

BOOK 26
January 4, 2023

BURLINGTON CITY COUNCIL REGULAR SESSION 1-4-2023

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, January 4, 2023. 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 checked="" type="checkbox"/> Lewis Lenard (President of Council) |
| <input checked="" type="checkbox"/> Lila Van Horn | <input checked="" type="checkbox"/> Thomas P. Tschantz | <input checked="" type="checkbox"/> Martin Ernst |

Superintendents Present:

- | | | |
|--|--|--|
| <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:

- | | |
|---|---|
| <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, Jay Hale

AGENDA:

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

MINUTES 12/28/2022: Mayor Luke, “You have before you the draft minutes of our regular session of December 28, 2022. Are there any additions or corrections?”

Council Member Curtiss, “I move to approve the draft minutes of December 28, 2022, as presented.” Council Member Ernst, “Second.” Motion unanimously carried, 6:0.

APPOINTMENT: None

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.

Personnel Training: Superintendent Schneider, “The apprentice linemen have been studying on their apprenticeship program.”

New Service: Superintendent Schneider, “We installed a new electric service for the new home at 9th and Alleghany today.”

Call-Out: Superintendent Schneider, “We worked one call out on New Year’s Day. A single resident was having some issues. It was determined the trouble was on the customer's side of the meter.”

Holiday Decorations: Superintendent Schneider, “As you can see, all of the holiday lights are down along the highway and have been put in storage until next season. All of the lights on the downtown buildings have been turned off as well.”

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 completing plant reports. We are getting finished up for 2022 and working on new spreadsheets for 2023 recording.”

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EIA Reports: Superintendent Schneider, “Over the next four or five months, I will be working on KDHE and Energy Information Agency reports.”

Generation Project: Superintendent Schneider, “I don’t have anything new to report on the generation project. They were scheduled to be back to town this week, but they had a death in the family. Some piping and some other materials did show up today. I expect they will be in the first part of next week. Really all of the hard work is done. It is a matter of piping for the oil filtration system and the water coolers and some of the electrical for the motors that will run pumps and other things that are left to do. I still believe, according to the contract, they need to be done by mid-May. I still believe they are going to be ahead of that schedule based on what’s left.”

QUESTIONS/COMMENTS

Council Member Lenard, “We met before, and the one question I had was, we do have a performance bond on this, and it was just to make sure we do have a copy of the performance bond.”

Council Member Lenard, “I forgot to ask, Alan, I was up at the store the other day, and the lights flickered. Did we have an outage, a trip in service the other day?” Superintendent Schneider, “Yes. Thanks for bringing that up. We did have a squirrel get into one of a three-phase line on the cutouts at the Life Care Center. That is probably what you noticed. They had called us. They were single phasing inside of the building. The men went up there and found the squirrel and got them back into service really quick.” Council Member Lenard, “Okay, thank you.”

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.

Cleaning: Superintendent Hawkins, “I don’t have much since last week. We have done a lot of cleaning around the shop, which is needed.”

Maintenance: Superintendent Hawkins, “We have done maintenance on vehicles and equipment.”

Reports: Superintendent Hawkins, “We completed our KDHE reports. That is up to date, done, filed, and put away.”

WATER AND WASTEWATER: Production Update

General: Superintendent Hawkins, “The plant is running well. The water usage has come down. So, we are grateful for that and the plumbers that have been fixing the water leaks around the county. So, we are keeping up with the water usage now.”

STREET DEPARTMENT: Update

General: Personnel have been doing the normal duties: cleaning ditches, sweeping curb and gutter, fixing potholes and ruts, blading rock roads, repairing and re-rocking alleys, tree trimming, fixing and replacing street signs, and truck and equipment maintenance.

Street Maintenance: Superintendent Davidson, “We had two call-outs for slick roads.”

Sign Maintenance: Superintendent Davidson, “We have been repairing street signs.”

Equipment Cleaning: Superintendent Davidson, “We got the spreader boxes and trucks in the wash bay and got those cleaned up.”

Department Assistance: Superintendent Davidson, “Two of the guys assisted the water department with a water leak. I was off last week, but that’s what I was informed of.”

Equipment – City / County Use: Superintendent Davidson, “The county has returned our truck and said thank you very much for the use of it.”

Equipment Maintenance: Superintendent Davidson, “What we have been doing the most of in the last few days is that we are having electrical issues with our newest dump truck. The backup alarm and backup lights are not working. They have been chasing wires for the last two days and making phone calls to several different truck

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companies. As of this evening, they think they have it narrowed down to maybe a relay, but they are not sure. So, we will continue on with that.”

POLICE DEPARTMENT: Update

General: Normal Duties.

Activities/ Cases: Chief Jones, “We started out our morning working an unattended death. We spent the afternoon dealing with a mental health patient. Surprisingly they got him into a court hearing in front of Judge Wine, and Osawatomie State Hospital had a bed opening. They dropped him off at Osawatomie State Hospital about 12 minutes ago. We have been working a possible protection from abuse case, arrests on domestic violence case, and driving while suspended.”

City Court: Chief Jones, “We have city court a week from tomorrow on the 12th.”

New Police Vehicle: Chief Jones, “We picked up the explorer from LeRoy yesterday, and it is sitting in our garage right now. We are getting ready to take it to the outfitter and get the equipment installed that we need to get done or rewired. I have also been talking to local vendors about getting proper looking graphics on it.”

QUESTIONS/COMMENTS

New Police Vehicle: Council Member Van Horn, “How long do you think it will be before the LeRoy vehicle is in use?” Chief Jones, “Probably about three weeks.” Council Member Lenard, “Who do we get graphics from locally?” Chief Jones, “Locally is either Jay Szambecki or Trophies and Things. Trophies and Things is back in Texas seeing the grandbaby, so I went with the one vendor.”

Open Positions: Council Member Ernst, “Are we getting many applicants?” Chief Jones, “I have not received any applications. It is still on the KPOA website, Kansas Works, and I worked with Mary, and she has it in the paper this week and next week. We haven’t received any applications at all.”

PARKS DEPARTMENT: Update

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

Banners: Superintendent Boyce, “We changed out the banners today; we took the holiday banners down.”

Kelley Park – Leaves: Superintendent Boyce, “The end of last week, we mulched leaves in Kelley Park.”

QUESTIONS/COMMENTS

Council Member Lenard, “I had a picnic down at the city dam one of those nice days and seen your gal down there cleaning up the trees down there on the river. That definitely changed the look down there.”

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2023-01	\$	<u>329,061.23</u>
b. Payroll Ordinance	2023-01	\$	<u>98,634.87</u>
	TOTAL	\$	427,696.10

CLAIMS 2023-01: Council Member Lenard moved to approve City of Burlington Claims Ordinance 2023-01 for the amount of \$329,061.23 for payment of city bills. Council Member Curtiss gave the second. Mayor Luke, “The only discussion I have is that part of this is from the 2022-year-end budget as well as budgeting period for 2023 because we have until the end of the month to close out all of 2022.” City Clerk Brown, “The larger expenses we have tonight for 2022 are Advantage Computer \$1,303.00, Berry Tractor \$6,505.00, Lewis Oil \$4,669.87, and Stanion Wholesale \$4,657.14. The gist of the payments tonight is our 2023 payment to the state for \$250,921.37.” **Hearing no additional discussion, Mayor Luke instructed City Clerk Brown to poll Council. All votes were in favor. Mayor Luke declared, “Claims Ordinance 2023-01 passed unanimously, 6:0.”**

PAYROLL 2023-01: Council Member Tschantz moved to approve City of Burlington Payroll Ordinance 2023-01 in the amount of \$98,634.87, as presented. Council Member Ernst gave the second. Hearing no

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discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. *All votes were in favor. Mayor Luke declared, "Payroll Ordinance 2023-01 passed unanimously, 6:0."*

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, "Normal duties. I haven't been here much."

Court Laptop: Zoning Clerk Hugunin, "Yesterday and today were pretty much spent working on a new laptop. They finally finished it up at just about 4:59 p.m. So, it is ready to go for court."

CITY ATTORNEY APPOINTMENT & ORDINANCE 891

Mayor Luke, "With the charter ordinance that we put together to address the issue of the nonvoting resident as the city attorney, the process tonight will be we will reappoint Philip, and then we will pass the ordinance, which is the compensation. The charter ordinance, we had no inquires or challenges; therefore, we will forward it to the state, and it is now totally official."

Council Member Lenard, "I move to appoint Philip Wright as the city attorney for the City of Burlington, KS." Council Member Ernst." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Mayor Luke, "You have before you the Ordinance 891, which establishes compensation for the city attorney for the City of Burlington, KS. This is a formality now that we have the charter ordinance in place; we have to put in the compensation package that follows along with the charter ordinance and the appointment of Philip. There is nothing different in this other than it has to be a timing issue associated with the actual placement in the position." Attorney Wright, "Mayor, if I might, I did make one change to this ordinance versus the other ordinance. It's in section two, one, B, four. I added that paragraph, and it says:

The City Attorney shall bill directly any city for the City Attorney's time involved in prosecuting any cases for any city with which the City has a Contract to perform municipal court services pursuant to the terms of any such Contract.

Attorney Wright, "The City of Burlington contracts with several other cities for municipal court. A few weeks ago, I had reviewed some of those contracts, and there is a little bit of ambiguity because those contracts talk about me billing them directly for the prosecutions that I do for them. There was nothing in the previous ordinance with regards to that, which really kind of clarified how that was to happen. So, I wanted to add that to this ordinance for clarification purposes, but everything else is the same."

Council Member Curtiss, "I move to adopt Ordinance 891, Establishing Compensation for The City Attorney of The City of Burlington, Kansas." Council Member Tschantz, "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: Attorney Wright, "Normal duties."

CITY CLERK: Update

General: City Hall Staff have been busy with customers paying utility bills, many calls and inquiries, preparing work orders, vouchers for bill paying, payroll, and council meeting minutes. For December, we will be sending \$1,989.84 in delinquent accounts to the Kansas set-off program for collections.

Goals and Accomplishments: City Clerk Brown, "Just a reminder that goals and accomplishments are due to Mary Tuesday, January 10th."

Reports: City Clerk Brown, "You have in your packets the utility revenue reports for electric, water, sewer, and sales tax for the year. You also have the three-year comparison sales tax report for 2020, 2021, and 2022."

Budget 2023: City Clerk Brown, "I finished keying in the 2023 budget, and year-end processing is completed."

Closed: City Clerk Brown, "The city will be closed on Monday, January 16th for Martin Luther King Jr. Day."

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CITY CLERK: Personnel Evaluation

City Clerk Brown, “The last thing I have is Lisa’s evaluation. I have no complaints with Lisa. She is continuing to cross-train and is doing a great job. I would like to recommend moving her from \$16.28 an hour to \$16.93 per hour effective January 7th.”

Council Member Curtiss, “I move to accept Lisa Birney's personnel evaluation as presented, and to grant a pay increase to \$16.93 per hour, effective January 7, 2023.” Council Member Ernst, “I second the motion.”

Council Member Curtiss, “So, why is she...?” City Clerk Brown, “She is off cycle because of when she started.” Council Member Curtiss, “So, will she continue always to be off cycle?” City Clerk Brown, “No, we changed that to two years, and then she will fall into the regular cycle with everybody else.” Mayor Luke, “It used to be four and we moved it back to two.” Attorney Wright, “I think she does a great job in municipal court. She makes things go a lot easier.” **Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.**

Mayor Luke, “Let Lisa know we appreciate her and her efforts in her work.” City Clerk Brown, “I will, thank you.”

REPORT BY CITY OFFICERS:

MAYOR’S COMMENTS

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 2023 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