

BOOK 26

April 5, 2023

BURLINGTON CITY COUNCIL REGULAR SESSION 4-5-2023

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, April 5, 2023. Mayor Luke called the meeting to order.

THE PLEDGE OF ALLEGIANCE

ROLL CALL:  Stan Luke, Mayor

Council Members present:

Jerilyn Curtiss  Maxi Berryman  Lewis Lenard (President of Council)

Lila Van Horn  Thomas P. Tschantz  Martin Ernst

Superintendents Present:

Kevin Boyce (Parks)  Alan Schneider (Electric)  Mark Davidson (Street)

Doug Jones (Chief of Police)  Danny Hawkins (Water/Wastewater)

Also Present:

Anne Brown (City Clerk)  Mary Mader (Administrative Assistant)

Philip Wright (City Attorney)  Jimmy Hugunin (Zoning/Grants Clerk)

Greg Holmquist (Assistant City Attorney)  Kerri Weltha (Deputy City Clerk)

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Doug Feldhausen, Shellie Bauer, Jay Hale

AGENDA:

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

MINUTES 3/15/2023: Mayor Luke, “You have before you the draft minutes of our regular session of March 1, 2023. Are there any additions or corrections?”

Council Member Curtiss, “I move to approve the draft minutes of March 15, 2023, as presented.” Council Member Ernst, “Second.” Motion unanimously carried, 6:0.

APPOINTMENT: Shellie Bauer – Street Closure

Shellie Bauer, “We are planning on having a block party on April 29th from noon until everyone wants to leave. We were wondering if you could close the street from 6th and 7th on Yuba Street for three to four hours. We are going to have kids running around, and it’s a high-traffic area.”

Mayor Luke, “So from about 10:00 in the morning?” Shellie Bauer, “From noon.” Mayor Luke, “I didn’t know if you had any setup that you would want to be done before then.” Shellie Bauer, “We will probably have that stuff set up before noon.” Mayor Luke “Why don’t we have it blocked off at 11:00 a.m. then.” Shellie Bauer, “Okay.” Mayor Luke, “So, clean up time – 3:00 p.m. or 4:00 p.m.?” Shellie Bauer, “4:00 p.m.” Mayor Luke, “Any questions for Shellie?” Superintendent Davidson, “Do you want barricades?” Shellie Bauer, “Yes, down at the corners.”

Council Member Curtiss, “Has this been done before?” Mayor Luke, “No, not for this spot.” Council Member Lenard, “We have blocked off other neighborhoods around other holidays.” Council Member Curtiss, “Right, and this is just for a block party.” Council Member Ernst, “Have any neighbors been notified, or have they raised any concerns?” Shellie Bauer, “No, it’s going to be mainly the neighbors.” Council Member Tschantz, “The neighbors and their kids.” Council Member Curtiss, “And they are all in agreement with this?” Shellie Bauer, “Yes.”

Council Member Tschantz, “I move to approve Brad Bauer’s request to block Yuba Street between 6th and 7th on April 29, 2023, from 11:00 a.m. to 4:00 p.m.” Council Member Ernst, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Shellie Bauer, “Thank you.”

APPOINTMENT: Mark Petterson – Smoke on the River BBQ

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Mark Petterson, "Since I came to you a couple of weeks ago, I wanted to let you know that we did get approved. When I originally asked for the use of Kelley Hall and Kelley Park, we were going to do the backyard barbecue contest. Now, we are not only doing the backyard contest; we are going to do a master series, which is what Wild Blue used to be. That's what we were approved for by KCBS. Since we were approved for that, we were also going to try to do a judge's school, which would be on Thursday night, August 31<sup>st</sup>. I ran that by Anne to see about the possibility of also getting Kelley Hall for that Thursday night, August 31<sup>st</sup>, and we talked about doing the 4-H Building, too, just because some other things are growing too. That's basically what my request is now to add Thursday on for use by the Smoke on the River BBQ Contest and then also the 4-H building. It would be Thursday, Friday, and Saturday. The actual big contest is on Saturday, and there will be some things on Friday night. Then the judge's school on Thursday night."

***Council Member Curtiss, "I move to approve Mark Petterson's request to use the Kelley Hall and the 4-H Building on August 31<sup>st</sup>, September 1<sup>st</sup> and 2<sup>nd</sup>, with all fees waived for the Smoke on the River BBQ." Council Member Ernst, "I second the motion."***

Council Member Curtiss, "How many people do you have signed up so far?" Mark Petterson, "We have a lot of judges signed up so far, but I don't know about teams so far. We are going to really try to promote that at Osage City this weekend. We are hoping for 30 to 40 teams total." Council Member Curtiss, "Okay, well, good luck." Mark Petterson, "Thanks."

**Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.**

Mark Petterson, "Thank you."

**PUBLIC COMMENTS:**

Doug Feldhausen, "I'm Doug Feldhausen, and I am here representing the American Legion. It recently came to our attention about the city having a rule or something about not having signs on city property. I would like to ask for an exemption on a limited basis to put signs on the corner of Neosho and 4<sup>th</sup> Street, like by Veteran's Park and so forth, for our feeds that we have at the Legion. The limited basis is that we normally put the signs out at 1:00 or 2:00 in the afternoon on a Saturday afternoon of our feeds, and we are done by 7:30 – 8:00 and pick them back up. So, it would be less than eight hours out there on the corners. They are folding signs. I don't know if some of you might have seen them or not. They just sit on the ground; they don't penetrate the ground. So, they won't damage anything underneath. I am requesting permission on a limited basis just to have the signs placed there. We would place them in the afternoon on the dates we have feeds, and then we would have them removed by 8:00 or 9:00 that night."

Mayor Luke, "Is that Veteran's Park or by the caboose?" Doug Feldhausen, "Both places. Basically, we want to catch both sides of the street through the intersection. Basically, that is the easiest direction to the Legion. Then we normally put one by the Legion as well." Council Member Ernst, "Is there any ordinance or anything--." Doug Feldhausen, "I asked them that also, and I didn't get told any ordinance or zoning regulations about it." Council Member Lenard, "There are signage restrictions. I know when we had some of the political ones that came in, they were put on neutral land, and I don't think they ever came back to pick them up." Attorney Wright, "I would say that I need to look at this issue. It's not you guys at all. If we do have a law that says you can't put signs out and we grant exceptions for one organization or another, that creates some real issues for constitutional first amendment respect that we are going to have to take a look at. I don't know if the city wants to open up that door. I need to look at that issue before the city takes action on it so I can advise the city better than what I am able to tonight. It's not you guys at all, but there are bigger issues here that implicate the city." Council Member Curtiss, "If you open it up, then you have to open it up for everybody."

Doug Feldhausen, "If you want to look at what we are actually talking about or what we have for using for signs, then you are welcome to come by the post, or we can get a picture of one and get it to you." Attorney Wright, "That might not be a bad idea. You can just send it to Mary, maybe. I hate to put you off like that." Doug Feldhausen, "Okay, I understand. This is the first step for looking into it. We do have some other options like private property and businesses and so on and so forth. The best location is city property right there. That's why I was asking for it." Attorney Wright, "Okay, just give me a chance to look into it." Doug Feldhausen, "Okay." Attorney Wright, "Thank you."

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Superintendent Boyce, "I don't know what our ordinance reads on it, but the reason we always picked the signs up is because we have sprinkler systems in those parks. I understand your sign does not go into the ground. But people are going to see your sign and then want their--." Doug Feldhausen, "I understand; that's why I want limited." Superintendent Boyce, "So, when we see a sign, we normally pick it up, and it goes to City Hall when it gets around, and they pick it up at City Hall, it used to be explained to them, I don't know if it is any more or not." City Clerk Brown, "It hasn't happened in a long time." Mayor Luke, "Once in a while, we have an auction that sticks a sign down there." Zoning Clerk Hugunin, "That was the last one stuck in the ground, and I got that." Mayor Luke, "We will put it on hold then, and we will have an answer back by the next meeting."

**ELECTRIC DEPARTMENT: OUTAGES**

**March 31<sup>st</sup>:** Superintendent Schneider, "Last Friday, March 31<sup>st</sup>, we had a large part of a tree fall on the circuit that feeds downtown Burlington and then part of the northeast town. It was in the 700 block of Hudson, roughly in the alley. Once we determined it was safe to do so, and it didn't take very long, we cleared the obstruction from the power lines, and we were able to turn that circuit right back on. My best estimation is roughly 30 minutes. We kept getting lots of phone calls as normal. We were kind of chasing a ghost, and luckily the homeowner that lives on Hudson there called and told us about the large tree. So, that narrowed that down pretty quickly."

"We were in the process of changing out a line switch on the wild leg of the transformer over here at TrustPoint Reality when that happened. Before they could get there and get everything buttoned up, I had the line cleared and went back into the power plant to get that circuit back on. Before they could leave there, just south of where the men were working, the wind snapped the three-phase line pole. It didn't fall down; the structure on either side held that up and stabilized that until we got that changed out. We did have one other call due to the wind. It was in the 200 block of Hudson. We did reattach the anchor point at the residence. The customer did not have any service interruptions. That all happened Friday afternoon."

**April 1<sup>st</sup>:** Superintendent Schneider, "We got another call-out on April 1<sup>st</sup> in the evening for the structure fire on South 6<sup>th</sup> Street. We cut the service wire at the pole and laid down the service wire for the Fire Department."

**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 Maintenance:** Superintendent Schneider, "We changed out the three-phase line pole that I talked about."

**Personnel Training:** Superintendent Schneider, "The apprentice lineman have been studying in between jobs."

**Line Maintenance:** Superintendent Schneider, "We have had our normal line maintenance and locates. We removed one span at Willow Bend. It was an old line that wasn't in use, so we just took that infrastructure down."

**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.

**Generator #4 Maintenance:** Superintendent Schneider, "They did a maintenance run on generator #4 last week. They changed out a fuel line on that generator. It had a small pin-hole leak, it wasn't holding pressure, and there was a fine mist of diesel fuel spraying out. The men shut the generator down, changed that fuel line, and had it back up and in service in 20 minutes."

**Reports:** Superintendent Schneider, "We are completing normal plant reports and submitting KDHE reports."

**Personnel - Training:** Superintendent Schneider, "We are still working with the new hires."

**Generation Project:** Superintendent Schneider, "They are still fitting and welding pipes. They are making progress."

**ELECTRIC DEPARTMENT: PRODUCTION Update**

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Superintendent Schneider, “You will see there in front of you all that there is an energy-saving guide that I was asked to make up. I can’t really take a lot of credit for this because Mary saved my butt. She did a really good job and made this possible for me. This is just a couple sheets that we got, and we can get those circulating on Facebook and make them available, so if somebody would like to have a copy of it, they could.”

**QUESTIONS/COMMENTS**

Council Member Lenard, “So, I don’t remember when it was; I think it was back when Bill Scott was on council. We had some programs, I think, through the power pool with energy efficiency with home studies. How long ago was that? Ten years ago?” Mayor Luke, “Yeah, eight to ten years ago.” Council Member Lenard, “Any idea if we have anything along those lines that might be available to our community?” Superintendent Schneider, “I know when we originally did that energy efficiency side of it --.” City Clerk Brown, “It was through the state.” Superintendent Schneider, “Through the state is what that was, and we got two people to sign up for that, and I guess it created a mess for city hall staff with tracking that, I believe.” City Clerk Brown, “Not the tracking, it was that they kept changing how things were going to be done there, and we didn’t have the interest, and then the funding ran out.”

Superintendent Schneider, “Also, back at KPP, Lewis, they did have at one time a LED program. I would have to revisit that with them. We sold some lightbulbs at city hall, and it was just a few dollars. It was really, really cheap.” Council Member Tschantz, “Do you still do that?” City Clerk Brown, “We don’t have anymore.” Superintendent Schneider, “We don’t have them, but I could revisit that.” Council Member Lenard, “You might see what is available to put together kind of a comprehensive program because we look at our whole program and finances; I think bundling all of this together would be good for the community.” Superintendent Schneider, “Okay, that’s a simple phone call.” Council Member Lenard, “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.

**Water Service:** Superintendent Hawkins, “We got a water service replaced south of the hospital on 3<sup>rd</sup> Street done.

**WATER AND WASTEWATER: Production Update**

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

**Personnel - Training:** Superintendent Hawkins, “We are still working on training new staff at the plant as well. We were able to take them out and have them work with the heavy equipment and get familiarized with running the backhoe and skid steer and that type of equipment.”

**Equipment Maintenance:** Superintendent Hawkins, “I did get confirmation from Evoqua with the sludge press that their crew will be here at the end of May to help us with that. So, I have been taking photographs with that and sending that to them. I have a couple more meetings with them about how we are going to attack that by getting that done. That is going to be a big project for us there.

“Also, we had Shane Newland come in, and he did some work on turbidimeters and chlorinators, and he did some rebuilds in there.

“We are requesting assistance from Mike Douglas from Douglas Pumping. We are having an issue with the gearbox that is on the reactor on the west side. There is no way my crew can get in there and hold the blade up and the gearbox up safely. So, I asked Mike to come down and see if he could help us. He thinks it will take us a couple of hours. His crew will be here. He is thinking the first of next week. He is going to let me know in the morning what their crew is doing. Also, we will get in at like 6:00 in the morning, get it lifted up, put a new gearbox on, and help those guys out with that as well. Then that will be taken care of.

“I have tomorrow morning at 6:30 Krayton Cox will be at the water plant. He is going to be replacing the controller for the lime silo as well. So, he is trying to get that before his day starts, plus running the water treatment plant.”

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“We have also been cleaning out the floor drains and doing a lot of maintenance inside the water plant.”

**Thank You’s:** Superintendent Hawkins, “I want to thank Chris and Tyrell for the other night for coming in during the fire on 6<sup>th</sup> Street. They went in and ran the plant for about three hours that night to help the firemen and keep the water towers up.

**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 Signs:** Superintendent Davidson, “We have been working on changing out street signs.”

**Power Plant – Cooling Tower:** Superintendent Davidson, “We went to the power plant and dug footings for the new cooling tower.”

**Screening:** Superintendent Davidson, “We hauled in several loads of screening.”

**Republic Services – Trash Assistance:** Superintendent Davidson, “I believe it was Monday morning that we had a request from Republic Service. Applegrove Apartments had an infestation of bed bugs and cockroaches, and they had moved everything out of the apartment onto the street for the trashman to pick up. He came and asked if we could assist them with our skid steer and grapple to just pick it up and put it in the back of the truck. We did do that. I was glad that it was that time and not this coming Monday because we wouldn’t have had a clue and started handling all of that by hand. That is a little bit out of our normal duties.” Council Member Van Horn, “Thank goodness, huh?” Superintendent Davidson, “But we went ahead and did that.”

**Rock Hauling:** Superintendent Davidson, “We have been hauling rock in from the quarry.”

**Drive Culverts:** Superintendent Davidson, “We have installed a few drive culverts.”

**Ditch Maintenance:** Superintendent Davidson, “We are starting to till and seed a few ditches.”

**2023 Street Improvement Projects:** Superintendent Davidson, “Tuesday Anne and I had the bid opening for the 2023 Asphalt project. I will present them at the next meeting.”

**Road & Alley Maintenance:** Superintendent Davidson, “I have been doing some alley repair and re-rocking alleys.”

**Mount Hope Cemetery – Tree Maintenance:** Superintendent Davidson, “We have also gotten a considerable amount of tree damage at Mount Hope Cemetery over the weekend. The wind took the tops out of about four cedar trees and a big limb off of an ash. We are wanting to go down and clean that up and remove several of the trees. I have spoken with Lane Jones about it, and he said to do whatever was needed down there. That will be in the near future that we take care of that.”

**Street Sweeping:** Superintendent Davidson, “We have been doing a little bit of street sweeping.”

**QUESTIONS/COMMENTS**

Council Member Van Horn, “When the gas company is finished putting the lines in, is that construction company going to be responsible for smoothing the alley down, or is that on you guys?” Superintendent Davidson, “That is my understanding.” Council Member Van Horn, “That they are going to do it?” Superintendent Davidson, “Yes, but we also know how some of these companies work. I’m assuming once they are out of town, we will come back and take care of what needs to be taken care of. I’ve been around long enough to know they don’t really care about what it’s like when they are gone. We will address it as it needs to be addressed.”

**POLICE DEPARTMENT: Update**

**General:** Chief Jones, “Normal duties.”

**House Fire:** Chief Jones, “The big one was the fire Saturday night. The call came in a little after 10:00 p.m. We had an individual deceased in the fire. The Kansas State Fire Marshals were called in, and they are assisting

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Coffey County Fire District #1. One of my officers is assisting in the investigation as well. I have not seen any reports on it yet as far as cause or origin. Obviously, if you have driven by the house, it is a total loss."

**Strong Wind Issues:** Chief Jones, "There have been a lot of signs down from the wind. We picked up some of Mark's street signs. There were several trees down. The county has been working a lot of grass fires the last week or two. The high winds on Friday had rattled a couple of houses so much that the doors came open. People were hearing what they thought were voices. There were a couple of houses that we had to check out. One lady came home and found her front door standing wide open. It was an older doublewide model, and then the wind just rattled it enough that it just opened the door."

**Activities/ Cases:** Chief Jones, "We are still working fraud and scam calls and usual business for us."

**Nuisance: Properties/Vehicles Update:** Chief Jones, "We are still working on nuisance properties. The weather hasn't been really cooperative on some of them, but we are still working them. We are still making progress, and we are getting there."

**New Police Vehicle:** Chief Jones, "Last council meeting, we tabled the discussion on the new vehicle. The police committee has met since then, and I believe we have a consensus to go ahead with that recommendation."

***Council Member Curtiss, "I move to approve the purchase of a 2023 Dodge Charger from Davis Moore in Wichita not to exceed \$33,660.55, including the discount of \$2,500.00 for the trade-in of the 2013 Dodge Charger, as being in the best interest of the City." Council Member Van Horn, "I second the motion."***

Council Member Curtiss, "I appreciate the meeting, the update on what we have in our fleet, and what needs to be done in the future for our fleet. We did have \$45,000 budgeted for the replacement." Council Member Lenard, "So this is on the rotation?" Chief Jones, "Yes." Council Member Lenard, "That's just the vehicle purchase. That's not the other onboarding and signage?" Chief Jones, "The estimate for the upfitters is going to be about \$6,000 to strip out the old car and put equipment into the new car. So, that still brings us in under budget."

Council Member Lenard, "Where are we at, Doug, because there are probably a couple of people on the council that have never seen that program; where are we at in the rotation then after--." Chief Jones, "Actually, that is what the Police Committee met about here a week or two weeks ago was. What we are intending to do for next year is we will take the current animal control truck, which is a 2011 Chevy, we will use it as a trade-in, and get the Chief's position a new vehicle. Then use the black pickup that I have and pass it over to Bonnie for the new animal control truck. That will be the only vehicle we are looking at purchasing next year."

Council Member Lenard, "Do we have animal control on that program?" Chief Jones, "Not really, because they are both pretty low-mile vehicles. They are both 2011 model vehicles. Bonnie's truck has over 140,000 on it now. My truck only has, as of today, just over 57,000 miles. So, we are going to pass it down to get something that will go for a few more years." Council Member Ernst, "On the animal control vehicle, the truck, it's not something that needs outfitted with anything...?" Chief Jones, "It does. It has a light bar on it now. The light bar that is on my truck will stay because we make use of Bonnie to help with traffic control and funeral escorts."

Council Member Ernst, "I was just wondering if we could try selling it instead of trading it in to see if we could get more money." Chief Jones, "With the rust that is showing on it, mechanical issues we have had, and that it's going to be another year before we do that, I think our best option is going to be a trade-in." Council Member Ernst, "Okay." Chief Jones, "I don't think it's going to be in our best interest to try to sell it outright." Council Member Ernst, "Thank you."

**Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.**

**Personnel Advancement:** Chief Jones, "I had discussed with the Police Committee my plans to promote Randy Stuart to Sergeant. It was all in the evaluations that we did three weeks ago. Anne brought it to my attention that in every other department when they put a #2 up to the foreman, it is a separate action by the council. She was of the opinion that we need a council action to make that a formal motion. So, I am recommending Randy Stuart be formally promoted to the rank of sergeant as was on his evaluation."

***Council Member Curtiss, "I make a motion to move Randy Stuart from Police Officer 3 to Police Sergeant at the hourly rate of \$30.00 effective April 8<sup>th</sup>, 2023." Council Member Ernst, "I second the motion."***

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Council Member Tschantz, "I think it's great."

**Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.**

**QUESTIONS/COMMENTS**

Council Member Berryman, "Are you just in the talking stages of nuisance properties?" Chief Jones, "I haven't gone as far as doing a formal letter, but we have issued courtesy letters to several properties. Jimmy provided a copy of the spring cleanup flyer, and those have been hand-delivered as well." Council Member Berryman, "Thank you. Second question, you were going to check to see if it was a legally licensed RV on that corner trailer on Alleghany and 10<sup>th</sup>. Did you get a chance to do it?" Chief Jones, "No, I had not been over to that RV yet. It's been hectic, but we will keep it on the list. We will get it done." Council Member Berryman, "High on the list." Chief Jones, "How's your yard look?" Council Member Berryman, "Thank you."

**PARKS DEPARTMENT: Update**

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

**Seasonal Bathrooms – Open:** Superintendent Boyce, "We have been opening seasonal restrooms and will be turning on the other outside water as it warms up. As of right now, the city dam and the rock bathrooms at the Kelley Park playground are on. Outside of that, we don't have anything else on until we get through this cold stuff this week."

**Mowing & Spraying:** Superintendent Boyce, "The new mower was delivered on March 30<sup>th</sup>. It was put to use this week. We started mowing and spraying weeds in fence lines."

**Mosquito Fogger:** Superintendent Boyce, "The mosquito fogger was taken to Salina for the state-mandated calibration. It passed."

**QUESTIONS/COMMENTS**

**Mosquito Fogger:** Council Member Ernst, "When do you start spraying for mosquitos?" Superintendent Boyce "Whenever I start noticing them." Council Member Ernst, "Okay, I didn't know if there was a time." Superintendent Boyce, "It has been the end of May or into June – in that time frame."

**FINANCE: Claims Ordinance & Payroll Ordinance**

a. Claims Ordinance	2023-07	\$	408,929.33
b. Payroll Ordinance	2023-07	\$	89,314.72
	TOTAL	\$	498,244.05

**CLAIMS 2023-07:** Council Member Curtiss moved to approve City of Burlington Claims Ordinance 2023-07 for the amount of \$408,929.33 for payment of city bills. Council Member Lenard gave the second. City Clerk Brown, "The larger expenses we have tonight are Brenntag Southwest \$16,667.60, Caldwell's Auto Parts \$1,568.54, KMU \$2,114.72, Stanion Wholesale Electric \$7,202.36, and TrustPoint Insurance \$304,066.00." **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 2023-07 passed unanimously, 6:0."**

**PAYROLL 2023-07:** Council Member Tschantz moved to approve City of Burlington Payroll Ordinance 2023-07 in the amount of \$89,314.72, as presented. Council Member Lenard 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 2023-07 passed unanimously, 6:0."**

**PLANNING & ZONING: Update**

**General:** Zoning Clerk Hugunin, "Normal duties."

**Industrial Park - Sell:** Zoning Clerk Hugunin, "I had a meeting last Friday with Lila, Mark, Lewis, and the interested party in the industrial park. We went over a lot of things with them on that."

**Arbor Day:** Zoning Clerk Hugunin, "I have been working on Arbor Day plans. I am still trying to get a date set. I have been meeting with Steve Strawder on what is available with him. I think we were looking at the 26<sup>th</sup> or

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somewhere around there. I think the week of Arbor Day; Arbor Day is the 28<sup>th</sup>. We are looking at doing the 26<sup>th</sup> which is a Wednesday, and then using the 27<sup>th</sup> as a makeup day if we have to. I am working on getting that detailed."

**Permits:** Zoning Clerk Hugunin, "I am working on building permits. People have a few projects going on."

**Training:** Zoning Clerk Hugunin, "For the next council meeting, I will be in training from the 18<sup>th</sup> to the 21<sup>st</sup>, so I won't be here for that."

**QUESTIONS/COMMENTS**

**Brush Pickup:** Mayor Luke, "We need to schedule the brush pick up." Zoning Clerk Hugunin, "That is kind of Danny and Alan, whenever they are available. I think they schedule that." Superintendent Schneider, "I think last year we went one or two weeks after trash pick-up, right?" Mayor Luke, "I think so. Two weeks would be the week of the 24<sup>th</sup>." Superintendent Schneider, "Danny?" Superintendent Hawkins, "The week of the 24<sup>th</sup> will be fine; we will make it work." Superintendent Schneider, "We will make it work."

Mayor Luke, "Okay, then we will have brush pick up the week commencing on April 24th and have everything out by 7:00 a.m. on the 24th or on Sunday. There are some out there right now." Superintendent Schneider, "Yes, there is." Council Member Curtiss, "There is a lot." Mayor Luke, "We have had some high winds." Council Member Curtiss, "Will we put that in the paper?" Mayor Luke, "We will do our normal advertising and out on Facebook."

Council Member Lenard, "Jimmy, I wanted to follow up on our meeting last week a little bit too, and this may not be in our wheelhouse, but if we do have people that are coming in and are interested in our industrial park, should we point them to economic development if needed? I don't think those components are really in our wheelhouse. Would it be appropriate to point them to economic development, generally speaking?" Mayor Luke, "Maybe generally because they would know more about where funding is available if they need some financial support." Council Member Lenard, "For business plan development." Mayor Luke, "Okay." Council Member Lenard, "Okay, thank you."

**OTHER COMMITTEE OR COUNCIL BUSINESS**

**LEGAL DEPARTMENT: Update**

**General:** Attorney Wright, "Normal duties."

**Personnel Policy Handbook Update:** Attorney Wright, "The only thing that I have is that I reached out to Jennifer Hill, she's a lawyer in Wichita, with regards to essentially updating the employee manual. She basically is saying that she is booked for April. So, that is not going to happen in April. I asked her to send me dates when we can do a special meeting or do something on the city council night. She has not gotten back to me on dates yet. When I get those, I will probably just forward those to Anne, or I don't know how to do it. We probably need to set up a special meeting in a regular session for the council. I will likely have those by the next meeting anyway, where we can get something set up. That's probably what will happen. It sounded like she was just really busy. I think we ought to reach out to some other people just in case she is not able to do it at this point. But I'm going to tell you every lawyer that is good is in the same boat right now."

**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 March, we will be sending \$1,871.19 in delinquent accounts to the Kansas set-off program for collections.

**Sewer Rates:** City Clerk Brown, "Laura (Utility Billing Supervisor) did just finish calculating the new sewer rate. This was calculated on the water usage for December, January, and February, and this will set the rates for the year."

**Sales Tax Report:** City Clerk Brown, "I passed out the utility revenue sales tax report."



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**Elections:** City Clerk Brown, "I also talked with Brad Jones today, and I did give you a printout for just an update on who has filed already for the election and city offices. All we have right now for the Mayor position are Danielle Birk and Stan Luke. Michael Springeman has filed for ward 1, position 1."

Council Member Tschantz, "When do we have to file?" Mayor Luke, "Before June 1st."

**REPORT BY CITY OFFICERS:**

**Coffey County Capital Improvement Plan:** Council Member Lenard, "Jerilyn and I attended the last meeting with the county that's looking into all the county-wide projects for all the cities in the county. This was our last meeting unless we have a special meeting. Right now, we approved the RAISE (Rebuilding American Infrastructure with Sustainability and Equity) grant that's being submitted, and that's funding for engineering. Right now, the county has potentially 70 million dollars worth of projects in the county. The largest one of that is 30 million dollars of connecting trails, 47 miles, connecting the cities. There were potentially lake projects. Granted, some of this hasn't been land acquisitions; these are just plans. Of the connecting trails, one of them Jerilyn and I were pretty adamant about was the connecting trail between New Strawn and Burlington, which includes a one-million-dollar bridge over the Neosho. A little bit of statistics there the proposed bridge is 280 feet clear span.

"Five million dollars worth of sidewalk which is 21 miles within the county. I did pass the sidewalk information on to Mark and shared some information on priorities and second priorities. Jerilyn and I vocalized some of the streets that we had should be a priority, and we will circle back with the street committee. I would also note that we did ask which cities had existing programs. The engineer did not know. So, we informed him that Burlington and Waverly did have existing sidewalk programs. So, if there is anything and we wanted to beef up our sidewalk program on our own, I think we could do it probably a lot cheaper. I do have this, and you probably want to take a copy of it and keep it here; if the other superintendents want to look at it, they can. Anything else, Jerilyn?"

Council Member Curtiss, "No, you covered it very well. Thank you. We are just not in favor of that trail from New Strawn, and we voiced it many times." Mayor Luke, "That hasn't changed." Council Member Curtiss, "They want it." Council Member Lenard, "Well, let me make this comment because I think it finally got illustrated because I voiced the concern again of who is going to maintain it and all of that. When the engineer said the county would be responsible, there was a county representative that was there, their eyes got really big, and I think it finally sunk in the liability. There is probably more to that."

**MAYOR'S COMMENTS**

**CHIPS:** Mayor Luke, "As far as I know, the first application for the chips program was due the 31st of March, and I believe the county sent the electronic transfer of all that first application. They have until sometime in June to come back with questions to the county with respect to everything there. If they are pretty much happy with what it is, then there may not need to be a second application. We don't know that yet. We won't know that until sometime in June."

**Committees:** Mayor Luke, "On committees, I am going to expand the industrial commerce annexation and the zoning. These are the smaller committees; there are going to be three members each on those. I am also going to put together a policy development for the employee handbook. We are going to have some scheduled meetings and stuff on that, so we can get that moving."

**Land Sale – Behind Sewer Lagoon:** Mayor Luke, "I have had a request down at the old, correct me on this, Danny, the properties down at the old lagoons, the area down there behind Strawder. He has requested and wants to know if we would be willing to sell that to him so he could go ahead and farm it. If I remember correctly, we either mow it or burn it once a year, and we don't do anything else down there whatsoever. We don't use it for storage or anything. He is willing to supply easements and right of ways, so anything that we need to do to do

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work on the lines or to get to the lagoons, we will have total access to that. Then he would just farm it. Right now, some of that property that we have creates a drainage issue for him. It floods out two or three acres of his crops every time we have a heavy rain. The question is would we be interested in selling that property with whatever negotiations we put together?"

Council Member Lenard, "Is this the same one, I don't know, maybe five years ago, that Roger had asked about? There was a transaction down there for something. I can't remember if it was this specific tract or not." Mayor Luke, "It's the same. That was when the parents had passed away, and Roger got the small piece where he sells the fireworks, and David has the other." Council Member Lenard, "I say we look at maps and figure out their value." Council Member Curtiss, "He said we could still --." Mayor Luke, "Yes, easements, right of ways, whatever we need to take care of anything that he has that passes through there. We will be able to go ahead and do that. If we don't want to sell it all, he would still be willing so he could get the grading changed so he doesn't flood out as much." Council Member Curtiss, "I'd say look at it." Mayor Luke, "I'll let him know."

**Tax Incentive Districts:** Mayor Luke, "The last thing is that there are several businesses that have looked at coming into Burlington. COVID-19 slowed them all down. Also, the escalation of prices and the supply chain issues have slowed them down. The margins that they have set for financing now are no good because the cost of construction has gone up. They have come to the county, and the county has asked me to discuss with you guys whether or not we would be receptive to a sales tax incentive district that just includes that particular business, no other property around it. It would have anywhere from 0.5% to 2% additional sales tax that they would collect that would go to the state, and the state would reimburse them. Then their financing organizations would be covered with being able to receive the payments. Otherwise, they would not be able to finance the project through an institution. It is a matter of whether or not we would be interested. We don't know if they would actually all agree to it. They haven't gone to the calculations if it would be 0.5% or whatever. It would sunset at the time that it would be paid off. I don't know who all the businesses are. I do know, according to the information I've gotten, none of them are in competition with the businesses we already have in town."

Council Member Lenard, "I think it would be good for the council again because Bobby came in a year or two ago and talked about the district, so I think it would be good to have him come in and explain the concept again. I know we had some conversations about doing that along 75HWY, and I think we were--." Attorney Wright, "I think this is a little different from what Bobby was talking about than what this is. That was what I think they call a special use tax district. This has been done in some of the bigger areas like Wyandotte and Johnson counties. Basically, they put this tax on everybody that's in this special tax district for a business or a couple of businesses in that district. This is a little bit different because this is only going to affect a specific business that comes in. So, they will have that increased sales tax just on that business that's paid into the state. It doesn't affect anybody except people who are patrons of that business."

Attorney Wright, "I think the stuff that Bobby was talking about affects the adjacent landowners. There is a little bit of a difference there. The mayor and I talked about this a little bit. The way I understand what they want to do is this is really just going to be a special tax district on that business; this will not affect any of the adjacent property owners or any adjacent business. I think that is an important distinction to make. To be honest with you, it raised cane in some of the other places. I don't remember if it was Shawnee or Mission over there in Johnson County that people were just not really happy with it. It was added on the property taxes or something like that, but they were having to pay additional taxes to bring in these businesses. That is not what is being proposed here at all. This would just affect the patrons of that business."

Council Member Curtiss, "Okay, so if I wanted to go to business A and I purchase something, then that is the only place the 0.5% to 2% or whatever would go into effect." Attorney Wright, "Just at that business." Council Member Van Horn, "I would think it would be easier just to raise your prices--." Council Member Curtiss, "I think anything that we can do to encourage business in the city." Council Member Tschantz, "I totally agree because we are on the verge of growth." Council Member Curtiss, "We need to do what we can." Attorney Wright, "Just so you understand why you need to do this, they are trying to find financing for these businesses. If the city is willing to go ahead and do this, it makes the books look a little bit better for financing so that they can get more financing to be able to bring the business in. That's the idea. Because you said just raise the price a little bit, but

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that doesn't help the financing end of it on the front end. When something like this occurs, they can say we have this tax incentive to do this, and it increases the ability to repay the debt financing long term. That is the idea. I am not an expert on this stuff, but that is my understanding."

Council Member Berryman, "Would the tax increase be permanent or would it have like a 10-year..." Mayor Luke, "It sunsets when that portion of the debt is paid off." Council Member Berryman, "Okay, thank you." Council Member Curtiss, "I think I would be in favor." Mayor Luke, "The key thing is we will have to discuss with the businesses just to make sure they fully understand. Then documents will have to be signed, and there will probably have to be an official motion made at a later date if they are receptive to doing this. Right now, it is just an inquiry type of thing." Council Member Curtiss, "So who determines the percentage?" Mayor Luke, "It is a matter of what the payment area is." Attorney Wright, "How much they want to finance."

Mayor Luke, "From my understanding, they are all about to cover somewhere between 80% - 90% of their debt now. That added 10%-20%, which is the escalation of prices and the supply chain and everything else that has taken place since they initially applied with what was being here. They just aren't able to cover that remaining piece of the debt. I will let Bobby know that we will get with him and get something put together to approach them to see if they are willing to do it." Council Member Lenard, "Let me ask really quick. So, Bobby would bring a business to us, and then we would engage with that business after they got their financing to see what that tax calculation would be. Then the final deal would rest on us making a decision of the tax district or that financing piece, or they would sign an agreement?" Mayor Luke, "That's what I don't have an answer for." Council Member Lenard, "Okay, I think I'm tracking."

**Auburn Pharmacy:** Council Member Berryman, "Stan, is Auburn Pharmacy still going to build?" Mayor Luke, "I think they finally resolved the issue with the state." Zoning Clerk Hugunin, "No." Mayor Luke, "I thought the entrance egress regress had been resolved; until that's resolved, they are not building." Zoning Clerk Hugunin, "What I just talked about with one of the representatives is that they are not planning to build for at least a year." Council Member Berryman, "Thank you."

**Drainage Issues – County New Parking Lot – 6<sup>th</sup> and Neosho:** Superintendent Davidson. "Yes, I forgot to mention that I have been in contact with Tom Hugunin. I have been asking them to come up and address the council about the new project with the jail and the new parking. They don't seem to be interested in coming and visiting with the council. The plans that I passed around at the last council meeting there are updated versions. There really haven't been any changes. I have a little bit of information on pipe sizing and drainage down 6th Street. What really upsets me is that they won't come and visit with the council. I think Mayor Luke contacted Jesse Knight." Mayor Luke, "Yes." Superintendent Davidson, "He wanted Tom Hugunin to come tonight, but he was unavailable." Mayor Luke, "Tom is in Arizona."

Superintendent Davidson, "I have asked Tom numerous times prior to come and address the council. I don't want you to think that I am not trying to get them up here, but I really have no information to give you. I could bring you another set of plans, but they are pretty vague." Council Member Curtiss, "When do they propose to start on all of this? Do you have any idea?" Council Member Lenard, "The bids have gone out." Superintendent Davison, "Yes." Council Member Curtiss, "Okay." Council Member Lenard, "Not that we've not had any experience in the last year or two with these projects that kind of go around. I commend Mark for doing everything that he can that's in his control to make sure that we get a quality project." Council Member Curtiss, "That's for sure."

Council Member Lenard, "We do have to communicate. Just like Stan is asking about the tax deal, we have to work together with all of the entities. Some are working harder than others." Council Member Curtiss, "Thank you." Mayor Luke, "I will talk with Tom when he gets back and see if he will be at the next meeting. If not, we will go back to the chairmen of the commission. He did call me after Jesse got a hold of him." Superintendent Davidson, "Yes, he called and explained that he was in Arizona, but he's had numerous opportunities to be here prior to that. Thank you."

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**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 Pavement Management System/Asset Management System	Street improvement Plan, Paving Gravel Streets, Crack Filling, Street Improvements 2023 Asphalt Project
<b>WATER &amp; WASTEWATER DEPARTMENT:</b> 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 the Governing Body and signed by Anne C. Brown, City Clerk