

## BURLINGTON CITY COUNCIL REGULAR SESSION JANUARY 21, 2015

City of Burlington Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, January 21, 2015. Mayor Gene L. Merry 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 Robrahn (City Attorney)     Susan Stroh (Administrative Assistant)

Philip Wright (Asst. City Attorney)

**Media Present:** Mark Petterson (Coffey County Republican)

**VISITORS:** Jackie and Lawrence Rice; Max and Rose Hess

**PUBLIC COMMENTS:** None

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

**MINUTES: January 7, 2015:** *Council Member Curtiss, "I move to accept the Draft Minutes of Council's regular session of January 7, 2015 as presented." Council Member Rhodes, "Second." Motion unanimously carried.*

**APPOINTMENT: Lawrence and Jackie Rice, Nuisance Property at 216 N. 3rd Street**

*Background: On October 15, 2014, Resolution 2014-20 was passed to set a public hearing to determine whether structure(s) at 216 N. 3rd Street should be condemned. After the hearing on December 3, 2014, the property was condemned by passage of Resolution 2014-21. Later, the property owner, Lawrence Rice, was not at the hearing. Bids for the demolition project were submitted to Council on December 17, 2014, at which time Schmidt Excavating was awarded the bid. Later, Mr. Rice talked with the Chief of Police and City Hall staff saying he had never received a notification of hearing via certified mailed as is required. Chief Jones contacted him and gave him a letter requesting his appearance at this meeting of the Council to discuss his nuisance property.*

Chief Jones explained, "The reason this is back in front of us is because I had failed to properly notify Mr. Rice of the December 3rd public hearing. We have taken care of that, and he can probably explain his plans better than I can."

Mr. Rice stated, "The building is coming down. I talked with Mike Schmidt; and we are going to pay for it." Mayor Merry asked, "Do you want an extension on time?" Mr. Rice replied, "Mike and I have worked out a time schedule. We've started moving things the other day. Mike came over the next day (after being selected to do the demolition). He has the contract possibility of the latter part of March; and I told him that if I could get sixty days, it would help me to make sure I get everything out of there because I don't want anything in there for him to fool around with. It's not his problem to get that stuff out of there. I told Mike I will call him if I get my stuff out before the sixty days, and he can work it into his schedule." Mayor Merry, "From today's date?" Mr. Rice, "Yes."

**Mayor Merry called for a motion. Council Member Griffith moved to approve a 60-day extension to Lawrence Rice to abate the property nuisance at 216 N. 3rd Street. Council Member Lenard, "Second." Hearing no discussion, Mayor Merry called for a vote. Motion unanimously carried. (The extension will expire on March 22, 2015)**

**APPOINTMENT: Max and Rose Hess - Nuisance Property at 718 S. 5th Street**

Mrs. Hess stated, "We couldn't get a place to get any help for a loan; so we decided to build onto the trailer - not on to it, but a room to get stuff out of the house." Mayor Merry, "Okay, then take the house down?" Mrs. Hess, "Yes. Then you can take it down or do whatever you want. No, we'll tear it down. It's just that we were up against a brick wall every time we turned around. We got a permit (from the Zoning Clerk). Now all we need to do is figure out how much longer we need." Chief Jones asked, "Do you want to extend it 60 days, and then we'll visit and see where you are at then?"

**Mayor Merry called for a motion. Council Member Curtiss moved to approve a 60-day extension from today for Max and Rose Hess to abate the property nuisance at 718 S. 5th Street. Council Member Lenard, "Second." Hearing no discussion, Mayor Merry called for a vote. Motion unanimously carried. (The extension will expire on March 22, 2015.)**

**ELECTRIC DEPARTMENT: Distribution Updates**

**General:** Superintendent Schneider reported Distribution personnel have been doing daily work orders, locates, regular duties, and reading meters.

**Service Pole Set Downtown:** They set a service pole for a business downtown because a service drop was low and needed raised to give clearance for safety.

**[2] CONTINUATION: January 21, 2015 Burlington City Council Meeting**

**Outdoor Pool:** Superintendent Schneider reported, "We worked with the electric contractor for the swimming pool, and removed the old service to the building so the contractors could rebuild everything in the pump house. Basically, they set their temp and we had to hook into the transformers."

**Street lights:** Electric personnel changed a street light pole due to a clearance issue. A combine hit it about a month ago, and we spliced that back together. So, we got our clearance improved at 16th and Housatonic."

**Structure Demolition - Disconnection:** One service was removed for a demolition, and a couple more need done.

**Preventative Line Maintenance:** We did some preventative line maintenance.

**Trencher Repair:** Personnel did some equipment repair on the trencher.

**ELECTRIC DEPARTMENT: Power Plant/Production Update**

**General:** Power Plant personnel are continuing to do required reports and preventative maintenance.

**Plans/Goal:** Superintendent Schneider reported, "We've been planning our goals for the year. We have one project we are planning to do, so we are trying to get that planned out to see if we can make that happen."

**WATER DEPARTMENT: Distribution Update**

**Automated Meter Infrastructure - Meter Replacement:** Superintendent Hawkins reported, "We have been working on replacement of the AMI water meters in town. We are moving the AMI meters out and putting in new meters, along with a list we have of over 500 meters with over a million plus gallons on them. So, we want to return that revenue back by replacing those as well. The guys have replaced over 100 meters already this week; so we're going to push to Friday. The weather has been real nice."

**Waterline Replacement Project - St. Lawrence Street:** Next week, work will start again on St. Lawrence Street and try to get from 9th to 10th completed.

**Sewer Jetter:** Superintendent Hawkins stated, "We've been running the sewer jetter. We've had a few spots in town that have some low bellies in them that gives us issues. So, before we actually have problems and homeowners call, we take the jetter out and do preventative maintenance."

**Pump Station Flowmeter (LS#2):** The new flowmeter for pumpstation #2 was delivered and has been installed.

**General:** Personnel have been doing general duties like work orders and locates.

**Training:** Superintendent Hawkins reported, "I've been getting the guys ready for their training, water/wastewater update. We've got Troy Payne's attendance information from the Sacramento School of California coming in. The others guys will be attending other schools, as well; so they can get their hours in."

**Rural Water District #3 - Valve, Meter, Vault:** Superintendent Hawkins stated, "With this nicer weather, we're starting to gear up with everything that's going on with other replacements. We've got the valve and new meter for the Rural Water District #3 meter, which is Chris Withers; so we're going to work on building the vault a little differently to give us a better run so we have accuracy on that meter, as well. We have that lined up to do in the next week or so."

**WATER DEPARTMENT: Water Production Update**

**Water Plant - Air Actuator:** Superintendent Hawkins reported, "The Water Plant has been running well. We had a problem with our air actuator. We had a little Mac 45 that went bad. We had to drain a few lines when we went in to replace it. Everything is up and going."

**Water Tower Repairs:** Superintendent Hawkins stated, "We've been visiting with Nathan Gray with Cunningham Sandblasting and Painting. We budgeted last year for renovation of the Gray Water Tower (East) and maintenance of it; so, while he comes in with his crew and does a quick look at the tower, we will see about scheduling times to get that renovation done.

**Drought Emergency Update:** We are still in the drought. We've had no rain recently and there appears to be none in the forecast. Daily Average water production has been staying at around 450,000 gallons, which is nothing out of the ordinary. We haven't received any notification from the Kansas Water Office to release us from the drought.

**STREET DEPARTMENT: Update**

**General:** Street personnel have been spending most of their time working on equipment in the Street Shop. They have also been sweeping up the chips from when they salted the streets, especially on curb & gutter and concrete streets.

**Street Sign Prefacing:** Superintendent Mast reported, "We are working with signs. We buy faces for the old signs, and during the winter months we reface the signs. It saves money by not having to pay for the blank, and gives the guys more to do in the wintertime, as well."

**Street Shop - Airline Replacement / Pipe Threading Machine / Whacker Packer:** Superintendent Mast informed Council, "Next week, we will start on a project to replace all the airlines in the shop. The materials came this week, and we will rent a little genie lift to do that. In the process of getting ready to do that, we were looking to find a way to thread pipe at the Shop. We went to the State Surplus area and bought a pipe threading machine for \$300 that is probably a \$5,000 machine. If any of the other departments run into a need for that after we're done with our project, they can always come use it. It's portable, electric, and is a very nice machine."

Superintendent Mast added, "We also got a great deal on a whacker packer. I believe we paid \$150. Last year we put more than that into one part on our whacker packer. It has a Honda motor on it, so hopefully, it'll stay running for us better than the one we had. We got a couple of good deals."

**[3] CONTINUATION: January 21, 2015 Burlington City Council Meeting**

**Stop Signs:** Superintendent Mast reported, "Doug Jones asked me to put up stop signs at 3rd and Alleghany next to the Police Station (616 S. 3rd Street). We talked about a two-way stop and the Chief mentioned a four-way stop. My philosophy is that a two-way would be sufficient. That would be my recommendation. If Doug wants a four-way, he can give his recommendation and you can decide which one." Chief Jones commented, "After I talked to Doug about it, I would go along with him and try putting a two-way stop there and see how it works. If we need to go to a four-way, at least we'll have some anecdotal evidence to go with it later on. We have a stop sign coming out of Kelley Park now. We'd put the new one on the opposite corner for Alleghany Street coming up to 3rd Street, and we'd leave 3rd Street open north and south." Superintendent Mast, "There's a yield sign there now. We'd replace that yield sign with a stop sign." Chief Jones commented, "We get quite a bit of traffic on 3rd Street; and for a lot of the people coming up Alleghany, a yield sign really doesn't mean anything to them. They might yield if a semi is in the intersection, otherwise they have no intention of yielding." Superintendent Mast, "If that is okay with the Council, we'll switch that out." ***Council Member Luke moved to authorize Superintendent Mast to replace the yield sign on Alleghany at 3rd Street with a stop sign for east bound traffic. Council Member Lenard gave the second. Mayor Merry called for a vote. Motion unanimously carried.***

**STREET DEPARTMENT: Crack Filling Machine / Pothole Patching Machine, Request to Bid to Purchase**

**Crack Filling Machine and Pothole Patching Machine:** Superintendent Mast stated, "I would like to request to go out for bids to purchase a crack filling machine. I talked with the Street Committee about this, as well. We have the crack filling machine down for a budgeted item this year. What I would like to do is add to that. This year we have fewer asphalt overlay projects that are going to be done due to the fact that we've caught up with much of the overlays with as much as we've been doing the last two or three years. So, I would like to utilize some of the City/County money we get and pay for a pothole patching machine at the same time. The same company sells both of those machines; and I was talking with the salesman today and earlier last week. He said we would get a lot better deal if we package the two versus buying one. Last year, when preparing the budget, we basically flipped a coin to decide which one to budget for. They're both in bad shape, so we've got a chance to get both of those pieces of equipment at one time."

**Small Milling Machine:** Superintendent Mast continued, "The only other thing I have this year that we will be purchasing will be a little milling machine for sidewalks and things like that. The company that sells these other two machines also sells those. The salesman brought one down today for us to demonstrate. What he brought down today didn't work like I expected it to work; and I don't think it will be a very handy piece of equipment for sidewalks, which would be what we would mostly use it for. We could also use this one for helping us with our painting down town where we put stop lines, turn lanes, and stuff like that on 75 Highway. We'd like to grind that and get it below the surface a little to help keep the lines there a lot longer. This machine would work good for that, but I don't believe it would work good for the sidewalks - it's just too big and too bulky; so, I'm going to need to look into that more in-depth. We'll probably wait on that for a little while."

***Council Member Curtiss stated, "I move to authorize Street Superintendent Mast to go out for bids for a Crack Fill Machine and a Pothole Patching Machine." Council Member Rhodes, "Second." Hearing no discussion, Mayor Merry called for a vote. Motion unanimously carried.***

**POLICE DEPARTMENT: Update**

**General:** Chief Jones stated, "We've been staying busy with accidents and an unattended death last Saturday of a 27-year old male, which looks to be self-inflicted." He also reported that a nine-year old managed to misplace himself from the Recreation Center. After an hour long search he was found. He wasn't running away, just trying to avoid consequences of his action. He had been told to wait in a room while his parents were called, and he left through a second exit.

**Phone scams:** Chief Jones said people are still trying to scam other by phone asking for money.

**New Police Building:** Chief Jones reported, "We contacted our contractor (Abendroth Builders), and they are supposed to be at our new building early tomorrow morning to start cleaning up on the outside."

**POLICE DEPARTMENT: Nuisance Update (in addition to the appointments)**

Chief Jones stated, "You heard two of the nuisance updates at the beginning of the meeting. (*Cynthia Bailey's property at 301 N. 12th Street was sold to Oliver.*)

**213 S. 2nd, City Property (2014 Structure Demolition Project):** The house on city property at 213 S. 2nd Street has been demolished by Highberger Construction. There is a hole in the ground, some cement, and a shed.

**716 Yuba (formerly Feris' property/2014 Structure Demolition Project):** ***Highberger Construction will start demolition at 716 Yuba tomorrow.***

**PARKS DEPARTMENT: Update**

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

**Kelley Park:** Last week when the weather got nice, they ran the mower through Kelley Park to mulch leaves. They are going through the hedge row on the south side of Kelley Park trimming branches.

**[4] CONTINUATION: January 21, 2015 Burlington City Council Meeting**

**Banners:** Banners were changed out from holiday theme to 'Welcome to Burlington'.

**Stadium Guttering:** (On April 2, 2014, Council awarded the Guttering for Kelley Park Stadium Project to Burris Roofing for \$6,100.00) Superintendent Boyce reported that although the bid was let quite a while ago, Burris Roofing was busy doing roofing jobs in Topeka. Superintendent Boyce did some work with the conduit - moved some of the hangars for them. The contractor installed the gutters between January 15 and 19, and Superintendent Boyce will put a few more hangars in. There was a channel that they put a treated 2 x 6 in to attach the guttering to, and Superintendent Boyce will put more hangars for the conduit on there.

**PARKS DEPARTMENT: RV Parking Self Pay Stations for Kelley Park & Drake Park - Go out for Quotes**

Superintendent Boyce said he had visited with Doug (Chief Jones) about getting self-pay stations for RV parking at Kelley Park and the City Dam (Drake Park). He explained that sometimes on the weekends, we get a few campers coming in late when there is nobody at City Hall and the police are not around to collect RV parking fees; and if the police don't collect for and provide a permit, the campers leave and no money has been collected. Superintendent Boyce thought that if we have a box there with pay envelopes, campers could put their money in the envelope, fill out the information on the envelope and the receipt, put the envelope in the pay box and keep the receipt, which would be their permit. The boxes are roughly \$600 each and would be cemented in the ground.

Council Member Griffith asked how the electric would be turned on automatically. Superintendent Boyce explained, "The utilities are already on and all the camper has to do is hook to it. Basically, all the pay station is for is to collect the camping fee. Now, they either have to come to City Hall or the Police Station to get a permit, and if nobody is here, they basically camp for free."

Council Member Curtiss stated, "***I move to authorize Street Superintendent Boyce to go out for quotes for self-pay stations for Kelley Park and Drake Park RV Parking.***" **Mayor Merry called for discussion.** Council Member Curtiss clarified, "You told me that when they've paid, they have something to put inside their window that indicates they paid?" Superintendent Boyce, "There will be a clip on the electric box. They will put their information on the envelope and on the flap, which they will tear off and put in the clip on the electric box. The envelope with the money in it will be inserted into the pay station. Basically we will have their information twice." **Hearing no additional discussion, Mayor Merry called for a vote. Motion unanimously carried.**

**FINANCE: Claims Ordinance & Payroll Ordinance**

a. Claims Ordinance	2015-02	\$337,235.41
b. Payroll Ordinance	2015-02	\$ 80,078.31
	TOTAL	\$417,313.72

**CLAIMS 2015-02:** Council Member Luke, "***I move City of Burlington pay Claims Ordinance 2015-02 in the amount of \$337,235.41 for payment of city bills.***" Council Member Lenard, "***Second.***" **Mayor Merry called for discussion.** City Clerk Kewley explained, "Our larger items tonight are \$47,245.50 to Computer Information Concepts for our financial software program; \$191,964.31 to Kansas Power Pool; and \$22,984.29 for Lybarger Oil for diesel fuel. Also, we are splitting budgets tonight to pay this claims ordinance; so, out of our 2014 budget we will be paying \$227,923.96, and out of the 2015 budget, we will be paying \$109,311.45. **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 2015-02 approved by vote of 5:0.**

**PAYROLL 2015-02:** Council Member Luke stated, "***I move City of Burlington pay Payroll Ordinance 2015-02 in the amount of \$80,078.31.***" Council Member Lenard, "***I Second it.***" **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 2015-02 approved by a vote of 5:0.**

**FINANCE: Blue Cross / Blue Shield - Personnel Insurance Renewal**

City Clerk Kewley, referring to agenda attachments concerning renewal of the employee health insurance policy through Blue Cross/Blue Shield, stated, "We did have a 3.2% increase for the year; 1% for the age gender; and 2.2% for our small group pool. Our increase this year is doable; and it is within the amount we budgeted. With that being said, our policy is staying the same. We aren't having any coverage taken away from us, and we are still grandfathered in. I recommend that we renew our Employees Mutual health insurance policy for 2015."

**Council Member Lenard moved to approve the BlueCross/BlueShield health insurance policy for city employees for 2015. Council Member Rhodes, "Second." Hearing no discussion, Mayor Merry called for a vote. Motion unanimously carried.**

**PLANNING & ZONING: Update**

**General:** Zoning Clerk Hugunin continued to work on inventories for the departments, update Facebook and the webpage, and work on permits. Resolved a few minor computer issues, installed software and internet on Superintendent Boyce's new laptop, and set up .gov email addresses for any of the police officers who did not already have one. Our server issues have been fixed.

**Hess's Property on S. 5th Street:** Zoning Clerk Hugunin has been working with Max Hess on a permit for an addition for a storage room on his trailer.

**Comprehensive Development Plan Update:** Sometime in the afternoon of February 11th, Bickley Foster will be here to go over the Comprehensive Development Plan.

**PERMITS: Permits issued by Zoning Clerk Hugunin:** None

**[5] CONTINUATION: January 21, 2015 Burlington City Council Meeting**

**LEGAL DEPARTMENT: Update**

**Municipal Court:** Assistant City Attorney, Philip Wright, referred to a chart he had asked Chief Jones to prepare. He explained, "I want to give the Council an idea of what we've been looking at as far as the charges we've been handling in Municipal Court. Some trends I have noticed are that personal crimes are going down, especially domestic battery - there were 20 cases in 2013 and 10 in 2014. There is a concern, I think it seems we've got a lot of theft; it's on the rise."

**Add Attorney Page on City Website** Attorney Wright stated, "The only other thing that I want to address is that I've been in contact with some folks about doing a City Attorney page on the City's website. I've been contacted by several attorney's that are trying to get access to diversion policies and that sort of thing. I think it would be a good thing to put that online for everybody. It would make it easier for them to contact me or Tom."

Attorney Wright said, "I've been City prosecutor almost two years now. It will be two years in May. I think things have been going smoothly. The case load is up. I'm trying to make it so the time spent in Municipal Court is going down for everybody, and I think everybody appreciates that."

**CITY CLERK'S OFFICE: Update**

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

**2015 BC/BS Health Insurance:** City Clerk Kewley met with Blue Cross/Blue Shield representatives to review our 2015 health insurance policy for our employees.

**LEPC:** City Clerk Kewley attended the Local Emergency Planning Committee meeting on January 14th.

**2014 Audit:** Mize Houser & Company, the City's auditor, has scheduled May 7th and 8th to come onsite to do our 2014 Audit.

**Employee Benefits Meeting:** City Clerk Kewley informed Council, "We have scheduled our annual Employee Benefits Meeting for February 11th at Kelley Hall from 9 o'clock to noon. This entails our benefit providers meet with the employees and review what services they provide and changes to the benefits; and if the employee wants to make changes. It is also open enrollment for the employees. Benefit providers will be Blue Cross/Blue Shield (BC/BS), Security Benefit, Great West Financial, Kansas Public Employee Retirement Services (KPERs), and Employees Assistant Program (EPA)."

**Election - Candidate Filing:** Lewis Lenard filed for candidacy for his Ward 3, Position 1 Council position.

**MAYOR'S COMMENTS:**

Mayor Merry stated, "I just want to let you know I volunteered to supervise an individual for fifty hours of community service. I plan on using him for trash pickup and brush cleanup. If you have any projects, let Gina know and I will get him there."

**FUTURE AGENDA ITEMS:**

<b>GENERAL</b> City Debt – How to fund projects City Code Re-codification Service/Allied Waste Agreement Renewal Mayor's Volunteer Program	GAAP – Infrastructure Capitalization Actuaries – GASB-45 Financial Program Software Goals 2015 / Accomplishments 2014
<b>ELECTRIC DEPARTMENT:</b> GIS system Emissions Standards Compliance/EPA Fill Vacancies (Apprentice) (Leadman)	Automatic Meter Infrastructure for Electric & Water (AMI) Natural Gas Industrial Park Substation - DC Power Supply
<b>PARKS DEPARTMENT:</b> Fair Board's new Building WildBlue BBQ and Taste of Fall Festival 2015 Spring Demolition Derby 2015 Stadium Guttering	City Dam West Wall Project (sidewalk/steps, etc.) LED Solar Lighting for Walking Trail RV Parking Pay Stations for Kelley Park and Drake Park
<b>LEGAL DEPARTMENT:</b> Municipal Court	Property Demolition Deeds/Agreements/etc.
<b>PLANNING AND ZONING</b> Quarterly Construction Valuation Report Comprehensive Development Plan – Update by end 2015 Industrial Park Lots	Work w/Chief on Nuisance Structure regulations Grant for LED Solar Lighting for Walking Trail
<b>POLICE DEPARTMENT</b> Nuisance Updates	Personnel – Training Updates Nuisance Structures Demolition - Update
<b>STREET DEPARTMENT:</b> Heather Street - Concrete Panels Sidewalk Replacement Repairs on City Rights-of-Way Equipment - Purchase Small Milling Machine for Sidewalks, etc.	Rebuild/Repair Kennedy Street and 14 <sup>th</sup> Street Pavement Management System/Asset Management System Equipment - Purchase Crack Filling Machine Equipment - Purchase Pothole Patching Machine
<b>WATER &amp; WASTEWATER DEPARTMENT:</b> Rural Water District #3 - Valve, Meter, Vault: Neosho Riverbank Stabilization Water Plant Improvements–Efficiency John Redmond Reservoir – Dredging	Southwest Sewer Project Waterline Replacement Project Water Emergency - Warning (Update) Water Pressure Study SCADA System Pump Repairs in 2016 (Clearwell/River Intake) Water Tower Repair

**Mayor Merry declared the meeting adjourned.**

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