

BOOK 26

July 3, 2024

BURLINGTON CITY COUNCIL REGULAR SESSION 7-3-2024

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, July 3, 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 (Administrative Assistant)

Philip Wright (City Attorney)

Jimmy Hugunin (Zoning/Grants Clerk)

Kerri Weltha (Deputy City Clerk)

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Mary Ellen Paul, Carla Hoch, Paul Abendroth

AGENDA:

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

MINUTES 6/19/2024: Mayor Luke, “You have before you the draft minutes of our regular session of June 19, 2024. Are there any additions or corrections?”

Council Member Strawder, “I move to approve the draft minutes of June 19, 2024, as presented.” Council Member Ernst, “Second.” Motion unanimously carried, 5:0.

APPOINTMENT: Coffey County Cancer Support Group – Golf Tournament Donations

Mary Ellen Paul, “Good evening, I am Mary Ellen Paul. Carla and I are representing the Coffey County Cancer Support Group. The flyers that are coming around to you tell a little bit about the group and the golf tournament. The golf tournament will be held August 16th and 17th. If any of you are golfers, that’s changed. We have had a really excellent response the last couple of years and the previous years, too, but overfilling the golf course for one day. So, it is going to be a two-day event. The Saturday teams are pretty much filled up, and quite a few for Friday. So, if anybody wants a team, there is information, and you can call Carla about a team for Friday. There is still some space. That’s the first thing about the tournament. The second is, and it’s listed there on your sheet, is that organizations or people, whatever, can sponsor a hole. You get recognized with a sign and gain notoriety. We are in the process of going around to people and businesses for monetary donations and items for raffle prizes. (inaudible) They will receive a lunch with their entry too. We are in the process of taking bids for the lunch and cookies and all of that sort of thing from Coffey County businesses this year. We have had quite a good response, I believe, for that, and organizations that like to donate bottled water and all of that sort of things. It’s very much a community-sponsored event. It helps lots and lots of people, new people, every month. Every month, new people get helped with gift cards, gas cards, and that sort of thing because we have raised thousands of dollars from our various events through the years. That is the short story for that. One thing I’d like to mention is the other thing people can do; in the middle of your sheet, it shows the little picture of the signs, and you can get a tribute or an ‘in memory of’ sign for a friend or a family member. Those are \$25, and we post them at the golf tournament. The thing that we started doing this year is that we are going to every town in the county – we went to Strawnfest a couple of weeks ago, we went to Lebo on Saturday, we will be in Gridley on Friday night, and we will be in LeRoy later on for Homecoming. Those signs will be on display for everyone to see then, too. I think that is kind of an exciting thing that we are doing to get our name out there. The other thing is that if you,

BOOK 26

July 3, 2024

any of you, if your neighbor or your family or whatever has cancer, have them, or you call one of us. We can get a form to you to help because even though we have been around for 15 years or whatever, some people still don't know. It's a terrible thing to go through. My husband's name is on that sign. We want to help anybody that needs it. That's my little spiel on that. Does anybody have any questions? Or did I miss something, Carla? For sure, if you want to golf or come out and see the signs, it's a great time."

Mayor Luke, "Do you use signs from before, or do you just create new ones every year?" Mary Ellen Paul, "We reuse those signs. They are laminated. We worked up this fancy post to stick them in the ground with Velcro on it. So, they get reused." Mayor Luke, "I'll do my son's again this year." Carla Hoch, "We reuse them, but we sell them every year. If you buy a sign now, it would be good for all of the events through next year, not including, but up to the next golf tournament. So that sign will be displayed at all the county's events. That's new this year, and we are excited to get the word out there." Mayor Luke, "Okay. I'll take a tee time on Friday, I guess." Carla Hoch, "Yay, thank you."

Council Member Ernst, "I move to approve the city to donate \$500 to the Coffey County Cancer Support group." Council Member Van Horn, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Mary Ellen Paul, "Thank you so much." Carla Hoch, "Thank you. We will see you on the 16th. If anyone else wants to come and join us, it's a great day."

APPOINTMENT: Kimberly Robrahn – TrustPoint Dividend Check – No Show

PUBLIC COMMENTS: None.

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.

KMU Training: Superintendent Schneider, "We attended the KMU sponsored safety training yesterday morning."

Personnel – Training: Superintendent Schneider, "The apprentice linemen have been chapter testing."

Tree Trimming: Superintendent Schneider, "The men have been doing a lot of tree trimming."

July 4th Celebration: Superintendent Schneider, "We checked the electrical outlets in Kelley Park for the 4th of July celebration."

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 have been completing plant reports."

Generator Maintenance: Superintendent Schneider, "We did a maintenance run on the generator here at City Hall since the last council."

Generator #7: Superintendent Schneider, "I worked with Evergy. They thought they were having trouble capturing the generation from the new generator, so we sent them our data. The only thing we could find is that they were an hour off with their timing. The numbers matched up for the most part.

"Thursday, June 27th we had a testing day for it. Donna Oehm with Power Plant Compliance was on site to perform the testing procedure. Everything passed as it should, which allows us to generate as needed without limited hours on production. We finally got that done. We had a little bit of a slow start, but everything ended up really good."

WATER AND WASTEWATER: Distribution Update

BOOK 26

July 3, 2024

General: Personnel have been doing the normal duties: line locates, work orders, reading meters, meter rereads, cleaning sewer lift stations, maintenance on trucks and equipment, attending safety meetings, customer call-outs, and concerns.

Water Service: Superintendent Hawkins, “We have been working a lot on water services in town. We completed one on Penobscot and got it done. We have been on 6th Street. We have five of the eight done, so we only have three left. That will pull that almost to completion because Cody is going to come back and put in the fire hydrant. We are really close to the end of that project. We will just be going back, tilling up yards and reseeding and stuff.”

Training: Superintendent Hawkins, “I did attend training in El Dorado last week for my wastewater hours.”

Gray Water Tower Inspection: Superintendent Hawkins, “We had a tank inspection here a week ago on the gray water tower. They came in and finished up today. They completed the new ventilation at the top of the tower. So, if you are looking at it, there is new ventilation at the top. That’s completed.”

Equipment Maintenance: Superintendent Hawkins, “Also, we had C&B Equipment here to work on Gorman Gupp pump on pump station #1, we have been waiting on it to get rebuilt. So, Dwayne came in and got it in sequence and got it going. Now that pump station is up and going again as normal.”

WATER AND WASTEWATER: Production Update

General: Normal duties. The plant is running well. Water usage at the plant is averaging around 600,000 gallons a day, which is normal for this time of year.

QUESTIONS / COMMENTS

Meters: Council Member Van Horn, “Do you have all of the new meters that you got put in, or were you still working on that?” Superintendent Hawkins, “We are trying to finish up the 6th Street project. We only have until the 3rd week of this month to get it completed. We are trying to hurry up and get it done. Then, we are going to jump back into getting meters done. Then, after we are done with that, we have to get the lead and copper samples done before October 1st. Our plates are full; we are working on it. We are prioritizing as we need it.” Council Member Van Horn, “Thank you.”

Gray Water Tower Inspection: Council Member Ernst, “Did everything pass well on the gray water tower?” Superintendent Hawkins, “Yes, everything went good on it. Just the ventilation needed it, and basically, there was a little safety feature on the catwalk up there, and we got it done and fixed it as well. There is some stuff that we are going to budget for 2025 that we will go in with some painting and stuff—just keeping normal maintenance up on it. Then, we will come back and follow up on doing the blue water tower inspection. We alternate them every other year.”

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.

Killough Construction – Street Improvements: Superintendent Davidson, “The asphalt company was in town. They started milling on Cross Street. It has been completed. They started on 6th Street from Niagara down to Housatonic. Last Friday, they were coming down with their distributor truck, and they had major engine problems. Their secondary truck was in the shop having the hydraulic pump replaced on it. So, they immediately started trying to find another distributor truck, and there was not one available in four surrounding states. They did call me this evening, and they think they have their truck up and going. They will be down on Monday if it doesn’t rain to finish up 6th Street. With that being said, we got over on the west end of Cross Street, I think it was Wednesday, they were milling, and they hit some mud, and their machine started to sink. So, we went up and dug about 80 feet of the roadway out, the width of the roadway, and dug it down about 14 inches. We packed it back with base rock. With us doing that, it delayed them some. That is all taken care of.”

BOOK 26

July 3, 2024

Equipment Maintenance: Superintendent Davidson, “One of our dump trucks started leaking transmission fluid. So, it has been taken back to Emporia for repairs. We have done repairs on one of our pickups. We needed new tires and shocks on it.”

Tree Trimming: Superintendent Davidson, “We have been doing some tree trimming.”

New Culvert: Superintendent Davidson, “We replaced a couple of culverts.”

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

STREET DEPARTMENT: Equipment Purchase

Superintendent Davidson, “My second item is that I would like to ask the council if they would consider purchasing a new mini excavator. It has been budgeted for. We are looking at a new Case. The purchase price is \$57,894.00. We are moving along a little faster than normal. I was talking with the salesman; there is going to be a significant price increase on the 1st of August. There will be another one on January 1st. He said it could go up anywhere from \$10,000 to \$12,000. What I am asking is if we could go ahead and purchase this and take the money out of the equipment reserve fund. It will be split between the three departments or four, Kevin is capable of using it also. I think Danny’s department has been using it the last few days, and they found it very useful.”

Superintendent Hawkins, “Very nice; very useful.” Superintendent Davidson, “I would just like to see where you would like to go with that.” City Clerk Brown, “We do have money in the equipment reserve for this. We transfer \$35,000 every year into this to be able to purchase equipment when needed. So, there is money there to do that.”

Council Member Ernst, "I move to approve the purchase of the Case CX37C Hydraulic Mini Excavator from Equipment Share, not to exceed \$57,894.00, as being in the best interest of the city." Council Member Van Horn, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Superintendent Davidson, “Thank you very much.”

POLICE DEPARTMENT: Update

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

Activities/ Cases: Chief Jones, “We worked an injury accident, working some domestics, and arrests for driving while suspended. A number of juvenile calls, including one that turned out to be four, that were banned from the swimming pool for the rest of the summer for their actions. We have had a number of welfare checks, and a couple of them turned into ambulance calls. One of them, we spent quite a bit of time convincing the patient that they really needed to go to the hospital and get checked out. Almost had to go to a care treatment situation with that person, but we were able to convince them to go. We have been assisting with Sherriff’s office calls and pretty much normal calls for the rest of it.”

Nuisance: Properties/Vehicles Update: Chief Jones, “On that property that we were going to have a motion to condemn it tonight, I’d like to call out Laura Riccobono, who saw the notice on the electronic version of the newspaper and called my attention to it this afternoon so that we are advised ahead of time without having to rescind any actions. The paper generally comes out on Thursdays, but the electronic version has been very helpful on some of this stuff. So, my thanks to Laura for catching that and letting me know.” City Clerk Brown, “I’ll let her know.”

“Otherwise, we have been doing some contacts on some nuisance properties and working them as we can. Some people say I am too nice, but I am kind of reluctant sometimes to try to get people outside working when it’s 100-plus degrees. I catch them a little bit of a break sometimes.”

PARKS DEPARTMENT: Update

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

Mowing and Spraying: Superintendent Boyce, “Most of our time has been spent mowing and spraying weeds in gravel areas and sidewalks downtown.”

BOOK 26

July 3, 2024

4th of July & Coffey County Fair: Superintendent Boyce, “Most of today was spent prepping Kelley Park for the 4th of July activity tomorrow. We will be starting next week for the fair activities.”

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2024-13	\$	<u>149,874.59</u>
b. Payroll Ordinance	2024-14	\$	<u>110,333.11</u>
	TOTAL	\$	<u>260,207.70</u>

CLAIMS 2024-13: Council Member Van Horn moved to approve City of Burlington Claims Ordinance 2024-13 for the amount of \$149,874.59 for payment of city bills. Council Member Ernst gave the second. City Clerk Brown, “The larger expenses we have tonight are Advantage Computer Jayhawk Software \$5,928.00, C&B Equipment DBA Douglass Pumping Service \$9,505.80, Core and Main \$5,715.36, and Schwab Eaton \$49,516.75.” Hearing no discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, “Claims Ordinance 2024-13 passed, 5:0.”

PAYROLL 2024-14: Council Member Van Horn moved to approve City of Burlington Payroll Ordinance 2024-14 in the amount of \$110,333.11, as presented. Council Member Ernst gave the second. Hearing no discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, “Payroll Ordinance 2024-14 passed, 5:0.”

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, “Normal duties. I don’t have a lot because I haven’t been here a lot lately.”

Permits: Zoning Clerk Hugunin, “I have the permits updated and up to the county appraiser.”

Nuisance: Grass/Weeds Update: Zoning Clerk Hugunin, “I have made contact with a couple of people on their yards and their ditches.”

QUESTIONS / COMMENTS

City Hall - Front Sign: Mayor Luke, “Okay, still no part for the sign?” Zoning Clerk Hugunin, “No. I think Anne had the last update of they have it ordered. I don’t know if it comes from China or where it comes from. I think it’s on the slow boat.” Mayor Luke, “It’s on a slow boat, that’s for sure.” Zoning Clerk Hugunin, “When they get it, they are going to do extensive bench testing on it before it gets here.”

LEGAL DEPARTMENT: Update

General: Attorney Wright, “Normal duties.”

Kwikom Pole Attachment Agreement: Attorney Wright, “I finally heard back this afternoon from Kwikom with regard to the pole attachment agreement. So, I’ll review that and maybe have that ready to go at the first meeting in August.”

OTHER COMMITTEE OR COUNCIL BUSINESS

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 June, we will be sending \$2,500.54 in delinquent accounts to the Kansas set-off program for collections.

City/County Grant Funds: City Clerk Brown, “We have received the second half of our infrastructure money for the year. It’s always nice to see that.”

TA Grant Application—Pedestrian Bridge: City Clerk Brown, “We had applied for the KDOT TA cost share program for the pedestrian bridge over on 6th Street. They had their presentation to award those, and I am sad to say that we did not receive it. I thought we had a pretty good application, and I felt really good about it. I am highly disappointed we didn’t get that.”

Reports: City Clerk Brown, “I have handed out the sales tax and utilities revenue reports.”

City Hall -Closed: City Clerk Brown, “And a reminder, we will be closed tomorrow for the 4th of July.”

BOOK 26

July 3, 2024

2025 Budget Meeting: City Clerk Brown, “Another reminder that the next budget meeting finance meeting is Thursday, July 11th at 3:00 p.m. in the back meeting room.”

REPORT BY CITY OFFICERS:

Tires Cleanup: Council Member Berryman, “Well, this is just a follow-up to last time when I brought up about the tires, and Nathan said to research it out a little bit, and I did. I figured the easiest way was to ask the commissioners if they knew anything about rock-bottom prices. They know it’s a problem, but they never really looked into it, so they were saying they would talk to some people and check it out. They know it’s a major issue, and they don’t know how to address it.”

KDWP - Mussels: Council Member Van Horn, “Are we getting the mussels now, or is there a date for that?” Mayor Luke, “We haven’t heard anything back from him. He was going to come in and inspect it to make sure of everything. He hasn’t indicated or told us when he was coming.”

2025 Budget: Council Member Strawder, “I was wondering if we could get a little bit of an overview since it’s my first time going through the budget stuff on how exactly the process is going to work as far as the budget committees and what comes to us as a council, when does it come? If a council member has something they would like to see money allotted for or something like that, how is that process handled? Is it going to the budget meetings? I just don’t know where or what that process looks like.” City Clerk Brown, “Around June 15th, we get from the county clerk our breakdown of our evaluation from last year and this year what they think our revenue neutral rate and our mill levy will be. I start going in then, breaking down the budget, and talking with all the department heads and the finance committee because they are kind of the ones over that. So, I start going through the budget and seeing – trying to keep it where they say we should keep it or whether we are going to have to raise it, raise the revenue rate, depending on the cost of things, wages, requests for items, that they want. I guess if there is something that you want or you would like to see money allotted for, you could bring it up to the council, and we could look into that.”

Council Member Strawder, “But as a council, we don’t have any workshops or anything?” City Clerk Brown, “No, not for that. I can get you a copy of the budget before it’s approved, but I have a lot of work to do to it yet before I get there. So, it’s not anywhere near ready yet. We have until July 20 to let the county clerk know whether or not we are going to exceed the revenue-neutral rate; I am working on that. The closer that gets, we will go from there. Am I answering all of your questions?” Council Member Strawder, “Yeah, I was just wondering because I have never gone through that process before.”

Council Member Berryman, “Along with Nathan’s, if I wanted to try to get nuisance properties \$10,000 increased, how would I do that? Is that basically your question? If we see a need somewhere?” Council Member Strawder, “Yes, there are those types of questions. I mean, does it require a motion by the council to include monies for something? I didn’t know if it took formal action or have a work session on it with the whole council instead of just the finance committee or what. Because it is my understanding that we can go in and watch the finance committee, but we can’t really participate because of how things are set up.” City Clerk Brown, “We can’t have a quorum.” Mayor Luke, “You can bring information to Anne to bring to the finance meeting.” Attorney Wright, “Talk to members of the finance committee also.” City Clerk Brown, “That is Stan and Jerilyn for the finance committee or myself.” Attorney Wright, “Bring information to them.”

Mayor Luke, “Or on your committee, talk with the superintendent that they could also bring it because they are included in the finance meetings.” Council Member Strawder, “So there is that avenue, and then there is also the avenue of just making a motion in a regular council meeting.” Mayor Luke, “Yes.” Council Member Strawder, “Okay. Also, just because it gets approved doesn’t mean it’s going in the budget because if it means we go into an excessive increase and it changes the revenue neutral rate to any large extent, we may be looking at things that may be approved initially but now are not going to be included or we are going to delay a project or something because we don’t have the anticipated funds.” Council Member Strawder, “As I said, I was just curious. I didn’t know if there would be a work session or whatever for the whole council or wait for the budget to be presented to us.”

BOOK 26
July 3, 2024

Mayor Luke, “Well, the budget will be presented to the council by a mechanism, whether it’s part of the packets that you get each time or what, before the actual hearing. We have to have a hearing yea or nay on a hearing, and everyone will have information prior to that.”

MAYOR’S COMMENTS:

Annexation: Mayor Luke, “We had an annexation meeting with the developer for the residential complex last Monday. With that, we were looking at getting the approval from the governing body to go into a, basically, support the development of housing in Burlington with the letter of intent saying that we understand that there is a need and we will do what we can to support and develop that. The developer will come back to us with all of the engineering design, etc., that’s necessary, and if he chooses to do the infrastructure himself, then that changes some things in our developer’s agreement, but there is nothing in the agreement that says that he can’t do that. He will be operating under specific state-type inspectors for that. At this time, all we are looking for is approval of the governing body that we can do a letter of intent to them saying that we understand the need for housing and that we will participate in the development as much as the city legally can.”

Council Member Ernst, “So, we want a motion for this, correct?” Mayor Luke, “Yes, Philip, do you have the words we want to use?” Attorney Wright, “Put me on the spot. So, I just want to make sure that I understand this is a motion to go into the process of creating a letter of intent and entering into a letter of intent.” Mayor Luke, “Yeah, and going no further than that at this time.” Attorney Wright, “I guess my understanding from when you and I talked is the letter of intent will be presented, and then that would be approved separately.” Mayor Luke, “Yes.” Council Member Berryman, “Is this for the property across from the golf course?” Mayor Luke indicated yes. Discussions on how to word the motion took place.

Council Member Ernst, “I move to approve negotiations to begin a non-binding letter of intent for the development of the property on 12th Road, west of 16th Street.” Council Member Mays, “I second the motion.”

Council Member Strawder, “Essentially, this is the same steps we took with the other project?” Mayor Luke, “Yes.” Attorney Wright, “That’s exactly right.”

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

Mayor Luke, “We will let him know that the letter of intent is moving forward.”
Mayor Luke declared the meeting adjourned.

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