full ordinance.” Council Member Curtiss, “I don't know how many people take the paper.” Attorney Wright, “I don't know either. We can only use the avenues that we have to advertise. We can probably put something on the website, too, that says you need to be aware. Also, on the next flyer for the fall, we can put that they need to be aware that this ordinance was passed, and we are penalizing violations of this, and they will be enforced. There are a lot of avenues. I think your concern is the habitual violators that probably don't care and aren't going to look at it anyway. That is probably true. They will probably get cited, and then they are going to know, right?”

Council Member Curtiss, “Well, yes, they probably are.” Council Member Ernst, “Is this only in effect during the time frames that we have the clean-ups?” Attorney Wright, “Yes, this ordinance was specifically drafted to address the large item pick up.” Mayor Luke, “Shall we let Philip continue with the process?” Council Member Curtiss “Yes.” Attorney Wright, “Well, I need to know do we make the shall's may? Is there anything we need to change specifically?” Council Member Curtiss, “I think the fines are adequate.” Council Member Lenard, “That would give Judge Campbell the latitude, and I think he does a great job determining them. It could be that he is going to give two days or whatever.” Attorney Wright, “It can give him a little bit of a way to help—kind of the carrot and sword approach; I'm going to fine you this, but I'll abate some of it if you get it done before a certain date. It gives them a little bit of an incentive. You are right; he does a really good job with that. I would be more than comfortable giving him all the discretion in the world on this. If you think about it, fines can be very severe. Those fines, in most instances, are per day per violation. So, if you have it out there for a week, then you are looking at a \$700 fine. All we want to do is get it cleaned up. That is something where the judge can say to get it cleaned up by this date, then the fine will be lesser or whatever if you want to grant that.”

Council Member Lenard, “I would recommend going to may, and it looks like from the pictures that we had because it said in there in the opinion of the collector, it looks like they made the right calls for the piles that were left. I think other than changing shall to may; I think we are good.” Attorney Wright, “I think there are always discretionary things in ordinances are always tough, but these guys know what they are doing. It is part of enforcement too. They put a pile of stuff out there that is prohibited, and nobody picks it up; you have to do something with it, or you are going to get fined. Hopefully, this will discourage some of what has been going on. Shall to may, okay. Is there any other input or thoughts on this?” Mayor Luke, “I think that gives the judge jurisdiction, which the key thing is to get them cleaned up and out of here. Even if he were to waive the entire fee if they did it in 48 hours or something, the intent is there to get it cleaned up.”



**[9] CONTINUATION: April 20, 2022 Burlington City Council Regular Session**

Attorney Wright, "That works for some people; there have been a couple of people it didn't work for." Council Member Lenard, "Just one." Attorney Wright, "Well, that was an extreme example. There have been a few over the years. Okay, I will make that change. If you have any after thoughts, shoot them to me by email or something."

**Future Ordinances:** Attorney Wright, "I did start to review the ordinance that Jimmy gave to me after the last city council meeting, the 29 page one. I actually reached out to him, but obviously, he was gone. I didn't know that; I just figured he saw my name and ignored me like most people. I'm assuming it's because he is on vacation." City Clerk Brown, "He is at training." Attorney Wright, "What's the difference? But I am going to have to get with him a little bit on that. It is pretty involved in dealing with the flood zone and making some changes. The city has already passed three or four ordinances over the years with similar subject matter that is going to take a little bit of historical research going through that stuff."

**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.

**Financial Reports:** City Clerk Brown, "I have handed out the first-quarter financials, revenue expense with cash report, also the revenue report for electric, water, and sewer, and the sales tax report through March."

**Governing Body Handbooks:** City Clerk Brown, "You have your new governing body handbooks."

**REPORT BY CITY OFFICERS:**

**Nuisance Properties:** Council Member Curtiss, "I haven't checked on Yuba Street lately. Is it still the same?" Mayor Luke, No." Council Member Berryman, "The yard has been picked up. It looks really good. The building is still there, though." Council Member Curtiss, "Okay, the house next door, is that vacant?" Mayor Luke, "Yes." Council Member Curtiss, "Do we know who owns that?" Mayor Luke, "I don't know." Council Member Berryman, "But their dumpster is full, so they have been doing something." Mayor Luke, "The dumpster is full because of what was cleaned out from the other location. I don't know what else is there from the other house." Council Member Curtiss, "Oh, okay." Mayor Luke, "The big items, the truck and the storage unit, the stuff is still there. All the stuff in the front is gone." Council Member Curtiss, "And we don't know anything about any of the other nuisance properties because Doug is not here?" Mayor Luke, "He has been given the direction to initiate the ten-day notification." Council Member Curtiss, "Well, yeah, I thought so." Mayor Luke, "Since we don't have the ordinance in place, we will go the route of the ten days and then issue them to be here if they don't get it taken care of."

**MAYOR'S COMMENTS:**

**FUTURE AGENDA ITEMS:**

|   |  |
|---|--|
| <b>GENERAL:</b> City Debt - How to fund projects<br>Expense Tracking on Projects<br>Budget 2022   | GAAP - Infrastructure Capitalization<br>City/County Grant Funds – Discussion on Matched Funding<br>Council Discussions on Evaluations, Succession Planning, etc.   |
| <b>ELECTRIC DEPARTMENT:</b> Power Plant - Additional Generation   | <i>RICE NESHP 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><br>Work with Advantage Computers and City Departments to improve Cyber Security<br>Nuisance Grass: Work with PD<br>FIRM Floodplain Map Changes – Updates | Quarterly Construction Valuation Report<br>Prepare Easements for any City-owned property without one<br>Permits - Building/Zoning/etc.<br>Burlington Corporate Boundary Updates on Map (Work with State) |
| <b>POLICE DEPARTMENT</b> Nuisances (Work with Zoning Clerk)<br>Voice Stress Analyzer Project  | Department Activities and Cases  |
| <b>STREET DEPARTMENT:</b> Concrete St. Repairs/Free State Ct. Replacement/Repair<br>Pavement Management System/Asset Management System  | Street improvement Plan, Paving Gravel Streets, Crack Filling,<br>Street Improvements 2022 Asphalt Project   |
| <b>WATER &amp; WASTEWATER DEPARTMENT:</b><br>Sewer Lagoon Maintenance/  | Sensus Water Meter Replacement<br>Sewer Liftstations –Flushing Rags, etc.<br>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