

BURLINGTON CITY COUNCIL REGULAR SESSION JULY 15, 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 15, 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)
 Riley Morgan (Interim Chief of Police)

Alan Schneider (Electric)
 Danny Hawkins (Water/Wastewater)

Doug Mast (Street)

Also Present:

Regina Kewley (City Clerk)
 Thomas Robrahn (City Attorney)

Jimmy Hugunin (Zoning & Grants Clerk)
 Susan Stroh (Administrative Assistant)

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Max and Rose Hess, Becky Reeves; Arrived later for Executive Sessions; 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: **July 1, 2015:** *Council Member Lenard, "I move to accept the corrected Draft Minutes of Council's regular session of July 1, 2015 as presented." Council Member Curtiss, "Second it." Motion unanimously carried.*

PUBLIC COMMENTS: Rose and Max Hess, 718 S. 5th Street

Rose Hess addressed Council concerning their house that is to be demolished. They are trying to get things done, and have contacted a plumber (Vernon Hess), who said he will get to it when he can. Mayor Luke provided the timeline for the demolition from the bid opening through the demolition. He told Mr. and Mrs. Hess, "So, you have three to four weeks before we would actually get in there and do the work."

The contract includes the following timeframes:

- 1) **Bid Opening:** July 22nd.
- 2) **Bid Presentation/Selection:** August 5th: Bids will be presented to Council. A bidder will be selected.
- 3) **Notice of Award:** *(There is no stated timeframe in the contract for the City to send this letter.)*
City will provide the successful bidder with
 - (a) a **Notice Of Award** letter and
 - (b) a **Contract** to be executed.
- 4) **Execution of Contract:** Bidder must execute contract and return it to the City **within 5 calendar days.**
- 5) **Notice To Proceed:** City shall issue Notice To Proceed to Bidder within **5 calendar days** of receipt of the executed Contract; or within extended time mutually agreed upon by both parties.
- 6) **Completion Time:** Maximum 30 days after Notice to Proceed has been issued to successful Bidder.

Mrs. Hess said, "I can't do anything until Vernon comes to dig the hole and put the water pipe in. That's the only thing that is stopping us now." Mayor Luke, "Just let him know what the schedule is." Interim Officer Morgan told her, "We spoke with the plumber you are waiting on, Mr. Hess. He is just waiting for your phone call. He's ready to start whenever you are." Max Hess then said they have to take their grandson back to Colorado. Council Member Lenard told her it was not necessary to be present to have the work done. Mrs. Hess said they prefer to be present when the work is done. Mayor Luke told them, "Make arrangement with the plumber. When we're looking at that kind of a timeline before we actually get to the demolition." Mrs. Hess, "Alright, we'll do what we can."

ELECTRIC DEPARTMENT: Distribution Updates

General: Electric personnel have been doing daily work orders, line locates; and customer service requests. The crew installed a new electric service on S. 10th Street today. They read electric meters and have been changing out some electric meters.

Power Outages: Superintendent Schneider reported, "Since last meeting of Council, Electric personnel worked two outages. The outage last Monday evening was due to wind blowing a tree branch into power lines, affecting circuit #2. Tuesday evening's outage, which knocked out circuit #1, was due to an animal getting across phases on a lightning arrester bracket. For both those outages, service was restored in about forty minutes."

ELECTRIC DEPARTMENT: Power Plant/Production Update

General: Production personnel completed the required quarterly reports and generation reports.

Generator Maintenance: Personnel performed a maintenance run on Generator #2 today.

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Substation Maintenance: Spraying was done at the substations for weed control.

Projects: Personnel have been doing generator maintenance, and cleaning and painting at the Power Plant.

WATER DEPARTMENT: Distribution Update

Filter Building: Superintendent Hawkins provided an update on the old filter building that will be used as a storage building, which was discussed in February. He reported that Bob Salzar (Superior Masonry & Restoration) has started working on renovations today (putting new doors on the old filter building, etc.). He said, "Bob is doing a good job and is moving quickly. The filter media was put in today and compacted real tight. Hopefully, all goes well and tomorrow the concrete guy can come in and put the rebar in, and then pour the flooring on Friday."

Water Plant - Annual Inspection: Superintendent Hawkins reported, "KDHE came in and did our yearly inspection. Greg Taylor came, stayed all day, and went through with a fine tooth comb. We had a few recommendations, but we had no violations. We did very well."

Waterline Replacement Project - Niagara Street (4th to 10th): Superintendent Hawkins reported, "While the rains have slowed things down on Niagara Street, we are trying to get other things done and we are working on the Filter Building."

Sewer Line Cleaning: Superintendent Hawkins said personnel have been cleaning the sewer lines at Pump Station #6 (LS#6) on the west end of town. There were some roots in a private sewer line that we ended up having to pull three blocks to the #6 pump station. That took a little while.

General: Personnel have been doing normal duties: reading meters, doing work orders, line locates, etc.

WATER DEPARTMENT: Water Production Update

Superintendent Hawkins reported, "At the Water Treatment Plant we removed sludge from the sludge basin. The Plant has been running really well; and we have been running on twelve-hour days."

STREET DEPARTMENT: Update

General: Superintendent Mast reported, "We have been doing some sweeping of the curbs and gutters. With bad weather, we've been doing a lot of equipment maintenance."

Assisted other Departments: The Street Department did some work for Kevin (Parks Superintendent), putting in rock for the new campsites on the west end of Kelley Park. They also hauled some material for the Water Department so they could fill the holes in the old filter building.

2015 Asphalt Project: Superintendent Mast reported, "I talked with the contractor (APAC Kansas) that got 2015 Asphalt Project contract. They are looking at it being September before they can start the project."

KDOT Highway 75 Project: Mayor Luke asked if KDOT is still planning to start the Highway 75 project in Burlington on Monday, July 20. Superintendent Mast told him KDOT changes the start date regularly, but the last email he got said July 20th. We'll wait and see.

POLICE DEPARTMENT: Update

KDOT Highway 75 Project - Traffic: Interim Chief Morgan stated, "Other than normal calls and duties, all we have is the KDOT Highway 75 project. We had our LEPC (Local Emergency Planning Commission) meeting last week. During that meeting the wind farm company gave a presentation of what they have going. It sounds like their wide loads are going to coincide with the beginning of 4th and Neosho being down to 10 feet wide. We followed up with the engineer of the KDOT project; they followed up with the wind farm logistics people in Pennsylvania; and they rerouted everything. At this time, it doesn't seem like there will be any of that heavy truck traffic coming through town; but that is subject to change."

Police Department - Signage and Landscaping: Interim Chief Morgan reported, "The sign is completed and put up. We are very pleased with how it turned out. I visited with Kevin (Parks Superintendent); and as things ease up a little, he will help us getting the front area dressed up with some rock, and then get the grass areas seeded in the fall."

Vehicles: Interim Chief Morgan said, "We are still waiting for our appointment to get the 2013 Charger we purchased from the Highway Patrol scheduled. The outfit in Emporia (Ka-Comm) is waiting on two pieces of equipment. Once they get those in, it will be scheduled and get that one finished. Then at some point, we will visit with the Police Committee about replacing the second vehicle."

Municipal Court: Interim Chief Morgan reported, "City court was last week. That went real well. The new process we have for getting discoveries to the attorneys seems to be working. The attorneys involved simply send us the request, we get a usb drive. If it's a local attorney, we deliver it; if it's an out of town attorney, we mail it."

WildBlue BBQ: Interim Chief Morgan said, "This weekend is the WildBlue BBQ. We'll have an officer on bike patrol down there and we'll monitor what is going on. I did see an early release of the schedule for the dunk tank, and if anyone is interested the Mayor is at 11:20 a.m."

POLICE DEPARTMENT: Nuisance Properties

Nuisance Vehicles: Several people were contacted about nuisance vehicles. A couple people had registrations but had not put them on the vehicles. Others are going to take care of their problem.

Structure - Nuisance (229 Cross Street): Interim Chief Morgan reported he has turned over the old Dollar General property to the Parks Department to mow.

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PARKS DEPARTMENT: Update

General: Parks personnel have been doing normal duties of cleaning public buildings and restrooms, mowing, spraying weeds, and watering trees and flowers.

Kelley Park - Prepare for events: Superintendent Boyce reported, "We've been working in Kelley Park this week to get ready for the WildBlue BBQ and the County Fair. I would like to thank the Street Department for putting rock in at the new campsites. I asked to use their equipment, but they went ahead and did it."

Mayor Luke asked, "After the WildBlue BBQ, what do you need to do for the Fair?" Superintendent Boyce replied, "It should be pretty much ready. We will clean the stadium restrooms, the rock bathrooms, and the buildings - Kelley Hall and 4-H."

6th & Neosho & Veterans Park Landscaping: Superintendent Boyce said they got the plants in at 6th and Neosho (Courthouse Park); and at Veterans Park at the flagpole, we added decorative rock to cover the ground surface, so we did that this morning after the plants were in. It is a project that has been planned for a couple of years. We were putting flowers in every year; then we got in the water shortage we talked about changing to shrubs because they require less water and maintenance."

Kelley Park Playground Rubber Surface: Superintendent Boyce reported, "At the Kelley Park playgrounds we had a couple spots in the rubber surface that had worn through to the concrete. It wears through quickly around the merry-go-round. We fixed that ourselves on Monday."

Nuisance Property Mowing: Superintendent Boyce said the Parks Department will try to get the old Dollar General property (229 Cross Street) mowed either tomorrow or Friday. They also plan to mow two properties at 10th and DesMoines, weather pending.

PARKS DEPARTMENT: 2015 Hazard Tree Removal Project - Bids

Superintendent Boyce reported there are ten hazard street trees to be removed. Bids were sent to three companies and two responded. He said, "My recommendation is to go with Trenergy's Tree Care for \$3,125 to remove the ten trees, haul the trees off, grind the stumps, and put the grindings in the hole."

Trenergy's Tree Care \$3,125.00 Welnitz Tree Care \$4,115.00 Wildhawk Tree Service - no quote

Council Member Curtiss stated, "I move to accept the quote from Trenergy's Tree Care for removal of ten hazard trees, not to exceed \$3125.00." Council Member Hall, "I'll second." Council Member Curtiss asked, "That's who we used in the past. isn't it?" Mayor Luke, "Yes." He then asked about the time line. Superintendent Boyce said, "One to two weeks, and it will be a one to two day job." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried with a vote of 4:0.

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance 2015-14	\$ 320,260.57
b. Payroll Ordinance 2015-15	\$ 76,318.48
TOTAL	\$ 396,579.05

CLAIMS 2015-14: Council Member Lenard, "I move City of Burlington pay Claims Ordinance 2015-14 in the amount of \$320,260.57 for payment of city bills." Council Member Tschantz, "Second." Mayor Luke called for discussion. City Clerk Kewley stated, "The biggest expenditures tonight is Kansas Power Pool for \$231,413.08; U.S. Sign Company for \$3,949.70; and Vance Brothers for \$3,414.20." 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 2015-14 approved by vote of 4:0.

PAYROLL 2015-15: Council Member Lenard stated, "I move City of Burlington pay Payroll Ordinance 2015-15 in the amount of \$76,318.48." Council Member Tschantz, "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 2015-15 approved by a vote of 4:0.

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin has been updating Facebook and the webpage. He is also working on a couple of permits for new houses.

Kelley Park & Drake Park - Maps: Zoning Clerk Hugunin reported Superintendent Boyce asked him to prepare a map of Kelley Park showing where campsites are; so we will have a map of each campsite with each spot numbered.

Selling Un-needed Equipment (update): Zoning Clerk Hugunin reported, "The purplewave.com auction is over. We've had people picking stuff up. We did pretty good on the auction."

Zoning: Zoning Clerk Hugunin stated, "I have also been working on a project that started last year with an individual looking at reducing the size of right-of-way that goes back behind his house. It's a road over on 13th Street that is not vacated, but we don't have anything there - it goes to the creek (Rock Creek). I need to get with Alan (Superintendent Schneider) and Danny (Superintendent Hawkins) and go over some things and see what we could do there. We were looking at just reducing it down to a twenty-foot right-of-way through there."

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City Hall -Carport (update): Zoning Clerk Hugunin reported that Donna Luney (Coast to Coast Carport, Inc. in LeRoy) has not sold the oversized carport behind City Hall, but she now understands the urgency of moving it so the correct carport can be delivered; and it will be moved this week.

OTHER BUSINESS: Proclamation: Underground Damage Prevention Day August 11, 2015

At the request of Atmos Energy, Mayor Luke proclaimed August 11 to be Underground Damage Prevention Day in support of efforts to promote underground prevention and safe digging practices. The number to call before digging is 8-1-1.

PERMITS: Permits issued by Zoning Clerk Hugunin: None

RESOLUTION 2015-11 - Water Emergency Ended for Burlington Water Consumers

Council Member Tschantz stated, *"I move to adopt Resolution 2015-11, Declaring Water Emergency to be rescinded."* Council Member Curtiss gave the second. Mayor Luke called for discussion. Attorney Robrahn stated, "I reviewed it along with the Summary for publication; it's ready to go. **Hearing no further discussion, Mayor Luke called for a vote. Council Members Lenard, Tschantz, Curtiss, and Hall voted in favor. Mayor Luke declared Resolution 2015-11 approved by a vote of 4:0.** The Water Emergency that was declared by Resolution 2014-03 in June 2014 is finally over.

LEGAL DEPARTMENT:

Assistant City Attorney/Municipal Court: City Attorney Robrahn stated, "I know Riley (Interim Chief Morgan) and Philip (City's Prosecuting Attorney Wright) are still working on getting the files straightened out, as far as Riley getting the information to Philip." Interim Chief Morgan said, "Yes. We're giving him the same WFB process we're doing with the Municipal Court."

Resolution Review: Attorney Robrahn, "I reviewed Resolution 2015-11 for tonight."

LEGAL DEPARTMENT: Executive Sessions: 2 Attorney/Client Non-elected Personnel and 1 Attorney/Client

Mayor Luke called for a motion to go into an executive session.

- 1) ***Council Member Lenard made the motion to enter into a ten-minute Executive Session for Attorney/Client Non-elected Personnel with elected officials, City Clerk Kewley, David Cooper (EMC Attorney), and City Attorney Robrahn. Council Member Curtiss, "Second it." Hearing no discussion, Mayor Luke called for a vote. Motion carried unanimously, 4:0. Council entered Executive Session at 6:24 p.m. and exited at 6:34 p.m.***
- 2) ***Council Member Lenard stated, "I make the motion to enter into a twenty-minute Executive Session for Attorney/Client Non-elected Personnel with elected officials, City Clerk Kewley, David Cooper (EMC Attorney), City Attorney Robrahn, William Smith, and Benny Harding (Smith's Attorney)." Council Member Curtiss, "Second it." Hearing no discussion, Mayor Luke called for a vote. Motion carried unanimously, 4:0. Council entered Executive Session at 6:35 p.m. and exited at 6:55 p.m.***
- 3) ***Council Member Lenard stated, "I make the motion to enter into a five-minute Executive Session for Attorney/Client with elected officials, City Clerk Kewley, David Cooper (EMC Attorney), and City Attorney Robrahn." Council Member Hall, "I second it." Hearing no discussion, Mayor Luke called for a vote. Motion carried unanimously, 4:0. Council entered Executive Session at 6:56 p.m. and exited at 7:01 p.m.***

Action 1: ***Council Member Lenard stated, "I make a motion to address any ambiguity about the appointment and confirmation of William Smith as Chief of Police by terminating that appointment, to the extent it is effective. Said termination is to be effective immediately. Said termination is without cause." Council Member Curtiss, "I second the motion." Mayor Luke called for discussion; and hearing none, he called for a vote on the motion. Council Members Lenard, Curtiss, Tschantz, and Hall voted in favor. Mayor Luke declared the motion passed unanimously with a vote of 4:0.***

Action 2: ***Council Member Lenard stated, "I make the motion to set a Name Clearing Hearing requested on behalf of William Smith as the last item of new business on the August 5, 2015 Agenda." Council Members Lenard, Curtiss, Tschantz, and Hall voted in favor. Council Members Lenard, Curtiss, Tschantz, and Hall voted in favor. Mayor Luke declared the motion passed unanimously with a vote of 4:0.***

CITY CLERK: Update

General: City Hall Staff have been busy 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.

Infrastructure Funds: City Clerk Kewley stated, "The City received the second half of the City/County Infrastructure money; and we're very appreciative of the County for doing that."

Financials: The Financials will be handed out at the August 5th meeting of Council. Due to the software conversion, the second quarter financials will not be available until the end of this month; so City Clerk Kewley will hand them out at the August 5th meeting of Council.

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Budget for 2016: City Clerk Kewley reported she spent most of her time working on the 2016 Budget. The budget finance meeting will be on Monday, July 20th at 3 p.m.

City Audit for 2014: Mize Houser & Company has completed and sent us our preliminary audit for 2014. They will be coming to Council in the near future to present the audit. City Clerk Kewley will inspect it and then they will finalize it.

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 ?) Audit 2014 presentation by Mize Houser & Company	GAAP – Infrastructure Capitalization Actuaries – GASB-45 Financial Program Software (CIC) MT Wireless - Fiberoptics to City Buildings Prepare Budget for 2016 William Smith - Legal
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: Dog Park - Planning / Fence / Etc. WildBlue BBQ and Taste of Fall Festival 2015 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 Waterline Replacement Project Pump Repairs in 2016 (Clearwell/River Intake) Sewer Lagoons - Analysis by KRWA/funding for dredging	Valve, Meter, Vault: Water Tower Repair Water Plant Improvements–Efficiency John Redmond Reservoir – Dredging Filters/Anthracite/Bacterial Testing Clean Sewers

Mayor Luke declared the meeting adjourned.

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