

BURLINGTON CITY COUNCIL REGULAR SESSION JULY 1, 2015

City of Burlington Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, July 1, 2015. Mayor Stan Luke called the meeting to order.

ROLL CALL: Stan Luke, Mayor

Council Members present:

Lewis Lenard
 Jane M. Griffith

Dallas Scothorn
 Thomas P. Tschantz

Jerilyn Curtiss
 Sharon Hall

Superintendents Present:

Kevin Boyce (Parks) Alan Schneider (Electric) Doug Mast (Street)
 Riley Morgan (Interim Chief of Police) 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: Misty Marchant, Jen Plummer; and for the Executive Session, David Cooper (Employers Mutual Casualty)

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

MINUTES: June 17, 2015: *Council Member Griffith, "I move to accept the Draft Minutes of Council's regular session of June 17, 2015 as presented." Council Member Tschantz, "Second." Motion unanimously carried.*

APPOINTMENT: Misty Marchant/Jen Plummer, Use 4-H Building/Park for Cancer Support Event (4/2016)

Misty Marchant addressed Council on a matter not related to the Chamber of Commerce. She stated, "Jen Plummer and I are here because we have a small group of people who want to do a fund raiser for the Cancer Support Group. Relay-for-Life moved out of the area and we would like to have something similar to that, but a little smaller. This is outside the scope of director of the Chamber and is personal. We want to see if it would be possible for us to use Kelley Park for the event on April 23rd, 2016." Mayor Luke asked if there would be a conflict with anything else taking place at Kelley Park. Superintendent Boyce was not aware of anything except the livestock events would be kicking off then, but he believes it's first come, first serve.

Council Member Scothorn asked, "Do we rent Kelley Park out or lease it; or is it regularly free?" City Clerk Kewley said, "The park itself is free." Council Member Scothorn asked, "Is there rent for the Hall, too?" City Clerk Kewley asked if they want Kelley Hall, too. Ms. Marchant said, "The 4-H Building would be better for the dinner." Mayor Luke asked, "If the fund raiser for a for profit organization, I believe we have fees; if it's for a charity contribution type thing, we don't charge them. What is the Council's pleasure?"

Council Member Curtiss stated, "I move to allow Misty Marchant and Jen Plummer to use the 4-H Building and Kelley Park for a Cancer Support Event on April 23, 2016, at no charge." Council Member Scothorn, "I'll Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried. Superintendent Boyce asked Ms. Marchant to keep him informed.

PUBLIC COMMENTS: None

ELECTRIC DEPARTMENT: Distribution Updates

Mayor Luke provided Superintendent Schneider's report.

General: Electric personnel have been doing daily work orders, customer service requests, and line locates. The weight of the leaves bring the branches down closer to the lines, so they have been trimming trees. Personnel have been repairing street lights.

ELECTRIC DEPARTMENT: Power Plant/Production Update

General: Production personnel completed the required reports for the first six months of the year.

Power Plant Maintenance: Personnel have been doing generator maintenance. They did runs on Generators #5 and #6. They performed correctly.

Roof Repairs: A minor leak in the roof of the Power Plant was repaired.

Bulk Fuel Tanks - Cleaning: The production crew is in the process of cleaning the bulk fuel tanks.

Substation Maintenance: Substation maintenance was done at the Power Plant and in the industrial park.

Projects: Future Power Plant projects are being planned.

WATER DEPARTMENT: Distribution Update

Waterline Replacement Project - Niagara Street (4th to 10th): Superintendent Hawkins reported, "We have been working regularly on the Waterline Replacement on Niagara Street. Riley Boring Company did get the bore completed. We're done from 4th to 9th. We had a few complication, but nothing too major. In the process of that, everything is done from 6th to 7th - we do have everybody on that block hooked up on the new waterline. All the bacterial samples came back wonderful; so we were able to come back the following Monday and start in. We're working from 7th to 8th right now. We want to get everything around the school area done first, so we are ready for school starting. We are dressing up the areas we have worked in. For the most part, it went very well."

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General: Personnel have been doing water meter services, sewer taps, normal duties, line locates, and work orders.

WATER DEPARTMENT: Water Production Update

Water Use Update: Superintendent Hawkins reported, "The Water Plant has been running well. We have been doing some lubricating of valves and doing valve adjustments. Water usage is up to 600,000 gallons a day now; but we're not able to pump a full load in basically a nine-hour day; so we're going to begin twelve-hour days on Monday. We will have operators who will come in from noon to 8 o'clock in the evening. We are going to pump water from 8 a.m. to 8 p.m."

Water Emergency is Ended for Coffey County: Superintendent Hawkins stated, "Governor Brownback has released us from the Water Emergency. That's a good thing. There are only thirty-three counties in Kansas now in the Water Watch; and those are out west in the northern part of the state. He announced the release last Friday, June 30th. We're no longer in the Water Watch." He explained that since it was late in the day, we will prepare a resolution to officially release us from the Water Emergency and present it at the next meeting of Council.

STREET DEPARTMENT: Update

Council Member Curtiss provided Superintendent Mast's report.

Pothole Patching: Street personnel have been staying busy with their patching program for the upcoming asphalt and chip-seal projects.

Alley repair: Street personnel have been working on some alleys that were in disrepair and needed attention.

2015 Curb & Gutter Replacement Project on 7th & Yuba: This week we are seeing Burlington Construction start our curb replacement project on 7th and Yuba Streets. It is expected to take a few weeks to complete the project.

STREET DEPARTMENT: 2015 Street Improvements - Asphalt Project: Bids

Council Member Curtiss read Superintendent Mast's report which is, "For the asphalt bids, what we need to be looking at is the per ton price for asphalt. There was a little confusion on the amount of tons to be used, but in the long run, it comes down to the per ton price; and since it's really only an estimate of the tonnage anyway, I would recommend that we go ahead with the low bid of APAC out of Emporia. I will be watching very closely how this turns out since we are going with a different company this year. We have been very pleased in the past with Killough Construction, but I can't justify going with them since we have such a big price difference."

CONTRACTOR	ASPHALT			MILLING		TOTAL PROJECT BID
	Per Ton	Total Tonnage	Bid for Asphalt	Per Sq. Yard	Bid for Milling	
APAC-Kansas	\$62.09	5,967	\$370,491.03	\$2.70	\$11,340.00	\$381,831.03
Killough Construction	\$65.20	5,958	\$388,461.60	\$2.60	\$10,920.00	\$399,381.60
Se-Kan Asphalt Services	\$63.88	5,636	\$360,027.68	\$2.50	\$10,500.00	\$370,527.68

Council Member Lenard asked, "This is a unit cost, it's not firm for everything?" City Clerk Kewley explained, "It's \$62.09 per ton for asphalt, not to go over \$381,831.03. We will have to come back with a change order if it goes over." Council Member Lenard, "But, to the milling?" Council Member Scothorn, "They can't change the \$62.09. That's part of the bid." **Mayor Luke called for a motion. Council Member Curtiss stated, "I move to accept the bids for the 2015 Asphalt Project as bona fide." Council Member Lenard, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried.**

Council Member Curtiss stated, "I move to award the contract for the 2015 Asphalt Project to APAC Kansas, Inc. for their bid not to exceed \$381,831.03, at \$62.09 per ton of asphalt." Council Member Lenard, "Second." Mayor Luke called for discussion. Council Member Lenard stated, "We specifically have a change order along the way, but it's just extra work; it's not because we expand the job." Council Member Scothorn, "Is it any certain streets or is it all just throughout town?" Mayor Luke, "It's throughout; but most of them are already identified because we did sub work and base work last year. It takes a year to get that ready so it will accept the asphalt." Council Member Scothorn was concerned about the completion date if any of the work would be on streets around the schools. Mayor Luke explained, "They are on the south end of town. There's nothing around the schools. School ordinance we do in June as soon as school is out for the summer." **Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried.**

POLICE DEPARTMENT: Update

General: The Police Department has been seeing a higher number of calls for the past month or so.

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KBI Assurance Review: Interim Chief Morgan reported, "The KBI Quality Assurance Review has been completed and submitted. That is where we send them a sampling of our reports for a specific year to make sure we are filling all the reports out correctly."

Radio Repeater: Interim Chief Morgan said, "We relocated the City's radio repeater that is utilized by the utilities. We moved it from the old Police Department location to the Electric Department where they had a repeater originally installed. We utilized the original structure that was there, such as the antennae. Everything works fine."

POLICE DEPARTMENT: Sale of 2008 Crown Victoria

Interim Chief Morgan reported on the June 26th bid opening for the sale of the 2008 Crown Victoria. He said, "We received three bids; and I would recommend accepting the high bid of \$1,000 from Mike Free and Eric Peterson. We had contact with them this week, and they're simply awaiting approval."

- 1) Yousef Dabbagh, \$568.00 2) Mike Free & Eric Peterson, \$1,000.00 3) Ivan Hill, \$563.00

Council Member Lenard stated, "I move to accept the bids for the 2008 Crown Victoria as bona fide." Council Member Scothorn, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried.

Council Member Lenard stated, "I move to accept the bid from Mike Free and Eric Peterson in the amount of \$1,000.00 to purchase the 2008 Crown Victoria from the City, in as-is condition." Council Member Scothorn gave the second. Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried.

POLICE DEPARTMENT: Nuisance Properties

Demolitions (update) Interim Chief Morgan reported, "We are currently advertising for demolition on the two properties we discussed at the last meeting (718 S. 5th/Hess; and 928 Des Moines/Darnell). Councilman Tschantz was able to recruit a couple of young people to do some community service time helping Max and Rose Hess. We were able to get some things taken care of for them, but they've still got more to do."

Structure - Nuisance (229 Cross Street): Interim Chief Morgan said, "We received some concerns about the building that was formerly Dollar General. We have been attempting contact and service on the owner who resides in Osawatomie. We got our card back from the post office that he did accept certified mail as of Monday. His ten-day clock is running to get that property lined out. That will actually expire next Wednesday. If it is still in the condition it is now, we will get with Kevin (Superintendent Boyce) about resolving the problem."

Police Building Signage: Interim Chief Morgan reported, "Kan Seal got our metal in and got the cut done. The metal work they do with the water jet is amazing. We have it here. My intent was to get it yesterday morning and get it prepped and ready to be hung. Plans changed, but we did work on it throughout the day yesterday, and I will get it prepared this weekend." Council Member Lenard, "And the flagpole will go up?" Superintendent Boyce said he had a couple projects to get done and then can help out. Council Member Tschantz asked if the front (in front of the building) will be seeded. Interim Chief Morgan replied, "The front will be decorative rock. It's easier maintenance. The back area will be seeded. We're working with a community service worker - somebody who has been found guilty but is having a hard time paying off fines. She will come in this week or early next week and start those community service hours using the weed eater in the back, picking out the rocks, getting things ready for this fall."

PARKS DEPARTMENT: Update

General: Parks personnel have been doing normal duties of cleaning public buildings and restrooms, mowing, spraying weeds, trimming trees, and watering trees and flowers. A tree at Kelley Park on the west edge of the big playground had some big dead branches in it, and they took them out.

Hazard Trees: Superintendent Boyce reported, "We have been working on hazard street trees. The City is responsible for trees between the sidewalk and street. If they are dead or hollow, it is the City's responsibility to remove them. We are working on a list for that and we will have a contractor come in to remove the larger trees. We will remove the smaller ones ourselves."

Bagworms - Spraying: Superintendent Boyce said, "We have been spraying bagworms on the Cedar trees in Industrial Park #3. We will spray one more time on that the first of next week."

FINANCE: Claims Ordinance & Payroll Ordinance

a.	Claims Ordinance	2015-13	<u>\$ 40,796.16</u>
b.	Payroll Ordinance	2015-14	<u>\$ 72,980.02</u>
	TOTAL		\$113,776.18

CLAIMS 2015-13: Council Member Griffith, "I move City of Burlington pay Claims Ordinance 2015-13 in the amount of \$40,796.16 for payment of city bills." Council Member Hall, "Second." Mayor Luke called for discussion. Hearing no discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared Claims Ordinance 2015-13 approved by vote of 6:0.

PAYROLL 2015-14: Council Member Tschantz stated, "I move City of Burlington pay Payroll Ordinance 2015-14 in the amount of \$72,980.02." 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 2015-14 approved by a vote of 6:0.

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FINANCE: 2016 Budget-Authorize Publishing Notice of Hearing scheduled for August 5, 2015 at 6:30 p.m.

City Clerk Kewley requested authorization to publish the Notice of Hearing for the 2016 City Budget. She will get with Mark Petterson, Coffey County Republican, to get it published on the 23rd of July. *Council Member Tschantz made the motion to authorize publication of the Notice of Public Hearing for City of Burlington's 2016 Budget, which will be held at the City Council meeting on August 5, 2015 at 6:30 p.m. at 301 Neosho Street, Burlington. Council Member Griffith said, "I'll second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried.*

PLANNING & ZONING: Update

Webpage - Calendar: Zoning Clerk Hugunin has been updating Facebook and the webpage, sent copies of all approved permits to the County Appraiser, and is updating the permit log. He has been busy with contractors wanting permits. We have two houses to be constructed and are waiting for the contractors to come in and sign their paperwork.

Selling Un-needed Equipment (update): Zoning Clerk Hugunin reported, "I've been getting a lot of calls and emails for the purplewave.com auction. It closes at 10 o'clock a.m. on Tuesday."

OTHER BUSINESS: None

PERMITS: Permits issued by Zoning Clerk Hugunin

2015-028 Thomas Allen - 516 N. 5th - Shed 2015-030 James Hugunin - 1079 Lynx Lane - Fence
2015-031 Ruth Hayes - 118 N. 8th - Fence

CITY CLERK'S OFFICE: Update

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

Delinquent Utility Accounts - Setoff: This month, \$482.53 in delinquent utility accounts will be sent for collection through the Kansas Set-off Program.

Bid Openings: City Clerk Kewley participated in the bid opening on June 24th for the 2015 Asphalt Project, and the bid opening on June 26th for the sale of the Police Department's 2008 Crown Victoria.

2015 C&G Project - Tax Exemption: City Clerk Kewley completed the project tax exemption for the 2015 Curb & Gutter Project.

Financial Software - CIC (update): City Clerk Kewley reported that representatives of Computer Information Concepts have been onsite for the last couple of weeks for our new financial system. She stated, "We have payroll going live and were working with Municipal Court today. We are really progressing with transitioning over to our new software."

Budget for 2016: City Clerk Kewley reported she has been working on the budget with the superintendents, and will be ready for the Finance Meeting on the 20th of July at 3 p.m.

Closing for Independence Day: City offices will be closed this Friday, July 3rd for Independence Day.

LEGAL DEPARTMENT:

Nuisance Properties: City Attorney Robrahn stated, "Susan (Administrative Assistant Stroh) had me review legal documents regarding the nuisance properties. Everything was fine with that."

Assistant City Attorney/Municipal Court: City Attorney Robrahn stated, "I visited with you earlier today, Mayor. I will refer it back to you that maybe you could let Council know about the communications that are being improved between our Police Records Clerk and our Assistant City Attorney for Municipal Court." Mayor Luke stated, "I was down to the Police Department today, and Riley (Interim Chief Morgan) showed me how the system now all works. Instead of having parts of cases here, here, here, and here, now everything has shortcuts and is all tied together. The prosecuting attorney, as well as Becky (PD Records Clerk) or the officers, can go right into one single file; and in there is all the information needed for any hearing or any court case."

Interim Chief Morgan explained, "We've had one folder that he (Assistant City Attorney Wright) could access from outside into our computer with a secure connection, then we had our folders stored separately. We got rid of creating one, and just made a shortcut link that he can get to from the outside and will bring him over to that one file. That way there is not the redundancy of having two files and having to worry about not having information added to both places. He will hit the link and it will let him get to the right file, but it doesn't let him past that point. It seems to work out pretty smoothly." Council Member Lenard asked, "He's having no problems accessing everything?" Interim Chief Morgan replied, "He was having some issues with his connection speed; but I haven't had any communication about any other issues." Attorney Robrahn commented, "I like hearing about is that he'll have a computer in the courtroom so he can access all that information." Interim Officer Morgan, "Yes, for the last six months or so we've been trying, because the County has a hotspot at the Courthouse, we're able to use that same software to remote into the shortcuts for the Prosecutor. We are still making hardcopies just in case the internet goes down or something like that up there." (continued)

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Council Member Lenard encouraged attending Municipal Court at the District Courtroom at the Courthouse on July 9th at 5 p.m.

OTHER DISCUSSION: KDOT Highway 75 Project:

Council Member Tschantz commented, "I see they started on the Highway 75 Project at the north Coffey County line." Mayor Luke said, "I think, at least in discussion with Doug Mast and Mark Davidson, there's an issue with respect to the concrete contractor not being able to complete the project he is on because of the weather we've had this spring; and as soon as he is released from those jobs, they will bring a crew in and start at the intersection. They were hoping that would be later in July."

LEGAL DEPARTMENT: Executive Session for Attorney/Client Privileges

Mayor Luke called for a motion to enter into an Executive Session for Attorney/Client Privileges for thirty minutes, with City Clerk Kewley, City Attorney Robrahn, and elected officials. Attorney Robrahn advised to include David Cooper for when he arrives. Mayor Luke added him.

Council Member Griffith made the motion to enter into an Executive Session for Attorney/Client Privileges for thirty minutes, with City Clerk Kewley, City Attorney Robrahn, elected officials, and David Cooper of EMC when he arrives. Council Member Hall said, "I'll second." Hearing no discussion on the motion, Mayor Luke called for a vote. Motion unanimously carried. Mayor Luke told everyone not included in the Executive Session, "There will be no action taken at the end of the Executive Session, so those of you who choose to leave, feel free." . (David Cooper arrived after the motion was approved, but before the Executive Session started.) **Council entered Executive Session at 6:33 p.m. and exited at 7:03 p.m.**

Council Member Curtiss moved to re-enter the Executive Session for 10 minutes. Second by Council Member Scothorn. Motion unanimously carried. Council entered the session at 7:03 and exited at 7:13.

Council Member Lenard stated, "I move that the appointment of William Smith as the Chief of Police, to the extent that such appointment is effective, be suspended pending further action by the Governing Body, given that Mr. Smith has not assumed the position, and such suspension shall be without pay." Council Member Scothorn, "Second." Hearing no discussion on the motion, Mayor Luke called for a vote. Motion unanimously carried with a vote of 6:0.

Council Member Lenard stated, "I'd like to move that the Mayor notify Mr. Smith in writing of his suspension and that the Governing Body proposes to terminate the appointment of William Smith as Chief of Police for cause, and a hearing to be on July 15, 2015 at 6:30 p.m." Council Member Hall, "I'll second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried with a vote of 6:0.

FUTURE AGENDA ITEMS:

GENERAL City Debt – How to fund projects City Code Re-codification Service/Allied Waste Agreement Renewal Mayor's Volunteer Program Downtown Revitalization (Committee) Chief of Police Vacancy - Advertise until filled (6-17/2015 through ?)	GAAP – Infrastructure Capitalization Actuaries – GASB-45 Financial Program Software (CIC) MT Wireless - Fiberoptics to City Buildings Prepare Budget for 2016 William Smith - Personnel/Legal
ELECTRIC DEPARTMENT: GIS system Emissions Standards Compliance/EPA Fill Vacancies (Leadman) Lightning Strike - Network Problems	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. Kelley Park East Ballfield Drainage Hazard Tree Removal 2015	RV Parking Pay Stations for Kelley Park and Drake Park Walking Trail - City Dam/Drake Park to Kelley Park Parks Department Fence Cancer Support Group - 4-H Building 4-23-2016
LEGAL DEPARTMENT: Municipal Court Natural Gas - Franchise Agreement	Property Demolition (718 S. 5th and 928 Des Moines).
PLANNING AND ZONING Quarterly Construction Valuation Report Comprehensive Development Plan – Update by end 2015 Industrial Park Lots Disposition of Excess Property through purplewave.com Work w/PD on Nuisance Structure regulations	Grant for City Dam/Drake Park to Kelley Park Walking Trail Carport for behind City Hall MT Networks Fiberoptics - updates Planning Commission Members (Advertise for 3)
POLICE DEPARTMENT Nuisance Updates Police Building - New Sign Personnel – Training Updates	Nuisance Structures Demolition - Update Unclaimed and Abandoned Property - Disposition Bike Patrol Program (update)
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 N.Hwy 75 Project - Work with them
WATER & WASTEWATER DEPARTMENT: Rural Water District #3 - Neosho Riverbank Stabilization Southwest Sewer Project Waterline Replacement Project SCADA System Water Emergency Ended - Ordinance needed Pump Repairs in 2016 (Clearwell/River Intake) Fire Hydrant Static Testing Sewer Lagoons - Analysis by KRWA/funding for dredging Filters/Anthracite/Bacterial Testing	Valve, Meter, Vault: Water Tower Repair Water Plant Improvements–Efficiency John Redmond Reservoir – Dredging Clean Sewers

Mayor Luke declared the meeting adjourned.

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