

**BOOK 26**  
**February 15, 2023**

**BURLINGTON CITY COUNCIL REGULAR SESSION 2-15-2023**

City of Burlington Governing Body met in Regular Session at City Hall's address, 1013 N. 4<sup>th</sup> Street, Burlington, Kansas, at 6:00 p.m. Wednesday, February 15, 2023. President of Council Lenard called the meeting to order.

**THE PLEDGE OF ALLEGIANCE**

**ROLL CALL:**  Stan Luke, Mayor

Council Members present:

<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, Carla Hoch, Sherri O'Keefe, Jay Hale

**AGENDA:**

*Council Member Ernst, "I move to approve the agenda as modified." Council Member Tschantz, "Second." Motion unanimously carried, 6:0.*

**MINUTES 2/1/2023:** President of Council Lenard, "You have before you the draft minutes of our regular session of February 1, 2023. Are there any additions or corrections?"

*Council Member Curtiss, "I move to approve the draft minutes of February 1, 2023, as presented." Council Member Ernst, "Second." Motion unanimously carried, 6:0.*

**APPOINTMENT: None**

**PUBLIC COMMENTS:**

Paul Abendroth, "Yes, I heard a rumor that the Governor is going to be down there next week. Do you know anything about it?" Council Member Van Horn, "I got an email about that today." Paul Abendroth, "Did it say what she is going to be here for?" Council Member Berryman, "No." Attorney Wright, "Let's clarify, you can't say because you don't know or you won't say?" Council Member Berryman, "Don't know." Council Member Lenard, "Okay, anything else, Paul?" Paul Abendroth, "No."

**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.

**Line Locates:** Superintendent Schneider, "We have had a lot of line locates as Atmos Energy is going to be working in the right of ways and reinstalling meters next to the customers' homes in the northeast part of Burlington. So, we have had a lot of locates."

**Substation Maintenance:** Superintendent Schneider, "We have been working in the substation terminating 15KV cable for the project going on at the power plant."

**Personnel Training:** Superintendent Schneider, "The apprentice linemen have been preparing chapter testing for the apprenticeship program."

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**Electric Services:** Superintendent Schneider, “We did install a new electric service on Gary Street in Country Club Heights. A gentleman built a shop, and we installed the electric service to that.”

### **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.

**Personnel Training:** Superintendent Schneider, “We are cross-training with Denny and Dee to help make the transition of Dee’s retirement a lot smoother for everybody involved over there.”

**Annual Boiler Inspection:** Superintendent Schneider, “We did get a surprise visit today from KDHE. He called me about an hour before he came to see me to say that we were due for our annual boiler inspection. Everything was in order, and we passed the inspection.”

**Generation Project:** Superintendent Schneider, “The crew took a break and had traveled home, but they are showing up back on site. They are welding and other things that are left on site for the last few days. They are still assembling, welding, and mounting the guard around the generator windings to protect those. I am guessing they are going to have a little bit larger crew to come back and push through this project. It’s a mess, but it’s looking good.”

Council Member Ernst, “So, we feel like they are still on track to get done?” Superintendent Schneider, “I am still optimistic, yes.” Council Member Lenard, “So, we probably need to track our contractual date and what they are projecting to make sure it doesn’t slip.” Superintendent Schneider, “I don’t have the exact date in front of me, but from the time that they secure the generator to the foundation that they poured, the contract says that they have six months from that date but should put them mid-May. I do not have those numbers in front of me, so I can’t give you the exact day when that contract should come due.” Council Member Lenard, “So, let’s circle back and make sure he is synced up with those dates.” Superintendent Schneider, “Larry is due back in town at the end of this week.”

### **ELECTRIC DEPARTMENT: PERSONNEL–Recommendation to Hire**

Superintendent Schneider, “Also, we held job interviews on February 8<sup>th</sup> for the vacant positions in the power plant. Two members of the electric committee and City Clerk Anne sat in with me on those interviews. Just a reminder, too, that Dee’s official last work day is February 24<sup>th</sup>, so that is going to make the two vacancies in the power plant. The first interview we had was for Jordan Ecton. He is currently employed with the county. He brings a lot of mechanical knowledge with him. I would like to recommend that we hire Jordan at the power plant. If he is approved, he is able to start work on March 6<sup>th</sup>.”

***Council Member Ernst, “I move to extend an offer of employment as an electric plant operator/ mechanic to Jordan Ecton at the starting hourly salary of \$26.75 effective March 6<sup>th</sup>, 2023.” Council Member Lenard, “I second the motion.” Hearing no further discussion, President of Council Lenard called for a vote. Motion unanimously carried, 6:0.***

Superintendent Schneider, “We ended up interviewing two very good people for this job. We had some other interviews, but they had accepted other positions. The second interview was Justin King. He is currently employed with the city in the water department. He interviewed well, and I think he would also make a good addition to the power plant. I have visited with Danny about time frames. If approved, I would like Justin to start work at the power plant on March 13<sup>th</sup>, which is a Monday.”

***Council Member Ernst, “I move to extend an offer of employment as an electric plant operator/ mechanic to Justin King at the starting hourly salary of \$24.09 effective March 13<sup>th</sup>, 2023.” Council Member Van Horn, “I second the motion.” Hearing no further discussion, President of Council Lenard called for a vote. Motion unanimously carried, 6:0.***

### **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.

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**Employee Benefit Meeting:** Superintendent Hawkins, “The department attended the employee benefits meeting.”

**AMI Meters:** Superintendent Hawkins, “The guys are still out installing water meters as well.”

**Telehandler Maintenance:** Superintendent Hawkins, “We installed new tires on the telehandler. They have been on there for over 15 years. It is running really nice now. I am very pleased with that.”

**Meters - Brass:** Superintendent Hawkins, “We also broke down several buckets full of brass meters. That way, we can sell the brass and get some revenue.”

**KEIM’s Registration/Thank you:** Superintendent Hawkins, “I’d like to thank Mary. She helped me today with the KEIMS registration through KDHE. So, I want to thank her for that.”

**WATER AND WASTEWATER: Production Update**

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

**Reactor Maintenance:** Superintendent Hawkins, “We had Krayton Cox come out to install a new contactor on the west reactor that I talked about last time. There are still just a few issues with it, but it is not as bad as it was. He is still helping us troubleshoot it to find out what the other issues are.”

**WATER/WASTEWATER DEPARTMENT: PERSONNEL–Recommendation to Hire**

Superintendent Hawkins, “I’d like to thank the committee for helping me with interviews as well. We interviewed two individuals as well. One gentlemen’s name was Tyrell Udy. With the council’s blessing, I would like to hire him as a non-certified operator.”

***Council Member Ernst, “I move to extend an offer of employment as a water/wastewater non-certified operator to Tyrell Udy at the starting hourly salary of \$21.00 effective February 16<sup>th</sup>, 2023.” Council Member Curtiss, “I second the motion.” Hearing no further discussion, President of Council Lenard called for a vote. Motion unanimously carried, 6:0.***

Superintendent Hawkins, “The second individual’s name is Jaden Brickell. He did a great job as well. I am very pleased with him. I do want to say that both of these gentlemen are ready to be here at 8:00 tomorrow morning. They are ready to go to work. That is really good. I would like your permission to hire Jaden Brickell.”

***Council Member Ernst, “I move to extend an offer of employment as a water/wastewater non-certified operator to Jaden Brickell at the starting hourly salary of \$18.42 effective February 16<sup>th</sup>, 2023.” Council Member Curtiss, “I second the motion.” Hearing no further discussion, President of Council Lenard called for a vote. Motion unanimously carried, 6:0.***

Council Member Curtiss, “I was very impressed with both of those interviews.”

**WATER/WASTEWATER DEPARTMENT: PERSONNEL–Resignation**

City Clerk Brown, “We also have the letter of resignation from Norman Foster. His last day was the 10<sup>th</sup>.”

**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.

**Tree Removal:** Superintendent Davidson, “We have been cleaning street trees and cleaned up half of a block on 2<sup>nd</sup> Street from Garretson north. There was a lot of brush that was removed and overhanging limbs.”

**Street Maintenance:** Superintendent Davidson, “Blading and rocking alleys and roads.”

**Sign Maintenance:** Superintendent Davidson, “We have been doing sign checking and placing signs.”

**Culvert Cleaning:** Superintendent Davidson, “We have cleaned out culvert ends.”

**Equipment Maintenance:** Superintendent Davidson, “On a couple of cold days, we were inside waxing the trucks.”

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**Rock Hauling:** Superintendent Davidson, “We started hauling rock from the Finnerty quarry out west of town.”

**Staff Training:** Superintendent Davidson, “We attended the monthly safety meeting and the employee benefits meeting.”

**STREET DEPARTMENT: 2023 Street Improvements**

Superintendent Davidson, “Thanks to Mary, she passed out our 2023 work schedule. This is our asphalt project. We have several blocks of mills and overlays and several blocks of 2-inch overlays. If you see anything that you would like to change on this, please get in touch with me, and I can have it changed before the project starts. With that, I would like to ask to go ahead and go out for bids for the project. I spoke with Ryan Durst and Killough, and everybody is starting to do bids right now. They are already making their list for the year. I am afraid if we don’t get ours in, it might be well towards the end of the year before we get anything.”

***Council Member Tschantz, "I move to authorize Superintendent Davidson to go out for bids for the 2023 Street Improvement Projects." Council Member Ernst, "I second the motion." Hearing no further discussion, President of Council Lenard called for a vote. Motion unanimously carried, 6:0.***

**STREET DEPARTMENT: Dump Truck Purchase**

Superintendent Davidson, “I believe it was back in 2021’s budget that we budgeted \$75,000 for a tandem dump truck. We can haul in this one tandem truck, what it takes two of our single-axel trucks, so I can send one driver out and bring back what we are bringing back in two trucks. This will help with fuel mileage and wear and tear on the trucks. I found one in Grain Valley, Missouri. We looked at it today and drove it. You have some pictures. I believe that Mary passed out. The dealer showed me the title. It has been titled four different times. The last was out of Iowa, I believe in Cedar Rapids. We came back to the shop and called the previous owner to see if there were any problems with the truck. It was a small company; they started to grow, and this truck was not big enough for them, so they traded the truck off. The wholesaler bought it there in Grain Valley. It is a nice truck. It’s a 2002 International, just under 260,000 miles on it, 350 hp engine, eight-speed Eaton Fuller Transmission, 33,000 rear axle. It’s not cherry by any means, but I think it will more than suit our needs for the city. It’s got 80% plus tires on it. I do believe it would be a benefit to the city hauling rock and also for snow removal downtown. He had it listed for \$38,000, and I got him down to \$35,000 by the time we left. He said that would be good for the next couple of days. There is no warranty on the truck. He said if something major does happen, then to contact him, and he will work with us on it. From what we can tell, the truck is in very good shape. Like I said, we spoke with the previous owner, and he had no problems with it.”

Council Member Ernst, “I don’t know a whole lot about these trucks. Is 260,000 miles something that is acceptable?” Superintendent Davidson, “With the CAT engine, we have called Diamond International in Topeka; they are a repair company, we also called Emporia, and those engines should go to 900,000 plus with normal care. The oil was very clean on this truck. It was one of those that you have a good feeling when you see it; there wasn’t any major relics or gaskets of that nature, no oil drips from the rear end, and the transmission power take-off was solid on it.” Council Member Ernst, “And if we did purchase this truck, is there anything that we would have to do to it to make it where it would fit?” Superintendent Davidson, “No, it’s just minor things. One of the window regulator handles was broken. There is a knob off of the heater control on the dash. It is more cosmetic things. The truck is totally functional the way it is. It is not anything that we are going to want to put a snow plow or sander in. We have three trucks now that sewer needs. This is just basically a snow-hauling truck and a rock-hauling truck.”

Council Member Curtiss, “And you had budgeted initially \$75,000 for a new dump truck?” Superintendent Davidson, “Yes, initially, we were going to do a truck from KDOT. They trade their trucks in about every two years, and we could buy it through the state. I believe it was last year they started selling on purplewave. There was a round of trucks that came up the first of the year, and I would be so skeptical buying them. There are so many things wrong with them with electrical, engine, and transmission. When we saw this truck, I just had a feeling that this is a solid truck.” Council Member Curtiss, “Sounds good.” Superintendent Davidson, “We have found some that are out in Western Kansas that will be up towards the mid \$40,000 - \$50,000 range. They would be at the city of Hays; I believe it was. They won’t be available until probably November. Those come with a

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plow and a spreader which we absolutely do not want. They are not suitable for our streets. There is another option, but we are looking at another \$15,000 - \$20,000 for them.” Council Member Curtiss, “Thank you.”

**Council Member Ernst, "I move to purchase a 2002 International Tandem Axel Dump Truck not to exceed \$35,000, as being in the best interest of the city." Council Member Tschantz, "I second the motion." Hearing no further discussion, President of Council Lenard called for a vote. Motion unanimously carried, 6:0.**

Superintendent Davidson, “Thank you very much.”

### **POLICE DEPARTMENT: Update**

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

**Activities/ Cases:** Chief Jones, “We have been working catalytic converters cases with the Sherriff’s Office right now. They have two people in custody. So far, we have been able to calculate about 30 here in town that the victims hadn’t wanted to be victims because they were salvage cars or junk cars. Turns out this outfit is out of Topeka, and they are using google earth to identify lots and bunches of cars. They are just making a loop coming from Topeka and going clear down to Iola and hitting a whole bunch of places.

“We had damage done to mailboxes. There was one on the 600 block of Potomac on Sunday and then some more this afternoon towards the end of Alleghany Street 1500 block. We know who the car belongs to, and we know who borrowed the car and who was driving it. Turns out the county already has an active warrant for that individual, so we are just biding our time until we can catch up to him.

“We had an unattended death out at the senior housing on Cumberland Street.”

**Equipment- Narcan:** Chief Jones, “I am sure that you all have seen stuff in the news about the fentanyl problem and fentanyl overdoses. We have gotten our Narcan, which is the fentanyl antagonist, and brings them back out of the overdose. We got that through a grant from one of the drug rehab outfits at no cost to us. We went through our training with that yesterday, and all of our officers are now carrying two doses of Narcan on them, either on their vest or belt.”

**Open Positions:** Chief Jones, “I have a couple of strong interests for positions. I don’t have any applications yet, but I have two people that are very interested. One of them is already certified, and one would have to go to the academy but has quite a bit of experience working on the jail side.”

**City Court:** Chief Jones, “We had city court last week, which went quickly and well.”

### **QUESTIONS/COMMENTS**

**Equipment- Narcan:** Council Member Lenard, “Is the Narcan like an EpiPen, Doug?” Chief Jones, “No, it’s actually a nasal inhaler. The neat thing about the Narcan is if you make the wrong call and it’s not actually fentanyl, fentanyl is the only thing this Narcan works on. It doesn’t have any side effects or any interactions; if it turns out that’s not what it is, it will not do any harm. We received ten two-dose boxes from DCCCA (Developing Caring Communities Committed to Action) at no cost. In previous years we looked at this, and they were wanting to charge law enforcement \$80 a dose. Now we have 20 does at no cost.” Council Member Lenard, “Awesome, thank you.”

Council Member Ernst, “I’m just curious. Is it something that would have been beneficial?” Chief Jones, “We hadn’t gotten it in the past because, of course, we have EMS right here in town and the shelf life on the dosage. They have removed the limitations on the shelf life. We have overdoses in Emporia and Ottawa; it’s getting closer.” Council Member Ernst, “Thank you.”

### **PARKS DEPARTMENT: Update**

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

**City Dam Brush and Tree Removal:** Superintendent Boyce, “We are still doing brush and tree clean up down at the city dam.”

### **PARKS DEPARTMENT: Lawn Mower Quote**

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Superintendent Boyce, “We run our mowers to 1000 hours. We are looking at trading out the mower that has 1,145 hours on it. Basically, the one that we are replacing it with is the same exact mower. It just doesn’t have the hours on it. It’s a brand-new mower. They are allowing a \$6,500 trade-in on it. The state contract price is \$20,219.64. So, with the \$6,500 trade-in, that makes the cost of the mower \$13,719.64, and that is through Grasshopper Manufacturing, and that would be my recommendation.”

Council Member Ernst, “Is this something that you would be able to get quickly?” Superintendent Boyce, “Yes.” Council Member Ernst, “Okay.”

***Council Member Curtiss, “I move to approve the purchase of the Grasshopper Model 900D Mower, with the trade-in of the Grasshopper 2019 900D/3472PF for \$6,500.00, for the price of \$13,719.64 from Grasshopper Manufacturing.” Council Member Ernst, “I second the motion.” Hearing no further discussion, President of Council Lenard called for a vote. Motion unanimously carried, 6:0.***

**FINANCE: Claims Ordinance & Payroll Ordinance**

a. Claims Ordinance	2023-04	\$	<u>281,802.28</u>
b. Payroll Ordinance	2023-04	\$	<u>96,928.17</u>
	TOTAL	\$	378,730.45

***CLAIMS 2023-04: Council Member Curtiss moved to approve City of Burlington Claims Ordinance 2023-04 for the amount of \$281,802.28 for payment of city bills. Council Member Tschantz gave the second. City Clerk Brown, “The larger expenses we have tonight are Brenntag Southwest \$3,620.57, Cottonwood Neosho River Waters \$9,936.47, Hach Company \$1,833.12, Kansas Power Pool \$166,603.42, KMEA Mid-States \$3,667.00, and Stanion Wholesale \$2,336.25.” Hearing no additional discussion, President of Council Lenard instructed City Clerk Brown to poll Council. All votes were in favor. President of Council Lenard declared, “Claims Ordinance 2023-04 passed unanimously, 6:0.”***

***PAYROLL 2023-04: Council Member Tschantz moved to approve City of Burlington Payroll Ordinance 2023-04 in the amount of \$96,928.17, as presented. Council Member Ernst gave the second. Hearing no discussion, President of Council Lenard instructed City Clerk Brown to poll Council for a vote. All votes were in favor. President of Council Lenard declared, “Payroll Ordinance 2023-04 passed unanimously, 6:0.”***

**PLANNING & ZONING: Update**

***General:*** Zoning Clerk Hugunin, “Normal duties.”

***Permits:*** Zoning Clerk Hugunin, “I have been handling a lot of calls about building permits and fence permits. I think everyone is getting spring fever. I have been updating permits.”

***City Hall – Server:*** Zoning Clerk Hugunin, “Today, I had to do several updates on the server.”

**OTHER COMMITTEE OR COUNCIL BUSINESS**

***Coffey County Capital Improvement Plan:*** President of Council Lenard, “As you guys know, Jerilyn and I have been participating with the county on looking at different projects, and there is a planning grant application that the county and the engineering firm has asked that the cities sign a letter of support. We don’t have that electronically from the engineering firm, but what I would like to do is to get the approval for Anne to execute this on our behalf. It doesn’t commit us to anything; it is just a letter of support. Anything else on that, Jerilyn?”

Council Member Curtiss, “No, like you said, this is nothing that is going to put any money on us. Also, the Coffey trails – this is all just preliminary. There is nothing that we owe any money on or anything right now. It is just all being discussed in our group.” Council Member Ernst, “So this is just something to submit for a grant, or is this something that says we would love to have this in the city, please submit a grant for the county...?” Council Member Curtiss, “No, that firm is submitting for this grant, and we are just supporting them for the grant.” Council Member Ernst, “Okay.” Council Member Lenard, “The more letters of support supposedly better the chance that you have to getting this funding. We have done a few letters of support over the years.” City Clerk Brown, “We did the transportation system and the theatre downtown.” Council Member Lenard, “With Pam Scott.” Council Member Curtiss, “So, do we have to have a motion for this?” City Clerk Brown, “I just need permission to sign it for when it comes into me.”

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***Council Member Curtiss, “I authorize City Clerk Brown to sign the letter of support for the Rebuilding American Infrastructure with sustainability and equity (RAISE) Discretionary Grant Program.” Council Member Ernst, “I second the motion.” Hearing no further discussion, President of Council Lenard called for a vote. Motion unanimously carried, 6:0.***

### **ORDINANCE 892 – Republic Service – Trash Rates**

Council Member Lenard, “We have before you Ordinance 892 for updating the trash rates for 2023.” Council Member Curtiss, “This is the only trash service that we have available to us, is that correct?” Council Member Lenard, “Yes.” Council Member Van Horn, “So, essentially, we don’t have a choice.” Council Member Curtiss, “No, we don’t.” City Clerk Brown, “I can look into it and see if there is anyone else.” Council Member Curtiss, “I think we have asked this before, and I don’t think that we came up with anything.” Council Member Lenard, “What we did last time, and we do have an indice in here, and it’s capped, so be that as it may, if we are going to do something, then we need to be more proactive.” Council Member Curtiss, “And their CPI is more than our 4%, correct?” City Clerk Brown, “Correct.” Council Member Curtiss, “But we are in with them at 4%.” City Clerk Brown, “Right. That is what our agreement is; it is capped at 4%. I think theirs came in at 4.7%.”

Council Member Curtiss, “Okay, then I have another question. I was asking about whether I had trash pick up or not on my day next week because of Presidents Day, but that is not off on this schedule. In here, it says they would not pick up trash on New Year’s Day, Memorial Day, Labor Day, July 4<sup>th</sup>, Thanksgiving, Christmas Day, or any other holiday that the landfill is closed. The landfill will be closed on Monday, right?” Superintendent Boyce, “I believe so.”

Council Member Curtiss, “Do they notify us then?” City Clerk Brown, “They have just given the list before of the days that they would not run.” Council Member Curtiss, “I would like for them to at least notify us so that we could notify via....” City Clerk Brown, “Yes.” Zoning Clerk Hugunin, “And I don’t think Presidents Day has ever been one that they have put on their list.” Council Member Curtiss, “No, it’s not on this list at all, but it does say whenever the landfill is closed. So, if they would notify us of that.” City Clerk Brown, “I can check with them on that.” Council Member Curtiss, “Okay, then we could put it out on Facebook and stuff; that way, I would know what day to put out my trash. I guess we would need to know when the landfill is closed. That’s what we would need to know.” Council Member Ernst, “We just need the county holiday schedule.” City Clerk Brown, “I will get ahold of them and ask for that.” Council Member Curtiss, “Okay, thank you. That’s all I had. I just had to question that.”

***Council Member Curtiss, “I move to adopt Ordinance 892, Establishing Trash Rates, to be effective February 23, 2023.” Council Member Ernst, “I second the motion.” Hearing no further discussion, President of Council Lenard called for a vote. Council Members Lenard, Ernst, Curtiss, Berryman, and Van Horn, voted, ‘Yea’, and Council Member Tschantz, voted ‘Nay’. President of Council Lenard declared the motion passed, 5:1.***

### **LEGAL DEPARTMENT: Update**

***General:*** Attorney Wright, “Normal duties.”

***Coffey County Cancer Support Group:*** Attorney Wright, “So, you have in your packet a proposed agreement between the city and the Coffey County Cancer Support Group. I have floated this draft to the Cancer Support Group, and I have been told that they are good with it.” Council Member Curtiss, “They are here.” Attorney Wright, “I guess they are here so they can say where they are at with it. Anyway, if it looks good to you guys, then it is good with me. There are a couple of blanks on here, like the amount of insurance that you guys want to require. Anne, I thought you had that information regarding the premium and information to give. I think it was one million dollars or something.” City Clerk Brown, “Yes, I did. I’m trying to see if I have that here.”

Council Member Ernst, “So, that would be the amount of insurance that that group would be expected to cover?” Attorney Wright, “That is correct.” Council Member Lenard, “So, then on the insurance, we just need to get that value and then?” Attorney Wright, “Decide what day it’s going to be effective from.” Council Member Lenard, “And then we are named as additional insured?” City Clerk Brown, “Yes.” Council Member Curtiss, “So, the cancer group gets the insurance and then tells us what this amount is?” City Clerk Brown, “They will provide a copy of their insurance for us.”

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Council Member Curtiss, “Okay, then they can move in as soon as that’s done, correct? Because I think that they are ready to move in.” Attorney Wright, “I think you were ready to move in yesterday, weren’t you?” Council Member Ernst, “And that’s moving a building in back there, correct?” Sherri O’Keefe, “Yes, we already have the building purchased, and we are just waiting down at Jade Seed to move it for us.” Council Member Curtiss, “Do you need a motion for this?” Attorney Wright, “Yes, we need a motion to approve somebody authorized from the city, whether it be the mayor or Anne, to sign this agreement.”

***Council Member Curtiss, “I move to authorize City Clerk Brown to sign the lease agreement for the cancer support group.” Council Member Ernst, “I second the motion.” Hearing no further discussion, President of Council Lenard called for a vote. Motion unanimously carried, 6:0.***

Council Member Lenard, “We will get this updated with the data, and then we will have Anne call you when it’s ready to be executed.” Carla Hoch, “Do you have any kind of a timeline so that we can start planning and getting with the movers?” City Clerk Brown, “I was going to ask, do you want to set a date?” Council Member Curtiss, “Whenever they are ready to give us their insurance, are you ready for that?” Carla Hoch, “Yes, we have already made all of the appointments. We just need a start date for the insurance.” Council Member Curtiss, “Monday, Presidents’ Day.” City Clerk Brown, “As soon as you can get that to me, we can make it effective that day.” Council Member Curtiss, “I’m okay with that.” Carla Hoch, “We, understand you are wanting our insurance policy with the amount, and once you have it, we can move?” Attorney Wright, “Yes, the declaration page showing you purchased it.” Carla Hoch, “Sooner than Monday then, right?” City Clerk Brown, “Whenever you get it to me, we will make it effective.” Council Member Curtiss, “Tomorrow.”

**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.

***Interviews:*** City Clerk Brown, “I participated in the water and electric interviews.”

***Annual Employee Benefits Meeting:*** City Clerk Brown, “We had our benefit meeting.”

***Reports:*** City Clerk Brown, “I have handed out the 2022 financials.”

***Atmos Energy – Alley Work – Trash Bins Displacement:*** City Clerk Brown, “I was going to talk about Atmos a little bit. They have been in touch with the city, and they are keeping us updated as to where they will be working in the alleys. The trash company, there are some residents that place their trash in the alleys, and they will need to move their trash out to the street side. We have posted that on our Facebook page. If they have any questions, there is a number to contact Atmos, but as they keep us informed, we will post it on Facebook as well.”

***Finance Meeting:*** City Clerk Brown, “I have scheduled the finance meeting for next Thursday, February the 23<sup>rd</sup>, at 3:00 p.m. in the back meeting room.”

***Annual Evaluations:*** City Clerk Brown, “I will be sending out to the chair people for the evaluations for their departments. I will have the instructions on how to do that as well. Along with the evaluation form. I will need to have that back by March the 8<sup>th</sup>, and they will be approved on March 15<sup>th</sup>.”

**QUESTIONS/COMMENTS**

***Coffey County Cancer Support Group:*** Carla Hoch, “On behalf of the Coffey County Cancer Support Group, we would like to say thank you for your support and making this happen. Please let us know if there are any problems with the building at any time. We will get it moved in by the end of the week or next week. Thank you.” Council Member Ernst, “Thank you.”

**REPORT BY CITY OFFICERS:**

**MAYOR’S COMMENTS**

**EXECUTIVE SESSION:**

***Council Member Ernst, “I make a motion to enter into an executive session for non-elected personnel matters per K.S.A. 45-4319b for 10 minutes, with the Governing Body, City Clerk Brown, Superintendent Hawkins, and Attorney Wright present.” Council Member Curtiss, “I second the motion.” Hearing no further***



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discussion, President of Council Lenard called for a vote. Motion unanimously carried, 6:0. Entered 6:45 p.m. Exited 6:55 p.m.

Action taken: *Council Member Ernst moved to terminate Dan Mays effective immediately. Council Member Curtiss seconded. Hearing no further discussion, President of Council Lenard called for a vote. Motion unanimously carried, 6:0.*

*Council Member Curtiss moved to advertise for water/wastewater open positions of operator trainee and non-certified operator until filled. Council Member Ernst seconded. Hearing no further discussion, President of Council Lenard called for a vote. Motion unanimously carried, 6:0.*

**EXECUTIVE SESSION:**

*Council Member Ernst, “I make a motion to enter into an executive session for non-elected personnel matters per K.S.A. 45-4319b for 15 minutes, with the Governing Body, City Clerk Brown, and Attorney Wright present.” Council Member Tschantz, “I second the motion.” Hearing no further discussion, President of Council Lenard called for a vote. Motion unanimously carried, 6:0. Entered 6:59 p.m. Exited 7:14 p.m. No action taken.*

**EXECUTIVE SESSION:**

*Council Member Ernst, “I make a motion to enter into an executive session for non-elected personnel matters per K.S.A. 45-4319b for 10 minutes, with the Governing Body, City Clerk Brown, and Attorney Wright present.” Council Member Curtiss, “I second the motion.” Hearing no further discussion, President of Council Lenard called for a vote. Motion unanimously carried, 6:0. Entered 7:15 p.m. Exited 7:24 p.m. No action taken.*

**Comp Time/ Software/ Security/ Court:** Attorney Wright, “My experience has been with people if they think that they are losing something, then it is going to upset them. They are going to lose those days in a comp time adjustment; they are going to lose days. The money is the same. It’s exactly the same, but some people aren’t going to perceive that.” Council Member Lenard, “I get it. What do you think Anne from a...?” City Clerk Brown, “I agree totally with him.” Attorney Wright, “People might understand that--.” Council Member Lenard, “But do you understand that enough to socialize it.”

City Clerk Brown, “Well, if we get the verbiage together, yes, then we can put that out there.” Council Member Lenard, “In the end, they got exactly what they earned. That’s the bottom line.” Attorney Wright, “Well, you create the storyline; when I say story, I’m not talking about lying. You create the narrative --.” Council Member Lenard, “The message.” Attorney Wright, “You’re getting the same amount of money, but you’re getting locked in at what you already earned that prior year or that prior 30 days, really. We aren’t over 40 hours, so we aren’t dealing with a bunch of that kind of time.”

Council Member Ernst, “So, at the end of the 30 days and they have 42 hours. They can only carry over the 40, right, or are they supposed to use the 40 hours?” Council Member Lenard, “40 is the cap.” Council Member Ernst. “Okay, 40 hours. Are they getting paid right then? They haven’t used it. They don’t get a choice after those 30 days, so they are getting another check?” Council Member Curtiss, “Yes.” Attorney Wright, “I think this is where the department heads are on top of this, and they come back and say look, you are at day 28, so you either need to take a day or two or you are just going to get it.”

Council Member Lenard, “Anne showed me the time sheets today and kind of explained how that works. It was a learning experience for me.” Attorney Wright, “The problem is that it’s an administrative nightmare to keep track of it. Unless you have some kind of software or automated system to do that for you, you are probably keeping track of it on a spreadsheet with each employee.” Council Member Lenard, “Carbons, carbons paper.” Council Member Curtis, “Doesn’t each department have—doesn’t each superintendent keep track of the overtime hours?” Attorney Wright, “I don’t think they are. They are turning in their time.” City Clerk Brown, “No, they look at their time cards and see what they have worked, and they sign off on that time card. Now, if the employee

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chooses to take it as comp, which most of the time they do, they would not know what their accumulated comp time hours are until we let them know that they are getting up there and they need to be using them.”

Attorney Wright, “This is putting the ownership on each department head to keep track because I don’t think that they are.” Council Member Curtiss, “And they need to be. They need to be able to do that.” Attorney Wright, “I’m not sure if some of them have the tools to be able to do that or have the ability to do that.” Council Member Lenard, “I don’t know why –we probably have Microsoft software in here that one of the gals could create something.” Attorney Wright, “Well, there needs to be a spreadsheet, so when overtime is accrued, it enters a date for the employee, and then it’s monitored.” Council Member Curtiss, “Right, and 30 days later--.” City Clerk Brown, “So they should always stay under the 40 hours.” Council Member Lenard, “And the 30 days is not January 1; it’s a rolling 30 days from day of accrual.” Council Member Curtiss, “Right, this guy may take it on the 15<sup>th</sup>, and this guy may do it on the 23<sup>rd</sup>.” Attorney Wright, “Or a guy takes 2 hours every day, one week.” Council Member Lenard, “I think it says increments of four hours.” Attorney Wright, “That’s what I’m saying; it’s a little bit of an administrative nightmare.” City Clerk Brown, “No, I think it’s 30 minutes, they have to take it in increments of 30 minutes.”

Attorney Wright, “Any good payroll software is going to do that for them, and they have a report that comes up that says, hey, we are getting close on comp time.” Council Member Van Horn, “So, the question is, why do we not have that software incorporated.” Attorney Wright, “Especially after the problems that we had with some of them.” Council Member Lenard, “That could be another budget issue.” City Clerk Brown, “Well, and CIC--.” Attorney Wright, “That is another budget issue, I guarantee it.” Council Member Lenard, “Like our cameras.”

Council Member Ernst, “Do we need to adjourn the meeting?” Attorney Wright, “It hasn’t been adjourned yet; this is open session.” Council Member Ernst, “Okay.” City Clerk Brown, “We can talk with CIC.” Council Member Curtiss, “Can the money we get from whatever that is that we are getting...?” Council Member Lenard, “That \$350,000.” Council Member Curtiss, “Can that be used toward software?” Council Member Lenard, “It is COVID related, I’m sure, somehow. I had a deal today that they put COVID under force majeure. That’s where they are trying to go, and I’m like no.” Attorney Wright, “Whatever.” Council Member Curtiss, “That is what I was wondering if that could be used for that. I know that they have all kinds of regulations as to how we are supposed to use it. Infrastructure is one of the main things.”

Council Member Lenard, “Let’s get that back and we will look at it and see what our guardrails are. Because cameras, I’ve thought card readers at the water department, electric department for years.” Attorney Wright, “Even with the security issues here at city hall, I don’t think it would be a bad idea to make it system-wide.” Council Member Lenard, “Put a system in.” City Clerk Brown, “And we have talked about security camera’s putting up a couple, but we just kind of—the cameras we haven’t done, but we did the lock and the panic button. We did that out of building repairs because they have been fairly inexpensive.” Attorney Wright, “I think what I am talking about is going to be relatively expensive. The payroll end of it is probably going to be a lot. I don’t know. I’ve never looked at that kind of stuff. It probably won’t be as terrible as what you might think because it’s all web-based now.”

Council Member Van Horn, “Well, and if you consider the time the employee, like a supervisor, is spending doing that stuff, it might not cost much extra at all.” Council Member Lenard, “Oh, you are saving FTE somewhere along the line.” Attorney Wright, “You are saving the girls in the office. Who crunches those numbers?” City Clerk Brown, “Kerri.” Attorney Wright, “You will probably save her at least five to ten hours a week.” City Clerk Brown, “Oh, it’s not that.” Attorney Wright, “It’s not that much? Because she has to put everything in the computer, doesn’t she, off of the manual time slips.” City Clerk Brown, “She can do that all at the same time she is doing payroll, it wouldn’t take her...” Attorney Wright, “It wouldn’t take her that long? She’s more efficient than I am. That would be my definition of hell.” Council Member Tschantz, “She had a good instructor.”

Attorney Wright, “If you had some type of the whole-time card and the whole entry could be tied into the same system where you bleep in, and people know where you are at. Particularly at the water department; that freaks me out. Especially after the issues that we have had over there. You would want to know who is going in and out of the water department and when they are going in and out.” Council Member Lenard, “Yes.” Council Member Van Horn, “Yes.” Attorney Wright, “That is a huge security issue if you ask me.” Council Member Van Horn, “Somebody could poison the city’s water because they can just get in there anytime if they have the key.”

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Attorney Wright, “I’ll put my tin foil hat on that I have been accused of wearing quite frequently and probably justifiably so, but I can just see that kind of stuff happening with some of the whack jobs. You know, when you come to municipal court, you kind of get a flavor for some of the whack jobs that live here. I’m not saying it’s just Burlington. It’s everywhere. You get it consolidated down to one spot when you’re in that kind of a setting. I’m sorry it wasn’t more of a show on Thursday. I was boring, and I should have warned everyone it was going to be boring.” Council Member Berryman, “I learned a lot from the judge on the way out. I followed him out because he sees so many shades of gray, and I see black and white. There were no bells and whistles, but I got a lot of info.”

Attorney Wright, “We didn’t get to use the TVs, we didn’t have people saying that box was empty already.” Council Member Berryman, “I wanted sex, noise, and video.” Attorney Wright, “I will try to let the city council know if I think that is going to happen. It is really hard because a lot of times you settle this stuff literally on the courthouse steps.” Council Member Berryman, “Well, start settling them in the room.” Attorney Right, “I settled probably five cases out in the hallway while you were here.” Council Member Berryman, “I learned a lot just talking a few minutes outside on some of his thinking, and it makes sense. I don’t agree with him, but it makes sense.” Attorney Wright, “That’s why everybody hates lawyers because you’re not going to agree with it because sometimes the law isn’t intuitive, and it doesn’t make sense.” Council Member Berryman, “And he is truly a gentle soul when he comes across when he does things.”

Attorney Wright, “He is a very good diplomat.” Council Member Berryman, “He is. He made me feel good when I talked to him.” Council Member Ernst, “Who is this gentleman?” City Clerk Brown, “James Campbell.” Attorney Wright, “Yeah, he will make you feel good about having to go to jail, which is a good thing.” Council Member Curtiss, “He is a good guy.” Attorney Wright, “I tend to enflame, and he tends to tamp down.” Council Member Berryman, “Well, I like the way he explains like to that one girl with the marijuana on your first charge, is this your second charge, and if you get your third charge—you know.” Attorney Wright, “And a lot of that is required.” Council Member Berryman, “Well, still the way he does it.” Attorney Wright, “He does a good job. He does very good.” Council Member Tschantz, “Marijuana issues, isn’t it?” Council Member Berryman, “Just kick it up next time.” Council Member Lenard, “Anything else?” Attorney Wright, “I’ll let you know if I hear any big trials coming down the pipes.”

**CPI Conversation:** Council Member Curtiss, “Okay, back on the 23<sup>rd</sup>, we got the CPI?” Council Member Lenard, “CPI was what?” City Clerk Brown, “6.3%, so I’ll have the wage adjustment.” Council Member Ernst, “So, in the last--?” Attorney Wright, “In the last two years, it’s a 10% increase.” Council Member Ernst, “So, 17% basically.” Attorney Wright, “Well, no because last year was 9, then plus 6.”

**Comments:** Council Member Berryman, “Oh Lewis, about that thing that Paul Abendroth was asking about. Is the governor supposedly there was an email you filled out your name and email address, it loses the thing and looking at the address it’s going to be something at EMP Shield.” Council Member Lenard, “I’m going to adjourn the meeting.”

**FUTURE AGENDA ITEMS:**

<b>GENERAL:</b> 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.
<b>ELECTRIC DEPARTMENT:</b> Power Plant - Additional Generation	<i>RICE NESHAP Compliance</i>
<b>PARKS DEPARTMENT:</b> Events in Parks (Updates)	
<b>LEGAL DEPARTMENT:</b> Municipal Court Updates	Misc. Legal - Documents, Cases, Contracts, etc.
<b>PLANNING AND ZONING</b> Work with Advantage Computers and City Departments to improve Cyber Security Nuisance Grass: Work with PD FIRM Floodplain Map Changes – Updates	Quarterly Construction Valuation Report Prepare Easements for any City-owned property without one Permits - Building/Zoning/etc. Burlington Corporate Boundary Updates on Map (Work with State)
<b>POLICE DEPARTMENT</b> Nuisances (Work with Zoning Clerk) Voice Stress Analyzer Project	Department Activities and Cases
<b>STREET DEPARTMENT:</b> Concrete St. Repairs/Free State Ct. Replacement/Repair	Street improvement Plan, Paving Gravel Streets, Crack Filling,

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Pavement Management System/Asset Management System

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)

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President of Council Lenard declared the meeting adjourned.

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