

BURLINGTON CITY COUNCIL REGULAR SESSION DECEMBER 16, 2015

City of Burlington Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, December 16, 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)
 Doug Jones Chief of Police)

Alan Schneider (Electric)
 Danny Hawkins (Water/Wastewater)(Present until after his update)

Doug Mast (Street)

Also Present:

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

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

Media Present: None

VISITORS: None

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

MINUTES: December 2, 2015: *Council Member Curtiss moved to accept the Draft Minutes of Council's regular session of December 2, 2015, as amended. Council Member Scothorn, "Second" Motion unanimously carried.*

PUBLIC COMMENTS: None

APPOINTMENTS: None

LEGAL DEPARTMENT: Update

Mayor Luke called for the Legal Department update to be moved to the beginning of the meeting in case the City Attorney wanted to leave early. Attorney Robrahn said he had nothing to report because it's very quiet this time of year. He had checked with Assistant City Attorney, Philip Wright, about Municipal Court last week, and it looked like he was pretty busy.

ELECTRIC DEPARTMENT: Distribution Updates

Superintendent Schneider reported, "The men are doing daily work orders, line locates and customer service requests. They read electric meters on Monday, and are still installing AMI meters.

ELECTRIC DEPARTMENT: Power Plant/Production Update

General: Personnel are still doing general power plant maintenance duties and required reports.

Kansas Power Pool Annual Meeting: Mayor Luke reported, "Last Friday, we had our annual meeting to approve the budget of \$62.6 million. Our rates are reduced approximately 6%, depending on load factor. Higher load factor, will get a higher reduction; a lower load factor will be closer to what our rates were last year; but it is not an increase. It should be between a 4 and 5% decrease in the actual billing from the Pool, that will then be reflected in our having larger energy cost adjustments that will appear on the utility bills. So, that's a good thing." Council Member Curtiss, "Good."

Mayor Luke continued, "We also are inspecting some issues with respect to the contract. We signed and approved the contract last April. There is a concern among some with respect to utilization of proxies, that it violates the Open Meetings Act; so we are investigating that. The membership gave us the approval to go ahead and continue that investigation and put together an amendment for all cities to sign to eliminate proxies if it is truly found to be in violation of the Open Meetings Act."

He added, "Also, there is concern by some that the giving authority to vote for the city to the Delegate on contractual issues is a violation of the statutes with respect to contracts with the cities. So we are looking into that; and if that is correct, we will resolve it and ratify the agreement also in that area and bring it back to the governing bodies for approval so that we are not in violation of any of the legal issues within the State of Kansas."

Mayor Luke summarized, "Good news, Bad news. Good news - we're looking at lower rates. Bad news, we're looking at things and may have to go back and reapprove."

WATER DEPARTMENT: Distribution Update

Waterline Replacement Project on Niagara and on Hudson: Superintendent Hawkins reported, "We're still working on the waterlines on Niagara Street and we got a few services in; then we had a water leak on the old line on Niagara, which was a water meter service corp, so we took it off and put it on the new line. Next week they're forecasting beautiful weather, so we'll be working on that."

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Superintendent Hawkins continued, "We're approaching the deadline for coming into the new fiscal year for the waterline replacement on Hudson Street, so I asked Anne the other day to find out how much we have left in the budget. We've done good because out of the \$100,000, we've got \$36,000 remaining. In the past, we have tried to purchase at least the piping for the next year's projects out of the current year's budget. So, today I ordered 2,500 feet of yellow mined piping 6" for Hudson Street. We're going to replace six blocks of waterline next year of that. We already have all our KDHE permits for Hudson Street; so we're just ramping up to move forward with getting Hudson Street done next year."

"We're planning for the future, and we still have a lot to do on Niagara. Weather permitting, we will try to get it done and do our tie-ins, and get on to Hudson Street. It won't interfere. We will still bring our boring crews in, and they will put the pipe in the ground even if we're still working on Niagara; so we will not have to work around contractors."

Inventory done - now Cleaning out un-needed items: Superintendent Hawkins reported they have completed their inventory. Now they are going through all our buildings, attics, crawl spaces, etc. to find anything that is no used or is no good so it can be disposed of before doing inventory again in May.

General: Personnel have been performing regular duties.

Water Tower (East): Superintendent Hawkins reported that Cunningham Sandblasting & Paint sandblasted and painted the grey water tower. It will take about three weeks for it to dry/cure; and then water personnel will fill it, disinfect it, and do bacti samples on it. As soon as they receive word from KDHE that the bacti samples pass, it will be put back online; and it should be good for the next twenty years.

Water Rights Extension for File Nos. 39,825 and 39,826: Superintendent Hawkins said, "We did complete our application for extending our water rights. We now do a five-year extension on the water rights because we did not want to give them away; we kept the 339,825 extension that was above the City Dam. The reason we kept it was because, talking with Katie Tietsort (Kansas Department of Agriculture), we went back and looked at the last twenty-five years; and we've not shown much growth - the highest we've had in water production in the last twenty-five years is 240,000,000 gallons of water. With that said, we have a contract with water rights for 330,000,000 gallons of water; so basically, we're within 90,000,000 gallons; so if we ever decide to develop or if we hook onto another entity or if industry comes into town, we're within 40% of our maximum. We want to keep that water right so with what we've done in the extension is to give Burlington the opportunity to keep extending the water rights until grown comes to the community. The cost was only \$100 for each of the two water rights (39,825 and 39,826), a total of \$200."

Water Plant: The Water Treatment Plant has been running good and everything is going well.

STREET DEPARTMENT: Update

Pothole Patching: Superintendent Mast reported that with the good weather we've had, they have been doing a lot of pothole patching; which is unusual for this time of year."

Drainage issues - leaves: Due to all the rain we've had, the Street Department is still fighting the leaves flooding culverts and drain boxes. They have been unplugging those, and actually had to take the trackhoe out to a few places to unplug some things.

Sign Repair: Superintendent Mast explained that due to being pretty busy with street rebuilding and things like that, they have let sign maintenance slide, but they will be working to catch up on sign maintenance for the next couple months. A lot of signs are faded and need replaced, and a lot of other signs need straightened and things like that.

Bowers Engineering - Pavement Management Program: Mayor Luke inquired, "Did Bowers come in and do his upgrades?" Superintendent Mast, "Yes, I've been working with Norm Bowers. Next month I will bring in an updated view of what we've been doing and what we're headed for; it's looking good. Basically, I told Jerilyn (Council Member Curtiss) that with next year's plan and 2017 year's plan, out of the ten miles of poor or failed chip-sealed streets we had when we started this program, we will have them all rebuilt. That will put us more into a maintenance phase; and the only thing we will be rebuilding at that phase is that every now and again you will have some of them fail, and we have all of our concrete streets that are in poor shape. We'll start working on those concrete streets after that. In the long run, we're headed in a very good direction. Norm had said he thought it would take us approximately ten years to get through that, and we've beat that by a considerable amount. I'm very happy with the way we're going."

Council Member Lenard asked, "Is the preliminary plan to go back to concrete, or are we going to look for other options?" Superintendent Mast replied, "My suggestion is that we rebuild the curb and gutter, and do away with the concrete (streets) and go back to asphalt. Asphalt is cheaper for us to get, plus we're set up to maintain asphalt - we're not set up to maintain concrete. For us to maintain concrete, we'd need to have forms and all kinds of things like that - and it takes a considerable amount of time. So my thought is that we would switch and go back with an asphalt road that we could maintain better; but that's going to be something I will bring to the Council. I will make my suggestion and you can tell me which way you want to go."

Council Member Griffith asked, "How much concrete do we have?" Superintendent Mast, "I don't have the numbers on me, but the biggest majority of concrete is in Country Club Heights and in the cul-de-sacs up north (Pioneer Meadows); also where Wal-Mart is and some of Cross Street. We're just not seeing the length of how long the concrete should last. For your money, the concrete should be lasting considerably longer - they used to say fifty years is what you should get out of concrete roads if they are built correctly. We're lucky if we're getting twenty-five years; that's why I'm suggesting we go a different route." Council Member Griffith, "Thank you."

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POLICE DEPARTMENT: Update

General: Chief Jones reported, "We have been staying busy with normal calls. This time of year we get a lot of domestics. We've been working some narcotics cases, arresting people off warrants, and working a number of scams. These scams just seem to keep circling around and people keep falling for it."

Christmas Parade: There was a very good turnout for the Christmas parade last Wednesday; and it went well with no problems.

Municipal Court: Chief Jones reported, "Everyone was on time for Municipal Court on Thursday evening, and we got through that one in pretty good shape. There were warrants issued for people who did not show up for court. Judge Campbell has an issue for city court, which is that we are very short of qualified attorneys that can be appointed as defense attorney; and he is working on that."

PARKS DEPARTMENT: Update

General: During inclement weather, Parks personnel have been cleaning public buildings and restrooms and doing equipment and building maintenance. They are still mulching leaves in Kelley Park. Personnel are also working on the annual inventory.

Industrial Park #3 - Screening: Superintendent Boyce reported Cedar trees that run along Williams' property were trimmed back away from the chain-link fence. Parks personnel mulched around the small trees.

Park Trees: Trees in the parks were trimmed so the branches will not be in the way when personnel mow.

Hazard Street Trees: The Parks Department removed six or seven small hazardous street trees, and they will remove the stumps as time and weather allow.

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2015-24	<u>\$259,581.87</u>
b. Payroll Ordinance	2015-26	<u>\$ 78,634.85</u>
	TOTAL	\$338,216.72

CLAIMS 2015-24: Council Member Griffith, "I move City of Burlington pay Claims Ordinance 2015-24 in the amount of \$259,581.87 for payment of city bills." Council Member Hall, "Second." Mayor Luke called for discussion. City Clerk Kewley reported on major items, "We have Brentag for \$2,698.33; Warren Company for \$4,654.65; Kansas Power Pool for \$153,235.22; and Peregrine for \$2,406.93." **Hearing no additional discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared Claims Ordinance 2015-24 approved by unanimous vote, 6:0.**

PAYROLL 2015-26: Council Member Curtiss stated, "I move City of Burlington pay Payroll Ordinance 2015-26 in the amount of \$78,634.85." Council Member Scothorn, "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 2015-26 approved by unanimous vote, 6:0.**

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin has been updating Facebook, the webpage; and updating zoning/building permits to give to the County Appraiser. He has been issuing a few Occupancy Permits for businesses opening up in town. He is also working on inventory.

Land in Industrial Park #4: Zoning Clerk Hugunin reported, "I've been talking to an individual who is interested in buying some property in the Industrial Park #4."

Tree City USA Application: Zoning Clerk Hugunin is still working on the application for Tree City USA.

Carport for City Hall: Zoning Clerk Hugunin informed Council the replacement carport was to have been delivered Monday, but it *should* be here tomorrow. (*It finally arrived and was installed on Friday, December 18.*)

OTHER COUNCIL BUSINESS: Sell Municipal Property, 716 Yuba Street: Bid(s)

Mayor Luke said the bids for the sale of 716 Yuba Street were opened, and we have one bid of \$1,010.

Council Member Lenard stated, "I move to accept the bid from Main Street Rentals, LLC as a bona fide bid for 716 Yuba Street." Council Member Curtiss, "I second it." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried with a vote of 6:0.

Council Member Lenard stated, "I move to accept J. Gary Epting's bid for the purchase 716 Yuba Street from City of Burlington for \$1,010.00 with no expense to City of Burlington for title insurance, and the City to only provide the Warranty Deed." Council Member Tschantz, "I'll second." Mayor Luke called for discussion.

Council Member Lenard stated, "I'd like to note that the appraised value on the property is \$2,180, and our past practice is to accept roughly in the 50% range of the appraised value; so I think this bid puts in that range. Also, I think we had a demolition phase. So, while recognizing that we're not coming out clean on that, but we are also putting it back on the tax rolls. I think this is not a normal transaction, but it is the situation we have."

Hearing no other discussion, Mayor Luke called for a vote. Motion unanimously carried with a vote of 6:0. Mayor Luke said, "Tom, will you complete the paperwork for the sale?" Attorney Robrahn said he will.

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PERMITS: Permits issued by Zoning Clerk Hugunin:

Occupancy Permit 2015-002 - Skeets BBQ, 1010 N. 4th Street - Occupancy

LICENSES FOR 2016: Cereal Malt Beverage, Amusement/Dance, Trailer Court Licenses

AMUSEMENT LICENSES

American Legion, Congdon Kepler Post #38----- dance, amusement, 1 game
 C-2 Investments ----- 10 games

TRAILER COURT LICENSES

Dietrich Trailer Park- Jim Toy --- 5 lots
 Matt Barrett Trailer Park ----- 8 lots
 Bill Lockhart ----- 1 spot

CEREAL MALT BEVERAGE LICENSES

Across the Borders C-2 Investments Casey's Retail Company Dollar General La Hacienda
 Pizza Hut Pete's of Erie, Inc. Shopko Wal-Mart

Council Member Hall stated, "I move to approve the Cereal Malt Beverage Licenses, Amusement & Dance Licenses, and Trailer Court Licenses for 2016 as presented." Council Member Curtiss, "I second the motion." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried with a vote of 6:0.

CITY CLERK: Update

General: City Clerk Kewley reported City Hall Staff have been busy preparing meter readings for utility billing this month; and with preparing work orders, vouchers, payroll, and the meeting minutes for tonight.

Dog Tags: Even though people have already been asking to buy the 2016 dog tags, they will be on sale until January 4th.

Unconventional Vehicle Tags: The unconventional vehicle registration renewals are not due at the beginning of each year. They are due on their anniversary date of original registration.

MT Networks/Fiberoptics/Telephones: City Clerk Kewley stated, "Last week, I had a meeting on our telephone system with Jimmy (Zoning Clerk), Anne (Deputy City Clerk), and Rob McDonald of MT Networks. We went through all our local and long distance phone service with CenturyLink and compared it with MT Networks. We will have quite a significant amount of savings with MT Networks, plus staying local; so we will be transferring over to MT Networks on our phones. That will not affect the Street Department or the Electric Department until they also get Fiberoptics to their facilities; but when that happens, we will do something then."

Last 2015 Council Meeting: City Clerk Kewley explained, "This is the last council meeting of the year; but with the new software we can keep the books open for 2015 and for 2016 at the same time to finish out old business."

Holiday Closings: City Hall will be closed December 24 and December 25th for Christmas and on January 1st for New Years Day.

REPORTS BY CITY OFFICERS;

Council Member Curtiss wished everyone a "Ho! Ho! Ho! Merry Christmas!" City Clerk Kewley thanked Council Member Curtis for making treats.

FUTURE AGENDA ITEMS:

GENERAL City Debt – How to fund projects City Code Recodification Service/Allied Waste Agreement Renewal Mayor's Volunteer Program Downtown Revitalization (Committee)	Actuaries – GASB-45 Financial Program Software (CIC) MT Wireless - Fiberoptics to City Buildings Trash Exemptions GAAP – Infrastructure Capitalization
ELECTRIC DEPARTMENT: GIS system Emissions Standards Compliance/EPA Industrial Park Substation - DC Power Supply KPP Contract Revision	Automatic Meter Infrastructure for Electric (AMI) Natural Gas - 2nd Supplier Power Plant - Add Generator (research, etc.)
PARKS DEPARTMENT: Dog Park - Hydrant, Parking Improvements WildBlue BBQ and Taste of Fall Festival 2016 Taste of Fall Festival and UHCA (Horsemen's Challenge) - Fall 2016	RV Parking New Signage for Kelley Park and Drake Park Cancer Support Group - 4-H Building 4-23-2016
LEGAL DEPARTMENT: Municipal Court KG&E Pollution Control Bonds Series 2016	KDOT Damages (4th & Neosho)
PLANNING AND ZONING Quarterly Construction Valuation Report Comprehensive Development Plan – Update by end 2015 Industrial Park Lots - for Sale, etc. Tree City USA - application	MT Networks Fiberoptics - updates Planning Commission Members (Advertise for 3) Inventories - prepare; send to auditor early January 2016 Work w/PD on Nuisance Structure regulations
POLICE DEPARTMENT Nuisance Updates Personnel – Vacancy and Training Updates Nuisance - Burlington Dental Center / Danelle Birk Building	Bike Patrol Program (update) Reserve Officer Schankie - Temporary compensation (update)

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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 Asphalt Grinding Machine for 2016	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)
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WATER & WASTEWATER DEPARTMENT: Neosho Riverbank Stabilization Waterline Replacement Project Pump Repairs in 2016 (Clearwell/River Intake) Sewer Lagoons - Analysis by KRWA/funding for dredging KDHE L2 Monitoring	Clean Sewers Southwest Sewer Project SCADA System Fire Hydrant Static Testing Plumbing Violations	Filter Pit - Actuators Water Plant Improvements–Efficiency John Redmond Reservoir – Dredging Filters/Anthracite/Bacterial Testing Fire Hydrant Flushing East Water Tower - Sandblast/Paint
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Mayor Luke declared the meeting adjourned.

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

COUNCIL APPROVED