

BURLINGTON CITY COUNCIL REGULAR SESSION JUNE 18, 2014

City of Burlington Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, June 18, 2014. President of Council William C. Scott called the meeting to order.

ROLL CALL: Mayor Gene L. Merry

Council Members present:

William C. Scott (President of Council) Jane M. Griffith Lewis Lenard
 R. Standley Luke (Stan) Forrest T. Rhodes Jerilyn Curtiss

Superintendents Present: Kevin Boyce (Parks) Alan Schneider (Electric)

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

Also Present: Regina Kewley (City Clerk) Jimmy Hugunin (Zoning & Grants Clerk)

Thomas F. Robrahn (City Attorney) Susan Stroh (Administrative Assistant)

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Nathan Arnold and Louis LaGasse (Allgeier Martin & Associates), Donna and Jeff Chandler, Dale and Michael Free, Brian Masters

AGENDA: *Council Member Luke stated, "I move to approve the agenda as amended." Council Member Rhodes, "I second the motion." Motion unanimously carried.*

MINUTES: June 4, 2014: *Council Member Scott, "I move to accept the Draft Minutes of Council's regular session of June 4, 2014 as corrected." Council Member Luke, "Second." Motion unanimously carried.*

APPOINTMENT: Brian Masters, Request use 4-H Building on September 20 for Church Mystery Dinner

Brian Masters addressed Council, "I am here to ask for the usage of the 4-H Building on September 20th. Our church is putting on a Mystery Dinner that night. We will probably have about a hundred fifty people. The timeline is from 6 to 8 in the evening. We will need the rest of the day for setup, and cleanup afterwards. We need to be in by at least ten o'clock and we should be out by eleven o'clock."

Council Member Luke stated, "I move to approve Brian Masters' request to reserve the 4-H Building on September 20, 2014 for a Methodist Church Mystery Dinner." Council Member Griffith, "I second." Mayor Merry called for a vote. Motion unanimously carried.

APPOINTMENT: Jeff Chandler, Request for Extension of Hazardous Structure Abatement at 211 Neosho

Jeff Chandler addressed Council, "I've got to apologize, I have to be straight up - I neglected this in the past. I've got all the plans, and prior to talking to Doug (Chief Jones), I had already set it up with Skillman Construction. They are three weeks out before I can get someone here to do the inside. I talked about doing tin on the outside. I want to do away with the windows and do the front with tin. Three quarters of the roof is already tin. Basically, the front twenty feet needs tinned. The wood structure needs replaced. I've got to run braces because some of the brace has actually rotted away. I already have wood. Basically, right now it's just time. No excuses. I had wrist surgery and they haven't actually taken me off to start work yet. I've got everything sitting there ready to go, I just need a little bit more time to get it done. That's what I'm asking for. I can have the glass and everything in the front covered up, the way I figured it, within the next.... I can cover it with wood, but I've got to wait for tin. I can't order it until next week."

Mayor Merry told him, "You know, you have forty-five days from the day you got the notice already in place." Mr. Chandler replied, "I did not know that." Mayor Merry stated, "What I would recommend to Council, and I talked to the Chief earlier, the plate glass is probably the biggest immediate issue that probably needs to be taken care of. It may be protected from the inside; but outside, if the plate glass was to come out and cut somebody, they could put you out of business tomorrow for liability. That is probably our biggest concern. The next thing is, the roof because we have had complaints from the neighborhood and businesses about stuff blowing around."

Mayor Merry stated, "What I will suggest Council not extend that, and wait the forty-five days to see what your progress is; and if you think you need an extension from then, come back and request it, and we'll go from there." He asked, "Is that fair?" Mr. Chandler, "Sure."

Chief Jones explained, "The main reason I did it in this respect is I wanted to get the formal paperwork started so that Jeff did know exactly what his options were; and that is one of the things that he did have to do - he had fifteen days to request to talk to the Council from the day the paper is served, which he has done. We will work with him from here on out to make sure where we are at." He told Mr. Chandler, "We're not trying to put you out of business or in hardship or anything like that, it's just something that needs done." Mr. Chandler, "Thank you."

ELECTRIC DEPARTMENT: Distribution Updates

General: Superintendent Schneider reported distribution personnel have been reading electric meters, trimming trees, and put a new service in at The Burlington Carwash on North 4th Street.

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ELECTRIC DEPARTMENT: Power Plant/Production Update

General: Power Plant personnel are doing their generator maintenance and normal power plant duties. The end of month reports have been done. The EIA (Energy Information Agency) reports finally been opened up - they are about three months later than usual, so we will start preparing those for submission. Personnel also did some sump pump repairs in the wet wells of the substations to keep the water cleared out of the substations.

ELECTRIC DEPARTMENT: Electric Rate Increase / Ordinance 830, Rate Schedule

Superintendent Schneider said that he thought everybody has the information for the proposed electric rate; and that a notice had been published in the newspaper and on the web, and made available at City Hall. The notice explained why we are proposing to increase electric rates and that it would be discussed at the June 18 meeting of Council. He stated, "Our electric rates have not increased since 2006. With us tonight are Louis LaGasse and Nathan Arnold who are with Allgeier Martin & Associates, the ones who did our Electric Rate Study. And I've got to give a special big thank you to Susan (Administrative Assistant Stroh). We kept her really busy helping us so the changes could be made."

Mayor Merry, "Are there any questions from the public at-large on the rate increase? We do have an ordinance tonight to make those changes, later in Legal discussion." None of the visitors responded. He asked, "No questions?" There were none. He then thanked Mr. LaGasse and Mr. Arnold for coming to the meeting.

WATER DEPARTMENT: Update

General: With the rainy weather, personnel have been doing miscellaneous work around the shop - maintenance, cleaning, and things they haven't had a chance to get done. They have also been turning water valves, exercising them to be sure they will work. The State requires valves to be exercised once a year.

Training - CDLs: Superintendent Hawkins reported Bruce Stull and John Hegg got their CDLs completed.

WATER DEPARTMENT: Update

General: Personnel have been doing general maintenance and preparing reports.

SCADA System Problems: Superintendent Hawkins stated, "I have been in contact with Bartlett & West since the last meeting about our SCADA System. I visited with the Vice President of Bartlett & West, Neil Dobel, and we've had some back and forth communication with Jeff Shamberg. This afternoon I was told to make sure everybody is on the same page. Jeff is still working on our SCADA System, and I requested he give us a concrete deadline. We've been given deadlines repeatedly, and they just come and go. I had several calls back and forth today, and ended with a call from Neil Dobel. At this time, they feel they have a handle on it; and they are going to send a team to Burlington on June 30th, July 1st, and July 2nd. Neil has informed me that if they don't have it done by July 2nd, they have already got Gary Moxley called from Pedrotti, our SCADA host we have besides; and that Bartlett & West will, at their expense, pay to have that SCADA done through Pedrotti - and it will be completed by the 31st of July. That is where we are right now. We'll see how it goes."

Back-flow Preventers: Superintendent Hawkins reported, "We did have Gary Armatrout come in to check all of our backflow preventers. They checked out good. We also had him check all our flowmeters on the raw water and the effluent, so they are well within the State standards. They are better than 95% accurate, so that was good news for us."

WATER/WASTEWATER DEPARTMENT: Drought Water Emergency Stage 2, Warning Declared

Plant running well / Water Warning: Superintendent Hawkins stated, "The plant has been running really well. We're pumping an average of around 465,000 gallons of water a day. I know everybody's been advised Governor Brownback declared Coffey County to be in a Water Warning." He provided an update on the status of the Water Warning: **Rain in County:** 1 to 2 1/2" since 6-10-14; **Rain Forecast:** Thursday: 40% chance during the day and 80% at night; Sunday Night & Monday: 90%; Monday night: 80%; then low percentage chances for the next 10 days; **Water Pumped:** June 11 through 17 was 3,255,000 gal.; **Daily Average:** 465,000 gal.; **Outlook:** No new Restrictions. He stated, "We have not heard anything from the Governor to take any restrictions of water usage. We are still seeing our usage down."

WATER DEPARTMENT: Personnel: Philip Decker, Resignation

Superintendent Hawkins stated, "We did receive Mr. Philip Decker's resignation." **Council Member Lenard stated, "I move to accept the resignation of Philip Decker, Water & Wastewater Department, from city employ, effective June 18, 2014." Council Member Luke, "Second." Hearing no discussion, Mayor Merry called for vote. Motion unanimously carried.**

WATER DEPARTMENT: Advertise for a Water/Wastewater Operator Trainee

Superintendent Hawkins stated, "I would like to advertise the Water/Wastewater Operator Trainee position, effective immediately, and accept applications through July 7th, Monday." **Council Member Luke stated, "I move to authorize Superintendent Hawkins to advertise for a Water/Wastewater Operator Trainee, with applications to be accepted until 5:00 p.m. on July 2, 2014." Council Member Lenard, "Second." Hearing no discussion, Mayor Merry called for vote. Motion unanimously carried.**

STREET DEPARTMENT: Update

General: Superintendent Mast reported that due to all the rain, they have been spending a lot of time getting all the culverts opened up. A lot of them are plugged up due to leaves and debris.

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2014 Asphalt Project - prep work: Personnel have been preparing the streets in preparation for Killough Construction doing the hot-mix for the 2014 Asphalt Project. They have also been doing some patching with the AMZ machine. Superintendent Mast stated, "I want to let you know, we will have an overrun on our asphalt. For some reason when the project was bid, we didn't have the proper widths for Kennedy Street and Martindale Street, so we will have a little bit of an overrun. We will come back with a change order when we get the final results. It will be the same price per ton."

Brush from recent storm: Council Member Luke inquired, "With all the limbs down from the last rainstorm we had, is there anything we're doing to facilitate getting some of that picked up for senior citizens and those that do not have capabilities to do it?" Superintendent Mast replied, "We've been leaving the gate open at the city burn pile south of the City Dam since Sunday and will leave it open through the weekend so people can haul limbs in on their own." Mayor Merry commented there are plenty of volunteers to help those who need help. Council Member Luke said he has already been assisting, as has the Mayor. Mayor Merry explained that the city typically picks up limbs after a major storm, but in this case it was pretty scattered.

POLICE DEPARTMENT: Update

General: Chief Jones reported, "It has been normal calls for us. Like was said, there was quite a bit of sporadic wind damage last week, minor here and there, some large limbs; but generally, it wasn't that bad. There were some power lines down. City Court last week went well and we got out in a timely manner."

Fireworks: Chief Jones provided a reminder that fireworks will be allowed in Burlington city limits from July 1st through July 5th, between the hours of 8 a.m. and 11 p.m. Although State regulations allow fireworks to be sold statewide and they are legal in the county a few days before July 1st, they are illegal in Burlington until the 1st. (Also, per Burlington's Ordinance 819, no fireworks are allowed in the city's parks. Beginning in 2013, signs are to be put in the parks.)

PARKS DEPARTMENT: Update

General: Parks personnel have been doing normal duties, including cleaning public restrooms and buildings, and mowing, weedeating, and spraying weeds. Mowing takes a large portion of their time to stay on top of it. Superintendent Boyce helped with the Business Appreciation Picnic and the Employee Appreciation Picnic. This week they removed one hazard tree.

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2014-11	\$288,936.80
b. Payroll Ordinance	2014-13	\$ 77,834.46
	TOTAL	\$366,771.26

CLAIMS 2014-11: Council Member Luke, "I move City of Burlington pay Claims Ordinance 2014-11 in the amount of \$288,936.80 for payment of city bills." Council Member Lenard, "Second." Mayor Merry called for discussion. City Clerk Kewley explained, "One of the major items is Kansas Power Pool for \$226,209.11. Another big item is Landis+Gyr for \$13,335." **Hearing no further discussion, Mayor Merry directed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Merry declared Claims Ordinance 2014-11 unanimously approved by a 5:0 vote.**

PAYROLL 2014-13: Council Member Scott stated, "I move City of Burlington pay Payroll Ordinance 2014-13 in the amount of \$77,834.46." Council Member Lenard, "Second." Hearing no discussion, Mayor Merry directed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Merry declared Payroll Ordinance 2014-13 unanimously approved by a 5:0 vote.

PLANNING & ZONING: Update

Grant Training with LKM: Zoning Clerk Hugunin reported he did online grant training with the League of Kansas Municipalities today to learn how to find grants for the city. The training was pretty straightforward, provided a lot of tools to find grants, and information on writing grants.

General: Zoning Clerk Hugunin issued several permits, and has been updating the City's web page and Facebook. He linked a short video somebody made for Jim Stuke. It is of a lot of the murals he has done all over the county.

Zoning Case Z-2014-001, CCHA to Rezone 607 S. 7th Street: Zoning Clerk Hugunin has scheduled a meeting of the Planning Commission for July 9th, 7 p.m. at City Hall. Coffey County Housing Authority has requested to rezone the property where Rainbolt Bait Shop was formerly located on S. 7th Street. It is Industrial now and they want to make it Residential 2 (R-2) to put a tri-plex addition there.

Police Building Project: Zoning Clerk Hugunin stated, "I talked to Mike Abendroth today. He is back on schedule and it looks like the basement of the building should be poured early next week."

OTHER COUNCIL BUSINESS: None

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PERMITS: Zoning permits issued by Zoning Clerk Hugunin

2014-024, Angela Glasgow - 516 N. 12th - Pool and Fence
2014-025, Rodney Breeze - 204 S. 8th - Fence
2014-026, Tyler Hatch - 925 Cross Street - Fence
2014-027 - Donnie Purdy - 825 Jarboe Street - Fence

ORDINANCE 830, Electric Rate Schedule

Mayor Merry called for discussion on proposed Ordinance 830. There being none, he called for a motion. Council Member Luke stated, "***I move to adopt Ordinance 830, Providing For and Fixing the Rate Schedule to be Charged for Electricity, and Amending the 1997 Code of City of Burlington, Chapter XV, Article 3 by replacing Sections 15-318 through 15-323 in their entirety.***" Council Member Lenard, "Second." **Hearing no discussion on the motion, Mayor Merry directed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Merry declared Ordinance 830 unanimously approved by a 5:0 vote.**

LEGAL DEPARTMENT: Update

Attorney Robrahn thanked the City for sending Assistant City Attorney Phillip Wright and himself to the League of Kansas Municipalities City Attorney class on June 6th. They talked about successful writing of ordinances, procedures for termination of employees, civil rights, signage, etc. There was a separate class for city prosecutors.

CITY CLERK'S OFFICE: Update

General: City Hall Staff have been preparing meter readings for utility billing, handling calls and inquiries, handling work orders, and preparing meeting minutes, reports, vouchers for paying bills, and payroll.

Finance Meetings - 2015 Budget: City Clerk Kewley reported, "We had our Finance Meeting last Thursday, June 12 to work on the 2015 Budget. We have scheduled another Finance Meeting for July 22nd at 10 a.m. We should be receiving the County's assessed evaluation any day."

2015 Budget Timeline: The time line for the budget this year is as follows:

- A. July 2 Authorize Notice of Hearing to be published on July 25th.
- B. August 6 Hold the Budget Hearing at 6:30 p.m.
- C. August 21-25 File the budget with the County Clerk no later than August 25.

Electric Rate Study: For the last month or so, City Clerk Kewley has been working with Superintendent Schneider and Utility Billing Supervisor Mast on the electric rate study.

MAYOR'S COMMENTS

Mayor Merry said he had several items to add as future items list; however, everyone has been so busy, he decided to wait. He stated, "If there's nothing else from any of the City officers?" **Mayor Merry stated, "I hear nothing. Okay, this meeting is adjourned."** Michael Free then asked about the public comments that were listed on the agenda for earlier in the meeting, and requested five minutes to comment. Mayor Merry told him to go ahead.

PUBLIC COMMENTS: Convenience Store in Commerce Park

Mr. Free stated, "I am here for a couple questions and some information. I was reading in your May 21 meeting minutes about a convenience store possibly going west of Crow-Moddie Ford in Commerce Park. Is that correct?" Zoning Clerk Hugunin, "Yes, it is." Mr. Free, "Who owns that property now?" Zoning Clerk Hugunin answered, "I believe it's Wise-Moddie LLC that owns it." Mr. Free, "The reason I asked is, how long have those permits been on file?" Zoning Clerk Hugunin, "There are no permits on file. I have not issued any permits what-so-ever." Mr. Free, "Okay, the request for permits." Zoning Clerk, "They haven't even requested permits yet." Mr. Free, "What do you mean? The minutes said so in the meeting minutes of 5/21." Mayor Merry explained, "They have certain things they have to do before getting a permit. Number 1 is the property has not been transferred over. They cannot file for a permit until the property is in their name." Mr. Free, "You might look at your 5/21 meeting minutes because in there it does talk about working on permits for a convenience store." (5/21/14: Convenience Store in Commerce Park: Zoning Clerk Hugunin is working on a building permit for a new convenience store that will be going in just west of Crow-Moddie Ford in Commerce Park.) Mayor Merry, "They are starting the process for working on a permit." Mr. Free, "Okay, I'm fine with that. I'm just trying to get some information."

Mr. Free continued, "What I heard about this is that it's going to be a Wal-Mart Express, not really a convenience store; and the information has been put out; and that's the reason I am standing here today, to find out. We have no information what-so-ever - public or anything of who that might be." Mayor Merry, "We had full plans out here on the table for the last two weeks." Zoning Clerk, "Yes, I just moved them tonight because we were having a council meeting. We weren't aware who they were either until we had the plans. We received them a couple of weeks ago." Mayor Merry, "And they conformed with everything we asked for up until that point. The plans have been signed off by the Superintendents." Mr. Free, "Okay. Has that been made public knowledge of who the store was at the time? We didn't hear it." Mayor Merry, "Yes, it was on Facebook." Mr. Free, "Well, I don't have Facebook. A lot of people don't have Facebook." Mayor Merry, "They were setting here open. There's enough rumors going around. That's why they were out here on the table." Mr. Free, "I was not informed that they were there. That we were processing toward anything."

(continued)

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Mayor Merry stated, "We cannot tell you what's coming down the pike until we have all the stuff in place to even issue a building permit. If that land doesn't transfer, it's a dead deal. Why get everybody excited about something if it might not happen. But, the plans have been here; we've been through them; the superintendents signed them." Mrs. Free stated, "We feel that maybe that would have been something that maybe the identity of who it was that wanted to do this would have been in the paper or something so maybe people who had a problem with it could have the opportunity speak out. Mayor Merry, "So, you want us to discriminate against it because it's Wal-Mart versus someone else? Do you want us to discriminate because it's a larger store?" Mrs. Free, "Well, anytime there's a larger store, whether it's Wal-Mart or who it is, if there's a national business looking at coming to Burlington..." Mayor Merry, "We can't treat them differently than we do anybody else that comes in the door. They have certain requirements to meet those requirement. Once they meet those requirements and the land is transferred, the building permits will be issued, subject to them signing off - the electrician and plumber - out of Wichita, is what we've heard."

Mr. Free said, "So, pretty much what you're telling me is that the people of Burlington have no interest or talk about this or even any say of what might happen?" Mayor Merry, "You've heard plenty of talk about it." Mr. Free, "Only because I heard a rumor. That's why I'm standing here." Council Member Luke, "I guess my thought process on this. It's a private sale between two individuals of which the City has no control over. As long as they meet all the criteria of the codes, ordinances, and etcetera, that's our role. Their role is to conduct the sale between the two people. It's properly zoned for what they are proposing to put there. They're not requesting any change in zoning. There's nothing that comes under our jurisdiction other than zoning, ordinances, codes, and etcetera."

Mr. Free, "I didn't hear anything about it; and all of a sudden I get a rumor one day at my shop, "Did you hear about the Wal-Mart Express coming into town? Like, 'No'; and that was about a week ago. I had no knowledge. I'm not saying... I'm not an anti Wal-Mart person; don't get me wrong. That's not why I'm standing here. Why I'm standing here is, the town of Burlington has no idea what's about to happen to them. Businesses are going to suffer because of it." Mayor Merry interjected, "You're five minutes is waning." Mr. Free, "I understand it's waning. May I finish my statement?" Mayor Merry, "Yes." The businesses are going to suffer, and the people are going to suffer because of this. And, you yourself, Mr. Merry, have once before said to me personally that you do not shop at Wal-Mart, you do not do business with them." Mayor Merry, "I don't shop at Wal-Mart. That's my personal opinion." Mr. Free, "Okay, and my personal opinion is being said tonight. Thank you for your time."

Mayor Merry, "There's nothing else, we'll still stand adjourned."

FUTURE AGENDA ITEMS:

GENERAL City Debt – How to fund projects City Code Re-codification Service/Allied Waste Agreement Renewal Mayor’s Volunteer Program Cyber Security -- KPP System Test/Training	GAAP – Infrastructure Capitalization Actuaries – GASB-45 Street Assessments - Mohawk between 15th & 16th 2015 Budget
ELECTRIC DEPARTMENT: GIS system Emissions Standards Compliance/EPA	Automatic Meter Infrastructure for Electric & Water (AMI) Natural Gas
PARKS DEPARTMENT: Fair Board’s new Building Hazard Tree Removal Scout Jamboree in September 2014 UHCA Event in Kelley Park - October 2014 (Jim Ochs) Kelley Park Slide Replacement Oak Park Asphalt Parking Lot Project (Dam/Drake Park/Conrad Park)	City Dam West Wall Project (sidewalk/steps, etc.) Bridge construction for Walking Trail project Oak Park Fitness Equipment Project Stadium - Guttering Stadium Steel Structure – Painting
LEGAL DEPARTMENT: Municipal Court – Diversion Policy	
PLANNING AND ZONING Quarterly Construction Valuation Report Comprehensive Development Plan – Update Industrial Park Lots MT Wireless/MT Networks Relocation to N 4th St.	Work w/Chief on Nuisance Structure regulations Zoning Inquiries Convenience Store in Commerce Park
POLICE DEPARTMENT Nuisance Updates New PD Building- Update	Personnel – Training Updates
STREET DEPARTMENT: 2014 Asphalt Project Sidewalk Replacement Repairs on City Rights-of-Way Street Department Storm Sewer Project & Rebuild of S. 10 th St.	Rebuild/Repair Kennedy Street and 14 th Street Pavement Management System/Asset Management System Heather Street – Concrete Panels
WATER & WASTEWATER DEPARTMENT: Sewer Improvement Project--Lift Station Replacements Neosho Riverbank Stabilization Water Plant Improvements--Efficiency 10 th & Housatonic Water Improvements-	Southwest Sewer Project Waterline Replacement Project John Redmond Reservoir – Dredging Water Pressure Study SCADA System Water Emergency - Warning (Update)

Approved by the Governing Body and signed by Regina R. Kewley, City Clerk