

## BURLINGTON CITY COUNCIL REGULAR SESSION SEPTEMBER 7, 2016

City of Burlington Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, September 7, 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)

Jimmy Hugunin (Zoning/Grants Clerk)

Tom Robrahn (City Attorney)

Susan Stroh (Administrative Assistant)

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

**VISITORS:** Paul Abendroth, Joshua Inman, Jay Hale

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

**MINUTES:** **August 17, 2016:** *Council Member Curtiss moved to accept the Draft Minutes of regular session August 17, 2016 as presented. Council Member Hall, "I second." Motion unanimously carried.*

**APPOINTMENT: Joshua Inman, Kirk Manwaring Benefit Street Dance (during Taste of Fall Festival (10/1/2016)**

Joshua Inman, whose request at the August 17th meeting had been denied to hold a street dance with a beer garden, has changed his request to be for a street dance only and for the closing of 3rd Street from Neosho north to the alley. It would be on the 1st of October during the Taste of Fall Festival. Mr. Inman said, "We will go from 5 p.m. to 10 p.m. Based on discussion last time, we want to focus more on the community and everybody going back and forth from other things going on." Council Member Lenard asked, "What other changes are you making in your proposal?" Mr. Inman, "The main ones would be not having alcohol, and to move it from Neosho Street in front of City Hall to north 3rd Street. If I get the Council's approval, then I've gotten all the power, barricades, and structural taken care of." City Clerk Kewley said, "We talked about the dance license for \$50.00; and that is something you need right before the event, but it does not need to come to Council."

Superintendent Schneider said, "I am just clarifying because I did talk to Hanna Hanners, and you did say you have approval for power. Now, does that mean you provide your own power? I explained to her that we've helped organizations like this in the past that need temporary power, but we need to have council approval for us to do that. I advised her to talk to the council about it." Council Member Curtiss, "You have done that in the past? And it's fairly easy to do?" Superintendent Schneider, "We have done that for other organization's events in the past - May Daze, Christmas On Us, etc. It is fairly easy, but my question would be where the temporary power is wanted." Mr. Inman said, "We were thinking about at the corner of the American Legion building, it may have to go across the road." Superintendent Schneider said, "We can work something out, if the Council would like to do that."

Superintendent Mast, "Were you wanting us to bring some barricades, because I didn't get a call?" Mr. Inman, "I talked about it with the Chief. I was actually going to get to that after we got a secondary (power supply)." Superintendent Mast, "We usually bring them out and the organization sets them up." Chief Jones, "I wasn't going to say anything to you, Doug, until Council said it was okay." Mr. Inman, "I'm just figuring out who I need to talk to." Superintendent Mast, "That's fine. I just need to know whether I need to bring them." Council Member Scothorn, "Is there any other department that sees any issues or difficulties?" Superintendent Boyce, "Stage? Tables?" Mr. Inman, "We've got that trailer. Picnic tables, they're going to loan us. I talked to Denise and she said they just cart the tables right up here." Council Member Tschantz, "Bathrooms?" Mr. Inman, "I talked to businesses - Vintage Sisters and the Art Gallery (Old Hwy 75 Art Gallery), and they said they were going to stay open late and we will have access to them."

It was suggested that he may want to ask them if it's okay to use their tables, too, because they're the City's picnic tables." Council Member Curtiss to Superintendent Boyce, "Do you have a problem with that?" He replied, "I don't care if they use them; but if we move them, it's going to create overtime for us." Council Member Curtiss, "Okay. You have that already worked out to move the tables?" Mr. Inman, "I did not know there was overtime involved; but when I talked with Denise, she said it wouldn't be a problem for us to use them after they were finished after 4 or 4:30. If I need to be of help and help orchestrate getting them up here, I could do that; but if you want to move them, I'm fine with that."

Council Member Griffith, "Are you going to charge at the barrier?" Mr. Inman, "I don't think we're going to do a cover charge. I think everyone can come, dance, and hangout; but I think we're going to sell pork sandwiches."

Council Member Griffith was concerned that some would come in and eat without paying. Mr. Inman, "They could come in and hang out, but they would have to buy the sandwiches if they wanted them." Council Member Curtiss, "Will you have a way to get the tables from there up to here?" Mr. Inman, "I could find one." Council

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Member Curtiss, "And back?" Mr. Inman, "If I can use them, I will get them and take them back." Council Member Curtiss, "Okay." Superintendent Boyce, "I'm fine with the tables staying wherever up here when they're done because on Monday, we will take them back to the Parks shop to store them." Council Member Curtiss, "So, they could just move them onto the side? Okay." Mayor Luke, "Just so we've got access to the street."

**Hearing no additional discussion, Mayor Luke called for a motion. Council Member Scothorn made the motion to approve Joshua Inman's request to hold a Kirk Manwaring Benefit Street Dance on October 1, 2016 between 5:00 p.m. and 10:00 p.m.; and to close 3rd Street from Neosho Street and Hudson Street - with the stipulation they will work with the Electric Department on the temporary electric and with the Street Department on barricades, and will move the picnic tables to the event site; and immediately after the event will clean up the entire area, and move the picnic tables and barricades to here." Council Member Griffith, "Second." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.** Mr. Inman then left the meeting.

**APPOINTMENT: Paul Abendroth, Streets (complaint)**

Paul Abendroth, who lives at 915 DesMoines, addressed Council, "I have a question about my street over there. When they ground it up, hauled in a bunch of AB3, raised the level of the road - I'm about a foot below the level of the road is now; and it's got a big crown on it. Is there any way to get this corrected at all?" Mayor Luke, "Definition of 'corrected'? Do you want the crown smaller; I mean, the crown left and the street lowered?" Mr. Abendroth, "Yes. I think it should be ADA acceptable, myself, going over the road itself; and it isn't right now. There's probably at least nine inches difference between the edge of the road and the crown."

Mayor Luke, "Okay. The crown today is?" Superintendent Mast said, "I went down through there today. The crown goes anywhere from a two to a six percent slope; and what we shoot for is somewhere between a two and a four percent slope on a road. Normally, we do pretty much what we call straight blading a road and go out and try to level things prior to the asphalt company coming in on a gravel road like that; and we'll reroll that. We'll take the motor grader, rollers, and water truck over there and blade that to try to shape it a little better prior to them getting there. We started that process today on some of the other streets in town because the County had to leave and weren't able to finish up the chip-seal."

Mayor Luke, "Okay. The height of the road will be basically?" Superintendent Mast, "The height of the road is going to go up approximately two more inches." Mayor Luke, "It'll match 10th Street, and 9th Street?" Superintendent Mast, "Yes. We'll tie into the existing street - it will be 9th and 10th; and then we have to raise that another couple of inches because we're going to add two inches of hot-mix on top of that. But, if we have to take some of the center crown out, that is going to take a little bit of that height away as we go through and reshape; but it's not going to be significant."

Superintendent Mast, "What you see is about two inches shy of what it's going to be when it's done." Mr. Abendroth, "That's what I'm concerned with." Superintendent Mast, "Why does that concern you?" Mr. Abendroth, "Because I used to back straight out into the road; now I've got to back up a hill. I don't want no gravel put in the drive, because if it is, my runoff water from the rest of my property will be dammed up." Superintendent Mast, "We can avoid putting any gravel in your drive, that's not a problem. We normally go back and put gravel in people's driveways to taper that back in; and when the asphalt company comes through, they normally taper back into drives." Mr. Abendroth, "About a foot and a half, right?" Superintendent Mast, "Somewhere around there. It depends on where it is, how it ties in, things like that; so it varies."

Mr. Abendroth, "What I don't understand - when you guys redo these roads, you grind up the asphalt; why don't you take that down a little bit so when you put your regular road back in, it's going to be the same height other than making deeper ditches for every street?" Superintendent Mast explained, "That's the way we used to rebuild them all the time, but we weren't making enough headway. When we got the 1% sales tax money coming in, we started trying to make a little more distance to the year. For us to dig it out and rebuild it, we have to completely dig about a foot of that out, haul it off, and then rebuild. Number one, the expense is much more to do that; and number two, your time is much more to do that, as well; and so we switched gears about three or four years ago, when I was asked to do this instead to make more headway within the city. We have made considerably more headway this way. It does affect the height of the road, and it does raise the road; and we've done it in multiple places throughout town; and yes, it does add a little more slope from the edge of the road to the bottom of the ditch. On your road, there is very little ditch on that road to begin with, so it's very minimal there until you get to the west end of the road. On the west end of the road is where you have more of a ditch; but all the way from the east end about two-thirds of the way down, there's basically not much of a ditch there."

Mr. Abendroth, "If you would've put that road down like I just said, you wouldn't have had to dig out Cindy's (Cindy Ditto) concrete drive over there - err curbing, and the curbing over to the left of there, too. Now what I'm wondering is are you going to be replacing that curbing over there also? See, all the expenses are extra on this - just like 9th Street was all screwed up big time. Why can't we do better planning or something? It may take longer, but everybody's not going to be pissed at the road. Have a speed bump at the end of every intersection."

(continued)

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Mr. Abendroth continued, "And also, down on the end of 10th Street and DesMoines, why don't we fix that drain there before you go asphalt the road so you only have one time to fix it up instead of waiting until later on and doing it?" Superintendent Mast, "What drain are you talking about?" Mr. Abendroth, "I'm talking about on 10th and DesMoines. I showed you, Stan, where it was at." Mayor Luke, "It's southeast where the pole is?" Mr. Abendroth, "That's right, where that pole is. You can't even make a right turn on that from 10th Street onto DesMoines without going clear into the other driving lane." Superintendent Mast, "You have a twenty-nine foot roadway width right there at that corner, and when you add the radius on the north part of that, it becomes a thirty-four foot roadway width. We shoot for - and the State shoots for - twelve foot width for each lane. We exceeded that considerably."

Mr. Abendroth, "But on the south side of DesMoines, you can't even turn onto DesMoines Street without going onto the other side. You've got that drain right there going across 10th Street. When they ground up that street, that grinder fell in the ditch right there because it wasn't the same width." Superintendent Mast, "No, it fell in the ditch because it was unstable." Mr. Abendroth, "Well, that's because it was too narrow so there wasn't nothing to hold it up there, now was there?"

Superintendent Mast, "If we were to move the ditch back like you suggested, we'd have numerous issues that would come up: 1) you would have steeper ditches; 2) it would be closer to the houses; 3) it turns into not just one block worth of work, but it turns into several blocks worth of work - you'd have to redo ditches and put them in a different spot. There is plenty of room to make a turn there; and there is no law that says there has to be any width - we could be ten-foot wide there and still be legal."

Mr. Abendroth, "So, you're saying you're not going to do nothing with it to correct that?" Superintendent Mast, "I didn't say anything." Mayor Luke, "If you've got twenty-nine feet across that roadway, that gives you fourteen and a half feet for each lane." Mr. Abendroth, "Have you tried to turn on that from 10th Street onto DesMoines?" Mayor Luke, "Yes." Mr. Abendroth, "Alright, and it had you go clear over into the other lane." Mayor Luke, "The biggest issue is when that pickup truck is parked there at the house on the corner?" Mr. Abendroth, "Yes." Mayor Luke, "When that pickup truck is parked there - depending on where it's parked, I don't care how wide that lane is, you have a good chance of being in that other lane."

Mr. Abendroth, "There still is no curbing going into that DesMoines Street." Mayor Luke, "That's correct; but, with twenty-nine feet of roadway....." Mr. Abendroth, "So, I'm supposed to go into the other lane all the time when I'm turning that corner?" Mayor Luke, "Well, that corner's bigger than a highway. You've got twenty-four feet wide." Mr. Abendroth, "You can't turn that corner without going into the other lane, Stan." Mayor Luke, "75 Highway has got two twelve-foot lanes, making it twenty-four - and they've got three feet on each side, and that's thirty. That intersection has twenty-nine." Mr. Abendroth, "Well, I don't know about the length and all that, but still you're not able to turn that corner onto DesMoines from 10th Street without going into the other lane." Mayor Luke, "We've checked it. I've made the corner." Mr. Abendroth, "Okay."

Mr. Abendroth, "One other thing I want to bring up that I didn't appreciate at all. My neighbor was across the street talking to Doug (Superintendent Mast) about her driveway, which she didn't want taken out really, but Doug already said this is what's going to be. I went over to talk to him and I started to talk to him about the road - he told me to my face that I didn't pay taxes and told me to shut up. I do not appreciate that at all. He is a public servant, and that is uncalled for." Mayor Luke, "Okay. We are addressing all personnel issues, not in a public forum; but I acknowledge your statement and you spoke with us when we were in committee on the same issue."

Mr. Abendroth, "That's right; and I thought you guys were going to get back with me before last council meeting, and I didn't hear nothing." Mayor Luke, "On?" Mr. Abendroth, "On the street, what they was going to do to it. That's why I'm here now." Mayor Luke, "In the meeting, we told you that they're going to target two to four percent pitch." Mr. Abendroth, "You told me that you were going to get with me before the last council meeting, and then you told Cindy you was going to get with her, too, and she didn't hear anything from you." Mayor Luke, "We have talked with Cindy twice." Mr. Abendroth, "When I talked to her last, she said that you guys did not talk to her at all." Mayor Luke, "We talked to her, and we talked with Lane Jones; and we spoke to them again this morning." Mr. Abendroth, "Well that's past, but that's not what was told to me."

Mr. Abendroth, "Okay. I'm of the understanding that you're going to scrape the crown off that street down there." Mayor Luke, "Yes, the crown will be down to the four percent just like all the rest of the streets in town. It will be sloped from 9th to 10th." Superintendent Mast, "We'll have to tie into driveways along the way, so it's not going to all be a perfect three percent slope - things have to adjust based on what you have existing there. We will tie into those as best as we can; and we'll shoot for a two to four percent slope when it's all said and done." Mr. Abendroth, "It should be a quarter inch per foot at two and a half inches to the crown. That's what ADA is." Superintendent Mast, "A road does not need to meet ADA requirements." Mr. Abendroth, "And that's what I'm saying on 9th Street. The City put in a heck of an expense fixing 9th Street up because they had to replace some sidewalks, haul in a bunch of AB3 gravel so everybody could get in and out - and the sidewalks there were brand new to start with." Mayor Luke, "There was work done there, we acknowledge that." Mr. Abendroth, "Well, I think a little more engineering should go into these streets before going in hog-wild and just pour more AB3 into them."

**PUBLIC COMMENTS: (5 minute limit) None**

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**ELECTRIC DEPARTMENT: Distribution Updates**

**General:** Electric Distribution personnel are still doing normal duties, customer service requests, and work orders and many line locates. The men have been doing line maintenance, installed two new electric services, and have installed numerous temporary electric services for new construction.

**Call-outs:** Superintendent Schneider reported, "We did work four call-outs since last council. Three were due to the heavy rain and winds that came through on August 19th & 20th; the fourth was an unrelated call-out last weekend."

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

**General:** Electric Production has been doing regular Power Plant maintenance and generator maintenance; and are still doing required reports.

Superintendent Schneider reported on the catalyst units out at the power plant that keep us in compliance with the R.I.C.E. NESHAP Rule (NESHAPS is National Emission Standards for Hazardous Air Pollutants & R.I.C.E. Rules is Reciprocating Internal Combustion Engine). He said, "The catalyst on our DNR (Designated of Natural Resources) units 1, 4, and 6 need recertified every three years, and Olsson & Associates will be in on September 19th and 20th for recertification to stay in compliance with KDHE and EPA."

**Additional Generation - Update:** Superintendent Schneider reported, "After our Work Session of council on August 25th, we talked a little about the cost effect on customers for the additional generation. I have Allgeier, Martin & Associates (our engineers) helping to figure what the power cost adjustment would have on our customers' electric bills." Council Member Lenard, "Is that the outfit we worked with before when we bought additional generation before (early 2000s)?" Superintendent Schneider, "Yes, we've been in association with Allgeier Martin since at least the 1960s, that I'm aware of."

Council Member Lenard, "Are you just looking at the rate structure?" Superintendent Schneider, "Yes." Council Member Lenard, "What about while they are doing that, have them look at the need for the city, or maybe the sequencing of retiring one unit over another one and the location. I mean, are they just going to be comprehensive or just based on the rate?" Superintendent Schneider replied, "Based on what I thought I understood from the Work Session - that before we really have much more conversation, we kind of wanted to know what the cost is going to be to the customer through the process. That is what I understood." Council Member Lenard, "Could you get that, and then continue to go back and forth with them with more information, or...." Council Member Curtiss, "Is he able to do what you're asking, while they're there to do that?"

Council Member Lenard, "It's really a business case, not just on the rate, but is this the right use, can we retire unit 4 and keep unit 6 - or visa-versa. I would think it would maybe be a little bit more comprehensive - especially if we're going to go after a bond." Superintendent Schneider, "Right." Council Member Lenard, "I mean, what was the scope when we went out for engineering before - what was the scope that we presented to that engineering firm before? Was it just for rates, or was it a full study for if we need the capacity - what was that?" Mayor Luke, "I don't know if we know that answer at this moment." City Clerk Kewley told the council that the day after the Work Session, Administrative Assistant Stroh began doing research on what was done in the past. It is a large project because there were several projects for electric generation going on at the same time.

Council Member Lenard, "I would just like to see them have the right scope right up front, instead of going back and forth." Superintendent Schneider, "I understand." Council Member Lenard added, "Larry (Larry Wheeler, Wheeler World) asked the question about having generation at the Water Plant, things like that. I'm kind of wondering, should we look at the risk to some of our other departments?" Superintendent Schneider, "Sure. On the water side, that is pretty critical; and we are supplying to many other entities, as well, on that."

Council Member Curtiss, "I think we need to get all the information we can to look at." Superintendent Schneider, "Like I said, they're looking into some of that stuff." Council Member Griffith, "Can I ask a committee member, what information are we looking for? Is it to prepare for the bond?" City Clerk Kewley, "The bond comes at the end." Council Member Curtiss, "The need." Council Member Lenard, "The bond comes at the end, but you're going to need to have all this information." Council Member Griffith, "Well, what is the information?" Council Member Lenard, "We don't know yet, Jane. We're trying to find out what all went into the study before." City Clerk Kewley explained that we have information beginning in the late 1980 and into the early 2000s that we are researching. Hearing no additional comments or questions, Mayor Luke moved on to the next agenda item.

**WATER DEPARTMENT: Distribution Update**

**General:** Superintendent Hawkins reported, "We've been doing our normal duties of reading meters, doing rereads, line locates, work orders, and customer requests. We attended the KMU safety training."

**Waterline Replacement Project - update:** Superintendent Hawkins, "We did get the tie-ins for the waterline replacement accomplished on 10th and St. Lawrence and Niagara Street. So, that got us ahead. Now we can come back to 4th Street on Niagara to 6th to start installing the water meter services in that area, as well."

"Also, we know it's September, so we've been going around and doing a lot of tilling and seeding to get the areas we tore up to repair water leaks and such."

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**Sludge:** Personnel have been hauling lime sludge from the old sewer lagoons to the County Landfill, trying to get that pile minimized.

**Bulk Water Storage - Vandalism:** Superintendent Hawkins reported, "Someone vandalized our bulk water storage station today. In August, we installed a metal ring (hoop) on our water storage hose so people cannot put their hose down into any of their tanks. Well, someone decided they didn't like that idea and cut the ring off. So, we're going to decide what we can do to help protect the public by other means." Mayor Luke, "That water is normally used by people with tanker trucks or tanks that they fill?" Superintendent Hawkins, "They still have a boring truck that comes in here. What they normally do is - they don't have chemicals in the tank, it's just water storage; but they think it's an inconvenience and they don't want to hold the ring on top. The ring is to keep a barrier in between the hose and the tank - that way there's nothing in there. It was an inconvenience to somebody today, and they cut the top off." Mayor Luke, "We could make it a bigger inconvenience." Superintendent Hawkins, "Yes, we've got some ideas of what we plan to do with it."

**WATER DEPARTMENT: Production Update**

**General:** Superintendent Hawkins said, "At the Water Plant, we're running just a little under 500,000 gallons a day."

**Sludge Press - Actuators:** Personnel replaced two actuators on the sludge press. They had spares and put them on and its running great.

**Lead and Copper Sampling:** Superintendent Hawkins reported, "We completed our lead and copper sampling, and appear to be in good shape. We are waiting for one test to come back."

**LT2 Sampling:** In July, personnel began doing a series of twenty-six LT-2 samplings required by KDHE to monitor for E-coli in the river. Superintendent Hawkins said, "We did the LT-2 sampling and it's been going very well. We have twenty more samples to go. We are supposed to have an average of under 100 milliliters of E-coli over all twenty-six samples; and so far, we're on 30 milliliters, well underneath the State requirements, and that's a good thing."

**WATER DEPARTMENT: Personnel Evaluation, One Year - Justin King**

Superintendent Hawkins presented Justin King's one-year evaluation, "Justin has been doing a really good job for us and has been a big help. My recommendation is to give Justin King a two percent pay increase." Mayor Luke stated, "That takes him to \$15.72 an hour." ***Council Member Scothorn stated, "I move to accept Justin King's evaluation as presented by Superintendent Hawkins, and to grant a two percent pay increase to \$15.72 per hour, effective September 17, 2016." Council Member Curtiss, "I second the motion." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.***

**STREET DEPARTMENT: Updates**

**2016 Street Improvements - Chip Seal Project - Update:** Superintendent Mast reported, "The Street Department has been staying extremely busy. We've been working on crack sealing prior to chip sealing. We've trimmed street trees on the streets we are going to chip seal so they can get their equipment through. We have gotten the chip seals completed on all the roads. We do need to go back and do the radius portions of those streets, and we worked with the County on that last Thursday, yesterday, and today. They had to take off and go do a couple of other things today, which is why we didn't finish up today. The plan is to finish in the morning, so I hope that plan doesn't change because we'd like to get those done. When we got done with the chip sealing, we let it set for a day and then we came back to sweep it. We still have some sweeping to do because we will get more loose chips fly up for the next week or two. We just don't have the amount of traffic to make it go away quite as fast as what it does out in the county. You will see us back out there sweeping on occasion to try to clean that up and keep that from being a problem."

**Alleys and Ditches:** Street personnel did some alley work and some ditch work in the last three weeks.

**2016 Street Improvements - Asphalt Project Update:** Superintendent Mast said, "We started shaping some of the streets for asphalt. We didn't get a very good start on it yet; but once we get all the chip seals done, we'll hit that pretty hard because we're expecting the asphalt company (Killough Construction) to show up within the next two weeks. We want to get that done before they get here."

**2015 Street Improvements - Asphalt (faulty):** Council Member Lenard asked, "What about the warranty on our streets?" Superintendent Mast, "Basically, APAC's solution - I believe everybody got a copy of that email (July 6, 2016 council) - was to come down and pull out all the little pieces of rubberized material that is in the roadway and put some crack filling material over the top of it. I don't believe that is a quality solution. I am still waiting for the test results from the lab of the engineering firm we hired out of Kansas City, Professional Service Industries, Inc. (PSI). We did struggle a little to get the mix design from KDOT, which kind of held PSI up a little bit on their procedures. I have a call in to them. I'm waiting to hear back from them; but I talked with the head guy up there today, and he said Eileen was working on it but it is not complete. He has not seen the end results of what they found in the mix (of what was used on our streets). That's kind of the first step in the whole process."

"Then my goal is to get some recommendations from them (PSI), as well, as to how we move forward with this. Personally, I believe that with the problems we've had existing with this asphalt, it should be removed and replaced, which is a very large expense. Of course, the company (APAC) doesn't want to do that. They're going to try to fight that as hard as they can, I'm sure."

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Council Member Lenard, "In the timeline, when we do get this test back, is there time enough to take care of it this year - or are we kicking that down the road?" Superintendent Mast, "My guess is it would be next year. By the time we get the information, and for them (APAC) to make a decision on whether they will replace the material - the back and forth you have there, and I'm sure they are going to have lawyers involved and we may have lawyers involved - I don't see that happening this year to be honest with you. I would be surprised, but I would love for it to happen." Council Member Lenard, "Will the company (APAC) accept the third party test results (of PSI)?" Superintendent Mast, "I don't know whether they will accept that or not." Council Member Lenard, "We could run it parallel, if we knew they would accept the results." Superintendent Mast, "I don't know how that would work to be honest with you; that's beyond my scope to know what would be done there. That's more lawyer speak than it is Doug speak." Attorney Robrahn, "I think we need the test results in order to make the demand on them anyway."

Council Member Lenard, "I was thinking if they want to go to another third party, if we could serve a notice, they could be doing that now instead of waiting; but if they would accept this company's results....." Superintendent Mast, "They did their own tests, but of course they used their own company to do those tests; and that's why I suggested we use a third party (PSI) because I didn't think it was right to use their lab and give us results from their lab. That's why I went this way; but yes, we could contact them and ask if they're willing to accept the results from PSI; but I bet they're going to say 'not 'till we see them'. I'm in hopes we'll see the results within the next week or two; and to get through all of this and get them (APAC) scheduled to be here yet this year (to fix the roads). I don't know how that would all work, but I'm just guessing that it would be difficult to get them here this year. They're probably going to want to fight it. You're looking at a big expense. I can't recall exactly what our bid price was, but I think it was \$360,000, then add on the milling all of that up - you're probably looking at close to half a million dollars." (*The 2015 Street Improvements - Asphalt project was awarded to APAC for: Asphalt \$388,461.60; Milling \$10,920.00; Total \$399,381.60*). Superintendent Mast added, "You are looking at a big expense; and personally, I don't think that expense would be borne by the City; you know, we didn't do anything wrong." Mayor Luke, hearing no further discussion, moved on to the next agenda item.

**POLICE DEPARTMENT: Update**

**General - OK Kids:** Chief Jones, "We have been staying busy, and we're going to be busier for a while yet. We've got city court tomorrow afternoon. We've got OK Kids this weekend, which means we'll be setting up for it on Friday. The events are all day Saturday and Saturday evening, and for a couple of hours on Sunday morning; and then there's all the clean up that goes along with that."

**Amber Alert:** Chief Jones reported, "Last week, we did have an incident involving a father and a couple of children that were taken out of school. After we talked to KBI about it, KBI agreed that we had sufficient need (justification) for an Amber Alert, and we had one issued for them. From the time it was actually issued to the time they were located and the Amber Alert was resolved, it was a total of sixteen minutes. The rest of the day was spent interviewing people." (*It turned out the father did have legal custody of the children.*)

**Solicitors - Licenses Denied:** Chief Jones reported, "Yesterday, we had an interesting encounter with some want-to-be solicitors. After we had perused City Code, we took advantage of how City Code was worded, their permits were denied, and I ran them out of town. Hopefully, they won't be back."

**Nuisances:** Chief Jones said, "On the nuisance side, we did get a lot of grass mowed over the weekend. We still have some we are working. We had some mail go out to property owners yesterday."

**POLICE DEPARTMENT: Personnel - Evaluation, one year, Blake Hanson**

Chief Jones stated, "First year evaluation on an officer is very significant. Blake Hanson has successfully completed our Field Training Program (the FTO Program). He's successfully completed the fourteen week basic at the Academy (Kansas Law Enforcement Training Center). He's received his full-time certification as a Kansas Law Enforcement Officer from the KSCPOST, which is the Kansas Commission on Police Officers Standards and Training. First year is very significant, and I am recommending Council accept his evaluation; and I recommended that he receive a five percent merit on this one."

***Council Member Lenard, "I move to accept Chief Jones recommendation to accept Blake Hanson's personnel evaluation as presented, and to grant a pay increase from \$15.95 to \$16.75, effective at the next full pay period, September 17, 2016." Hearing no additional discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.***

**PARKS DEPARTMENT: Update**

**General:** Parks Department personnel spent most of their time mowing, weed eating, spraying weeds, watering flowers and trees, cleaning public buildings and restrooms, doing maintenance on equipment, and other normal duties.

**Kelley Hall - Polymer Flooring by DESCO Coatings:** Superintendent Boyce reported, "The polymer flooring at Kelley Hall is complete. The kitchen sink is reinstalled. Everything went well."

[7] CONTINUATION: September 7, 2016 Burlington City Council Regular Session

**FINANCE: Claims Ordinance & Payroll Ordinance**

a.	Claims Ordinance	2016-17	\$ 114,779.22
b.	Payroll Ordinance	2016-17	\$ 75,245.35
c.	Payroll Ordinance	2016-18	\$ 76,159.39
	TOTAL		\$266,183.96

**CLAIMS 2016-17:** Council Member Lenard stated, "I move City of Burlington pay Claims Ordinance 2016-17 in the amount of \$114,779.22 for payment of city bills, as presented." Council Member Curtiss said, "I'll Second." Mayor Luke called for discussion. City Clerk Kewley, "Tonight we have Desco Coating, \$7,697; Kritz-Davis, 4,982.17; and Lewis Oil, \$5842.22." 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 2016-17 approved by unanimous vote, 6:0.

**Building Restoration Loan Application, Steve Strawder for 207 Neosho Street:** Mayor Luke said the loan application is basically for a roof on the building at 207 Neosho Street; and that the Decision Making Authority has recommended approval of the Building Restoration Loan Application for the \$5,000 for Steve Strawder for 207 Neosho. Council Member Lenard stated, "I move to approve the recommendation of the Burlington Decision Making Authority to approve the Building Restoration Loan Application in the amount of \$5,000 for Steve Strawder for 207 Neosho Street." Council Member Curtiss, "I second the motion." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

**PAYROLL 2016-17:** Council Member Hall stated, "I move City of Burlington pay Payroll Ordinance 2016-17 in the amount of \$75,245.35." 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 2016-17 approved by unanimous vote, 6:0.

**PAYROLL 2016-18:** Council Member Hall stated, "I move City of Burlington pay Payroll Ordinance 2016-18 in the amount of \$76,159.39." 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 2016-18 approved by unanimous vote, 6:0.

**PLANNING & ZONING: Update**

**General:** Zoning Clerk Hugunin did normal duties, including updating Facebook and the webpage, and issuing permits. He has the permits ready to submit to the County Appraiser.

**Fall Clean-up and Brush Pick-up:** The County has announce cleanup week with free dumping at the Coffey County Landfill for the week of October 10. He updated and distributed the city's Fall Cleanup flyer. Brush should be curbside for pickup by 7 a.m. Monday, October 3; and Trash/junk by 7 a.m. Monday, October 10.

**OTHER COMMITTEE/COUNCIL BUSINESS: LKM Voting Delegate**

Mayor Luke said that last year Council Member Curtiss was the Voting Delegate and he was the Alternate, and asked who is scheduled to be in attendance at the League of Kansas Municipalities Fall Conference this year. City Clerk Kewley said, "Jerilyn and yourself, and I will go." Council Member Curtiss stated, "I move to appoint Stan Luke as City of Burlington's League of Kansas Municipalities Voting Delegate, and myself, Jerilyn Curtiss, as the Alternate Delegate." Council Member Scothorn, "I'll second it." Hearing no discussion, Mayor Luke called for a vote. Motion carried, 6:0

**LICENSE: Cereal Malt Beverage License Application, Skeet's BBQ, 1010 N. 4th Street**

Council Member Lenard stated, "I move to approve the 2016 Cereal Malt Beverage License Application for Skeet's BBQ, 1010 N. 4th Street." Council Member Curtiss, "I second the motion." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

**LEGAL DEPARTMENT: Update**

**Commercial Property at 4th & Potomac:** Attorney Robrahn, "I am working on finishing up the contract with Jimmy (Zoning Clerk Hugunin) for our real estate transaction. I am hoping to have it done tomorrow morning."

**Solicitors - Licenses Denied:** Attorney Robrahn stated, "I also experienced the solicitor, although he preferred to call himself a canvasser. It made me a little more familiar with our city codes: concerning solicitor, drummer, and canvasser came to issue. I think it was good he went on down the road."

**PERMITS: Permits issued by Zoning Clerk Hugunin:**

2016-027 Terry Reynolds - 110 S. 8th - Shed  
2016-028 Norman Knapp - 904 Osborne - Single Family Dwelling  
2016-029 Nelson Motors Inc; Nelson Quarries Inc. - 00000 11th Rd. - Grain Bin  
2016-030 Adam Hoch - 1244 10th LN. S.W. - Single Family Dwelling  
2016-031 Jim Bull - 1414 Des Moines - Single Family Dwelling

**CITY CLERK: Update**

**General:** City Hall personnel have been busy with customers coming in and paying their utility bills. They have been preparing work orders, vouchers for bill paying, payroll, and council meeting minutes; and have been handling normal calls and inquiries.

**[8] CONTINUATION: September 7, 2016 Burlington City Council Regular Session**

**CIC Symposium:** City Clerk Kewley stated, "We are short-handed this week because part of my staff has been attending the annual Computer Information Concepts Symposium Training in Wichita to train on new enhancements to the program."

**Financials/Expenditures:** City Clerk Kewley said, "I worked with Danny (Superintendent Hawkins) and Anne (Deputy City Clerk Brown) to gather updated financial information for the Kansas Rural Water Association in regards to our water rate study. The information has been sent to KRWA."

**General:** City Clerk Kewley attended the August 25th Council Work Session on Additional Generation. She has been handling normal day-to-day contacts with customers, solicitors, canvassers. Chief Jones said that was not normal, and she agreed.

**REPORTS BY CITY OFFICERS: None**

**MAYOR'S COMMENTS: None**

**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 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 Personnel - Electric Lineman - Advertise/Hire	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 Manwaring Benefit Street Dance
<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 Quarterly Construction Valuation Report	Prepare Easements for any City-owned property without one GIS Mapping - Address Corrections - south part of town Commercial Property at 4th and Potomac for Sale
<b>POLICE DEPARTMENT</b> Nuisance Updates Personnel – Vacancy and Training Updates	
<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 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 Morris' Waterline Extension for 1314 Hwy 75	Sewer Cleaning SCADA System-updates Fire Hydrant Testing Plumbing Violations Testing: Lead & Copper Work Schedule Bulk Water Storage - Hose/Hoop 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*