

BOOK 26

September 20, 2023

BURLINGTON CITY COUNCIL REGULAR SESSION 9-20-2023

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, September 20, 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: Chris Faimon (Coffey County Republican)

VISITORS: Sean Gordon, Matt Harmon, Jay Hale, Paul Abendroth, Jerame Hugunin

AGENDA:

Council Member Ernst, "I move to approve the agenda as presented." Council Member Van Horn, "Second." Motion unanimously carried, 5:0.

MINUTES 9/6/2023: Mayor Luke, "You have before you the draft minutes of our regular session of September 6, 2023. Are there any additions or corrections?"

Council Member Curtiss, "I move to approve the draft minutes of September 6, 2023, as presented." Council Member Ernst, "Second." Motion unanimously carried, 5:0.

APPOINTMENT: Matt Harmon – Mayoral Forum

Matt Harmon, "I was trying to get approved to use Kelley Hall on Thursday, October 5th between the hours of 5:30 p.m. and 7:30 p.m. for a mayoral town hall or forum. Invite the public out to meet the three candidates and ask them a few questions and better educate our voting body of the city without a fee if you would be so kind." Council Member Ernst, "Does this date work for all three candidates?" Matt Harmon, "So, I have visited with all three candidates, and I have heard no objection. My goal – I have a template with about a dozen questions that, if approved, I plan on getting with each candidate on Friday of this week to give them the questions ahead of time. So, they can be prepared, and we can run the meeting smoothly; would be the hope." Council Member Ernst, "And it's not being used?" City Clerk Brown, "We have them penciled in there."

Council Member Ernst, "I move to approve Matt Harmon's request to use the Kelley Hall building on October 5th, 2023, from 5:30 p.m. to 7:30 p.m., at no charge." Council Member Curtiss, "I second the motion."

Council Member Van Horn, "I think it's a great idea." Mayor Luke, "No comment."

Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Matt Harmon, "I appreciate it. Thank you." Council Member Curtiss, "Put it on your calendar." Mayor Luke, "It's already there."

PUBLIC COMMENTS: (1)

Jerame Hugunin, "I'm Jerame Hugunin. I think most of you know me from Burlington Construction. I own Jade Seed and Supply out there by Crow Moddie Chevy and Ford; we have all the deer blinds and hunting stuff out there. The schools have decided to take hunter safety out of the system here locally. So, I think it is really important for these kids to have hunter safety, and there are a few adults around in the community that don't have it either. I got a hold of the state. They gave us a few instructors to come down on October 28th; I believe we have

BOOK 26
September 20, 2023

the 4-H building reserved for that day. One of the requirements at the end of the class is that they need to shoot the shotgun. We were wondering if we could shoot at the very southeast end of Kelley Park by the river. All of the students need to shoot one time. I talked to Doug, and it sounds like he would be willing to help out that day and make sure everything is safe on the city end. The state is fully insured on their end. There should be virtually no liability on that. After the end of the class, about 5:00 p.m., they will take groups of two or three down, throw a clay out, they don't have to hit it, just shoot, and that ends their class."

Chief Jones, "Since firearms discharges are banned in the city, that is not something I can approve. That will take council approval to authorize this event." Mayor Luke, "Everything will be run by the state?" Jerame Hugunin, "Everything is run by the state. Tonya Combs is the head of hunter's education for our region. So, she is in charge of everything. There are a few other people in the county that have their hunter safety instructor course expire, so they are going to re-up theirs at the same time, too. So, hopefully, we can do this twice a year. Sounds like the state was willing to do every March and every October as long as there were at least 35 students willing to do it. I put it out on my Facebook page, and I filled up 35 students within 12 hours. I already have a list for March next year."

Mayor Luke, "I am assuming the state's insurance would cover everything our exposure and liability." Jerame Hugunin, "Yes, that is the way I took it, yes." Mayor Luke, "Do they have a policy or something that they could provide us?" Jerame Hugunin, "I imagine so. I don't know that for sure." Mayor Luke, "If you could check that out and then get that back to us so we could review it. I think we could consider looking into it tentatively for possible approval as long as that meets our requirements on the insurance and liability side. That's the key thing." Jerame Hugunin, "Okay, yeah. They said they could use a bow and arrow if they have to, but they all prefer shotgun. The state provides the shotgun. Nobody brings their own firearm."

Council Member Curtiss, "So, when is this?" Jerame Hugunin, "October 28th." Superintendent Boyce, "I think that is the same day as the FFA beef show." Council Member Ernst, "That's what I was going to mention as well. I wonder if that is something that would be over prior to the 5:00 p.m. I don't know." Jerame Hugunin, "If that was going on at the same time, I wouldn't even consider doing it." Mayor Luke, "Who runs all of that?" Council Member Curtiss, "I have down the 20th and the 25th." Superintendent Boyce, "The 25th is the Farm Day, and then Saturday is the beef show." Council Member Curtiss, "Oh, okay." Mayor Luke, "So, that would be the same day as the beef show." City Clerk Brown, "Do you have a different location?" Jerame Hugunin, "We can, but it sucks; just shipping the kids. No big deal either way. Like she said, we can do a bow and arrow if we have to, and maybe that would be the best." Mayor Luke, "Does it have to be the 28th?" Jerame Hugunin, "State end, yes, because they are booked other weekends at other places." Mayor Luke, "Oh, okay." Jerame Hugunin, "I mean, if we could go bow and arrow-- if you were cool with that until we find out if that is a conflict on time?" Mayor Luke, "That would be fine, but we do need to talk with them for exactly what timeline they are on. We definitely don't want to have it at the same time." Jerame Hugunin, "Absolutely not with them in there showing them and startle them." Mayor Luke, "Alright, What's the governing body's pleasure?"

Council Member Curtiss, "I move to approve Jerame Hugunin's request to conduct the Hunter Safety class on October 28th, 2023, with firearms discharge in the city limits, contingent upon proper insurance and no conflicts with prior scheduled events in the park." Council Member Ernst, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Mayor Luke, "We need to make sure we have everything for the beef show and the liability from the state." Jerame Hugunin, "Perfect. I'll be by to pay you for the deposit. Thank you." Superintendent Boyce, "The grass area south of the dog park. Would you be okay with allowing it there?" Chief Jones, "Yeah, I'd be okay with it there." Jerame Hugunin, "Oh." Superintendent Boyce, "I mean, it has trees in between." Jerame Hugunin, "That would work. That way, we are hauling them three blocks versus 15 miles."

APPOINTMENT: Public Hearing for 507 S. 6th

Mayor Luke, "Alright, we need to go to the hearing."

Council Member Curtiss, "I move to open the public hearing for 507 S. 6th Street to determine whether structure(s) should be condemned as dangerous and unfit." Council Member Ernst, "I second the motion."

BOOK 26

September 20, 2023

Mayor Luke, "We are now in the public hearing. Chief, are you speaking on this?" Chief Jones, "I was going to get a set of pictures this morning, and things didn't work out. There have obviously been no changes. The widow of the last property owner has moved to Florida. We don't really have any options if we are going to get anything done. The city really doesn't have an option." Mayor Luke, "So the family has nothing that they intend to do?" Chief Jones, "No." Attorney Wright, "Chief, I want you to describe why -- what is there." Chief Jones, "It was a single structure one family residence involved in a house fire April 1st of this year; total loss for the house. The garage to the backside of the house, east, is still usable; it had no damage done to it, but the house itself is a total loss."

Council Member Tschanz, "That's that blue house on the corner?" Mayor Luke, "Yes, the southeast corner." Chief Jones, "It used to be blue." Council Member Van Horn, "It's now gray."

Council Member Ernst, "I move to close the Public Hearing." Council Member Curtiss, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

RESOLUTION 2023-02 -TO CONDEMN 507 S. 6th

Mayor Luke, "We have two options: we can either approve the resolution to dispose of the property, or we can grant an extension. There was no information provided by the owner or those directly related to for an extension; therefore, I would recommend we approve resolution 2023- 02 declaring the structure condemned and have it demolished."

Council Member Tschanz, "I move to approve Resolution 2023-02, Declaring Structure(s) at 507 S. 6th Street to be Condemned and Demolished and the bid process to begin for the demolition and cleanup of the property and all bids to be submitted no later than 10:00 a.m. on October 16, 2023, and bid opening to begin at that time, at Burlington City Hall." Council Member Ernst "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Mayor Luke, "Do you or the Chief take care of the process getting started?" City Clerk Brown, "Chief does, and Mary will get the bid packets ready." Mayor Luke, "Okay."

PUBLIC COMMENTS: (2)

Jay Hale, "I just think it's commendable to have two young men come in tonight doing something in the community. You get gray-haired guys like Paul and I doing things sometimes. It's good to have young men being productive in the community, too." Mayor Luke, "Thank you."

APPOINTMENT: Gordan CPA – Audit 2022

Sean Gordan, "So, you have the audit report in front of you. I'll just go through that section by section to explain what you are looking at. We will start with pages 1-2, called the independent auditors report. The most important paragraph here is the 2nd paragraph down on page one. It's a wordy way of saying that the highest and cleanest opinion that we can give the city's financial statements for 2022, we did give the city for 2022. So, it reflects very well on the financial internal control management of the city's finances for the calendar year 2022. Further on down in this section, we talk about management and the councils' responsibilities for the city financial statements and then our responsibilities as auditors of the financial statements. Flipping forward to pages three and four, these are called the basic financial statements for the city. Page three is what's typically referred to as the balance sheet. Page four is what's referred to as the income statement. Page three reflects all of the assets, liabilities, and equity of the city as of December 31, 2022. Page four shows all of the revenues and expenses of the city during the calendar year.

"Flipping forward, the next section starts on page five and runs through page 17. These are detailed breakouts of all of the individual funds of the city. So, you'll see the general fund and a few other funds, including utility funds, presented in this section. The next section forward is pages 18-43. This big section is called the notes to the financial statements. Here, we discuss a variety of topics, including accounting policies of the city, long-term debt information, capital asset activity, inner-fund transfer, and many other items discussed in this section. No changes in this section are required by the state, so it's about the same as to what you have seen the past few years.

"Then the final section forward, starting on pages 44 through 60, are more of the detailed breakouts of the smaller funds of the city or funds that don't have as quite as much activity running through them as the general

BOOK 26

September 20, 2023

fund and some of the others do. The last couple of things I want to talk about is we did not have any auditors' recommendations to communicate to the mayor and council this year. So, again, that reflects very well on the internal control management by city staff. We had a good audit this year again, as we always do. So, a big thank you to Anne, Kerri, and everybody else involved in the process. We do appreciate that. Questions for me?"

Mayor Luke, "Anybody know what they are looking at?" Council Member Curtiss, "We haven't had a chance to peruse all of this." Sean Gordon, "It's a good read." Mayor Luke, "I have been through this many years. Is there anything else that is coming down the road that we are going to be having to face?" Sean Gordon, "There are a few things coming down the road, but they are for bigger cities. I don't think that it would be anything that affects Burlington itself. It should be the same moving forward over the next few years."

Mayor Luke, "Okay, then we have an option if we choose to renew with Gordon CPA for the 2023 audit. We have the documentation here, so we could provide that if we wanted to move forward."

Council Member Curtiss, "I move to accept Gordan-CPA's proposal as presented to perform City of Burlington's Financial Audit for Fiscal Years ending December 31 of 2023, at a cost not to exceed \$17,200.00." Council Member Van Horn, "I second the motion."

Council Member Ernst, "Is this something that we normally do every year?" Mayor Luke, "We have to." Council Member Van Horn, "Is it usually that good?" Sean Gordon, "I would say it has been, yeah." Mayor Luke, "I'll give you 16 years' worth to look over." Council Member Van Horn, "I'll pass." Mayor Luke, "I cannot remember a time when we had an issue where we had to make changes or had to go back." Sean Gordon, "And usually if we have recommendations, they are minor, and they are dealt with pretty quickly. It's been a few years since there has been an auditor's recommendation that we have communicated in writing."

Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Mayor Luke, "We will provide you with the documentation so you can take it with you." Sean Gordon, "Thank you." Council Member Tschantz, "Have a safe trip."

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.

Outage: Superintendent Schneider, "I'll start off with Tuesday evening, yesterday. I received a phone call about 10 minutes after 6:00 p.m. when the Sheriff's Department is saying there is a pole on fire. So, when I showed up, I wasn't too happy about the situation. It was a three-phase pole that was on fire. The top had burned out and had the phases laying all cattywampus. We got the crew in; we got everything set and ready to stabilize. We did have to turn the power off to the southwest part of Burlington for the safety of the men. Chances are, had we tried to start working on it, even if it looked safe, we would have tripped the circuit anyway because of the way it had capacitor banks on it and the way it was wired. To do it quicker and safer, we turned the power off. We got everything secure and stable, got our line picked up, and with our fiberglass boom, what we call a tree, it's a stabilizer for the phase lines; we were able to turn that power on.

"I wasn't watching my clock. It was somewhere less than an hour that we had the power off in that part of town. Then, we were able to make it more permanent and secure for the night. We were home by 8:00 p.m. last night. We really weren't out that long. We did go in today and reset the pole, put on cross arms, and got it secure. We are going to investigate the capacitor bank to make sure that there is nothing faulty or anything that has gone wrong with that before we put that on service. We got almost everything done there today. We have a little bit of grounding to do, but that is pretty much complete. It would be suitable until mid-May of next year, but we are going to have that buttoned up before winter hits."

Public Power Week: Superintendent Schneider, "We have Public Power Week coming up; it is the 1st through the 7th of October. So, we are going to do some things. We are going to participate a little bit more than we have in the past. We are doing a coloring contest with the 5th-grade class. What else are we doing, Anne? I would like the governing body to wear their T-shirts next council. I would like a picture with you all to submit to KPP Energy as part of the photo contest they are having. So, if you would please do that. We will be having a food drive here

BOOK 26

September 20, 2023

at city hall. The donated items from that will go to God's Storehouse. We will be doing a breakfast for the Electric Department employees for Public Power Week. "

I would like to really thank Anne and Mary because they were really a big big help in this and getting everything organized."

Line Maintenance & Tree Trimming: Superintendent Schneider, "They are doing line maintenance and tree trimming still. We are rebuilding line out at the north end of Burlington."

Software Training: Superintendent Schneider, "I have been doing a little training on metering software with one of the linemen. We will proceed with the others as we go."

ELECTRIC DEPARTMENT: PRODUCTION Update

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

Reports: Superintendent Schneider, "We are still completing reports."

Generation Project: Superintendent Schneider, "We do have the new drain line for the new water treatment system for the generator project in place and tied into the sewer. That is complete—a huge thank you to the Street Department. As always, they were more than willing to help us take care of that. The men doing the project we have the catalyst exhaust system. It is in place, bolted, and secured. The pipe from the generator to that catalyst is in place and permanent. We have the air intake mounted; it's permanent. All the piping is complete on that.

"I did have the opportunity to visit with Larry Wheeler about a completion date. He is projecting mid-November for completion. I was asked last council to visit with him, and we had a pretty good visit about that last Friday. Again, we want them to not be in a rush and miss anything. So, if they take their steps and do it right and, I'm confident that's how it's going to be. We are going to have a very good product when it's done."

QUESTIONS/ COMMENTS

Public Power Week: City Clerk Brown, "I'd like to go ahead and add to his Public Power Week as far as what he is doing. For the food drive, we have a list that should be in your packets; we are going to be putting that on our Facebook page and stuffing it in the bills, also. Everything will be brought here to city hall, and we are going to do that from the 1st through the 12th to give them more time to do that, and then we will take all of that to God's Storehouse. Also, with the 5th graders Alan and hopefully Stan, if you will agree to it, to go visit with the 5th-grade class. There is a little presentation, take the trucks for them to go out and look and see, then we also have little lightbulbs that have the City of Burlington on it that we are going to give to the kids as well just as a promotion thing there. I think we have planned a pretty good week for Public Power Week." Superintendent Schneider, "Yeah, we have a lot of things happening that week."

Outage: Mayor Luke, "The connection of the capacitors will go back with no interruption?" Superintendent Schnider, "Correct." Mayor Luke, "Okay, I just wanted to make sure that everybody knew that there would be no interruption by that."

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 Leak: Superintendent Hawkins, "We fixed a water leak over at 8th and Sanders today."

WATER AND WASTEWATER: Production Update

General: Superintendent Hawkins, "The plant is running fine."

Equipment Repair: Superintendent Hawkins, "Where we have spent most of our time is at the water treatment plant because we had the contractors there that's been working with Evoqua with the sludge press and RW Vaught with our flowmeters. We did manage to get all of our flowmeters installed. I was very pleased with how that went. I kind of want to brag on a gentleman that really helped us tremendously because we requested CMB Construction,

BOOK 26

September 20, 2023

which used to be Douglass Pumping out of Olathe, Kansas, and those guys are phenomenal. I want to brag on this gentleman named Kyle who worked with them because we got to the process, and that process was supposed to take two weeks. We started in on it, and he was so entwined with safety and the moving of this equipment that we had with tearing this press apart. So, there were several pieces that were close to almost 2000 pounds.

“They got into there, and we took our guys and got in there to help with that. We got into a place where Kyle had an idea that if there was some way that he could pull out the part that was bad, he said all he needed was an inch, and he could make it happen if he had an inch. Sure enough, they were able to not have to disassemble over half of the press, and Kyle and his helper Wayne went in there with their heavy equipment, crowbars, and stuff, and it was phenomenal watching them work. Less than an inch, and they were able to pull out that 2000-pound piece out of that press. So, long story short, instead of taking us two weeks, we were able to fix it in three days. I was so impressed with CMB Construction and his guys. I am grateful for Cody Cowen, who is with us. He has been a great help and a great asset for us because where he has come out of the oil fields and stuff, he jumped right into the press and was elbows with those guys to tear it apart. So, we were able to kill several birds with one stone.

“We also needed to do our high service pumps and river pump servicing and vibration on it as well. We use Douglass Pumping. So, they didn’t charge us because they were coming. We got it done so quickly they came over in between the jobs and got that done, so we didn’t have a service charge for that as well. I just feel that credit should be given where credit is due. If Kyle wouldn’t have been there – it was just amazing to watch and how they did it with the safety that they put in without – I was so overly taken by it. That project is complete. We have just a little bit of SCADA stuff. It went way beyond better than what I anticipated. I am pleased with that. Things are going well, and it’s fixed now.”

WATER AND WASTEWATER: Personnel

Superintendent Hawkins, “The only thing that I have left is I did get a resignation letter from Michael Mattox. The gentleman that was our new hire. He did end up giving us his two-week notice. I’d like councils’ permission to go ahead and go back out for advertisement for his position.”

Council Member Curtiss, "I move to allow Danny Hawkins' request to advertise for non-certified operator until filled." Council Member Tschantz, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

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.

Sidewalk Repair: Superintendent Davidson, “We replaced the sidewalk at 5th and Yuba.”

Safety Meeting: Superintendent Davidson, “We attended the monthly safety meeting.”

Street Culvert: Superintendent Davidson, “We replaced several drive culverts and installed one new culvert.”

Equipment Maintenance: Superintendent Davidson, “We did maintenance on equipment.”

Electric Department Assistance: Superintendent Davidson, “As Alan said, we worked with the power plant for several days putting in a trench for their new drain line.”

Sign Replacement: Superintendent Davidson, “Sweeping curb and gutters and street sign replacements.”

Barricades for Event: Superintendent Davidson, “We set out barricades for B-Town Bash.”

Municipal Parking Lot Maintenance: Superintendent Davidson, “We painted parking stalls in the municipal parking lot.”

County New Parking Lot – 6th and Neosho – Jail Project: Superintendent Davidson, “We also worked today on installing the drain in the new parking lot at the courthouse. We had some trouble with the alley draining. So, we cut the asphalt, drilled a hole in the concrete box, and put in about 16 feet of new culvert so we could drain the

BOOK 26

September 20, 2023

alley. We want to slope the alley back to the south, and hopefully, that will help keep the water off of Sharon Hall's property."

POLICE DEPARTMENT: Update

General: Chief Jones, "We are staying busy."

High-Speed Chase: Chief Jones, "You probably heard about the chase this morning. That one got kicked off by highway patrol down south of Chanute when this guy, in a stolen Mercedes Benz, passed a highway patrol captain. He reached down and flipped his radar on, and that car was doing 130 mph. He went up to Chanute, cut over to Wilson, hit HWY 75, and came north. Sergeant Stuart and I were set up at 10th Road by the vet clinic with the stop sticks. A couple of the deputies got to town a little bit later, and they were set up to handle traffic at the stop lights, so we gave them a straight shot through town. He turned off on 58, went to LeRoy, came up north on Shetland, and came back this way on 12th road. The closest he actually got to Burlington was 12th and Native, which is the road you turn on to go to the landfill. Went up to Coffey County Lake across 75 without stopping, hit Embankment Road, went across the dam, got on 12th road again, wrecked out at 12th and Homestead, got back on the road, and took off yet again. He went down to Gridley, and they finally found the car sitting on the road at 4th and Dobbin. I still haven't heard if he ran out of gas or if he wrecked out and couldn't go any further. They have him in custody. That was an interesting morning."

Morphine Stolen: Chief Jones, "We worked a theft of morphine from an individual on hospice and end-of-life stuff. We have an individual that has been identified as a suspect. He was interviewed, he took the computer voice stress analysis, and one of the sheriff's deputies ran it for him. He confessed. He is sitting in jail on felony charges."

Activities/ Cases: Chief Jones, "We worked an injury accident. We are waiting on the lab results, but we are confident, and she admitted that she had been smoking marijuana. So, she was driving under the influence of narcotics. It turns out she had a \$3,500 warrant for her out of Johnson County. So, she has issues there. Some other non-injury accidents, shoplifting at Dollar General, a couple of juvenile females, we worked a couple of fight calls, 911 hang-ups, domestics as usual."

City Court: Chief Jones, "Had city court last week. It went pretty quick."

Nuisance: Chief Jones, "On the nuisance stuff, I was able to make in-person contact with four property owners. Three of them are on my list, and one is on Jimmy's list. We were talking about that later; I have, I believe, 33 properties on my nuisance vehicle and structure list. Jimmy, you had --." Zoning Clerk Hugunin, "It's up to 49 today." Chief Jones, "So we have been staying busy."

Personnel: Recommendation to Hire: With the consensus of the police committee, I am recommending that we hire Darin Provo as a full-time police officer. He is already certified through the academy."

Council Member Ernst, "I move to extend an offer of employment to Darin Provo for the position of Police Officer at the starting hourly wage of \$21.25, effective September 21st, 2023." Council Member Tschantz, "I second the motion."

Mayor Luke, "When would he be available?" Chief Jones, "Tomorrow, he is very excited." Mayor Luke, "That's what I was wondering about the 21st."

Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Chief Jones, "He doesn't have any moving to do. He is living in the house directly north of the Police Department." Mayor Luke, "He shouldn't be late to work." Chief Jones, "He better not be."

QUESTIONS/COMMENTS

Nuisance: Council Member Berryman, "Well, this will go along with the nuisance properties. Doug and I have done a lot of talking these past few months about nuisance properties and his work schedule with all the things that's going on in his department. What we have made is a draft proposal for a job description for a part-time code enforcement officer for the nuisance properties. We put in 20 hours a week. That is just kind of like an arbitrary number. It would be seasonal from about April through September. They would report to the Chief. We were thinking that they would have to work out of City Hall because there is no room at the police station. It

BOOK 26

September 20, 2023

would be a flexible work schedule because sometimes they might be required to go see somebody after hours between a normal 8:00 a.m. to 5:00 p.m.

“So, what we have gotten on this is a position summary, qualifications, what their responsibilities would be. We know the biggest issue is going to be funding, but we have got to be proactive. We have systems in place, but because of the workloads, it's hard to do what needs to be done. We have the broken ground now up at the airport, and we have Beto coming in. We have to be proactive right now. We would like to submit this for review. Next meeting, maybe get input from you and decide if this is something that we can go ahead with or should we just leave it by the wayside. Jimmy, you said you had how many properties?”

Zoning Clerk Hugunin, “I think 56 properties. I have sent out 49 letters, and I have 56 on my list.” Council Member Berryman, “So, this would be for the nuisance properties. We would have this person to help lighten your load. They wouldn't have to be a certified person or anything like some code enforcements because they would just be doing the nuisance: the weeds and debris and the structure. We wanted to put this before the council for your review. Did I leave anything out, Doug?” Chief Jones, “I don't think so. The main point was that this was for your information as a topic for a later discussion, and Maxi wanted to get your feedback and thoughts on it.” Council Member Berryman, “Yes, thank you.”

Mayor Luke, “Alright, take the next couple of weeks to look at it. We can do some other investigating what other cities have part-time or full-time.” Council Member Berryman, “I have six cities right here. I contacted six cities. I got a good demographic. We have Chanute, Baldwin City, Osage City, Garnett, and everything. Their code enforcements are full-time code-certified enforce. They do everything from new construction to buildings to sidewalks and everything. We told them what we were trying to do and that we wouldn't steal anything off of their job descriptions, but we would like to see what they had. So, I was hoping to get information back from three; within two hours, all six of them responded. So, I have six code officers here. Thank you.”

Mayor Luke, “Alright, so look at the options. Look at whether you consider this the essential job responsibility.” Council Member Berryman, “Exactly, yeah, and get written feedback and see if this is something you want to move—we know the funding is going to be the big issue, but we have to make something happen. What's in place is not working through no fault of these gentlemen.” Council Member Tschantz, “My cousin in Ottawa was a police officer, and he retired and went for code enforcement, and it is a big job, mostly for yards and cars and things like that. He never did any construction.”

Council Member Berryman, “No, and all the other ones incorporated in their code enforcement everything that has a code enforcement from the new construction to structure, to sidewalks, to the nuisance properties. We are just looking for the nuisance properties, the weeds, the grass, the debris, and the structures.” Council Member Tschantz, “That should be easy to fill then.” Council member Berryman, “Well, we don't want easy to fill too because you know it is going to be someone that has to stand tough on this.” Council Member Tschantz, “I understand that, but you have a lot of retired police officers around that would jump at a chance for a job like that.” Council Member Berryman, “Which would be super, yeah.”

PARKS DEPARTMENT: Update

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

Mowing: Superintendent Boyce, “We have been mowing and spraying weeds.”

Watering: Superintendent Boyce, “We have been watering flowers and trees.”

Tree Trimming: Superintendent Boyce, “I stated at the last meeting that we are cutting back on mowing because there wasn't much to mow. So, we have been trimming trees and shrubs in the parks and areas.”

Hazardous Tree Removal: Superintendent Boyce, “I did get the hazard tree removal list. Trees are showing up rapidly due to the drought. My recommendation would be Trenary's Tree Care for \$8,975.00. They will start in six to eight weeks, sooner if it goes to raining. The reason that would be is because they would be working off of the hard surface of the street where in residential in back yards and stuff if it's wet, they can't work.”

BOOK 26

September 20, 2023

Council Member Van Horn, "So are these trees on city right of way or..." Superintendent Boyce, "Yes, they are the city right of way." Council Member Van Horn, "Okay."

Council Member Curtiss, "I move to accept the quote from Trenary's Tree Care for removal of 16 hazard trees and stumps, one trimming of a tree and grinding out seven stumps, not to exceed \$8,975.00, as being in the best interest of the city." Council Member Ernst, "I second the motion."

Council Member Curtiss, "This is what we have used in the past, right?" Superintendent Boyce "Yes, he is. Since 2010, when I took over, he has had it almost every year except for one or two when he was doing hurricane work."

Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Quotes were as follows: Trenary's Tree Care - \$8,975.00, Wellnitz Tree Care - \$23,630.00, Custom Tree Service - No Quote.

AG Day & FFA Livestock Show: Superintendent Boyce, "I will touch base with Julie Carden, the FFA director, and we will get a time on their show. I'll get with Jerame and see what we can work out." Mayor Luke, "Alright, that will be good."

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2023-18	\$	<u>389,646.17</u>
b. Payroll Ordinance	2023-19	\$	<u>103,458.95</u>
	TOTAL	\$	<u>493,105.12</u>

CLAIMS 2023-18: Council Member Curtiss moved to approve City of Burlington Claims Ordinance 2023-18 for the amount of \$389,646.17 for payment of city bills. Council Member Ernst gave the second. City Clerk Brown, "The larger expenses we have tonight are Burlington Construction \$4,235.00, Kansas Power Pool \$242,212.07, US Lime Sinclair \$5,264.26." **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 2023-18 passed unanimously, 5:0."**

PAYROLL 2023-19: Council Member Tschantz moved to approve City of Burlington Payroll Ordinance 2023-19 in the amount of \$103,458.95, as presented. Council Member Ernst gave the second. **Hearing no discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. All votes were in favor. Mayor Luke declared, "Payroll Ordinance 2023-19 passed unanimously, 5:0."**

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, "Normal duties."

City Hall – Computer Updates: Zoning Clerk Hugunin, "I'm still working with Advantage Computers on the server room and for the server."

Permits: Zoning Clerk Hugunin, "I've issued a couple of fence permits."

Floodplain Questions: Zoning Clerk Hugunin, "Lately, I have been answering a lot of floodplain questions. I have been trying to explain to people that we did have the preliminary maps, and it matches what is out there now. You can actually go to the KDA website, which is the Kansas Department of Ag., and you can find the Kansas flood plain viewer. It's a pretty slick little tool. Anybody can click on it and look anywhere in the state of Kansas. You can zoom in, you can do satellite view, you can look at your house. I have had several people that have called me back and say they really like that thing. I think it is the same thing probably the banks are using."

City Hall – Computer Updates: Zoning Clerk Hugunin, "I am working on getting all of the city email account passwords changed. We have to change them all; just a security issue with our server in Emporia."

Nuisance: Grass/Weeds Update: Zoning Clerk Hugunin, "I am still working on a lot of yards and ditches that need mowed. I had one, and I talked with Mark earlier about it today, and then I talked with Doug and Philip. I have been sending letters on this property, and not all their property is their property; it is a city right of way. It deadends right at the creek. So, we are just going to treat that as it's our property and go take care of it and clean that up. That will take care of one of the ones on my list."

BOOK 26

September 20, 2023

City Wide Clean up: Zoning Clerk Hugunin, “Then the city-wide cleanup is October 16th. I’d like to say that no items shall be set out on the curb before October 7th. That is also free landfill week. If they want to haul it themselves, then they can.”

QUESTIONS/COMMENTS

Council Member Ernst, “You said for the floodplains it’s KDA; is that correct?” Zoning Clerk Hugunin, “You go to the Kansas Department of Agriculture website. I think it’s kds.ks.gov, then you can look at all of that. I think it’s under the division of resources.” Council Member Ernst, “Thank you.”

OTHER COMMITTEE OR COUNCIL BUSINESS

LEGAL DEPARTMENT: Update

General: Attorney Wright, “Normal duties.”

CITY CLERK: Update

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

Level Pay: City Clerk Brown, “The new level pay contracts have been prepared and sent out. We are already starting to receive those back.”

Drive Through Flu Clinic: City Clerk Brown, “In your packets, the flu clinics are going to be starting next week around the county. They will be held at the fire departments in each city from 5:30 p.m. to 6:30 p.m. For Burlington, it will be October 18th, which is actually our council meeting. If you want to go, you’ll have to go early. There is a form attached to that as well that they would like to have filled out before you get there as well.”

Council Member Van Horn, “I noticed they had a drug return program at the same time. I think that is a really good thing.” Mayor Luke, “You can do that any time of the year.” Chief Jones, “We do that in connection with the flu clinics as well. They can bring it in and just dump it in a box. The actual drug takeback, I believe, is on the 28th. We don’t actually do that one because we do it year-round at the sheriff’s office. Whether it’s prescription or over the counter, you are welcome to drop it off with us or drop it off at one of the flu clinics.”

Thank you’s: City Clerk Brown, “I would also like to thank the street department guys for coming up and painting our parking stall areas. It looks really nice. So, thank you, Mark. Thank your guys for doing that for us.”

REPORT BY CITY OFFICERS:

MAYOR’S COMMENTS

Old Sewer Plant: Mayor Luke, “At the last meeting, there was a request to have the properties down south appraised so we knew what the value was. I have a 22-page report that is recommended that the market value of that piece of property of 13.3 acres is \$19,950.00. We have an option to sell it at whatever number we wish to put on it, but that is the appraised value. It was done through a totally licensed appraiser. We don’t need to have action tonight, but think about what you want to do. There could be that we add a couple of things to that. We could reduce it, say that any closing costs could go to the buyer, or the cost associated goes with fully determining the easement. There are multiple things to do, but just remember that the price of \$19,950.00 is what the value of that property is. That is what the bank would loan money at, the maximum that they would loan.”

EXECUTIVE SESSION:

Council Member Curtiss, “I make a motion to enter a 10-minute Executive Session for Non-Elected Personnel Matters with the Governing Body, Mayor Luke, Attorney Wright, Assistant City Attorney Holmquist, and Personnel Officer Brown present.” Council Member Ernst, “I second the motion.”

Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

FUTURE AGENDA ITEMS:

GENERAL: City Debt - How to fund projects
Expense Tracking on Projects
Budget 2024

GAAP - Infrastructure Capitalization
City/County Grant Funds – Discussion on Matched Funding
Council Discussions on Evaluations, Succession Planning, etc.

BOOK 26
September 20, 2023

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

Mayor Luke declared the meeting adjourned.

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