

BOOK 26

December 4, 2024

BURLINGTON CITY COUNCIL REGULAR SESSION 12-4-2024

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, December 4, 2024. Mayor Luke called the meeting to order.

THE PLEDGE OF ALLEGIANCE

ROLL CALL: Stan Luke, Mayor

Council Members present:

Jerilyn Curtiss (President of Council)

Maxi Berryman

Cara Mays

Lila Van Horn

Nathan Strawder

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 (Executive Administrative Assistant)

Philip Wright (City Attorney)

Jimmy Hugunin (Zoning/Grants Clerk)

Kerri Weltha (Deputy City Clerk)

Media Present: Chris Faimon (Coffey County Republican)

VISITORS: Jay Hale, Paul Abendroth

AGENDA:

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

MINUTES 11/20/2024: Mayor Luke, “You have before you the draft minutes of our regular session of November 20, 2024. Are there any additions or corrections?”

Council Member Curtiss, “I move to approve the draft minutes of November 20, 2024, as presented.” Council Member Ernst, “Second.” Motion unanimously carried, 6:0.

MINUTES 11/12/2024: Mayor Luke, “You have before you the draft minutes of our special session of November 12, 2024. Are there any additions or corrections?”

Council Member Curtiss, “I move to approve the draft minutes of November 12, 2024, as presented.” Council Member Ernst, “Second.” Motion unanimously carried, 6:0.

APPOINTMENT – None

PUBLIC COMMENTS

Jay Hale, “I just want to say that I appreciate the superintendents that you’ve hired and use in this city. I have interacted with all of them at some point or another over the several years. I appreciate that positive interaction that I’ve had. Most recently is the electric department. I just appreciate the superintendent’s willingness to work with folks to get things done.”

APPOINTMENT - Ward Three Position One

Mayor Luke, “I had discussions with several municipal legal people and they questioned our action of not recognizing or placing a – recognizing Cara after all the resolutions took place in the court systems. So, at this time to ensure that we have no issues with respect to any legalities. I would like to appoint Cara Mays as council member ward three position one for the remainder of the current term.”

Council Member Van Horn, “I move to appoint Cara Mays as Council Member for Ward 3 Position 1 for the remainder of the current term.” Council Member Curtiss, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Council Member Mays abstained. Motion carried, 6:0.

ELECTRIC DEPARTMENT: DISTRIBUTION Update

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General: Electric personnel have been doing many line locates, customer service requests, tree trimming, shop maintenance, preventative line maintenance, street light maintenance, and vehicle and equipment maintenance.

Line Locates: Superintendent Schneider, “We have had plenty of line locates.”

Service: Superintendent Schneider, “We have installed a new electric service over in the 1100 block of Mohawk for a new home that’s being built. And we did remove an electric service in the 500 block of Alleghany. That house I guess is scheduled for demolition. No one has lived there for quite some time. I don’t think.”

Jail Project: Superintendent Schneider, “We have been working down by the courthouse for the new jail project. I'm hoping, if weather holds out, I'm hoping, we can get our part done here towards ending this week, maybe mid-next week. I'm hoping for that anyway.”

Personnel – Training: Superintendent Schneider, “We have an apprentice lineman preparing for his fourth-year final testing and he'll be ready to advance to journeyman lineman in January.”

Temporary Electric – Christmas Parade: Superintendent Schneider, “And then we did install down on the southeast corner of fourth Neosho, we did put a temporary electric set up there like we used to, for the old May Daze, which will be there for the Christmas parade and the chili feed that's going on down there. Hopefully, the people doing that won't have any troubles with the chili cookers like they did last year.”

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 filling out our normal plant reports and submitting those as needed.”

Generator Maintenance: Superintendent Schneider, “We did get maintenance runs on all of the generators and that fuel cost has been submitted to KPP for reimbursement.”

Christmas Parade/Tree Lighting: Superintendent Schneider, “So, the men over there built a decorative box for the lighting of the Christmas tree ceremony which will be after the parade Saturday. We did get that built.”

Generator Maintenance: Superintendent Schneider, “The men are doing generator maintenance and repairs.”

Personnel – Vacation Time: Superintendent Schneider, “And the staff are scheduling and using some of their use it or lose it vacation time for the end of the year.”

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.

Maintenance: Council Member Berryman, “They're still working on maintenance in the workshops and at the lift stations.”

WATER AND WASTEWATER: Production Update

General: Normal duties. The plant is running well.

Water Usage: Council Member Berryman, “The plant is still using roughly 475,000 gallons of water a day on an average.”

Pretreatment Plant Project: Council Member Berryman, “Jeff Shamburg is here to give you an update on the water plant.”

Jeff Shamburg, “Well, thank you guys for taking my phone call tonight. It didn't make sense for me to be there in person for what should be a really short update. So, since I’ve last seen you guys, we've been working away on the design project for the water treatment plant improvements. We've really been working in three different areas; two of them kind of converge together. Once we get done with the first one which really is what

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we call jar testing. It's where we take a bunch of the treatment chemicals that do the settling process. We do those in a lab and a controlled environment and through that process, we come up with kind of the recipe that's used to clarify the water from the river. Once we finish that process then that moves us into some of the rest, which is doing some estimating of solid's production, how much sludge gets removed from the water, and then also how much --there's some different capacities that are needed for treatment equipment. How big pumps need to be and settling basins and those sorts of things.

“The other piece of the effort is what KDHE terms a way stream summary review. Where we go through and we account for all of the different way streams associated with the treatment plant. KDHE does an initial somewhat cursory review of those waste streams and gives us what amounts more or less to a thumbs up or thumbs down on our proposed plan for how to deal with those different things. This prevents us from getting deep into the project designing something the KDHE ultimately didn't feel comfortable approving. They give us a little bit of like a pre-approval of our plan. All of these activities really center right now around that jar testing process and we've struggled over the last three or four weeks to try to get chemical suppliers engaged and get them on site. They participate in this jar testing process with that. We're scheduled to do that finally next Tuesday, I believe, on the 10th. And we will work through that process in the lab there at the treatment plant and that's going to spring up loose on a whole bunch of activities. So, all in all, the delays associated with that jar testing process and getting that scheduled have pushed us back a few weeks from where we intended to be. I was hoping to sit in front of you guys tonight and really have a lot of conclusions, but that's held us up.

“Two things that I do see as activity that we do over the next few weeks here to try to help restore the schedule that we wanted to keep. One of them I did speak with KDHE staff about moving forward with a piece of equipment that needs replaced. It's the powdered activated carbon feeder. Moving forward with the design and permitting associated with that and getting that bid out earlier than the rest of the projects. That's a piece of equipment that moved over from the old treatment plant and it uses 40-to-50-pound bags of carbon. They are kind of like feed sacks. The new plant was originally designed to handle what we call super sacks; big international cloth containers that hold that carbon. It hoists it up above the feeder and then drops it in. It's a lot less labor intensive and keeps the operation staff from being exposed to carbon dust as much. So, we're going to look at moving forward on the design and approval of KDHE on that. So, for the next few weeks, you know, we will be able to let that project out shortly after the new year, as we finish up the rest of the testing. The other piece that we're working on is a site assessment for various properties that we believe will be suitable for waste—I call them lagoons. But I think the appropriate thing for them is settling ponds or tension ponds for the backwash and sludge blow-down waste. This part is held for up to 24 hours and then can be discharged to the river once the chlorine has gotten out of it and any heavy particles have settled. So anyway, working on land assessment will be talking to at least Danny with some recommendations for you guys to start to enter into potential negotiations of landowners or a couple of these sites we're looking at are city-owned properties already. So that's, kind of my update. I'm here for questions if you guys have them. I was trying to keep it short, but I don't mean to be too brief.”

Mayor Luke, “Anybody any questions for Jeff, at this time? I think you're clear with us right now, Jeff.” Jeff Shamburg, “Good, I appreciate it. I'll be coming over or at least calling into these a little more frequently and we'll start getting engaged. Things are going to move really quickly once we get the jar testing done and there'll be the decisions for the water committee but also for the council as we move through these next few weeks and months.” Mayor Luke, “Alright. Thank you.” Jeff Shamburg, “Yeah. Thank you, guys. If I don't talk to you between then, Merry Christmas and we'll talk after the New Year.” Mayor Luke, “Alright, take care.” City Clerk Brown, “Thank you.”

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.

Winterization: Superintendent Davidson, “We have been winterizing equipment and getting our salt pile broken up for this winter.”

Equipment Maintenance: Superintendent Davidson, “We have been doing maintenance on plows. We worked on the street sweeper.”

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Curb and Gutter: Superintendent Davidson, “We are sweeping curb and gutter. Also adding rock to alley entrances and any potholes in the alleys.

Guard Rail Repair: Superintendent Davidson, “We replaced the guard rail down at the municipal parking lot by the power station. It needed some repair. We just removed it and put some large rocks that Kevin gave us that was from City Dam.”

Equipment Repair: Superintendent Davidson, “We're also trying to find some repair parts for an older international dump truck.”

KMU Training: Superintendent Davidson, “We attended the monthly safety meeting.”

QUESTIONS / COMMENTS

Council Member Van Horn, “I could see that you've been working on rocking the potholes in the alley, and I appreciate it.”

POLICE DEPARTMENT: Personnel

Mayor Luke, “Before Doug speaks, I want to inform all that don't know that Doug has submitted his retirement for March 1st of 2025. He has been here for over 25 years and has been in law enforcement for 39. And in his words, it's time.”

POLICE DEPARTMENT: Update

General: Chief Jones, “Normal duties.”

Activities/Cases: Chief Jones, “In addition to our normal calls, we have been extremely busy. Perfect example is a week ago, Tuesday, which we are referring to, as our Twisted Tuesday. I happened to have two officers on duty during that day, and they ran from call to call all day long. Between both of them, they had 12 reports they had to do. Started out with an attempt to break in at Easton Burns's EB Sports downtown. Within eight hours, we had two juveniles in custody and they had confessed to attempting to break into his business.

“Nuisance calls. There was an injury accident up here at Fourth and Cross. We had another elder that was being scammed and being told to buy gift cards and give them the numbers on the gift cards. And that money is gone gone. To the point where I basically put a two-page rant on our Facebook page about all of these different types of scams that are going on and sites to go to to get information.”

Attorney Wright, “Doug what was the financial loss on that?” Chief Jones, “Over the last three years we are up over \$290,000 from residents of Burlington just to reports that we have taken here in Burlington. She was out about \$2,800 on that one. And if these are people that--I mean they're being--. We had one that was told that her retirement account was in danger and she was advised to pull the money out of the retirement account and take it to the bank here. The dollar amount was such that she had to pay the IRS hit on taking it out of the retirement account. And it just continues and I get it, you know, some of our seniors they are so lonely, they'll talk to anybody. But they believe what they're being told. It's not the first time we've had people posing as federal agents, Department of Justice, Department of Homeland Security, FBI, U.S. Marshal Service, and it's just continual and ongoing. \$290,000 over a three-year period in a community of three thousand people. That's crazy.”

Christmas Parade: Chief Jones, “We do have the holiday parade Saturday evening at 6:00 p.m. followed by the tree lighting ceremony and there will be a chili cook-off competition going on during that as well.”

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

Nuisance: Chief Jones, “A couple of our nuisance properties were coming up against their deadline. I've had two of them, one came in in person and one talked to me on the phone and they've got plans moving forward. Requesting an extension. One of them got extended through the end of December. The other one got extended to by the end of January. That one, her daughters are working with her on that. She wound up having surgery and she's recuperating at one of the nursing facilities here in town. But still working on those.”

Server – In-car Video Replacement: Chief Jones, “Last council meeting, Nathan had asked me for indications that the quote for the server was in line with the market. I sent out about a dozen requests. I have three hard numbers back. I even talked to Brad over at the courthouse and he doesn't do private work anymore. I asked Dell

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for hard numbers and sent a reminder to my contact with Dell that I needed this before the council meeting tonight. I still have yet to hear back from Dell. The original quote I had from Advantage Computers \$5,300, Lenovo got a hard number from them \$5,800.10, M3Cubed which is out of California, but they do have an office in Lawrence \$7,279.00, and Best Buy only uses third-party vendors such as Dell to build their stuff for them, and then Brad and his hand, I didn't hear anything back from Adam, but Brad said that doing private work outside became more annoying than it was profitable. So, I'm going to again recommend that the package price from Advantage Computer out of Iola is in the best interest in the city."

Council Member Ernst, "I move to approve the quote from Advantage Computer Enterprises for the in-car camera system server, not to exceed \$10,810.00, as being in the best interest of the city." Council Member Van Horn, "I second the motion."

Council Member Strawder, "That \$10,000, that's for the server install and stuff?" Chief Jones, "The server and everything. The server itself, building the server, putting all of the Microsoft programs on it, the server operating system, bringing it here and doing the install and getting it hooked up and functional." Council Member Strawder, "Okay. So, the \$5,300 is just--" Chief Jones, "That was just the server." City Clerk Brown, "I was just going to let them know too that Doug and I had discussed this and actually, this is just a repair and replace. He did not necessarily have to go out for quotes for it. But because of the price, that was a good thing. And Cara you had to ask about, do we have a policy on it? We do have a policy on that as far as bids, going out for bids. We can do this thing for quotes, but we don't have to do that. So, just the brief breakdown of the bid process, it states that the City of Burlington gets informal bids or quotes on community improvement projects. So that would be like the street projects or for the demolition project stuff like that, and larger pieces of equipment and vehicles. If we do the bids, they have to conform to certain specifications and regulations for that. So yes, we do have a process for doing that." Council Member Mays, "Thank you for doing that."

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

QUESTIONS / COMMENTS

Council Member Berryman, "Doug, the trailer on Penobscot. We are on day 28 of 30." Chief Jones, "It's 30 days from their start date. They haven't started yet. He's had other projects he's working on. And then I had a question about -- we don't have an official start date on it. Anne and I had talked about that this morning as well." Council Member Berryman, "Okay, so it could drag on eternally?" Chief Jones, "No, it won't. But I have to get a hold of them and find out because I know he's got other stuff going on and he's had projects that he's been trying to take care of and take advantage of the decent weather. I know that's where he's at but I just I'll get a hold of him and find out what we have for a start date."

Mayor Luke, "I noticed the county approved the waiving for the property on Penobscot, Dewitt." Zoning Clerk Hugunin, "Yeah, it's right there across from the street shop right there." Chief Jones, "He had a very large tree come down on it." Mayor Luke, "Yeah, it almost cut it in half." Chief Jones, "Yeah, he was one of them that I was going to talk to and then when I got back around to check on it, they'd already started on it. So, they've got a plan going forward so I'm not even going to mess with them." Mayor Luke, "Alright."

PARKS DEPARTMENT: Update

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

Mowing/ Snow Removal: Superintendent Boyce, "We have been switching equipment over from mowing to snow removal so we will have that ready."

Park Maintenance: Superintendent Boyce, "We are trimming trees and mulching leaves in Kelley Park still."

Banners / Thank you's: Superintendent Boyce, "I'd like to thank the electric department and Jimmy for helping to change the banners out, taking down veteran banners, and putting up the holiday banners."

QUESTIONS / COMMENTS

Council Member Curtiss, "They look good." Council Member Van Horn, "They do."

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FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2024-23	\$	<u>99,105.86</u>
b. Payroll Ordinance	2024-25	\$	<u>111,924.78</u>
	TOTAL	\$	<u>211,030.64</u>

CLAIMS 2024-23: Council Member Curtiss moved to approve City of Burlington Claims Ordinance 2024-23 for the amount of \$99,105.86 for payment of city bills. Council Member Ernst gave the second. City Clerk Brown, “The larger expenses we have tonight are Brenntag Southwest \$2,845.55, Industrial Accessories Company \$4,500, JCI \$10,652.28, and John North Ford \$4,097.19.” *Hearing no discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, “Claims Ordinance 2024-23 passed, 6:0.”*

PAYROLL 2024-25: Council Member Curtiss moved to approve City of Burlington Payroll Ordinance 2024-25 in the amount of \$111,924.78, as presented. Council Member Ernst gave the second. Hearing no further discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, “Payroll Ordinance 2024-25 passed, 6:0.”

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, “Normal duties.”

Nuisance: Grass/Weeds Update: Zoning Clerk Hugunin, “Believe it or not I’m still dealing with a couple of yards, mainly just weeds. They are still growing, maybe tomorrow will help that.”

City Hall – Front Sign: Zoning Clerk Hugunin, “I know Anne sent out an email to you guys. The sign out front is fixed. It's working. I've got to thank Rick at Coffelt Signs because --I mean they're the installers, he's not the tech. But what happens is I call them. They say, we will send some parts and I just found this out, every part they send Coffelt has to pay for and then they have to go through the return process to get them reimbursed. So, Rick had a lot of money out here invested and what wound up being was the cellular modem out there. So, it would not let me communicate from here, or out there to go through everything to get it to work. It's up and working now, that was all warranty. Rick, I think has sent back the parts. I just want to thank Rick, he has done a lot. I've been on the phone with him a lot for the last year and he was very helpful in getting me some channels within the Daktronics stuff of who I could talk to. So that worked out good.”

Developers Agreement: Zoning Clerk Hugunin, “I've been working on stuff for the developer’s agreement.”

Training: Zoning Clerk Hugunin, “I attended the CASE training.”

Banners: Zoning Clerk Hugunin, “I helped with the banners yesterday which today would have been a better day. That's okay.”

Vehicle Maintenance: Zoning Clerk Hugunin, “Then I've got all the vehicles scheduled for services this week.”

OTHER COMMITTEE OR COUNCIL BUSINESS

Christmas: Mayor Luke, “I see that we have the Christmas gift certificates back on the agenda. Is there....?” Council Member Curtiss, “Well, at the time everything was on there-- city attorney, city council, members, the treasurer, and the mayor. I talked with you afterwards and the reason why that was voted down, was because the only people there that are not compensated somehow are those people that are board members. We would still like to give them the \$20 Chamber of Commerce gift certificate.”

Council Member Curtiss, “I move to give a \$20 Chamber of Commerce Christmas gift certificate to each Board Member.” Council Member Van Horn, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion carried, 6:0.

LEGAL DEPARTMENT: Update

General: Attorney Wright, “Normal duties.”

CITY CLERK: Update

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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 November, we will be sending \$2,095.15 in delinquent accounts to the Kansas set-off program for collections.

Trash Rates: City Clerk Brown, “We'll discuss the trash rate—the annual agreement that we have with them (Republic Services). The CPI came in at 5.2% but our agreement always caps it at 4%. So, there was a \$0.52 increase this year on all of the residential and commercial. We include all the commercial on everything the prices in here, we only deal with the residential. So, we have an ordinance that we need to pass for this to approve that rate increase, which will be effective January 13 and be on for the February billing. So, I'm just asking for a motion to approve this increase.”

Council Member Van Horn, “I move to adopt Ordinance 911, Establishing Trash Rates, to be effective January 13, 2025.” Council Member Curtiss, “I second the motion.”

Council Member Curtiss, “We have to do this every year, correct?” Mayor Luke, “Yes.” Council Member Curtiss, “But even though their CPI was higher than our 4%, we are still at 4%.” City Clerk Brown, “Correct.” Council Member Curtiss, “And there is no other trash company that can serve us.” City Clerk Brown, “I have contacted a couple of others, one was too small to handle Burlington, the other one I emailed a couple different times and they never responded and that's the closest ones here.” Council Member Curtiss, “I know I ask that every year.”

Council Member Van Horn, “I find the trash collector people to be very friendly and helpful. So, that's important I think.”

Hearing no further discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Motion passed 6:0

City Clerk Brown, “Jennifer will probably come sometime within the first quarter and talk to the council and meet the council. She just could not make it anytime soon, since we have a fairly new council. She may present at that time a change on the agreement and she will address that then.”

Goals and Accomplishments: City Clerk Brown, “Mary has handed out the goals and accomplishments to all the department's heads and we would like to have them returned to Mary by January 6th.”

Reports: City Clerk Brown, “I've handed out the utility and the sales tax revenue reports. So, you have those.”

Letters & Reminders: City Clerk Brown, “We will be sending out dog tag renewals and the trash increase letters out with the bills this month.”

Year End: City Clerk Brown, “The office is preparing for year-end reporting and the rollover process.”

Thank you's: City Clerk Brown, “I would like to thank Alan for getting the lights going again here at City Hall, the Christmas lights. I appreciate that. And I want to thank Jimmy for taking care of the vehicles he's been doing.”

REPORT BY CITY OFFICERS:

MAYOR'S COMMENTS:

Executive Session: Mayor Luke, “At this time I would accept a motion to enter into executive session.”

Council Member Ernst, “I make a motion to enter a 5-minute Executive Session for Non-Elected Personnel Matters per K.S.A. 75-4319(b); with the Governing Body, Mayor Luke, Attorney Wright, Personnel Officer Brown, and Zoning Clerk Hugunin present.” Council Member Curtiss, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion carried, 6:0.

No action was taken. Entered 6:37 p.m.

Exited 6:42 p.m.

Mayor Luke declared the meeting adjourned.

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