

BURLINGTON CITY COUNCIL REGULAR SESSION MAY 6, 2015

City of Burlington's Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, May 6, 2015. President of Council William C. Scott called the meeting to order.

ROLL CALL: Stan Luke, Mayor

Council Members present:

- Lewis Lenard
- Forrest T. Rhodes
- Jerilyn Curtiss
- Jane M. Griffith
- Thomas P. Tschantz
- _____

MAYOR'S APPOINTMENT: Council Member Ward 2 Position 2, Sharon Hall

Mayor Luke stated, "Welcome. At this time, I would like to bring before the Council for Sharon Hall to fill the council position vacated by Bill Scott, Ward 2 Position 2. She will be completing his term to April of 2017. I need a motion." *Council Member Griffith made the motion to ratify the Mayor's Appointment of Sharon Hall as Council Member Ward 2 Position 2, to complete the term ending in April 2017. Council Member Curtiss said, "I second it." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried. Mayor Luke welcomed Sharon Hall to the Council.* City Clerk Kewley administered the Oath of Office to Sharon Hall, Council Member Ward 2 Position 2; after which Council Member Hall took her seat at the Council table.

Superintendents Present:

- Kevin Boyce (Parks)
- Alan Schneider (Electric)
- Doug Mast (Street)
- Riley Morgan (Police Adm. Officer)
- Danny Hawkins (Water/Wastewater)

Also Present:

- Regina Kewley (City Clerk)
- Jimmy Hugunin (Zoning & Grants Clerk)
- Thomas Robrahn (City Attorney)
- Susan Stroh (Administrative Assistant)

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Angela Trimble (TrustPoint Insurance), Theda Darnell, Mike Skillman, Rose Hess, Max Hess, Jay Hale, Dallas Scothorn, Mike Roney, Britt Sigg, Jessica Stice, Randy Stuart, Dorothy Stuart, Brandi Charlton, Jay Szambecki

AGENDA: *Council Member Curtiss stated, "I move to approve the agenda as amended." Council Member Lenard, "Second." Motion unanimously carried.* City Clerk Kewley commented that the agenda attachment for the appointments had been changed to reflect correct titles.

MINUTES: April 15, 2015: *Council Member Curtiss, "I move to accept the Draft Minutes of Council's regular session of April 15, 2015 as presented." Council Member Rhodes, "Second." Motion unanimously carried.*

APPOINTMENT: Angela Trimble, TrustPoint Insurance - Presentation of Dividend Check to City

Introducing herself, Angela Trimble stated, "I am the insurance agent for City of Burlington. I am glad to say why I am here is to deliver a dividend check. Most of you know you are members of the Kansas Municipalities Utility Safety Group. EMC (Employees Mutual Casualty) gives back dividends to those of you that have paid into that with your premium. So, they give you a percentage of those dividends, depending on the loss over the year. For the calendar year of April 2014 to April 2015, I am delivering a dividend check of \$31,321.08." Mayor Luke stated, "We will always take money. Thank you."

PUBLIC COMMENTS: None

ELECTRIC DEPARTMENT: Distribution Updates

General: Superintendent Schneider reported that Electric personnel have been doing daily work orders and line locates; and are still doing some tree trimming.

Kelley Park - RV Parking Electrical Upgrades: Superintendent Schneider reported, "About a week of our time was spent at Kelley Park RV parking sites, helping Kevin (Parks Superintendent) with his project. We have that installed and completed."

Annual Di-Electric Testing: Tomorrow and Friday, Protective Equipment Testing will be coming to do the annual di-electric testing on all our line equipment and line trucks.

Power Outage: Superintendent Schneider reported, "We worked two power outages since the last meeting of council. The one today pretty much took out the whole southwest part of town. A squirrel got on a crossarm and tried to get up on one of our phases, and with it being so wet, it just blocked the whole system out. We just had an insulator damaged. We had power back on within about thirty minutes."

Spring Demolition Derby: Superintendent Schneider said, "We strapped down blocks for the Demo Derby, at their request."

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ELECTRIC DEPARTMENT: Power Plant/Production Update

General: Production personnel have been doing required reports and general power plant maintenance.

Generator #6 - Base cleanup Plant personnel have mainly been working at taking the grating out around the base of Generator #6 and cleaning all that up after all the recent repairs.

WATER DEPARTMENT: Distribution Update

Kelley Park - RV Parking Water Upgrades: Superintendent Hawkins reported, "We've also been working on the Kelley Park RV parking to upgrade the utilities in there. The only thing we have left is to lower the backflow preventer. It is a little higher than we prefer, and we still have to burn out the lines with chlorine."

Water Leaks: Superintendent Hawkins said, "We had a couple of water leaks. The MT Wireless crews hit our waterlines on a couple of occasions and we had to repair those."

Rural Water District #3 - Valve, Meter, Vault: The Water Department did get the Rural Water District #3 meter installed. It took us the better part of a day.

Fire Hydrant - mishap: Superintendent Hawkins reported, "There was a mishap at a fire hydrant at the corner of 13th and Niagara with the contractor for the outdoor pool construction project. We ended up working until midnight that evening repairing and replacing that, and we worked through a half a day. So, we will be assessing damages to the contractor of the swimming pool."

Sewer Lagoons (KDHE Permit #M-NE07-0002) Superintendent Hawkins reported, "We haven't had an analysis done on the sewer lagoons in several years; so we asked Charley Swinneman with KRWA (Kansas Rural Water Association) to come in and check the depth of it. He did a pretty in-depth analysis of it. I will be visiting with the Water Committee soon to go over some ideas and finances for the future, so when it comes time to dredge those, we will have the funds."

WATER DEPARTMENT: Water Production Update

Anthracite Installation in Filters - New KDHE Requirements: Superintendent Hawkins reported, "Generally when we add anthracite coal to the filters we don't normally have to do bacteriological samples; but for the first time ever, the State is requiring us to do that. That kind of sampling set us back getting anthracite in Filter #1; so we ended up having to take bacteria samples back and forth from Topeka for testing because we couldn't wait on UPS to deliver so we could put the filter back online. The samples on Filter #1 were negative. At this time, we're going to wait and probably do one filter a week. So, the new requirements set us back."

Sodium Permanganate - Prevent Zebra Mussels: Superintendent Hawkins said, "We are getting ready to turn on our Sodium Permanganate as we are getting into warmer weather. We want to stay ahead of the Zebra Mussels, if we have any, so we use that in the intake structure to keep Zebra Mussels off of it."

Raw Water and Clear-well Pumps - Calibrations: Superintendent Hawkins reported, "Katie Tietsort (Kansas Department of Agriculture) will be coming next Monday to go over our calibrations of the raw water pumps and clear-well pumps. It is a State mandated criteria we have. We are one step ahead of her because we had Gary Armatrou come in last June and do a calibration on those; so all we will be doing is handing Katie the reports, and everything ought to be fine."

Masonry Repairs on Water Treatment Plant: Superintendent Hawkins stated, "I had Jim Jackson come in and do the masonry repairs on bricks that were falling apart on the south end of the Water Treatment Plant."

Drought Emergency Update: Superintendent Hawkins reported, "We got some rain and hopefully we'll get more. Even though we're normal for the year and are not behind (in rainfall), we still haven't heard anything from the Kansas Water Office about letting us out of the water warning."

STREET DEPARTMENT: Update

Street Patching: Street personnel have been patching around town. The streets that will be overlaid this year will be done first, and the other streets after that.

Ditch Cleaning: Personnel have been cleaning ditches, working on numerous alleys, and unplugging culverts.

KDOT N. Highway 75 (4th St.) Construction: Superintendent Mast reported, "I want to let you know I was invited to a preconstruction conference with the KDOT on the Highway 75 Project. I didn't really have any insight into what the project was going to be until I attended the pre-construction conference. They explained that when they do this, on May 26th the intersection at Neosho and 75 Highway will be torn out and completely redone. All the concrete around the asphalt will be taken out. When they do that, they are going to block off Neosho Street completely. They will have single-lane traffic through 75 Highway, from the stoplights back about a block each way; and will let one way through, and then will let the other way through. That's a thirty calendar day project at the intersection. Once they get that done, they will start grinding and do an overlay on the next section to the north."

Superintendent Mast continued, "KDOT really didn't ask me for any input at all. We don't have any money in it, so that is probably why we didn't get any input in it. I talked to them, and I believe we've got them talked into making sure they leave Cross Street opened up once they start getting north; because if we don't have Cross Street, we won't be able to get people in to the hospital area and stuff like that. We need to be able to get the traffic around the construction. The first part they are going to do is grind out the two middle lanes about five and a half inches deep, and then do full-depth repairs on all the joints that are heaving there because there is concrete street underneath there. While they are doing that, there will be eleven-foot lanes on the outside, and from those lanes, drivers will only be able to turn right - there will be no left turns."

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"When they finish the inside lanes, they will start working on the outside lanes. In the middle lanes, traffic won't be able to turn anywhere - it will just go straight through. They really haven't thought about what we're going to do with traffic when they come into the business areas downtown. They just plan on blocking it off at the intersection. I told them we need a u-turn area so people can get out once they get in there. I'm hoping they will work with us on this, and suggested they leave traffic another way across the Highway - either at Kennebec Street or at Garrettson Street once they start working north. Those are our pretty heavily traveled roads. If they could block this project up a little and do portions of it at a time, it would sure help the traffic flow."

"Like I said, we didn't really have any input in this. We're going to see some issues with traffic. I want you to be aware of that; and I sent you an email on it with contact information for people to talk to if you have any concerns. I tried to talk with a lot of the people I think it will really affect - specifically the fire department, the hospital, Rural Electric Cooperative, Casey's, and Lewis Oil. The only thing that I think will be extremely difficult is getting the MRI Tractor Trailer unit in and out of the hospital. The hospital is supposed to be working on some plans for that; and if they have concerns, they will contact KDOT and try to work out something with them."

In summarization, Superintendent Mast said, "That is basically most of the information I've got. If we have any more questions, concerns, or requests, I will be glad to go back to KDOT." Mayor Luke asked, "Would there be any advantage to submit concerns to them in writing?" Superintendent Mast replied, "I don't think it will make any difference. If you call them, I think you will get the same response you would get if you do it in writing." He added, "We are lucky enough that the inspector on this job is the same one we had on the construction on the South 75 Highway Project. He was very easy to work with on that project, and he's one of those guys whose got a lot of common sense and will try to work with us; so that will help us."

Mayor Luke inquired, "Do they have a timeline on the whole project from Neosho north to the city limits?" Superintendent Mast, "Not to the city limits. They have two timelines: Thirty calendar days on the downtown intersection; and on the complete project, it is 140 working days. So, you throw out weekends, rain days, and like that. They tried to narrow the Neosho Street intersection down to thirty calendar days because they know it is going to bring a lot of problems; and that's a very aggressive schedule for that amount of work. Actually, he talked about possibly working Saturdays and seeing if maybe he could work some Sundays as well, because the weather might not be cooperating. As I understand, working Saturdays is not a big problem, but if they want to work Sundays, they have to submit a written request and whatnot to do that."

Alley Maintenance - Responsibilities: Council Member Griffith stated, "I have a different question. I have someone in my district that was wondering about their alley, and I told them they have to provide the rock. Correct?" Superintendent Mast explained, "That's not the policy we've been going with. The policy I have been given to follow is that if it is a rock alley, we will supply more rock if it is needed; otherwise, we will grade the alley and try to make it good again." Council Member Griffith, "Should I just have the person call you?" Superintendent Mast, "Please do. If the alley is dirt, they have to provide the rock to initially rock it."

STREET DEPARTMENT - 2015 Asphalt Project - Permission to go out for bids

Superintendent Mast requested permission to go out for bids for the 2015 Asphalt Project that was in the Street Department Goals for 2015. The project probably won't be started until sometime after July when we get our second installment of the City/County Infrastructure grant money. ***Council Member Curtiss stated, "I move to authorize Street Superintendent Mast to advertise for bids for the 2015 Asphalt Project." Council Member Lenard, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried.***

POLICE DEPARTMENT: Update

Rescue: Mayor Luke stated, "The Police Department - I met with them the other day. I acknowledged the professionalism and the positive support the rescue in the Neosho River at Kelley Park was. So, I want to recognize them in public and say thank you for a job well done. You were highly professional and everything that evolved was not the best, but everything was done as it should have been. I want to recognize those who were actively involved, and also those who were in a support role. Thank you."

General: Outside the normal calls, there was a demolition derby last Saturday. There were no major incidents.

Training - On-line Program: Administrative Officer Morgan reported, "This afternoon I received confirmation back on Kansas Commission on Peace Officers' Standards and Training (KS-CPOST), an online training program recognized by the State of Kansas. We'll be able to receive a portion of our required training hours through that. When you break down the cost of it, it is about \$2.00 per training hour; and this company, Police One Academy, has several hundred hours of training available on relevant topics." Mayor Luke inquired, "Does that training have to be done at the Police Department?" Officer Morgan replied, "It can be done online anywhere."

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Police Records Clerk Vacancy update: Applications are still being received for the Police Records Clerk. As of tonight, we have received twenty-two applications.

Animal Shelter Renovation: Administrative Officer Morgan provided an update on renovations at the Animal Control Shelter, which included installation of new flooring. He has been keeping Animal Control Officer Stice busy away from the Animal Shelter. Parks Superintendent Boyce helped get things squared away this afternoon with mowing.

POLICE DEPARTMENT: Nuisance Property/Structure Condemnation & Demolition (update)

211 Neosho (Chandler): [Background: 211 Neosho Street, which was owned by Jeff Chandler when brought before Council as a nuisance in 2009; and in 2014 it was put on the demolition list, and Resolution 2014-18 set a public hearing for 11/5/2014. The hearing was not held because it was reported the property was sold.] Administrative Officer Morgan gave a brief update on the former Country Critters' building at 211 Neosho Street, and then turned the floor over to Mike Skillman, Skillman Construction, who was here to talk about the demolition and cleanup of the property.

Mr. Skillman stated, "The situation on the building down here - like when I started I told everybody it wasn't going to be an overnight, that I was going to work at it as I could because the people that own it didn't have the funding and the City didn't want to engulf that process either, so, I am working at it as I can. We're looking at, probably since it rained, we will probably be in there possibly tomorrow or definitely next week. Since its got wet, we can't work anywhere else, and we'll take the first third of the building out that you see are rafters, and then we'll go back in and do a bunch more hand work."

"The reason you haven't seen much is because we're at the point where we're ready to take out those big rafters, and I've got to bring in heavy equipment to do it. We'll have to cut the rafters to take them down. If we go in and get too crazy, we'll pull those walls in off the other buildings. It's going to be a process, but give me another month or so and I will eventually make it to the back of the property. It's just one of those deals, I'm taking it down safely a piece at a time, without damaging the existing walls. If anybody's watching, when we took the front down we chopped it up literally into pieces smaller than a deck in order to get it down safely. People maybe didn't realize how insecure it was until the wind blew half into the night we quit and all the brick ended out front on the sidewalk. Anyway, it's a work in progress; we are working on it. You will see some activity here next week and there will be another chunk gone; and then we'll be back here with a lift and chainsaws and will be dropping the roof pieces at time because I can't just go in there with my hands and start hogging it out. I could but Hegg wouldn't like it and the plumbing shop wouldn't like it because they would have sunroofs. It's a slow process and that's just the way I've got to attack it. Does anybody have any other questions?"

Administrative Officer Morgan stated, "At this time, I wouldn't recommend any other action. I believe Mike and I will maintain contact over the next month, and we'll see how things are going, and we'll keep you updated from there." Mayor Luke, "Okay, that's fine."

606 Hudson (Mann): [Background: 11/17/2014, Resolution 2014-09 was passed to set a hearing for 11/5/2014. After the hearing on 11/5/2014 Council passed Resolution 2014-23, Declaring Structure(s) at 606 Hudson Street to be Condemned and Demolished. Extensions were give to May 1, 2015 so Mr. Mann could tear it down.] Administrative Officer Morgan reported, "The structure on James Mann's property at 606 Hudson is down and just a little dirtwork around the foundation is needed. The structure is down and everything has been hauled off."

Nuisance Property/Structures at: 1) 718 S. 5th St. & 2) 928 Des Moines - Public Hearings to be set

Administrative Officer Morgan explained that two resolutions, one for 718 S. 5th and one for 928 Des Moines, were prepared and are in the council packets. The resolutions are to set a date, time and place for a public hearing to determine whether or not the structures on the property are unfit and should be condemned to demolish. The original public hearings for these two properties never took place, so the process is being re-started. Council has given both parties plenty of time to get things resolved and abate their nuisance property. The owner of the 928 Des Moines is deceased, so his heirs - two daughters and a son - were notified and added to the proposed resolution as contacts/owners of record for the property. Neither property was eligible to do a Real Estate Purchase Agreement for the Demolition Deed with the City of Burlington.

1) 718 S. 5th Street (Hess) - RESOLUTION 2015-06 to Set Public Hearing: [Background: 9/17/2011: Resolution 2014-11 was passed scheduling a hearing on 11/5/2014. The hearing was not held and the first of several extension were given through 5/1/2015 and the process will now start over.] Mayor Luke called for discussion on proposed Resolution 2015-06. Rose Hess said, "We are trying to get it done, but every time we get a little bit done it rains; and my husband here (Max) is not well, his back is not good. We either need to have the boys to help us or my cousin from Pleasanton. We've been trying and we're getting there. I told Riley and Brandi (BPD). We finally got the electricity in yesterday, but we still haven't got the plumbing done until Mr. Cook can get there (in the new addition). We really are doing our best. We will get it done as soon as we can. It's hard for us."

Mayor Luke explained, "The Resolution will let you have until the 17th of June, at which point in time we will have a Public Hearing and look at the direction we will move at that point." Mrs. Hess, "Okay. Alright."

Mayor Luke called for a motion on Resolution 2015-06. Council Member Curtiss stated, "I move to approve Resolution 2015-06, to set the date, time, and place of a Public Hearing for 718 S. 5th Street to determine whether structures thereon should be condemned as unsafe and unfit, and to be demolished; with the Public Hearing to be held on June 17, 2015 at 6:15 p.m. at Burlington City Hall." Council Member Griffith, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried with a vote of 6:0. Mayor Luke said, "You will have until the 17th of June at which time we will look at it again."

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2) 928 Des Moines [Darnell, Andy (deceased)] - RESOLUTION 2015-07 to Set Public Hearing:

[Background: 9/17/2014, Resolution 2014-17 was passed scheduling a hearing on 11/5/2014. The hearing was not held and the first of several extension were given through 5/1/2015; and the process will now start over.] Mayor Luke called for discussion on proposed Resolution 2015-07, and said, "I'll let you know this resolution is also set for the 17th of June." Theda Darnell said, "I will get to that and I'll clean it up. She (Officer Charlton) wanted Andy's son's and daughters' cell phone numbers - I wonder what that was all about." Administrative Officer Morgan explained, "We have to give them notice, as well. We have to be able to provide them with a copy of this Resolution; that way everybody understands the whole process going on." Attorney Robrahn, "It's a legal requirement we have to go through." Mrs. Darnell, "That's all I wanted to know. It took me about a year, but I've just about got it all cleaned out."

Mayor Luke called for a motion on Resolution 2015-07. Council Member Lenard stated, "I move to approve Resolution 2015-07, to set the date, time, and place of a Public Hearing for 928 Des Moines Street to determine whether structures thereon should be condemned as unsafe and unfit, and to be demolished; with the Public Hearing to be held on June 17, 2015 at 6:20 p.m. at Burlington City Hall." Council Member Curtiss, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried with a vote of 6:0. Mayor Luke told Mrs. Darnell, "You will have until the 17th of June, at which time we will look at it again. Continue working with Riley and Brandi (BPD) and we'll be all set." Mrs. Darnell said she will have it done before then and has been working with Officer Brandi Charlton. When she is finished, she will bring the keys to the Police Department.

216 N. 3rd Street [Background: 10/15/2015 Council approved Resolution 2014-20 to set the Public Hearing. 12/2/2014: Resolution 2014-21 passed to condemn the property. Due to incorrect notification, abatement was extended to May 1, 2015.] Tonight, Administrative Officer Morgan reported, "The only other property we've been dealing with is 216 N. 3rd Street, the Rice property. The structure has been taken down, the ground leveled, and it has been cleaned up. It is completed." Council Member Curtiss, "It looks nice."

POLICE DEPARTMENT: Executive Session for Attorney/Client

Mayor Luke requested an Executive Session for Attorney/Client. Council Member Lenard made the motion "I move to enter into a five-minute Executive Session for Attorney/Client with the Governing Body, City Attorney Robrahn, City Clerk Kewley, and Police Administrative Officer Morgan present." Council Member Curtiss, "I second it." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried. Council entered the Executive Session at 6:31 p.m. and exited at 6:36 p.m. No action was taken.

PARKS DEPARTMENT: Update

General: Parks personnel have been doing normal duties, cleaning public restrooms and buildings. Weed spraying, bush hogging with the tractor, and mowing has been taking the majority of their time.

Kelley Park RV Parking Enhancements: Superintendent Boyce stated, "A big thank you to the Water and Electric Departments for doing their RV hookup upgrades. When it dries out, I will go back in and put some AB3 in; and after it sets for a couple years, we will asphalt it."

Spring Demolition Derby: Superintendent Boyce reported, "The demolition derby was last weekend. They left the ground in pretty good shape. The blocks have not been resolved. I was hoping they would get them resolved before the rain came in, but they didn't."

Concrete Pots and Flower Planting: Superintendent Boyce, "Monday evening, the concrete flower pots were planted. The hanging baskets are planted, but I am going to let them set another week or so in protective cover to get them a little further along." He thanked Jerilyn Curtiss, Jane Griffith, and the Burlington Jaynes for helping.

PARKS DEPARTMENT: FENCING PROJECT - Parks Department on Cross Street

<u>Parks Department - Fencing Quotes</u>			
Midland Fence Company	\$19,295.77	Davis Fence Company	\$28,400.00
Moon Construction	\$22,600.00	Kansas Fence Company	\$23,250.00
Kent Fence Company	\$25,420.00		

Superintendent Boyce presented the quotes for the Fencing Project for fencing at the Parks Department. He stated, "We talked about replacing the galvanized fencing with decorative fencing, like is between the rock columns behind City Hall. When I got the first quote on that, I decided we probably ought to go with chain-link instead. We can do both projects for the price of doing the one with decorative fence. As far as the black chain-link at the Parks Department, the low quote on that is \$19,295.27 from Midland Fence in Emporia, and that is my recommendation."

Council Member Curtiss stated, "I move to accept the quote from Midland Fence Company, not to exceed \$19,295.27 for the Fencing Project at the Parks Department on Cross Street, as being in the best interest of the city." Council Member Griffith, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried.

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PARKS DEPARTMENT: FENCING PROJECT - Dog Park on S. 2nd Street

<u>Dog Park Fencing Quotes</u>			
Midland Fence Company	\$15,275.43	Davis Fence Company	\$17,000.00
Moon Construction	\$19,200.00	Kansas Fence Company	\$19,750.00
Kent Fence Company	\$22,200.00		

Superintendent Boyce stated, "On the Dog Park on S. 2nd Street, it will be galvanized chain-link. It is about the same footage as the Parks Department shop, but pricing is different for this because it is not black. The low quote is Midland Fence at \$15,275.43; and that would be my recommendation."

Council Member Curtiss stated, "I move to accept the quote from Midland Fence Company, not to exceed \$15,275.43 for the Fencing Project at the Dog Park on S. 2nd Street, as being in the best interest of the city." Council Member Griffith, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried. Superintendent Boyce stated, "In the past, Midland Fence has done several contracts for us, and did a good job. I have had no complaints with them. My timeline on that is I am going to push for the fencing at the Parks Department to be done first; and I'm in no hurry on the Dog Park."

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2015-09	<u>\$151,281.66</u>
b. Payroll Ordinance	2015-09	<u>\$ 77,115.55</u>
c. Payroll Ordinance	2015-10	<u>\$ 73,937.80</u>
TOTAL		\$302,335.01

CLAIMS 2015-09: Council Member Griffith, "I move City of Burlington pay Claims Ordinance 2015-09 in the amount of \$151,281.66 for payment of city bills." Council Member Lenard, "Second." Mayor Luke called for discussion. City Clerk Kewley reported, "Larger items we are expensing out tonight are Brenntag for \$4,496.99; Knight Trucking for \$4,426.38; and Paving Maintenance Supply for \$41,997.25; Kansas Power Pool for \$173,455.23; Blue Cross/Blue Shield for our monthly premium is \$21,483.10; and Lewis Oil for \$3,475.00." **Hearing no further discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared Claims Ordinance 2015-09 approved by vote of 6:0.**

PAYROLL 2015-09: Council Member Lenard stated, "I move City of Burlington pay Payroll Ordinance 2015-09 in the amount of \$77,115.55." Council Member Griffith, "Second." Hearing no discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared Payroll Ordinance 2015-09 approved by a vote of 6:0.

PAYROLL 2015-10: Council Member Lenard stated, "I move City of Burlington pay Payroll Ordinance 2015-10 in the amount of \$77,937.80." Council Member Hall, "Second." Hearing no discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared Payroll Ordinance 2015-10 approved by a vote of 6:0.

PLANNING & ZONING: Update

Selling Un-needed Equipment (update): [On February 18, 2015, Superintendent Mast mentioned asking Zoning Clerk Hugunin for assistance to advertise the old Crack Filling Machine and Pothole Patching Machine on purplewave.com, an auction site on the internet. Council voted in favor of selling them by any means possible.] Zoning Clerk Hugunin reported, "I did get an area web. I talked to Tim (who? With purplewave.com?); and I sent an email out to all the guys (Department Heads). They will compile a list of what they want (to sell), and when they have done that, I will call him. He will then come here and take photos and get everything listed for us. There will be no charge for us because we are a government. That is what we will do."

General: Zoning Clerk Hugunin has been preparing Zoning Regulations and Comprehensive Development Plan binders for the new Council Members, updating Facebook and the webpage, and took copies of permits to the County Appraiser.

Arbor Day Celebration: The Arbor Day Celebration last Thursday was a success with a good turnout.

305A Neosho - Door Knob Replacement: The Chamber of Commerce thought their key didn't work, so Zoning Clerk Hugunin checked it and found the door knob was out of adjustment; and it has been replaced.

MT Networks - Fiberoptics Project: Zoning Clerk Hugunin reported he has been helping MT Networks almost daily to find right-of-ways and easements.

Police Department Building: Fred Walrod, surveyor, is going to get the property lines marked for the Police Department.

Planning Commission Update - Zoning Case Z-2015-001, Re-zone 600 S. 7th Street: Zoning Clerk Hugunin Burlington Planning Commission will meet at 7 p.m. Thursday, May 14th at City Hall to hear to hear Zoning Case Z-2015-001 to rezone the property across from the old Rainbolt Bait Shop on South 7th Street to Residential-2. (The address has been corrected from the previously reported 616 S. 7th.)

Quarterly Construction Report: Zoning Clerk Hugunin reported that we are now at \$382,000 in new construction for the year.

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OTHER BUSINESS: Kansas Municipal Energy Agency - Appoint Board of Director #1

Mayor Luke read from an email received from Katia Mitchell of KMEA, "In accordance with Section 5.1 of KMEA's Bylaws each member city is required to have two Directors and one Alternate on its Board of Directors. Each Director will serve for a two-year term. This year Burlington needs new Certificate of Appointment for the Director #1, whose current term expired on April 30, 2015." (*City of Burlington's Director #1, Alan Schneider, expired 4/30/15; and Director #2, Stan Luke, whose term expires on 4/30/2016. We have opted not to have an Alternate.*) Mayor Luke called for a motion.

Council Member Curtiss stated, "I move to appoint Alan Schneider (Electric Superintendent) as KMEA Director #1 to serve a two-year term from May 1, 2015 through April 30, 2017." Council Member Rhodes, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried.

OTHER BUSINESS: Mediacom Service Changes

Two agenda attachments were related to Mediacom dropping Channel 175 Go1TV and announcing rate changes.

PERMITS: Permits issued by Zoning Clerk Hugunin:

2015-016 George Smith - 104 Lamoille - Garage Addition

2015-017 Thomas Faircloth -1520 St. Lawrence - Shed

2015-018 Darrin Birk - 316 S. 5th - Garage

2015-019 Cale and Ashley Wright - 914 Garretson - Shed

LEGAL DEPARTMENT: Two Water Purchase Agreements between LeRoy, RWD#2, and City of Burlington

City Attorney Robrahn stated, "You may have noticed in your packets tonight the we have a Water Purchase and Delivery Contract from City of LeRoy that Bryan Joy has drafted, and also a draft of a Water Purchase and Delivery Contract from Rural Water District #2 that their attorney, Lee Hendricks drafted. On that particular contract Susan (Administrative Assistant Stroh) was really good going through it and very efficiently citing our ordinances. I think it's really made a good difference. You'll notice that is handwritten and highlighted in yellow; and that would be our proposed contract for us to consider for next meeting. The contract with City of Leroy also has a few corrections on it, and those would be on the final draft." Mayor Luke, "That will be next meeting or whenever we receive the information back?" Attorney Robrahn replied, "Actually, I think it's in our court. I don't see why, unless somebody has some issues, we don't proceed on at the next meeting. I don't see anything wrong. I think the main thing is, Danny (Water Superintendent Hawkins), we looked at this for a long time, and I don't see anything that affects our water rights. That's what we want to protect, and it looks like we're good on that."

Attorney Robrahn explained to new Council Members, "We're changing our agreements with Rural Water District #2 and City of LeRoy. In past years and currently, City of Burlington is billing LeRoy for water they get from us; and we're going to change it so we will bill RWD #2 directly." City Clerk Kewley commented, "It is more of a billing change, and we're keeping our water rights intact." Council Member Lenard asked if there is any order of execution of the contracts. Attorney Robrahn said, "No, I think they can be done about the same time."

LEGAL DEPARTMENT: Nuisance Property - Resolutions for Hearings

Attorney Robrahn reported he had reviewed Resolution 2015-06 and 2015-07 for scheduling the hearing for the two nuisance properties.

LEGAL DEPARTMENT: Executive Session for Non-elected Personnel

Mayor Luke requested an Executive Session for Non-elected Personnel. **Council Member Lenard made the motion to enter into a fifteen-minute Executive Session for Non-elected Personnel with the Governing Body, City Attorney Robrahn, and City Clerk Kewley present. Council Member Curtiss, "I second it." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried. Council entered the Executive Session at 6:52 p.m. and exited at 7:07 p.m. No action was taken.**

LEGAL DEPARTMENT: President of the Council - Nomination and Election by Council Members

Mayor Luke stated, "At this point and time, we need to elect President of the Council." **Council Member Curtiss stated, "I nominate Lewis Lenard to be President of the Council." Council Member Griffith said, "I will second the motion." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried. Mayor Luke said, "Lewis is the President of the Council."**

LEGAL DEPARTMENT: Mayor's 2015 Annual Appointments

Mayor Luke stated, "You have before you the Mayor's Appointments for May 6, 2015 from May 6, 2015 through the first meeting of the Council in May 2016. Do we have any motion in respect to the appointments?"

1. **City Clerk:** Council Member Griffith stated, "I move that we ratify the Mayor's annual appointment for City Clerk to be Regina R. Kewley from May 6, 2015 through the first meeting of the City Council in May 2016." Council Member Curtiss said, "I second it." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried. Mayor Luke stated, "Regina has been ratified for appointment of City Clerk."
2. **Chief of Police:** Mayor Luke stated, "Next we need a motion to ratify the appointment of Chief of Police." Council Member Lenard stated, "I move that we ratify the Mayor's annual appointment of Chief of Police to be William G. Smith, Jr. from May 6, 2015 through the first meeting of the City Council in May 2016." Council Member Curtiss, "I second it." Hearing no discussion, Mayor Luke called for a vote. Council Members Rhodes, Lenard, Curtiss, Griffith, and Tschantz voted "Nay" and Council Member Hall abstained due to having just been appointed to Council. Mayor Luke stated, "With a vote of 5 opposed and 1 abstention, William Smith did not pass the appointment ratification for Chief of Police."
3. **Electric Superintendent:** Mayor Luke stated, "We need a motion to ratify appointment of Electric Superintendent, Alan Schneider." Council Member Tschantz stated, "I make a motion that we ratify the Mayor's annual appointment of Electric Superintendent to be Alan Schneider from May 6, 2015 through the first meeting of the City Council in May 2016." Council Member Lenard, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried. Alan Schneider has been ratified for appointment of Electric Superintendent.
4. **Parks Superintendent:** Mayor Luke stated, "We need a motion to ratify the appointment of Parks Superintendent to be Kevin Boyce." Council Member Curtiss stated, "I make a motion to ratify the Mayor's annual appointment for Parks Superintendent to be Kevin Boyce from May 6, 2015 through the first meeting of the City Council in May 2016." Council Member Griffith, "I'll second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried. Kevin Boyce has been ratified for appointment of Parks Superintendent.
5. **Water & Wastewater Superintendent:** Mayor Luke stated, "We need a motion to ratify the appointment of Water and Wastewater Superintendent to be Danny Hawkins." Council Member Rhodes stated, "I make a motion to ratify the Mayor's annual appointment for Water and Wastewater Superintendent to be Danny Hawkins from May 6, 2015 through the first meeting of the City Council in May 2016." Council Member Griffith, "I'll second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried. Danny Hawkins has been ratified for appointment of Water and Wastewater Superintendent.
6. **Street Superintendent:** Mayor Luke stated, "We need a motion to ratify the appointment of Street Superintendent to be Doug Mast." Council Member Curtiss stated, "I make a motion to ratify the Mayor's annual appointment for Street Superintendent to be Doug Mast from May 6, 2015 through the first meeting of the City Council in May 2016." Council Member Lenard, "I'll second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried. Doug Mast has been ratified for appointment of Street Superintendent.
7. **All Other Appointments of Boards, Officers, and Committees:** Mayor Luke stated, "Now we need a motion to ratify all other appointments for Boards, Officers, and Committees." Council Member Tschantz stated, "I will make a motion to ratify the Mayor's Annual Appointments of all other Boards, Officers, and Committees." Council Member Lenard, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried. All other appointment of Boards, Officers, and Committees have been ratified.
8. **Interim Chief of Police - Riley Morgan:** Council Member Lenard stated, "I have one other motion I would like to add. I would like to make the motion to move Riley Morgan from Police Administrative Officer to Interim Chief of Police, immediately." Council Member Griffith said, "I will second the motion." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried. Riley Morgan is now Interim Chief of Police.
9. **Ratify all Appointments inclusively:** Mayor Luke stated, "Now, we need a motion to ratify the Mayor's Annual Appointments as modified." Council Member Tschantz stated, "I make a motion to ratify the Mayor's Annual Appointments for 2015 (May 6, 2015 through the first Council meeting in May 2016), as modified." Council Member Lenard, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried. Mayor Luke declared, "All appointments have been ratified and approved."

[9] CONTINUATION: May 6, 2015 Burlington City Council Meeting

CITY CLERK’S OFFICE: Update

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

Delinquent Utility Accounts: For May, \$2,564.88 in delinquent utility accounts will be sent for collection through the Kansas Set-off Program.

CIC Financial Software: City Clerk Kewley reported that we have started working with Computer Information Services this week to implement our new financial software. They have received our files to start the transition . We are starting the big project and we will be very busy for the next four to five months working with CIC on the transition from Thomson Reuters over to the new program.

Audit of 2014: Our auditors from Mize Houser & Company will be here May 14th and 15th to do our 2014 Audit.

REPORT BY CITY OFFICER:

Police Committee Meeting: Council Member Lenard requested having a meeting of the Police Committee after this council meeting. Mayor Luke said, "Okay. The Police Committee is Jerilyn, Forrest, and Lewis."

Mayor's Comments: Mayor Luke said, "I want to thank all of you, the Superintendents, for the previous year. We want to keep up the good work. Going into the next year, continue to make progress to move forward. Your direction and help will be extremely helpful. We'll work as closely together as we can in committees."

FUTURE AGENDA ITEMS:

GENERAL City Debt – How to fund projects City Code Re-codification Service/Allied Waste Agreement Renewal Mayor’s Volunteer Program Vacancy - Police Records Clerk Business Appreciation & Employee Appreciation (Picnics)	GAAP – Infrastructure Capitalization Actuaries – GASB-45 Financial Program Software (CIC) Joint Remodel Project with Chamber for 305A Neosho MT Wireless - Fiberoptics to City Buildings Mayor's Appointments to Burlington Planning Commission Prepare Budget for 2016r
ELECTRIC DEPARTMENT: GIS system Emissions Standards Compliance/EPA Fill Vacancies (Leadman)	Automatic Meter Infrastructure for Electric (AMI) Natural Gas - 2nd Supplier Industrial Park Substation - DC Power Supply
PARKS DEPARTMENT: Fair Board’s new Building WildBlue BBQ and Taste of Fall Festival 2015 Dog Park - Planning / Fence / Etc. Parks Department Fence	RV Parking Pay Stations for Kelley Park and Drake Park Kelley Hall - space vacated by PD - Fair Board Contract Walking Trail - City Dam/Drake Park to Kelley Park
LEGAL DEPARTMENT: Municipal Court Natural Gas - Franchise Agreement	Property Demolition Deeds/Agreements/etc. RWD#2/LeRoy/Burlington - Water Purchase Agreement, etc.
PLANNING AND ZONING Quarterly Construction Valuation Report Comprehensive Development Plan – Update by end 2015 Industrial Park Lots Planning Commission- Rezone 616 S. 6th (Z-2015-001) Disposition of Excess Property through purplewave.com	Work w/PD Admn. Officer on Nuisance Structure regulations Grant for City Dam/Drake Park to Kelley Park Walking Trail Carport for behind City Hall Have Police Department property survey done MT Networks Fiberoptics - updates
POLICE DEPARTMENT Nuisance Updates Police Building - New Sign Animal Shelter - Improvements/Floor Police Records Clerk - Vacancy	Personnel – Training Updates Nuisance Structures Demolition - Update Unclaimed and Abandoned Property - Disposition
STREET DEPARTMENT: Heather Street - Concrete Panels Sidewalk Replacement Repairs on City Rights-of-Way Equipment - Purchase Small Milling Machine for Sidewalks, etc. Street Sweeper in 2016 2015 Asphalt Project	Rebuild/Repair Kennedy Street and 14 th Street Pavement Management System/Asset Management System 2015 Curb & Gutter Project (Yuba between 6th & 7th) Mohawk Street Improvements between 14th & 15th) KDOT's NHwy 75 Project - Work with them
WATER & WASTEWATER DEPARTMENT: Rural Water District #3 - Valve, Meter, Vault: Neosho Riverbank Stabilization Waterline Replacement Project Water Emergency - Warning (Update) Sewer Lagoons - Analysis by KRWA/funding for dredging Clearwell Pumps Calibration	Water Tower Repair Southwest Sewer Project SCADA System Pump Repairs in 2016 (Clearwell/River Intake) Filters/Anthracite/Bacterial Testing Water Plant Improvements–Efficiency John Redmond Reservoir – Dredging Fire Hydrant Static Testing Clean Sewers

Mayor Luke declared the meeting adjourned.

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