

BURLINGTON CITY COUNCIL REGULAR SESSION AUGUST 16, 2017

City of Burlington Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, August 16, 2017. Mayor Stan Luke called the meeting to order.

ROLL CALL: Stan Luke, Mayor

Council Members present:

Lewis Lenard (President of Council) Dallas Scothorn Jerilyn Curtiss
 Jane M. Griffith Thomas P. Tschantz Sharon Hall

Superintendents Present:

Kevin Boyce (Parks) Alan Schneider (Electric) Doug Mast (Street)
 Doug Jones (Chief of Police) Danny Hawkins (Water/Wastewater)

Also Present:

Regina Kewley (City Clerk) Susan Stroh (Administrative Assistant)
 Tom Robrahn (City Attorney) Jimmy Hugunin (Zoning/Grants Clerk)
 Philip Wright (Assistant City Attorney) Anne Brown (Deputy City Clerk)

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Jay Hale, Boy Scout Troup 155: Leon Stewart, Daniel Gifford, Will Saueressig, Jeffrey Stewart, Gabe Gifford, and Sarah Saueressig

AGENDA: *Council Member Lenard, "I move to approve the agenda as modified." Council Member Griffith, "I'll second." Motion unanimously carried, 6:0.*

MINUTES 8-2-2017: *Council Member Hall, "I move to approve the minutes of August 2, 2017 as presented." Council Member Scothorn, "Second." Motion unanimously carried, 6:0.*

PUBLIC COMMENTS: Mayor Luke asked for public comments, "Leon?" Mr. Stewart replied, "No, we're just here to watch and learn. We are here for our citizenship merit badges."

APPOINTMENT: None

ELECTRIC DEPARTMENT: Distribution Updates

General: Superintendent Schneider reported that the Linemen have been doing a lot of locates. They have also been doing a lot of tree trimming, and are setting some power poles and repairing street lights.

Power Pole Line Rebuilds: Superintendent Schneider said, "We pulled power poles from the line rebuild we did on the south end of town. We had to wait for the cable company to transfer new poles; they got that done, and we were able to go back and reboot that line, so that line is completed going that last half mile there."

ELECTRIC DEPARTMENT: Power Plant/Production Update

Generator #2 Maintenance: Superintendent Schneider said, "We did a maintenance run on Generator #2 for a couple different reasons: 1) They do need exercised; and 2) We've been adjusting the valves and doing a little governor work. We had a little trouble - somehow the governor settings got changed. I don't know why it happened, but we were able to get the generator back to working. It wasn't quite to full capacity, we had to do a little tune-up on it."

Bulk Storage Tanks: Cleaning and Painting: Superintendent Schneider reported, "The men are still cleaning the bulk storage tanks. There were so many years of grime on them that we are having to scrub on them and power wash them. They are large 10,000 gallon tanks, so it does take some time. Hopefully in the next week or so, we can start painting them."

Training: Today and tomorrow, Electric Plant personnel, Lonnie Jasper and Denny Noonan, are attending a Turbo Charger Training Seminar in Salina.

KPP Power Supply Meeting: Superintendent Schneider, "I did attend the Kansas Power Pool Supply meeting on August 3rd. Basically, he mirrored what Mayor Luke had talked about at Council with the FERC (*Federal Energy Regulatory Commission*) at the last council."

WATER/WASTEWATER DEPARTMENT: Distribution Update

General: Water/Wastewater personnel have been doing normal duties of reading meters, doing rereads, work orders, line locates, and handling customer concerns.

Waterline Replacement Project - Hudson Street (6th to 12th): Superintendent Hawkins reported, "As everybody has noticed, we've been spending most of our time on Hudson Street. As of today, we have placed thirty-one customers on the new water line. Right now we are at the corner of 11th and Hudson and are moving from there to twelfth and Hudson. We hope to be done by the end of the month, depending on the weather and things like that."

WATER DEPARTMENT: Production

New Water Valve for Water Treatment Plant - Update: Superintendent Hawkins reported, "Tom Miller (Pratt Valve) came by the Water Treatment Plant. We did get all valves and everything talked through. We went through all the exercising of the valves and the purchasing, I am waiting for two more emails from him and another vendor; and as soon as I get those, we're going to proceed with the process of getting that ordered and on its way here."

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Water Plant Update: The Water Treatment Plant has been running fine.

Water Quality Violation for October 2016 TTHMs/HAA5s: Superintendent Hawkins reported, "We did have a Tier II water violation with TTHMs and HAA5s. It was from when we did a chlorine burnout last October to help Rural Water District #2 to do an extension on the burn out. When we extended the time to do the Free Chlorine Burnout, it went into our TTHM and HAA5 sampling, which we won't ever do again; and it put us up to 150. That is not the violation, the violation is that quarterly we have to stay under 80 ug/L; and we had 80.5 ug/L but the State rounded that up to 81. There's nothing wrong with the water - it's still safe to drink."

STREET DEPARTMENT: Update

General: The Street Department did some asphalt patching, some ditches and culverts last week, and normal duties.

Street Rebuilds: Superintendent Mast reported, "This week we started our rebuilds on 7th Street just off Neosho; and we'll continue with those until they are completed. We rent a roller to do that, so we need to stay busy and get that knocked out as fast as we can."

STREET DEPARTMENT: Application for Sidewalk Replacement, Robert Rowe

Superintendent Mast, "This Sidewalk Replacement is kind of backwards. He turned in an application for it after he'd already done it. The sidewalk was in bad shape, so I recommend going ahead with it; but normally we like to have the application before they replace the sidewalk."

Council Member Curtiss stated, "I move to approve Robert Rowe's Application for Sidewalk Replacement No. 2017-02 for 717 N. 3rd Street, on a cost-sharing basis." Council Member Scothorn, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

POLICE DEPARTMENT: Update

General: Chief Jones reported, "We have been staying busy. It seems like we're working more domestics, fight calls, and batteries than we had been; including some that are taking place out in the county, but they come into town and we've been helping out in town. Also, motor vehicle accidents, ambulance calls, juveniles - which I hope slows down since tonight is a school night, and funerals."

Training: Some Police Department training was done this afternoon.

Municipal Court: Chief Jones, "Court was last Thursday. We got through that in pretty decent shape, including one nuisance noise complaint that she demanded to go to trial and was found guilty at trial."

POLICE DEPARTMENT: Nuisance Update: 404 Neosho, The Music Box Theatre

Chief Jones reported, "On nuisances, I do have one bit of positive news - I have made contact. Mr. Oliver got my packet, my letter, and my photographs. He called me last week on Tuesday and promised he would be in town in two weeks to start working on his property, the old Music Box Theatre; so he should be here possibly the end of next week."

"I did visit with him about the Arts Council wanting to try to work something out on the building. His response was that he can't simply give the building away. I gave him the school superintendent's name and phone number so he could talk to the school and see if he could work something out with the school. I haven't had a chance to visit with Craig Marshall to see if Mr. Oliver has actually contacted him or if he's had any response. It's possible that maybe between the different entities something can be worked out and we can get somebody in possession of the building that will actually take care of it. Other than that, the Police Department is still working nuisances as time and schedule permits.

POLICE DEPARTMENT: Personnel: Debra Klenda, One-year Evaluation

Chief Jones stated, "I have a one-year evaluation for Officer Debra Klenda. Good evaluation, very satisfied with her, a good solid dependable officer; and I'm recommending her for a three percent merit increase for completion of her first year."

Council Member Lenard stated, "I make a motion to accept Debra Klenda's employment evaluation with a 3% merit increase to \$19.00 per hour, effective August 19, 2017." Council Member Tschantz, "I'll second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

PARKS DEPARTMENT: Update

City Clerk Kewley provided Superintendent Boyce's update.

General: Parks personnel have been doing normal duties, cleaning public buildings and public restrooms, mowing, weedeating, spraying weeds, watering flowers and trees, doing building and equipment maintenance and other duties as assigned. They have been edging sidewalks of grass in all the city's parks.

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Veterans' Banners to be displayed on Utility Poles: Superintendent Boyce has been working with Floyd Lewis Foundation on ordering brackets for the Veterans' banners. Mayor Luke commented, "On the brackets for banners, we've identified some additional poles along 75 Highway where there are no brackets. Floyd Lewis Foundation is paying for the brackets; there are twenty-one of them, I believe. All of the brackets on Neosho, 3rd Street, and 75 Highway have been committed for Veterans' Banners for the month of November. Come the first of November, in every bracket a Veterans' Banner will be placed for the full month of November. They will be taken down just before we put up our holiday banners. That's what Kevin (Superintendent Boyce) was working on. Floyd Lewis Foundation will pay the distributor directly."

Council Member Lenard commented, "That would be a good article for the League of Kansas Municipalities magazine, probably." Council Member Curtiss, "Yes, it would." City Clerk Kewley, "We could talk to them at the Conference." Council Member Curtiss, "Yes, we could tell them at the Conference, about the good things we are doing for the Veterans. And I'm glad that we're going to keep the banners up through the whole month of November. I think that's great."

Hazard Trees: The Parks Department is working on a list of hazard trees to be removed by a contractor, and getting quotes.

Painting Parking Stalls/Spaces: Parks personnel are working on painting the parking stall lines and handicap stall emblems in Kelley Park.

FINANCE: Claims Ordinance & Payroll Ordinance

a.	Claims Ordinance	2017-15	\$756,034.49
b.	Payroll Ordinance	2017-16	\$ 81,874.94
	TOTAL		\$837,909.43

CLAIMS 2017-15: Council Member Lenard moved to approve City of Burlington pay Claims Ordinance 2017-15 in the amount of \$756,034.49 for payment of city bills, as presented. Council Member Hall said, "I'll second." City Clerk Kewley, "Tonight, we have a couple sizeable expenditures: Kansas Power Pool, \$246,830.03; Republic Waste Services, \$11,178.10; and our refinancing of our bond for our debt back in 2012 to Kansas State Treasurer, for \$406,223.75." Mayor Luke explained, "For our visitors, the Kansas Power Pool is an electric organization where we buy all the electricity for the city." **Hearing no discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared Claims Ordinance 2017-15 approved by unanimous vote, 6:0.**

PAYROLL 2017-16: Council Member Tschantz made the motion to approve City of Burlington pay Payroll Ordinance 2017-16 in the amount of \$81,874.94 as presented. 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 2017-16 approved by unanimous vote, 6:0.**

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin reported, "Normal duties. Last week, I did have a meeting with an individual about some property on possibilities of what he could do with that property. I had Danny and Alan (Superintendents Hawkins and Schneider) come down, and I appreciate that they had a lot of good insight on the property."

Burlington Tree Board Meeting: Zoning Clerk Hugunin reported, "Had a Tree Board Meeting on Wednesday, August 9th."

Focus on the Future meeting: Yesterday, Zoning Clerk Hugunin attended the Focus on the Future meeting.

Easement Research: Zoning Clerk Hugunin has been doing some easement research for Superintendent Hawkins. He has also been busy with permits.

Planning Commission Meeting: Burlington Planning Commission will meet at 7 o'clock p.m. on Wednesday, August 23rd at City Hall.

PERMITS: Permits issued by Zoning Clerk Hugunin:

2017-014 Randall Brown - 220 Miami - Garage
2017-016 The Appliance Store - 602 S. 4th - Fence
2017-017 Terry Damashek - 618 Sanders - Addition
2017-018 Edward Wright - 426 Lamoille - Garage
2017-021 Ryan Adams - 1024 Wilson - Garage

ORDINANCE 849, Adopting Standard Traffic Ordinance for Kansas Cities, Edition 2017

Mayor Luke, "We have Ordinance 849, Adopting Standard Traffic Ordinance for Kansas Cities, Edition 2017." Chief Jones explained, "These (Ordinances 849 and 850) are yearly updates of the Standard Traffic Ordinances and the Uniform Public Offense Codes for Kansas cities. Each year, after the Kansas Legislature gets done, they issue new books which reflect the updated statutes. This is usual business."

Council Member Lenard stated, "I move to adopt Ordinance 849, adopting the Standard Traffic Ordinances for Kansas Cities, 2017 Edition." Council Member Griffith, "I'll second." Hearing no discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared Ordinance 849 adopted by unanimous vote, 6:0.

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Ordinance 850, Adopting Uniform Public Offense Code for Kansas Cities, Edition 2017

Mayor Luke, "We have Ordinance 850, which is regulating public offenses within the corporate limits of the City of Burlington, Kansas; incorporating by reference the "Uniform Public Offense Code for Kansas Cities", Edition 2017; providing certain penalties; amending Code of City of Burlington, Kansas Chapter XI; and repealing Ordinance No. 845."

Council Member Tschantz stated, "I move to adopt Ordinance 850, adopting the Uniform Public Offense Code for Kansas Cities, 2017 Edition." Council Member Lenard, "Second." Mayor Luke, "Any other discussion? Anything unusual in there, Doug?" Chief Jones, "No, they actually gave us a little more to work with increased penalties on domestic violence." Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared Ordinance 850 adopted by unanimous vote, 6:0.

Ordinance 851, Adopting the 2017 Code of City of Burlington, Kansas

City Clerk Kewley, "This is the Ordinance to go ahead and complete the City Code book. I believe back in 1997 was the last recodification of the City Code. It has been a long project of a few years. (We signed a contract with the Kansas League of Municipalities in November 2012.) We're finally done with it. To complete the recodification, we need to adopt the ordinance so we can publish it in the newspaper; then at the time of publication on the 24th of August, it will be law. We ask for everybody to bring in their 1997 City Code book, and we will give them the new 2017 edition." Chief Jones, "And we can't start reading the new stuff before we have to turn the old stuff in?" City Clerk Kewley, "It won't be law until the 24th of August. You're welcome to come get one."

Mayor Luke called for a motion. Council Member Hall stated, "I move to adopt Ordinance 851, adopting the 2017 Code of City of Burlington, Kansas, and providing for the repeal of certain other ordinances not included therein, excepting certain ordinances from repeal and saving certain accrued rights and liabilities." Council Member Griffith, "Second." Mayor Luke called for discussion. City Clerk Kewley, "I would like to add that has been quite a long project, and all the Superintendents, our attorneys, the League of Kansas Municipalities and their subcontractor (American Legal Publishing Company). The Leagues' contractor took our updates and did the publishing. It's been a big group effort. I'd like to thank Sue (Administrative Assistant Stroh). She took a lot of time to get this finished up. The Superintendents and Attorneys have reviewed it repeatedly." Hearing no additional discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared Ordinance 851 adopting the 2017 Code of the City of Burlington, Kansas has been approved by unanimous vote, 6:0. (The 2017 Code will go into effect August 24th, 2017.)

Ordinance 852, Vacate Portion of Right-of-Way on 13th Street between Juniatta & Miami

City Attorney Robrahn stated, "This is the vacation of a portion of 13th Street that was requested by one of our citizens; and we had Fred Walrod draft the legal description for us. I helped Jimmy (Zoning Clerk Hugunin) with that."

Council Member Lenard stated, "I move to adopt Ordinance 852 to Vacate Portion of Right-of-Way on 13th Street between Juniatta & Miami, thereby reducing the width from eighty feet to twenty feet." Council Member Hall, "Second." Hearing no discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared Ordinance 852 adopted by unanimous vote, 6:0.

LEGAL DEPARTMENT: Update

City Attorney Robrahn stated, "We worked on all the ordinances we just talked about - reviewed and drafted and so forth. Doug (Chief Jones) gave a synopsis of what happened in Municipal Court last week."

CITY CLERK: Update

General: City Hall Staff have been busy preparing meter readings for utility billing. They have also been preparing work orders, vouchers for bill paying tonight, payroll, and minutes for the council meeting.

League of Kansas Municipalities Conference: The League Conference is September 16th through the 18th at Wichita. City Clerk Kewley said, "You actually have until September 1st to register. I have two people enrolled - Stan Luke and Jerilyn Curtiss; and I have our attorneys going to the City Attorneys Association of Kansas CLE Training (Continuing Legal Education). I do have four rooms reserved already; and I'll be going to the League Conference; so we have one room for a fourth person. I may try to have the attorneys use that and get another one."

KPP Fall Retreat: City Clerk Kewley also reminded everyone that the Kansas Power Pool Fall Retreat is September 29th and 30th in Wichita at the Convention Center.

Budget 2018: City Clerk Kewley reported, "You all have the 2018 Budget I passed out in front of you."

Labor Day - City Offices closed 9-4-2017: City offices will be closed on Monday, September 4th, in observance of Labor Day.

Other: City Hall personnel have been handling normal calls and inquires.

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COMMENT OF CITY OFFICERS: None

FUTURE AGENDA ITEMS:

GENERAL City Debt – How to fund projects City Code Recodification (LKM and American Legal Publishing) Service/Allied Waste Agreement Renewal Water Rate Study for 2018 rates / increase for 2018 Actuaries – GASB-45 Budget 2018	Financial Program Software (CIC) - updates MT Wireless - Fiberoptics to City Buildings GAAP – Infrastructure Capitalization Audit 2016 Mohawk Street (14ht - 15th) Assessments per Ord. 848
ELECTRIC DEPARTMENT: Emissions Standards Compliance/EPA Conger Addition - Underground utility damages/MT Networks Arc Flash Study - Mapping Update Parallel Generation/Net Metering Power Generation f/Renewable Energy Generator #2 Shutdown: Maintenance for OIL/Shut down (Appx. 2-3 wks)	Rebuild Line on Lynx Road Automatic Meter Infrastructure for Electric (AMI)-updates KPP Power Purchase Contract - Update Power Plant - Life Cycle Study Power Plant - Add Generator
PARKS DEPARTMENT: Riverbank Fill Permit - Application for new site/update Kelley Park - Christian Motorcyclists Assoc. 9/2017 Community Thanksgiving Dinner at 4-H Bldg 11/22-23 (reserved/Vicki VanKooten) Hazard Tree Removal	Taste of Fall Festival 10/2017 Ultimate Horsemanship Challenge 10/2017 Veterans Banners and Brackets for Utility Poles
LEGAL DEPARTMENT: Municipal Court	Misc. Legal - Documents, Cases, Contracts, etc.
PLANNING AND ZONING 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 City Hall - Awning Replacement (switch to metal)
POLICE DEPARTMENT Nuisance Updates	
STREET DEPARTMENT: Heather Street - Concrete Panels Sidewalk Repairs on City Rights-of-Way APWA Conference in Florida (August 2017) Street Improvements: 2017 Asphalt Project	Pavement Management System/Asset Management System Street Project Testing by PSI - updates 2015 Asphalt Project - APAC used Faulty Materials
WATER & WASTEWATER DEPARTMENT: Southwest Sewer Project Waterline Replacement Project - Continuation/Updates Pump Repairs (Clearwell/River Intake) Neosho River - Riverbank Erosion/Dike/Gravel Bar/etc. Sewer Lagoons - Analysis (KRWA/funds for dredging)	Water Taste/Odor SCADA System-updates Water Meter installations John Redmond Reservoir – Dredging Plumbing Violations / Grease Traps Middle School Water Meter Replacement Water Plant Improvements–Efficiency Testing/Chemical Updates Valve Exercise Program - Annually in Fall Lead & Copper Monitoring - Survey Update Sewer Lagoon - Maintenance/Updates Vacant Position (6-2017)

Mayor Luke declared the meeting adjourned.

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

