

BOOK 26
September 6, 2023

BURLINGTON CITY COUNCIL REGULAR SESSION 9-6-2023

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 6, 2023. Mayor Luke called the meeting to order.

THE PLEDGE OF ALLEGIANCE

ROLL CALL: Stan Luke, Mayor

Council Members present:

<input checked="" type="checkbox"/> Jerilyn Curtiss	<input checked="" type="checkbox"/> Maxi Berryman	<input checked="" type="checkbox"/> Lewis Lenard (President of Council)
<input checked="" type="checkbox"/> Lila Van Horn	<input checked="" type="checkbox"/> Thomas P. Tschantz	<input checked="" type="checkbox"/> Martin Ernst

Superintendents Present:

<input checked="" type="checkbox"/> Kevin Boyce (Parks)	<input checked="" type="checkbox"/> Alan Schneider (Electric)	<input checked="" type="checkbox"/> Mark Davidson (Street)
<input checked="" type="checkbox"/> Doug Jones (Chief of Police)	<input checked="" type="checkbox"/> Danny Hawkins (Water/Wastewater)	

Also Present:

<input checked="" type="checkbox"/> Anne Brown (City Clerk)	<input type="checkbox"/> Mary Mader (Administrative Assistant)
<input checked="" type="checkbox"/> Philip Wright (City Attorney)	<input checked="" type="checkbox"/> Jimmy Hugunin (Zoning/Grants Clerk)
<input checked="" type="checkbox"/> Greg Holmquist (Assistant City Attorney)	<input type="checkbox"/> Kerri Weltha (Deputy City Clerk)

Media Present: Chris Faimon (Coffey County Republican)

VISITORS: Bobby Skipper, Ashley Rogers, Jimmy Shinn, Jeanne Haas, Tawny Johnson, Ronda Gilbert, Paul Abendroth, Jay Hale

AGENDA:

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

MINUTES 8/16/2023: Mayor Luke, "You have before you the draft minutes of our regular session of August 16, 2023. Are there any additions or corrections?"

Council Member Curtiss, "I move to approve the draft minutes of August 16, 2023, as presented." Council Member Tschantz, "Second." Motion unanimously carried, 6:0.

APPOINTMENT: All appointments scheduled did not show up

PUBLIC COMMENTS: (1)

Jeanne Haas, "Thank you, Mr. Mayor. I am Jeanne Haas. I am here tonight as the coordinator for the government project of Government Day for Coffey County. This year, it will be Thursday, October 5. I have come to ask the city council to waive the fees for the 4-H building. It will be all of the seniors in Coffey County that are invited to that day." Mayor Luke, "What is the governing body's pleasure?"

Council Member Curtiss, "I move to approve Jeanne Haas' request to use the 4-H Building for Government Day on October 5, 2023, from 8:00 a.m. to 3:00 p.m., at no charge." Council Member Ernst, "I second the motion."

Mayor Luke, "We have done this; how many years?" Jeanne Haas, "This will be the sixth year." Mayor Luke, "I knew it had been a while."

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

PUBLIC COMMENTS: (2)

Jimmy Shinn, "The event coming up on September 9th that was approved for the B-Town Bash. We would like to get permission to have 3rd Street from Neosho to just past that parking lot blocked off. I was told I need to get permission from the city council to have that blocked off to prevent traffic coming through there except for parking." Ashley Rogers, "And so people can park their vehicles that they are showing off there as well." Mayor Luke, "Okay, from the car show?" Council Member Lenard, "From when to when?" Ashley Rogers, "It's 4:00 p.m. to 8:00 p.m." Council Member Lenard, "That's when you want it blocked?" Ashley Rogers, "Well, I would

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assume a little prior till.” Mayor Luke, “Why don’t we say 2:00 p.m.” Ashely Rogers, “That works.” Mayor Luke, “Until 8:00 p.m.” Ashely Rogers, “That works.”

Council Member Lenard, "I move to allow 3rd street between Neosho and Des Moines to be blocked from 2:00 p.m. to 8:00 p.m. on Saturday, September 9, 2023, for B-town Bash." Council Member Tschantz, "I second the motion."

Mayor Luke, “Mark, barriers?” Superintendent Davidson, “Yes, we can provide barriers. I would also ask that you notify the Sheriff’s Office that the street will be closed and call them when it’s reopened.” Ahsley Rogers, “Yes.” Superintendent Davidson, “Thank you.” Ahsley Rogers, “Thank you.”

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

PUBLIC COMMENTS: (3)

Tawny Johnson, “Hello, I am Tawny Johnson. I am here representing a Christian activity at the Burlington Methodist church. I wanted to ask the council’s permission to once again have the section in front of the Methodist church barricaded for our trunk or treat event that will be held on October 29th on a Sunday. It will be from 5:30 p.m. to 7:00 p.m.” Council Member Curtiss, “Okay, Sunday the 29th and you want it barricaded from what hours?” Tawny Johnson, “Just that time. We called the officers and set them up right before we had people show up and had them down right after we closed.” Council Member Curtiss, “Okay, so 5:00 p.m. to 7:00 p.m.”

Council Member Curtiss, "I move to allow the Methodist church to block 6th street between Niagara and Des Moines from 5:00 p.m. to 7:00 p.m. on Sunday, October 29, 2023, to handle their trunk or treat." Council Member Ernst, "I second the motion."

Mayor Luke, “Did it go alright last year?” Tawny Johnson, “Yes, it did.” Mayor Luke, “No problems?” Tawny Johnson, “Nope.” Mayor Luke, “Mark, barricades on that one too, and she will contact the Sheriff’s Department.” Superintendent Davidson, “Okay, thank you.” Tawny Johnson, “Thank you.”

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

PUBLIC COMMENTS: (2)

Council Member Lenard, “I’d like to go back to the B-Town Bash. Some feedback I got is that is scheduled on the same as the OK Kids. Maybe they knew that, but we don’t want to have too many competing events.”

PUBLIC COMMENTS: (4)

Ronda Gilbert, "I am here representing the Burlington Promotions and just a couple of dates that are coming up. We would like to do trick-or-treating around town, which will be on October 31st, Tuesday. I really don’t need anything for that. Usually, the police department comes down and passes out candy, which we hope they will do that again if that’s okay. Then, I would like to also do the Christmas parade on December 2 at 6:00 p.m., which is a Saturday. That will be moved up a week from last year; it was the second Saturday, and it’s the first Saturday this time. I know the police department always helps with traffic and stopping it on HWY 75 and the bridge with barricades and stuff like that. I wanted to see if those dates are okay with you guys.” Mayor Luke, “As far as I know, that is not an issue. Doug, do you have any...?” Chief Jones, “I already have it on my calendar.” City Clerk Brown, “What time for the Christmas parade again?” Ronda Gilbert, “6:00 p.m.”

PUBLIC COMMENTS: (5)

Bobby Skipper, “When you’re elected or work for a local government, sometimes all you have time to deal with is complaints, and you know things that aren’t so fun to put up with. I wanted to say over the past week or so or a couple of weeks; we had a lot of people coming through town. I personally am never ashamed of someone coming through Burlington. You guys do an awesome job keeping everything up; the streets are beautiful, for the most part, you can’t find a spec of grass out of place. It’s just a beautiful town. You guys put effort into it. I know there are a lot of things we can fuss at each other about, but you do a great job. I want to say thank you. It’s a beautiful city.”

Council Member Ernst, “Thank you.”

PUBLIC COMMENTS: (6)

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Mark Petterson, “We had our Smoke on the River BBQ this weekend, and it went very well for our first year doing that. We had 20 teams that actually came from six states. First of all, the preparation and getting ready the street department was great to work with, Kevin with the park, and everything went really smoothly. I heard a lot of comments from the teams that they really enjoyed Kelley Park and that being the venue for them. I think they are used to doing it in the hot summer sun, being on the concrete and asphalt parking lots, and things like that. So, they really enjoyed Kelley Park. Also, talking to one of the teams, they had been through Burlington early in the year, and they made a comment about, I think it was around the 4th of July, all of the flags that were out and the banners, things like that. They just thought Burlington was a really cute town. Just thought I’d share that.”

Council Member Van Horn, “So Kevin, take a bow.” Mark Petterson, “Good job.”

ELECTRIC DEPARTMENT:

Heat – Grid Support: Superintendent Schneider, “I’ll start out with all of the heat we have had. Monday, the 21st of August, was our peak for the season for the day, which was 9800 kilowatts. We were on standby for possible grid support. We did not have to do that. Everything worked out well.”

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.

Tree Trimming: Superintendent Schneider, “They are doing line maintenance, mainly trimming right of ways.”

City Wide – Brush Pick Up: Superintendent Schneider, “They are picking up brush this week from Neosho Street south. So far, they have picked up 26 loads of brush.”

Outage: Superintendent Schneider, “We did work a partial outage yesterday during the day. We were able to complete that right at quitting time. So, we didn’t generate any overtime there. A tree limb had rubbed on one of the conductors of the triplex going to the service. We were able to do some tree trimming that needed done, and we did have to replace that service wire.”

Nuisance Tree: Superintendent Schneider, “We assisted with a nuisance tree out on South 6th Street.”

ELECTRIC DEPARTMENT: PRODUCTION Update

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

Reports: Superintendent Schneider, “We are completing reports that we need to complete.”

DC Power Supply Maintenance: Superintendent Schneider, “We are doing DC power supply maintenance in the substation at the power plant.”

City Hall – Generator Maintenance: Superintendent Schneider, “The men did a maintenance run on the generator here at City Hall since last council.”

Callout: Superintendent Schneider, “Sunday, we had a momentary interruption basically with a blink in our system. It affected the surrounding communities around us as well. I did double-check all of our relays, and we had no activities on all of those. That was a brief momentary blip.”

Generation Project: Superintendent Schneider, “The men on the generator project are still working and welding and still doing their thing.”

QUESTIONS/ COMMENTS

Council Member Lenard, “Do we have a targeted completion date?” Superintendent Schneider, “Honestly, I hate to say anything. They are plugging away. I was hoping that we had water in the system to verify leaks, and that still hasn’t happened. So, no, that’s not done yet, either. They are out there cutting and welding every day. They are coming in 7-ish and before the heat of the day and working until 3:00 in the afternoon.” Council Member

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Lenard, "Okay, we probably need a target finish date." Superintendent Schneider, "Yes, I would agree with that. I don't know where Larry is at. His crew is there working. I will have another conversation with him."

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.

Line Locates: Superintendent Hawkins, "We have had lots of line locates."

Electric Department Assist: Superintendent Hawkins, "We helped the electric department a little bit. Sorry, we weren't able to help a whole lot with the sewer lines." Superintendent Schneider, "You did; thank you, Danny." Superintendent Hawkins, "We didn't do as much as what Atmos did, though, but we did a little bit there."

City Wide – Brush Clean up: Superintendent Hawkins, "We have been hauling a lot of brush. There is a tremendous amount of brush out there this year. We were hoping to really put a big dent in it yesterday and today, but we still have quite a bit left to do. So, tomorrow, we will see where we are going to be at on that."

WATER AND WASTEWATER: Production Update

General: Superintendent Hawkins, "The plant is running fine and averaging 700,000 gallons a day."

Equipment Maintenance: Superintendent Hawkins, "We are scheduled to put the new flow meters in at the water treatment plant with RW Vaught and Jim Morris. So, we are kind of intertwining working with them, and the other project coming in next week on the 11th. That is when we have the gentleman coming in from Minnesota who is going to be working with us on the sludge press. That little project is going to take us several weeks. So, Jim Morris and them are being able to help our IT and their IT together at the same time, so it actually has worked out really well to where it's going to blend together with both projects at the same time. I am very pleased with that. I am ready to get that done and over with."

Personnel - Training: Superintendent Hawkins, "I am still working with the guys in the training process. I am very pleased with their willingness to get in there and learn and get in there and work. They are helping with brush clean up and wells. I am very pleased."

Water Usage – High: Superintendent Hawkins, "We are still pumping a tremendous amount of water. We are still coming in early in the morning and working late at night with pumping water out because it is so dry. If we could figure out some way to make it rain, it would be nice. That hasn't happened yet."

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.

Ditch Maintenance: Superintendent Davidson, "We have been doing ditch cleaning."

Street Culvert: Superintendent Davidson, "We replaced a street culvert at 14th and Alleghany."

Shoulder Maintenance: Superintendent Davidson, "We have been cutting shoulders on gravel roads."

Re-Rocking Roads: Superintendent Davidson, "We re-rocked Juniatta from 6th to 9th and Juniatta to Kennebec, where the old Huff's Garden is."

Equipment Repair: Superintendent Davidson, "We had a few repairs on some of the tractors. We had a hydraulic leak. The air conditioning on one of the tractors quit working; we got it almost fixed. The water pump started leaking on our brush-hauling truck that Danny's crew uses. We should have it done by tomorrow afternoon."

County New Parking Lot – 6th and Neosho – Jail Project: Superintendent Davidson, "We had a meeting with River City, Tom Hugunin, County Attorney, and Killough Construction about drainage over there at 6th and Hudson. We are going to remove the area inlet that's on the south side of Hudson Street; we are going to enlarge it considerably. Maybe that will take care of the flooding that we had the last rain. Then we are going to do some

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work behind the alley of the new parking lot. The water doesn't have anywhere to run except down through Sharon Hall's property. We are going in to dig up the ditch and put a drain in the back of the existing drain box there in the new parking lot."

Alley Repair: Superintendent Davidson, "We worked on the alley grade behind the Mexican restaurant."

Road Repair: Superintendent Davidson, "We also replaced the asphalt that was torn out at 6th and Neosho for the new water line that has been replaced."

Sidewalk Repair: Superintendent Davidson, "We are working on replacing some sidewalk at 5th and Yuba that has cracked due to the dry weather. It has dropped into the ditch. We are removing it and pouring a new sidewalk tomorrow."

POLICE DEPARTMENT: Update

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

Activities/ Cases: Chief Jones, "Assist outside agency calls and working a number of non-injury accidents. Last Sunday, they discovered someone kicked in the gates to the batting cages in Kelley Park—a number of med calls and lots of 911 hang-ups. I am not sure what is going on with that, but we have been getting a lot of them. A number of domestic, juvenile, still have juvenile sex offenses under investigation."

OK Kids: Chief Jones, "OK Kids is this weekend. If you have not been, you are more than welcome to come out Saturday. Come have lunch with us and just hang around to see what all is going on Saturday afternoon. It is a completely free event for all participants. We are hoping for good weather and hoping for a good turnout."

City Court: Chief Jones, "City court is a week from tomorrow on the 14th."

QUESTIONS/COMMENTS

Nuisance: Council Member Lenard, "Any updates on nuisances?" Chief Jones, "No, I don't have an update on nuisances. I have one place that I am going to stop at on my way home after the council and see if I can catch somebody there. Working with Jimmy on the grass on that one. The rest of the stuff, I have just been busy enough or out sick long enough that I haven't had time to do anything."

Council Member Berryman, "Is there any way the council could get a list of the properties that you and Jimmy are working on?" Chief Jones, "No, ma'am. It is considered investigative reports, and because any one of them has the potential to wind up in court, I cannot release those until I turn them over to the prosecutor. They are not open records until I turn them over to the court. We go through that question every year." Mayor Luke, "It becomes public right here at this meeting if it's given to us." Council Member Berryman, "So in the last few weeks, a lot of people have been inquiring on specific properties. Can I come to you and ask you about specific properties?" Chief Jones, "You can come to me and give me a list of specific properties, but I still can't discuss any until they become open records."

Attorney Wright, "It is a pending criminal investigation, basically. We don't release those records to the public or anybody." Chief Jones, "As an example, I did write a ticket to a lady over here at the senior apartments who will be making a first appearance a week from Thursday. That one is an open record. Up until I had issued the ticket and turned that into court, that was not open record." Council Member Berryman, "So, what do I say to people? Like I said the past couple of months. There have been a lot of people complaining about a lot of properties, a lot of issues, and a lot of tall grass. What do I say to them?" Chief Jones, "You tell them that you'll take the information and take location and that you will turn them into either me or Jimmy. Then we will deal with it." Council Member Berryman, "Then they are going to ask how long." Chief Jones, "It's a process. Sometimes it takes a while."

Council Member Berryman, "Is it true also that come the end of summer, if the issues aren't resolved, they kick over to the next year, and the process starts all over again?" Chief Jones, "At the end of the year, because of the way city code and state law reads anything that we have worked on for 2023 unless we already have it in progress, like the house that burnt on 6th street, the calendar starts all over again. The clock starts over again on January 1." Council Member Berryman, "I know you guys have more to do than nuisance properties, but it is a big issue with people. I want to commend Kevin because it has been a nasty summer, and you have kept us looking

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good. I have seen you out there on weekends watering the stuff. I have seen you out there after hours. So, kudos to your department. You do us proud.”

Council Member Tschantz, “Thank you, Kevin.” Superintendent Boyce, “Thank you.”

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. Mowing has slowed down a little bit. We are actually only going to mow downtown this week.”

Watering: Superintendent Boyce, “We have been watering flowers and trees. We did start this week in Kelley Park, watering the area where the playground is west of Kelley Hall down to 3rd Street. That is really not for the grass; it is for the trees. If we lose those trees in there, it will ruin the park, in my opinion.”

Smoke on the River BBQ: Superintendent Boyce, “We helped with Smoke on the River BBQ contest. We took picnic tables down, trash barrels, and grease barrels and then got that cleaned up. They did leave the park very clean. We will welcome them back next year, more teams, more people in town, spend more money.”

Mosquito Fogging/Spraying: Superintendent Boyce, “We have got mosquito fogging every week since the last council meeting. Either tonight or tomorrow night, weather permitting, it will happen again.”

AG Day & FFA Livestock Show: Superintendent Boyce, “It has been requested every year in Kelley Park AG Day and the FFA livestock show. AG Day would be October 25th, and the livestock show would be October 28th. They have already okayed that with the Fair board to use their barns and stuff for that.”

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2023-17	\$	<u>148,615.10</u>
b. Payroll Ordinance	2023-18	\$	<u>101,159.93</u>
	TOTAL	\$	<u>249,775.03</u>

CLAIMS 2023-17: Council Member Lenard moved to approve City of Burlington Claims Ordinance 2023-17 for the amount of \$148,615.10 for payment of city bills. Council Member Curtiss gave the second. City Clerk Brown, “The larger expenses we have tonight are Border State Industry INC. \$9,732.45, Brenntag Southwest \$9,435.98, CIC Computer Info Concepts \$7,880.00, Core and Main, \$20,009.44, Harshman Construction \$4,772.17, Killough Construction \$10,575.60.” **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 2023-17 passed unanimously, 6:0.”**

PAYROLL 2023-18: Council Member Tschantz moved to approve City of Burlington Payroll Ordinance 2023-18 in the amount of \$101,159.93, 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 2023-18 passed unanimously, 6:0.”**

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, “Normal duties.”

Nuisance: Grass/Weeds Update: Zoning Clerk Hugunin, “I’ve been staying busy with nuisance grass. I had one that we were going to mow, but she got it mowed just in time. Another one got mowed. I added a few more to my list this week. Mainly, what I have is ditches; people aren’t mowing their ditches.”

City Hall – Computer Updates: Zoning Clerk Hugunin, “We have been working with Advantage Computers. We had some issues. They came up and kind of got it ironed out a little bit, but we have a lot of stuff that is out of date on our backup system and some of our security. So, they are going to be here working with us to get that taken care of and get everything a little more modern and up to date. It’s going to help us with our security. It probably won’t be cheap, but it’s going to be cheaper than if we got hacked.”

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QUESTIONS/COMMENTS

Council Member Lenard, "Are there ever any people with the nuisance properties that physically can't." Zoning Clerk Hugunin, "I haven't, not on the grass." Council Member Lenard, "If there are. Let Paul or I know, and we will go weed eat." Zoning Clerk Hugunin, "I had last year that I thought, but then, I don't remember, maybe a couple of kids went to take care of it. There was one gentleman that just couldn't get out, and these kids went over and did it." Council Member Lenard, "Awesome, okay. Thank you."

OTHER COMMITTEE OR COUNCIL BUSINESS

LEGAL DEPARTMENT: Update

General: Attorney Wright, "Normal duties."

Ordinance 898: Attorney Wright, "So, we have presented Ordinance 898. I will say I sent a copy out to the city council last night. If you look under section one B, two should have been there, and it wasn't. So, I have added two to that. Anne had a couple of other changes, but nothing that substantially changed the ordinance. I don't know if anyone has any questions about this. I will point out that we baked in on section 15-228, I think it's G, that the city shall assess water and sewage rates each calendar year and modify any rate or charge on or before the regular session of city council in May of that year by resolution of governing body. So, how that would work is you would prepare a resolution if you wanted to change these rates and probably attach the rates similar to the one; I think you all have to update the rates. We don't have to do an ordinance to do that, and it also is a directive that we have to address it so we don't end up going years like this and having issues and making people upset because we are increasing it so rapidly in a short period of time. I don't know if anybody has any questions about it or concerns. We do have some time to sit on it; we don't have to pass it today if you don't want to. If there are any questions or concerns about it, there is plenty of time because it isn't effective until November." City Clerk Brown, "13th."

Attorney Wright, "Or if you think it's good to go...." City Clerk Brown, "I did have the City of Gridley call me and wanted to know if we were going to pass it tonight. I told them yes because I assumed that we would. That is the only thing." Attorney Wright, "Well, you can't control what the city council does." City Clerk Brown, "That's true." Mayor Luke, "So, my question is, what does the governing body want to do?" Council Member Lenard, "I'd like to move and get this done." Council Member Tschantz, "Absolutely."

Council Member Lenard, "I move to adopt Ordinance 898, Providing Water Usage Rates and Providing for The Annual Reassessment of Water Rates." Council Member Curtiss, "I second the motion."

Council Member Ernst, "I have a question. It appears to me like all the surrounding towns that get water from Burlington, Gridley, New Strawn, and LeRoy; their charges say that 1000 gallons will be charged at \$6.54." Council Member Tschantz, "Extra." City Clerk Brown, "That is correct. That is what they are being charged per 1000 gallons." Attorney Wright, "Is this lower because it is a wholesale rate?" Mayor Luke, "Yes. We don't have the investment of meters and everything else." Council Member Ernst, "Okay." Council Member Lenard, "The other thing, too, what I like about this is we have it on an annual schedule, and so we are not going to have this huge – just like we give merit raises every year. It is going to be on a schedule, I'll say autopilot, but it should work going forward."

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

ORDINANCE 899 Chapter 3 – Beverages

City Clerk Brown, "We did have one other ordinance. I didn't know if you had a chance to look at it." Attorney Wright, "I did take a look at this. Is Mary out?" City Clerk Brown, "She's sick." Attorney Wright, "COVID is going around like crazy. I hope it's not that." City Clerk Brown, "I hope it's not either." Attorney Wright, "And she's the one that does this?" City Clerk Brown, "Yes." Attorney Wright, "I'm okay with it. I just wanted to look at the prior ordinance. Quite honestly, we can fix it on the back end, but I think we need to in order to allow sort of what the city is already obligating or consented to regarding the event that is happening on the 9th. We need to pass this to make it legitimate. I'm okay with it. I did have a chance to look at it briefly, and if there are any real concerns with it, we can always fix it. I think we need to pass it."

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"The issue is, at some point, the city allowed alcohol use at certain parks or something like that with the council's permission, but we didn't allow other city property. This event is going to include alcohol on other city property. The city council has already approved that, which is a little bit of a contradiction of the ordinance as it sits. That is why we have this ordinance presented to you today. I don't know if there are any questions. I did look at it, and it looks just fine to me. I think I know exactly what Mary did, and if it is that way, there isn't going to be any further work on it. If I see any issues, then we can fix it again. I would recommend that the city council approve this ordinance tonight."

Council Member Curtiss, "What's behind the buildings down there where B-town Bash – that's city-owned property, right? Mayor Luke, "Yes." Council Member Curtiss, "So, that is addressing number three?" Attorney Wright, "It's number three, and that is what was added. I think this is basically what the ordinance is with the addition of number three. That is the question I would ask Mary if she was here. I think that is what she did." City Clerk Brown, "Yes."

Council Member Ernst, "I move to adopt Ordinance 899, Amending Ordinance 862 & Chapter III - 209, Beverages of The Code of City of Burlington, Kansas." Council Member Lenard, I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

CITY CLERK: Update

General: City Hall Staff have been busy with customers paying utility bills, many calls and inquiries, preparing work orders, vouchers for bill paying, payroll, and council meeting minutes. For August, we will be sending \$696.56 in delinquent accounts to the Kansas set-off program for collections.

2022 Audit: City Clerk Brown, "I did receive, and after reviewing, I accepted the 2022 draft audit. Sean will be here at the next council to present the final audit to the council."

Reports: City Clerk Brown, "I handed out the sales tax and utility revenue report."

Special Assessments: City Clerk Brown, "The special assessments have been sent to the county."

Water Rates: City Clerk Brown, "We will be sending out the new water rate table with the bills this month. So, they will have those ahead of time."

Personnel Policy Handbook Update: City Clerk Brown, "The personnel policy, we want to look into that again. We really want some more input from the superintendents. Is there anything? Did you go through and look at them and see – is there anything that you think does not apply to us or that we are not following that you think we could take out at this time? We would really like to have some input. We did not get a strong input from a lot of you. I would like to visit with you again on that."

Council Member Lenard, "The intent was to divide the document up and conquer it. It's your document, so we need more feedback, and I don't know if you need to divvy it out a different way, but we do need to get it done. We have invested a lot of time and money in it so far."

REPORT BY CITY OFFICERS:

MAYOR'S COMMENTS

Old Sewer Plant: Mayor Luke, "I did some investigation on looking at selling the abandoned old sewer plant behind Strawder's. I went out on the real estate listings sold and unsold in the last three years, looking for acreage less than 15 that has never been farmed, property that was landlocked with no public road access, no utilities near or other improvements on the land, looking at the quality of the ground, it appears that quality of the neighboring property there indicates that there may be the capability of farming approximately half of that particular piece of property. There are no means to currently put any ponds, hunting, and have nothing but highly limited opportunities to utilize the land for any purposes. Throwing out a number--."

Council Member Lenard, "Hang on. Hang on. Can I stop you? Before we go too far and throw out a number and put it in public record, should we consult with a professional? Like a real estate agent or somebody because once we put a value in public record, there is no backing out of it." Mayor Luke, "That is up to you guys." Council Member Lenard, "What do you guys think?" Council Member Tschantz, "It's right." Mayor Luke, "Okay, there

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are probably only two people around that do; I'll call it rural property." Council Member Lenard, "Well, the county has bought and sold some stuff, too. I don't know who they utilize for resources. I think we ought to solicit something. Or we could do a sealed bid, too. Whichever way you guys want to do it."

Mayor Luke, "What's your choice?" Council Member Curtiss, "I don't know. Does any of the local real estate --? Does Vaughn Roth, is that--." Mayor Luke, "Roth can do it. Terry Anderson can do it and a couple of others." Council Member Curtiss, "Right, that's who I was thinking of." Mayor Luke, "I don't know if there is anyone at TrustPoint that does farm appraisals. I don't think so, but we can find out." Council Member Lenard, "Land is not cheap, and it's not getting any cheaper." Council Member Curtiss, "I would like to see what they would have to say as far as a price. That might be a good idea, I think."

Mayor Luke, "I'll talk to Terry and Cameron and see." Council Member Curtiss, "I'm sure that they would be able to do that because they do so much of it." Mayor Luke, "Yeah, okay, not a problem. We will get in touch with them this week, and hopefully, they can look at it before the next meeting."

Nuisance Properties: Council Member Lenard, "We talked about our nuisance properties, and we talked about the clock restarting, and every year we get into that mode where we were successful and were not successful on a lot. So, are we going to be in that same situation again at the end of the year?" Chief Jones, "Some years go better than others, you know that. Like I said, like the house that burnt, we have already got that started, so the time doesn't matter on that one now. The other stuff we just keep working on; we have success with some and no success with others." Council Member Curtiss, "So, what is the exact time frame if you go and talk to somebody? They have how long?" Chief Jones, "Generally, at least when I was doing the grass, and I think Jimmy has continued the same pattern, you do an in-person contact, and you give them a week, sometimes two weeks, depending on the weather. Past that, if they haven't gotten anything done, then they get a formal letter, which we call a ten-day letter. After the ten-day letter, we have two options or both. We can issue a citation, a ticket for failure to abate, and we can have city crews go in and mow it, then they get sent a bill for it."

Council Member Berryman, "How about grass that is so tall that it is above farm equipment? That's not something from a month or two." Chief Jones, "I would have to know an address or a location." Council Member Berryman, "I would be very happy to give you one." Chief Jones, "That's not ringing any bells off hand." Zoning Clerk Hugunin, "Like Doug is saying on the ten-day letter, we send that out certified registered, and we have to wait for that card to come back with a signature on it. We go off of that day that we get it back here, and sometimes that can take 20-25 days to get it there and get it back." Chief Jones, "We have sent certified mail to Lawrence and gotten it back in three days. We have sent certified mail to LeRoy and gotten it back in two weeks." Council Member Curtiss, "Crazy, I know." Attorney Wright, "And sometimes you never get it back." Zoning Clerk Hugunin, "I have some that come back undeliverable." Council Member Curtiss, "So, then, do you go ahead and mow it?" Zoning Clerk Hugunin, "Yes."

Council Member Curtiss, "Okay, so now how about the nuisance properties?" Chief Jones, "Pretty much the same thing except instead of the ten days, that timeline gets extended to 45 days to abate a nuisance. If they don't abate the nuisance, then I have to come in here with a public officer's report to the council and request that it be condemned to start the condemnation process on a piece of property. That's when it has to be published in the newspaper twice, has to be a certain amount of time, has to be a public hearing, and that's what takes so long." Council Member Berryman, "What constitutes a condition of a property to be condemned?" Chief Jones, "The house that's burnt on 6th street is a perfect example of that. We have done others that were unfit or unlivable; they didn't have any utilities. Some of them were a hoarder situation. You literally could not walk into an inch of the house, or it was unsafe to walk in." Council Member Berryman, "Alright, let me ask you specifically: if insulation is hanging out of a house, would the assumption be correct that the floor is probably rotting out?" Chief Jones, "I would have to actually go in and look at it. Sometimes, I can get in and look without any issues at all. There have been a couple of times where I have had to apply for a warrant in court to go do these inspections even though city code says I have a right to entry at any time; there is also a provision to get a warrant so that I and the city are covered by doing an inspection like that."

Council Member Berryman, "Now, do doors have to close on their own, or is it acceptable to have them propped closed by railroad ties and electric poles? Is that acceptable as a door closure?" Chief Jones, "Depends on if the house is inhabited." Council Member Berryman, "If it is inhabited, is it acceptable to have telephone

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poles as a door closure?” Chief Jones, “We are getting into fire code stuff then--.” Council Member Berryman, “Yes, sweet. I’ll be at your office – what time do you get there tomorrow?” Chief Jones, “After school zones, I usually get there between 8:10 a.m. and 8:20 a.m.” Council Member Berryman, “Works for me.”

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

Mayor Luke declared the meeting adjourned.

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