

BURLINGTON CITY COUNCIL REGULAR SESSION 7-20-2022

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, July 20, 2022. Mayor Stan Luke called the meeting to order.

THE PLEDGE OF ALLEGIANCE

ROLL CALL: Stan Luke, Mayor

Council Members present:

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

Superintendents Present:

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

Also Present:

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

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Paul Abendroth, Jodie Black, Jay Hale

AGENDA:

Council Member Tschantz, “I move to approve the agenda as modified.” Council Member Ernst, “Second.” Motion unanimously carried, 5:0.

MINUTES 7/6/2022: Mayor Luke, “You have before you the draft minutes of our regular session of July 6, 2022. Are there any additions or corrections?”

Council Member Curtiss, “I move to approve the draft minutes of July 6, 2022, as presented.” Council Member Ernst, “Second.” Motion unanimously carried, 5:0.

APPOINTMENT: 1014 Alleghany Public Hearing – Cancelled

The property owner is now deceased, and the property is in probate.

PUBLIC COMMENTS – None

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 Changes: Superintendent Schneider, “The men have changed out a couple of utility poles. One of them was on north 2nd street; it was a service pole going to the church up there. They have replaced a few down guys. Electrolysis is affecting those as well.”

Coffey County Fair: Superintendent Schneider, “We have been working down in Kelley Park preparing for the Coffey County Fair. We’ve changed some outlets, breakers, and a few lights. We did help the Fair Board Monday morning, hanging the banners on the grandstands and the show buildings.”

New Service: Superintendent Schneider, “We are planning on installing new electric services to one new home early next week and possibly, if the second home is ready, later in the week.”

Service Interruptions Report: Superintendent Schneider, “We have been doing really good with all this heat and not having any service-related interruptions. That is great.”

Finance Meeting: Superintendent Schneider, “I attended the finance meeting on July 14th here at City Hall.”

ELECTRIC DEPARTMENT: PRODUCTION Update

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

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

Generator #2 Maintenance: Superintendent Schneider, “We did maintenance on the control panel for generator #2. They did a maintenance run this afternoon that started in the morning, and that confirmed our maintenance that we did on repairs that we did on that control panel.”

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DC Power Supply Maintenance: Superintendent Schneider, “The men did DC power supply maintenance. They changed the air intake filters for the DC power supply cabinet at the breaker station at 10th and Potomac.”

Annual Oil Samples: Superintendent Schneider, “SD Meyers was in for their annual drawing of oil samples of our transformers in the substation. That would include our 69 transformers coming in as well as our step-up transformers for generator #2 that comes out of the plant when we produce.”

Generator Project: Superintendent Schneider, “Larry's crew is back, and they are on-site, and they are installing the forms for the walls for the generator.”

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.

Sewer Lagoon Maintenance: Superintendent Hawkins, “We have been doing maintenance out at the sewer lagoons by spraying for noxious weeds and spraying in the rock area. We also fixed the gate that goes into the lagoon itself. We had to do some work on it, and it is done. The guys have been fishing turtles out of the boxes. That’s always exciting.”

Water Leak: Superintendent Hawkins, “We repaired a small water leak at 724 Shea. It was on an 8-inch cast iron line. It ended up breaking around the pipe, and we put the stainless-steel wrap on it. We had it done in less than four hours, and the water didn’t have to be turned off. We didn’t interrupt any service.”

AMI Meters: Superintendent Hawkins, “We have been putting in the last few AMI meters.”

WATER AND WASTEWATER: Production Update

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

Lead and Copper Sampling: Superintendent Hawkins, “I am very pleased with the lead and copper sampling that came in. All of them came back great. We reported back to everybody that got tested, and it went well. We also passed our THHMs and HAA5s. The same thing that we had an issue with last July, so we did a little changing on chemicals and operations, so we were able to pass it this time. I was very pleased with that.”

Water Usage - Overtime: Superintendent Hawkins, “With the dry weather that we have been having, it has gotten to the point that we are requiring a little bit of overtime because the usage has gone up. We are getting really close to 800,000 gallons a day. People are definitely using a lot of water. We are having staff come in one hour early in the morning to start the plant and get it running.”

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.

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

Bind Weed Spraying: Superintendent Davidson, “We are spraying for bindweeds.”

City Street Tree Limb Damage: Superintendent Davidson, “I reported several weeks ago on a tree that was on Niagara Street between third and fourth that limb had fallen. It got cleaned up and was put on the hazard tree list. Last Thursday, I got a call from the Sherriff’s office that another limb had fallen. It surrounded the property owner or renter's car. There was not any damage to it. This was a little after 5:30 p.m. We started cleaning it up and made the decision to go ahead and remove the tree. It was leaning towards the house. The inside of the trunk is all decayed. I contacted Alan, and he let us use the bucket truck. We were there for a couple of hours. We still have a stump to remove when Kevin gets his tree people in here.”

Street Patching: Superintendent Davidson, “We went ahead and got a load of oil for our oil patcher. We have been going around patching some alligator spots. We had a spot down at the newspaper office, along his rock wall he requested to be done. We did some work around the school. Jones Park and Kelley Park, we patched some large cracks with a patcher. We came back with the crack sealer and went ahead and sealed those off.”

Culvert Extension: Superintendent Davidson, “We put an extension on a culvert out on 16th Street.”

Equipment Repair: Superintendent Davidson, “We are doing repairs on the equipment again.”

Coffey County Fair: Superintendent Davidson, “We put out signs and barricades for the fair parade.”

POLICE DEPARTMENT: Update

General: Normal Duties.

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Activities/ Cases: Chief Jones, "We are dealing with juveniles and mental health issues. We worked on an accident at 4th and Cross; the driver was extremely intoxicated, stopped, then got back in his car and drove away. They followed him right to his house, right through the door, and arrested him for DUI and some other charges. We have worked on some elder abuse, financial crimes, and harassment calls.

"We had one individual that appeared in city court last week in custody. The judge released him from custody, and he made it about 27 hours before he was rearrested for the exact same thing, domestic violence, violating a protection order."

Training: Chief Jones, "We have been doing some training."

Coffey County Fair: Chief Jones, "We have the fair this week."

City Court: Chief Jones, "We had city court last week. The judge got tied up at the federal penitentiary at Leavenworth, so he was an hour late getting here, but we were still done by 7:00 p.m. So, it went well last week."

Nuisance: Properties/Vehicles Update: Chief Jones, "I had stopped and talked with Jodie (Black), and that's when I found out the owner of 1014 Alleghany had died last week, which throws everything into a quandary. We don't have an actual owner right now, anyone to hold responsible. I've talked with Philip about it, and the plan, at least at this point, is we are going to kick this back at least 60 days, let things get through probate, wait to see what happens with the property, and wait until we have an actual owner.

"I heard from and had some action by a couple out of town owners. The property directly across from the pool to the west has been mowed. I don't know what will happen with the rest of that property yet. The other property owner, she got ahold of her son, and he got ahold of me. I've got him talking to Ronda Gilbert at the housing authority, and he is planning to get some stuff started in August. I am going to give him some time to see what he can get done."

QUESTIONS/COMMENTS

Nuisance: Properties/Vehicles: Council Member Curtiss, "With 1014 Alleghany, you said 60 days maybe with probate." Chief Jones, "That is what Philip had recommended." Council Member Curtiss, "If the owner then is declared after that, do we have to start all over?" Chief Jones, "Because it is a brand-new owner, we have to start all over again." Council Member Curtiss, "That is crazy."

Council Member Berryman, "And that first trailer is abandoned now, isn't it? Because the doors have been flapping open for days. Anything that would cover the water heater that is inside the trailer, that door has been missing for a long time." Chief Jones, "Okay, when you say first trailer Maxi--." Council Member Berryman, "I don't know north or south, the one that is closest to Alleghany and 10th as you are looking at the middle one." Chief Jones, "That is actually currently occupied." Council Member Berryman, "The door has been banging for --."

Chief Jones, "The middle trailer is the one that we were going to do. A cousin lives in the third trailer down, but yeah, they will live there. They have been using some of the parts that they removed from that middle trailer to rehab the trailer that they are in." Council Member Berryman, "And I saw that they moved the pontoon boat out. Now, again to the right, I don't know if it's north or south." Chief Jones, "East." Council Member Berryman, "There is a vehicle that has been parked there long enough for weeds to grow around it. Is that a legally licensed vehicle?" Chief Jones, "It is. That is part of my issue. It is currently tagged and insured, and it is in operable condition; they demonstrated that to me. The fact that it hadn't moved, I can't do anything with it." Council Member Berryman, "The RV that is by the backside of it." Chief Jones, "That is actually the one I was talking about."

Council Member Berryman, "They have a car in front that has weeds around it. That has been there probably a month now. Is that legally tagged? That hasn't moved." Chief Jones, "I'll have to look again because I remember her Explorer, pick-up, motorcycle, the two boats, and the RV. I'll have to look for the car." Council Member Berryman, "It looks like a junkyard." Zoning Clerk Hugunin, "Is it the black SUV that you are talking about?" Council Member Berryman, "I don't remember, but it is sitting out in front, and grass had grown around it." Zoning Clerk Hugunin, "It's probably the Expedition." Chief Jones, "That moves – they use that--." Council Member Berryman, "Well, there were two vehicles parked there. One moved, and one didn't." Chief Jones, "Well, that pick-up has been there for a few days." Council Member Berryman, "It was there tonight." Chief Jones, "It had been moving." Council Member Berryman, "Okay, because it had weeds growing around it." Chief Jones, "It's still tagged. I think they just parked it on top of the weeds when they were mowing."

Council Member Berryman, "Okay, I have questions about two other places. Des Moines, the one that burned, I believe it was the beginning of January, that has been demolished a few weeks ago, but all the debris is laying there, and there is no safety precaution around it."

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Chief Jones, "That is on the property owner. I did visit with him; he has a guy that is supposed to be recycling the metal out of that. I haven't seen any activity over there for a while, but I also haven't caught up with him." Council Member Berryman, "For weeks. Could the city be held liable if somebody is hurt?" Chief Jones, "No more than any other property." Council Member Berryman, "Wouldn't it make sense to throw a few barricades around it, though?" Chief Jones, "Then we set a precedent that we don't want to do because it is private property. That would enter us into a special relationship with the property owner."

Council Member Berryman, "But if I read the codes correctly, I need to get a life because I spent a couple of afternoons reading codes, which I know is a dangerous thing. It said we could put barricades around it, the city could, and then bill the owner if I'm reading it right." Chief Jones, "I would have to look again. I don't know if we have ever actually done anything like that." Council Member Berryman, "But you've got the wood there, the concrete, the metal..." Attorney Wright, "Maxi, there is no liability on the city for that. That is a civil issue with the property owner." Council Member Berryman, "But wouldn't it make sense to throw up a few barricades, though?" Attorney Wright, "Here is the problem, if you do take action, then the city could potentially put themselves in liability by taking action. If we put barricades there and someone got hurt on the barricade, that is city property. I hear what you are saying; you don't want anyone to get hurt."

Council Member Berryman, "Correct, everything is sharp, dirty, metal, and rust." Attorney Wright, "Right, but there is nothing really that the city should do with regards to that. We certainly don't want to take action and create a precedent that we are doing that. Because if we don't do it again and somebody gets hurt--" Council Member Berryman, "Well, that's been weeks though that the debris has been there. I have another question for the Chief. The blue trailer, is there a date to demolish that on Alleghany?" Chief Jones, "Just what Jerame Hugunin has got planned. He has Mike Schmidt on tap to demolish it, so it's just on Mike's schedule." Council Member Berryman, "When they demolish the trailer, are they going to move the red vehicle behind it?" Chief Jones, "Yes. That is also one that has a new owner, so the clock starts all over on that one." Council Member Berryman, "You're killing me." Chief Jones, "I'm sorry." Council Member Berryman, "Thank you, I'm done."

PARKS DEPARTMENT: Update

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

Jones Park – Vandalism: Superintendent Boyce, "The sink repairs at Jones Park should be complete by the end of the day tomorrow."

Nuisance: Grass/Weeds: Superintendent Boyce, "We have mowed three nuisance properties; 302 S. 10th, 1110 Lamoille, and the lots east of Bomgaars. Tomorrow we will be mowing 822 Wilson; Jimmy gave that to me today."

Coffey County Fair: Superintendent Boyce, "I have been working with the Fair Board and the Coffey County Extension Office for the Coffey County Fair."

QUESTIONS/COMMENTS

Council Member Ernst, "Who takes care of the water in the barns down at the fair?" Superintendent Boyce, "Takes care of as in...?" Council Member Ernst, "Maintenance wise, I guess." Mayor Luke, "Inside the barns?" Council Member Ernst, "Yes." Mayor Luke, "Isn't that the Fair Boards?" Superintendent Boyce "Yes, I work with them." Mayor Luke, "It is their ultimate responsibility." Superintendent Boyce, "I try to watch it to make sure the main valve is turned off when they are not in use." Council Member Ernst, "Okay, thank you."

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2022-14	\$	<u>469,486.29</u>
b. Payroll Ordinance	2022-15	\$	<u>97,641.73</u>
	TOTAL	\$	567,128.02

CLAIMS 2022-14: Council Member Curtiss moved to approve City of Burlington Claims Ordinance 2022-14 for the amount of \$469,486.29 for payment of city bills. Council Member Ernst gave the second. Deputy City Clerk Weltha, "The larger expenses we have tonight are Annixster \$2,351.65, Beyer Motor Company \$2,498.25, Protective Equipment Testing \$3,540.50, and Kansas Power Pool \$332,148.39." **Hearing no additional discussion, Mayor Luke instructed Deputy City Clerk Weltha to poll Council. All votes were in favor. Mayor Luke declared, "Claims Ordinance 2022-14 passed unanimously, 5:0."**

PAYROLL 2022-15: Council Member Curtiss moved to approve City of Burlington Payroll Ordinance 2022-15 in the amount of \$97,641.73, as presented. Council Member Tschantz gave the second. Hearing no discussion, Mayor Luke instructed Deputy City Clerk Weltha to poll Council for a vote. All votes were in favor. Mayor Luke declared, "Payroll Ordinance 2022-15 passed unanimously, 5:0."

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REVENUE NEUTRAL RATE

Mayor Luke, “We also have the notice to exceed the revenue neutral rate. In our budget meetings, we have exceeded what the county says should be the rate that we would be proposing because that would be a reduction because of the raised valuations, then our millage rate would drop, and we stay revenue neutral. But with over an 8% increase last year, which we did not increase our millage rate, and they anticipated 9% this year, we are proposing to raise the millage rate to 43 mills. To do that, we need to supply the county clerk with the letter of intent, and then we can move forward with everything else in the process that goes all the way down to September and October when we actually approve the budgets.

Council Member Curtiss, "I move to approve the Mayor to sign the letter of intent to exceed RNR." Council Member Ernst, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Mayor Luke, “I will take that to her first thing in the morning.” Attorney Wright, “Will you have Kerri scan that and email a copy over to the county clerk tonight and then go ahead and deliver it in the morning? That way, we have fully technically complied; it is actually due today.” Mayor Luke, “Okay.”

PLANNING & ZONING: Update

General: Chief Jones, “Normal duties.”

City Hall - Soffits: Chief Jones, “He talked with a contractor about soffits on the building; he will be here late this week or early next week.”

Nuisance: Grass/Weeds: Chief Jones, “He is still dealing with several nuisance grass properties. Three out of four properties that received letters have mowed. The Parks Department will be mowing one this week, 822 Wilson.”

Permits: Chief Jones, “He has issued several fence permits.”

Training: Chief Jones, “He finished cyber security training.”

City Hall – Vehicles: Chief Jones, “He has been getting city hall vehicles scheduled for service.”

OTHER COMMITTEE OR COUNCIL BUSINESS:

RESOLUTIONS: None

LEGAL DEPARTMENT: Update

General: Attorney Wright, “Normal duties.”

Nuisance: Properties/Vehicles: Attorney Wright, “I have been thinking about this Allegheny Street property, and I think there may be the potential to speed this process up a little bit. I think we could move against the heirs. To do that, what we need to do is go ahead and set a condemnation hearing, and I would like to do that about 60 days out. In order to do that, though, I would need approval from the city council. I would go ahead and ask that the city council approve us setting a hearing for condemnation proceedings for 1014 Allegheny against the heirs at law and to set that for maybe the first Council meeting in September.” Chief Jones, “September? That is only 30 days.” Attorney Wright, “I’m sorry, October.” Mayor Luke, “October 5th?” Attorney Wright, “Yes.”

Council Member Ernst, "I move to approve a hearing October 5th for the condemnation of 1014 Allegheny against the heirs of Henry Clay." Council Member Curtiss, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

CITY CLERK: Update

General: City Hall Staff have been busy with customers paying utility bills, many calls and inquiries, preparing work orders, vouchers for bill paying, payroll, and council meeting minutes.

EMC Insurance Claims: Deputy City Clerk Weltha, “We received the reimbursement check from EMC for the electric transformer claim for \$136,325.50.”

Budget Finance Meeting: Deputy City Clerk Weltha, “Anne attended the budget meeting last Thursday.”

Reports: Deputy City Clerk Weltha, “You have a copy of the quarterly financials.”

REPORT BY CITY OFFICERS:

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MAYOR’S COMMENTS:

Executive Session: Non-Elected Personnel Matters:

Council Member Curtiss, “I make a motion to enter a 5-minute Executive Session for Non-Elected Personnel Matters with the Governing Body, Mayor Luke, Superintendent Hawkins, Deputy City Clerk Weltha, and Attorney Wright present.” Council Member Ernst, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Council entered Executive Session at 6:30 p.m. and exited at 6:35 p.m. The following action was taken:

Council Member Ernst, “I move to terminate Joe Ward from the Water Department effective immediately.” Council Member Curtiss, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Council Member Shove, “I move to approve the Water Department to advertise for the open position until filled.” Council Member Ernst, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

FUTURE AGENDA ITEMS:

GENERAL: City Debt - How to fund projects Expense Tracking on Projects Budget 2023	GAAP - Infrastructure Capitalization City/County Grant Funds – Discussion on Matched Funding Council Discussions on Evaluations, Succession Planning, etc.
ELECTRIC DEPARTMENT: Power Plant - Additional Generation	<i>RICE NESHAP Compliance</i>
PARKS DEPARTMENT: Events in Parks (Updates)	
LEGAL DEPARTMENT: Municipal Court Updates	Misc. Legal - Documents, Cases, Contracts, etc.
PLANNING AND ZONING Work with Advantage Computers and City Departments to improve Cyber Security Nuisance Grass: Work with PD FIRM Floodplain Map Changes – Updates	Quarterly Construction Valuation Report Prepare Easements for any City-owned property without one Permits - Building/Zoning/etc. Burlington Corporate Boundary Updates on Map (Work with State)
POLICE DEPARTMENT Nuisances (Work with Zoning Clerk) Voice Stress Analyzer Project	Department Activities and Cases
STREET DEPARTMENT: Concrete St. Repairs/Free State Ct. Replacement/Repair Pavement Management System/Asset Management System	Street improvement Plan, Paving Gravel Streets, Crack Filling, Street Improvements 2022 Asphalt Project
WATER & WASTEWATER DEPARTMENT: Sewer Lagoon Maintenance/	Sensus Water Meter Replacement Sewer Liftstations –Flushing Rags, etc. Sewer Lagoons - Analysis (KRWA/funds for dredging)

Mayor Luke declared the meeting adjourned.

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