

## BURLINGTON CITY COUNCIL REGULAR SESSION JULY 20, 2016

City of Burlington Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, July 20, 2016. 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)

Doug Mast (Street)

**Also Present:**  Regina Kewley (City Clerk)

Anne Brown (Deputy City Clerk)  
 Tom Robrahn (City Attorney)

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

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

**VISITORS:** Paul Abendroth, Jimmy Esch

**AGENDA:** *Council Member Lenard moved to approve the amended agenda. Council Member Curtiss, "Second." Motion unanimously carried.*

**MINUTES: July 6, 2016:** *Council Member Curtiss moved to accept the Draft Minutes of regular session July 6, 2016 as presented. Council Member Tschantz, "I'll second." Motion unanimously carried.*

**APPOINTMENTS:** None

**PUBLIC COMMENTS:** None

**ELECTRIC DEPARTMENT: Distribution Updates**

**General:** Electric Distribution personnel have been doing normal duties, customer service requests, work orders, line locates, installing electric meters, and doing line maintenance.

**County Fair Preparations:** Superintendent Schneider said, "We finished getting ready for the Coffey County Fair. We installed a temporary power for Kansas Wildlife and Parks for the aquarium that is coming in tomorrow morning, and checked out all the lights and receptacles. We got service installed for the poultry barn. We will set anchors sometime tomorrow for the demolition derby that will be this Saturday."

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

**General:** Electric Production has been doing required reports and general Power Plant and generator maintenance.

**Generator #4:** Superintendent Schneider reported, "We are doing some annual generator testing. Our main focus is maintenance on Generator #4. A short history of that is: The fuel lines on that generator are continually breaking. We found out that the fuel pressure was set so high on that engine that it was at the maximum pressure of these fuel lines. So, we lowered the operating pressure on the fuel there. We also adjusted the fuel racks. It doesn't put out the capacity that it's rated at partly due to when this was installed, they upsized the generator capacity, but the engine doesn't have the power to pull it. We helped that some today; and we hope to get two hundred more kilowatts out of having adjusted those fuel racks. Next, we will have Woodward come in and reprogram the governor for that to allow for easier startups. It starts very very hard, to a point where it is not good on the engine. That's our next step, and then we hope Generator #4 will be straightened out and working like everything else does over there."

Mayor Luke asked, "We haven't had any issues with the temperature, as far as having any problems, have we?" Superintendent Schneider, "No, we sure have not. We've been very lucky."

**WATER DEPARTMENT: Distribution Update**

**General:** Water/Wastewater personnel did normal duties, work orders, line locates, meter re-reads, customer calls, public concerns.

**Sewer Cleaning:** Superintendent Hawkins reported, "The main thing we've been working on is cleaning sewers - lots of sewers. We have roughly another week before we're finished cleaning sewers."

**Water - Odor and Taste:** Superintendent Hawkins said, "Another thing we began doing is flushing fire hydrants. I know everybody is saying the water has a musty taste to it. I took a trip out to the Corps of Engineers' dredging project at Redmond Dam because I wanted to see if it was effluent coming from the cells that might have been an issue, but those looked good. It was when I looked at the actual dredging project itself that I saw that where the dredger sits in the lake, there's a little stream of dirt coming from it onto the gates; so when you go down below the dam and you see the spillway, there is darkish colored water coming out of it. So, we have begun to increase our sodium permanganate and carbon. We're adding more and more carbon to try to get rid of the taste in the water. So on top of that, we wanted to kill as many birds with one stone as we can; so because it's hot instead of waiting until the end of July, we have begun flushing hydrants starting from the Water Treatment Plant and working our way back and forth across town. We're on 5th Street now; and are still moving west. Hopefully, we'll start getting better tasting water pretty soon."

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**Water Leak at 4th and Garrettson:** Superintendent Hawkins said, "In the process of flushing fire hydrants, I was flushing a hydrant by 4th and Garrettson where we have a new meter with a diffuser on it so it has more pressure. Even though I was going slow, I must have slammed the fire hydrant and a piece of cast iron out in the road couldn't handle that; so we had to dig that up and fix that. I apologize to the businesses for that. We did take out a soldered lead T and some joints that were in there; so a good thing did come from that."

**Lift Station #1 - Hit by Lightning:** Superintendent Hawkins reported, "Number 1 lift station was hit by lightning. I want to thank Alan (Superintendent Schneider) and his guys for coming down to help. That was an interesting deal. We walked into a pump station full of smoke; and believe it or not, our surge protectors took the full blunt; but it blew them out into the panel box and it was all over inside. We had R. W. Vaught Technical Services come in because we wanted to make sure sensitive things that may have been damaged were not; but it was good so we didn't have any issues with that. His guys will be coming in next week and they will put surge protection on the outside of the building; so if lightning hits it again, hopefully it will blow up on the outside of the building instead of inside the box where all the sensitive equipment is."

**STREET DEPARTMENT: Asphalt Project Updates**

**Highway 75 & Garrettson - ADA Ramp & Void underneath:** Superintendent Mast reported, "We spent quite a bit of time working with KDOT to finish that project at 4th and Garrettson (west side of Highway 75); and now we get to start another project on the east side of 4th and Garrettson, since Danny's been over there working."

**Street Project Preparations:** Street personnel did a lot of street tree trimming in preparation for the upcoming asphalt and chip-seal projects. They trim the trees so the contractors can get their equipment underneath them and get everything through.

**General:** Street personnel did quite a bit of preparation for the County Fair and got everything out for that - all the signs and all the barricades. They worked on an alley; and also hauled a lot of waste material to the landfill from our rebuild jobs.

**Street Rebuild - Elmwood Lane:** Superintendent Mast reported, "We started building a drain box and replacing the culverts for Elmwood Lane. Once we get that done, it will complete that road altogether. That was the area where we found the big chunks of concrete, bricks and stuff down in the road. I think we should have everything done by tomorrow afternoon, and put the road back together so everybody can get in and out easier."

**POLICE DEPARTMENT: Update**

Chief Jones reported it was pretty much normal calls for the Police Department.

**WildBlue BBQ:** There were no issues with the WildBlue BBQ last weekend.

**Municipal Court:** Judge Campbell got tied up in Lyon County District Court last Thursday and was ninety minutes late for our Municipal Court, but we still finished by 7:15 p.m.

**Coffey County Fair:** The Fair started today. The two big events will be the parade on Friday and the demolition derby on Saturday.

**Traveler:** Chief Jones said, "We had an interesting character show up in town. We hope we have gotten him moved on down the road."

**Nuisances - Mowing:** Chief Jones reported, "I had a couple places pointed out to me that needed to be mowed, and they have now been mowed. We're still trying to work others as time permits."

**POLICE DEPARTMENT: Kale Schankie moved back to non-compensated Reserve Officer position**

Chief Jones said, "Our part-time officer, Kale Schankie, submitted his resignation as a part-time officer. He has been offered a position with Heath Samuels, who is interim sheriff for Greenwood County; he doesn't want to leave us entirely. He wants to resume his status as a (non-compensated) Reserve Officer with us."

**Council Member Lenard stated, "I make the motion to move Kale Schankie to a non-compensated volunteer Reserve Officer position." Council Member Hall, "I'll second." Mayor Luke called for discussion.** He asked, "Since we're short one officer, how does that impact the rest of the department?" Chief Jones replied, "It will tighten up the schedule just a little more. We were going to try to schedule a set of interviews for next Wednesday, but Gina (City Clerk Kewley) is not available next week; so we'll have to push that down the road a little bit; but when we get through the Fair, we'll be okay." **Hearing no additional discussion, Mayor Luke called for a vote. Motion carried unanimously; 4:0.**

**PARKS DEPARTMENT: Update**

**General:** Parks Department personnel have been keeping busy doing normal duties, cleaning public buildings and restrooms, mowing, weedeating, spraying weeds, and watering flowers and trees.

**Kelley Park:** Superintendent Boyce said, "We have been working in Kelley Park keeping everything up to snuff there. I'd like to thank all the departments that helped out. The electric was checked. We got the water hydrant back by the poultry barn, once they got it complete. That was short notice. Thank you, Danny."

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**FINANCE: Claims Ordinance & Payroll Ordinance**

a.	Claims Ordinance	2016-14	\$412,528.18
b.	Payroll Ordinance	2016-14	\$ 80,730.81
	TOTAL		\$493,258.99

**CLAIMS 2016-14:** Council Member Lenard stated, "I move City of Burlington pay Claims Ordinance 2016-14 in the amount of \$412,528.18 for payment of city bills, as presented." Council Member Hall said, "I'll Second." Mayor Luke called for discussion. City Clerk Kewley stated, "Tonight we're paying Builders Choice, New Strawn for \$5,976.00; Kansas Power Pool, \$219,017.88; R.W. Vaught Technical Services, \$43,486.50." **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 2016-14 approved by unanimous vote, 4:0.**

**PAYROLL 2016-14:** Council Member Hall stated, "I move City of Burlington pay Payroll Ordinance 2016-14 in the amount of \$80,730.81." 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 2016-14 approved by unanimous vote, 4:0.**

**PLANNING & ZONING: Update**

**General:** Zoning Clerk Hugunin did normal duties, including updating Facebook and the webpage.

**Mapping Updates - Address Corrections:** Zoning Clerk Hugunin is still working with Amber Presley from Emergency Management and Cara Mays from the GIS Mapping Department (Geographic Information System) on correcting addresses mainly on the south part of town. He said, "Basically, I've got their letter and I will use that. When we're ready to move forward with it, I will get in touch with the Post Office, the telephone company, and stuff like that so they're all aware of it; and then it will be up to the homeowner to get the address changed on everything else. It will only affect eight properties, which is not bad; we're way ahead of what other towns have to do."

**Commercial Property at 4th & Potomac:** Zoning Clerk Hugunin said, "I am still working with an individual who is interested in some property just north of the old Ford building, at 4th and Potomac. It's commercial property, and that's kind of what he wants to use it for; but I need to get with my Planning & Zoning Committee to go over everything. I am still looking at easements there because we are not clear what is there for the power line. I found a sixty-foot easement; but I think it is bigger than that, and so does Stan (Mayor Luke)."

**County Planning Commission Meeting:** Zoning Clerk Hugunin is going to attend the Coffey County Planning Commission meeting later tonight. They are doing some changes with their territory.

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

**CHARTER ORDINANCE NO. 9, Elections, Appointments, Terms of City Officers**

Mayor Luke stated, "We have Charter Ordinance No. 9 to address at this time. This is the ordinance that impacts the times and dates for elections, which will be moved from April to November." City Clerk Kewley explained that with the passage of Charter Ordinance No. 9, those Governing Body positions that are up for election in 2017 will be on the November 2017 ballot; and those elected will be sworn in to office on the second Monday of January, 2018. General Elections will be in November from now on. Mayor Luke said, "Basically, this charter ordinance will place us in compliance with federal and state requirements.

City Clerk Kewley explained that we have to do this with a charter ordinance. We are required to publish charter ordinances once a week for two consecutive weeks; then we have to wait for sixty-one days after the second publication. If we receive a petition in opposition to the charter ordinance during that time, we will need to put on a ballot for public vote. If there is no petition, the charter ordinance will be in effect at the end of that sixty-one days.

**Hearing no further discussion, Mayor Luke called for a motion. Council Member Hall stated, "I move to adopt Charter Ordinance No. 9, Elections, Appointments, Terms of City Officers for Transition to November Elections." Council Member Curtiss, "I second it." Hearing no discussion, Mayor Luke directed City Clerk Kewley to poll Council for a vote. Council Member Lenard, Curtiss, Hall and Scothorn voted in favor. Mayor Luke declared Charter Ordinance No. 9 adopted by a unanimous vote of 4:0.**

**LEGAL DEPARTMENT: Update**

Attorney Robrahn, "I helped Sue (Administrative Assistant Stroh) with drafting Charter Ordinance No. 9."

**Lease Agreement for Old Sewer Lagoon Property (update):** City Attorney Robrahn said, "I handed out an Agreement For Lease for all of you to look at. You have a black and white version of this aerial photo, but I highlighted in yellow the real estate tract that we're actually looking at. The Mayor had asked me to begin working on leasing out a tract of what we consider may be agricultural land. It is where the old sewer lagoon system was located south of town."

"With that in mind, I have also prepared a proposed Agreement For Lease. We need to know what we are going to do with this as far as length of the lease, terms of the lease. The only other precedence we have to go with is that we've been leasing out some land for haying, from year to year. For me, that is like comparing apples to oranges because this one is for tillable acreage. We need to be more careful and look at things like: Do we want to forbid our lessee from enrolling in a USDA (U.S. Department of Agriculture) program? Are we going to allow that person to sublease?"

(continued)

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"There are a lot of things to think about. If you get complex, too, depending on the length of the lease, the lessee might plant wheat in the fall which would bind us until the next year when they harvest the wheat in June or July. We have to be careful how we go about this so we don't have something that goes beyond what we intended to do. This is not on tonight's agenda or up for discussion, it is to get us thinking about this if we're going to proceed on down the path on this."

City Clerk Kewley asked, "When we put this in the paper to request bids, how much of the lease do we actually put in the paper?" Attorney Robrahn replied, "I think things like the term. Definitely, we want to limit the overall purpose to crops. We don't want somebody to put a hog farm there, or something like that. I think we maybe want to go through some of the highlights of the contract and insert those into the Invitation to Bid." Mayor Luke, "Put the highlights in and have a copy available for them to review - a complete lease available to review at City Hall." Attorney Robrahn, "Right."

Attorney Robrahn, "I've taken one of our previous leases for haying, and kind of reformulated that. I should have brought that tonight so you could have seen it." Mayor Luke, "I think for the next meeting, I would say to bring back questions you might have in respect to this; and we can give Tom the questions, and he can help us solve the issues. I know the first timeline you will have the first year will be the improvements the lessee will have to make on the land for terraces and other things for proper drainage that is not there now. So, the first lease may be longer than the subsequent leases. We may put the restriction that the last year, it can't be a crop that is going to be harvested after January 1, so we don't have wheat the very last year. There are things we can address in the lease to make it palatable to the potential lessees."

Council Member Lenard, "We're bidding this out right? You're making the assumption that it's going to go under certain conditions; and that is up to the lessees to say. It's not for us to worry about the conditions about how they're going to manage it. I mean, if they invest money into it, they're going to have to factor that into how they bid this - whether it's a dollar or ten-thousand dollars. All I'm saying is, that's not a factor for us to consider."

City Clerk Kewley, "We also need to keep in mind that any money we get we can't keep. We've got to donate it to a non-profit 501c3 organization because we're tax exempt." Council Member Lenard, "So, are we 100% sure that we want to lease the property? I'm not asking for an answer tonight, but..." Mayor Luke, "That's a decision that has to be made, and that's what people have to think about for the next two weeks before our next council meeting on August 3rd when we bring our concerns to the table." Council Member Lenard, "We really don't have a timeline driving this, do we?" Mayor Luke, "Not right at the moment."

Attorney Robrahn, "I think I've got enough in the Agreement For Lease; this will definitely get all of you thinking. I made some presumptions, like I put in no hunting or fishing. I'm sure Danny (Superintendent Hawkins) doesn't want anybody down there shooting guns behind the sewage treatment plant."

Superintendent Hawkins, "I never thought about the USDA as far as...." Attorney Robrahn, "That's very dangerous because a tenant can go up (to Topeka) and get us signed up and bound to a long-term contract, and we don't want to do that." Superintendent Hawkins, "They could go in and put in buffer strips for agriculture or something. I never thought about that." Attorney Robrahn, "USDA tends to favor tenants, so we've got to be very careful. We might suggest to them that either we don't allow it or we require written permission for them to do that." Council Member Lenard, "Was that covered under assignment, or not?" Attorney Robrahn, "I have an answer in the Lease under two different places. At the top of page two, it talks about the USDA. (*The premises shall be used for the purpose of cropland farming, only. Premises shall not be used for any other purpose without the prior written consent of the Lessor. Lessee shall not enroll the premises into any USDA program without obtaining written permission from the Lessor.*) On page 4, it says, 'The Lessee shall not encumber, assign, or otherwise transfer this lease.....' That would cover a sublease."

Attorney Robrahn continued, "It seems that in twenty-four years of experience, I've had trouble with clients over things I just talked about. Even having had this written in a lease, I had one who went ahead and subleased because he thought he could maybe get away with it; so it's something to be aware of and keep track of." Mayor Luke stated, "We have 'homework'."

**CITY CLERK: Update**

**General:** City Hall personnel have been busy preparing meter readings for utility bills going out for this month. They have been preparing work orders, vouchers for bill paying, payroll, and council meeting minutes; and have been handling normal calls and inquiries.

**Finance Meeting - 2017 Budget:** City Clerk Kewley attended the finance meeting on July 18th, to work on the 2017 city budget. The budget hearing will be August 3, 2016 at 6:30 p.m., during the council meeting.

**Financials:** City Clerk Kewley said, "I handed out the second quarter financials. If you have any questions or concerns, let me know."

**LKM Conference on 10/8-10/2016:** City Clerk Kewley said that in the Kansas Government Journal I handed out there is information on the Annual League of Kansas Municipalities Conference, which will be held this year on October 8, 9 and 10 at Overland Park. She asked everyone to let her know if they want to attend.

**[5] CONTINUATION: July 20, 2016 Burlington City Council Meeting**

**Kansas Power Pool Fall Retreat on 9/9-10/2016:** The KPP Fall Retreat deadline to get the KPP room rate is August 17th. This year, it is at Wichita Old Town Convention Center on September 9th and 10th.

**REPORTS BY CITY OFFICERS: None**

**MAYOR'S COMMENTS: Appreciation**

**FUTURE AGENDA ITEMS:**

<b>GENERAL</b> City Debt – How to fund projects City Code Recodification (LKM and American Legal Publishing) Service/Allied Waste Agreement Renewal Budget 2017 (Hearing on August 3, 2016) Water Rate Study / Potential 2% Increase for 2017	Actuaries – GASB-45 Financial Program Software (CIC) MT Wireless - Fiberoptics to City Buildings GAAP – Infrastructure Capitalization	
<b>ELECTRIC DEPARTMENT:</b> Emissions Standards Compliance/EPA KPP Operating Agreement/Contract Amendment (updates) Power Plant - Add Generator (Research) Parallel Generation/Net Metering Power Generation f/Renewable Energy	Automatic Meter Infrastructure for Electric (AMI)-updates Conger Addition - Underground utility damages/MT Networks Arc Flash Study - Mapping Update Bucket Truck - delivery from ETI (within 270 days from 6/1/2016)	
<b>PARKS DEPARTMENT:</b> Dog Park - Parking Improvements Taste of Fall Festival and UHCA (Horsemen's Challenge) - Fall 2016 Riverbank Fill Permit - Prepare and apply	Coffey County Fair/Demolition Derby/etc. Kelley Hall Kitchen/Bathroom Polymer Flooring Replacement	
<b>LEGAL DEPARTMENT:</b> Municipal Court KG&E Pollution Control Bond - Updates	Land Swap - Property by Electric Plant (1116 St. Lawrence) Old Sewer Lagoon - Ag Lease for Crops/Advertise for Bids	
<b>PLANNING AND ZONING</b> Industrial Park Lots - for Sale, etc. Work with NexTech and City Departments to improve Cyber Security Work w/PD on Nuisance Structure regulations	Prepare Easements for any City-owned property without one GIS Mapping - Address Corrections - south part of town Commercial Property at 4th and Potomac - Check Easements	
<b>POLICE DEPARTMENT</b> Nuisance Updates Personnel – Vacancy and Training Updates	Bike Patrol Program (update) Reserve Officer Schankie - Temporary compensation (update)	
<b>STREET DEPARTMENT:</b> Heather Street - Concrete Panels Sidewalk Replacement Cost-Share Program - Update Pricing Sidewalk Repairs on City Rights-of-Way Asphalt Grinding Machine for 2016 Trackhoe Repairs - update Rebuild/Repair Kennedy Street and 14 <sup>th</sup> Street Elementary School - Resolve traffic issue	Pavement Management System/Asset Management System Mohawk Street Improvements between 14th & 15th) Street Rebuild Project 2016 - Elmwood Lane issues Street Project Testing by PSI - updates 2016 Asphalt Project - Out for Bids 2015 Asphalt Project - Faulty Materials used by APAC KDOT ADA Ramp Project - Void under Hwy 75 & Garrettson	
<b>WATER &amp; WASTEWATER DEPARTMENT:</b> Southwest Sewer Project Waterline Replacement Project Pump Repairs in 2016 (Clearwell/River Intake) Sewer Lagoons - Analysis (KRWA/funds for dredging) John Redmond Reservoir – Dredging	Sewer Cleaning SCADA System-updates Fire Hydrant Testing Plumbing Violations Testing: Lead & Copper Work Schedule	Neosho Riverbank Stabilization Water Plant Improvements–Efficiency Water Meter installations Testing - LT2 Monitoring/E-Coli in river Fire Hydrant Flushing Lift Station #1 - Surge Protection repair

**Mayor Luke declared the meeting adjourned.**

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