

BURLINGTON CITY COUNCIL REGULAR SESSION SEPTEMBER 6, 2017

City of Burlington Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, September 6, 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: Katie McMurray (Coffey County Republican)

VISITORS: Jay Hale, Brandon Stiner, Lyndon Blackwell

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

MINUTES 8-16-2017: *Council Member Curtiss, "I move to approve the minutes of August 16, 2017 as presented." Council Member Tschantz, "Second." Motion unanimously carried, 6:0.*

APPOINTMENT: Brandon Stiner, Chamber of Commerce-Street Closing for Halloween Trunk-or-Treating; Lyndon Blackwell, First Assembly of God-Use 4th St Municipal Parking Lot to pass out candy

Brandon Stiner, Coffey County Chamber Director, addressed Council, "Every year for Burlington businesses, we usually have a trunk-or-treat downtown on Neosho Street. Last year it got a little crazy. We had a couple police officers, as well, that said we should close the streets - that was their recommendation. So, between 3rd Street and 4th Street on Neosho, we would like for you to close the street to keep it safe for kids. If not, I have a backup street if we can't close Neosho. That's going to be on Halloween night (Tuesday) from four o'clock to seven o'clock."

Mayor Luke, "What about the businesses that are open, are they going to trick-or-treat inside their businesses or just outside?" Mr. Stiner, "Sometimes they put their tables out on the sidewalk - like, TrustPoint comes down here; so does Central National Bank; and usually the ones that are on the other side of the street come to this side of the street. Last year, we had about forty tables."

Mayor Luke, "We also have a request to use the 4th Street Parking lot there by the Fire Station. Is there a way this can be consolidated together instead of having streets blocked off?" Mr. Stiner, "We saw the agenda so we reached out to the Assembly of God Church this week, and they basically wanted their own section; but we were trying to consolidate to make it safer." Mr. Blackwell, "I understand the safety issue and I side with the issue myself - I will have to consult with my pastor; but I would recommend to him that as long as we had some space at one end of that operation to distribute the candy the groups are planning to give to children, that would be appropriate use of the area." Council Member Lenard, "What about the timeframe?" Mr. Blackwell, "The timeframe is fine for us." Mr. Stiner, "We might not be there until 5. Last year we did an hour and businesses were struggling to keep up, so we settled on about three hours."

Mayor Luke stated, "I would recommend that we look at 4:00 to 7:00 in the parking lot by the caboose and the fire station. We can, so to speak, block that off so the traffic stays out." Mr. Stiner, "What if we did that side of Neosho - 4th to 5th?" Mayor Luke, "Most of those businesses aren't open at that time." Mr. Stiner, "Right."

Mayor Luke asked Council, "What's your pleasure? Chief?" Chief Jones, "We'll deal with whatever we need to deal with." Council Member Scothorn, "If we go on the east side, are the restaurants still open?" Chief Jones, "ATB (Across the Borders) is." Council Member Curtiss and others thought it would be better to close the street between 4th and 5th. Mayor Luke commented that the parking lot is also right there on the west side of 4th Street, and that the trick-or-treaters could walk to the parking lot through that empty space.

Council Member Curtiss stated, "I move to approve Brandon Stiner's request on behalf of the Chamber of Commerce to close Neosho Street between 4th Street and 5th Street on Halloween (Tuesday, October 31) between 4 p.m. and 7 p.m. to pass out candy." Council Member Tschantz, "Second." Mayor Luke called for discussion. Superintendent Mast asked, "Do you want me to put the barricades out at the corners so you can put them out when you're ready to block the street off?" Mr. Stiner, "Okay." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0. Mayor Luke said to Mr. Stiner and Mr. Blackwell, "We'll let you work it out between the two of you."

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APPOINTMENT: Lyndon Blackwell: Renovation of U.S. Post Office Building, 118 S. 4th Street

Lyndon Blackwell, "I have a secondary issue, too, that I would like to speak with you about this evening - the dilapidated condition of our U.S. Post Office in Burlington. If you haven't noticed, the cornice around the top is about to fall. It's nasty and hasn't been painted in probably twenty years. The windows are kind of falling out of the frames; they're not energy efficient. The handrail going up nearly comes off in my hand when I go up the stairs because it's rusted out at the bottom. I asked the Postmaster, 'Don't you ask to get these things repaired?' He said, 'I turn it in on my budget every year, and they turn me down every year.' I said, 'If we the people can't take care of our post office any better than this, we've got a problem.' Well, we do have a problem - that's 66839. That's your post office, my post office; and by golly I think we ought to be able to do something - we the people - to fix that post office up. We ought to be able to get permission from the federal government to take care of the cornice and fix it; replace the windows with energy efficient windows; to point and clean the brick on that building and make it look like a new building; fix the handrails out front; and maybe replace the lighting with some that matches our city lighting. There's thoughts for you to consider."

"I don't know how the City can help to make that happen, but I'd be glad to be part of it. We need a Burlington 66839 Committee, you know - to help find the funding, private funding, federal dollars - turn loose our money back to us to fix our post office and make it look better. If anybody thought any other type of buildings around need help, let the appropriate agency know. That's all I've got to say. I appreciate your time and your help." Mayor Luke, "Okay. Thank you."

PUBLIC COMMENTS: None

ELECTRIC DEPARTMENT: Distribution Updates

General: Superintendent Schneider reported that the Linemen have been doing normal activities: plenty of line locates a lot of locates, repairing street lights, changing power poles, and trimming trees. Personnel attended the KMU Safety Training on Tuesday morning.

ELECTRIC DEPARTMENT: Power Plant/Production Update

Generator #2 Maintenance: Superintendent Schneider reported on the Production side is doing required reports, and plant maintenance. They have been doing governor and fuel system work on Generator #2.

WATER/WASTEWATER DEPARTMENT: Distribution Update

General: Water/Wastewater personnel have been doing normal duties: work orders, line locates, and handling customer concerns, attending safety training, etc.

Waterline Replacement Project - Hudson Street (6th to 12th): Superintendent Hawkins reported, "We did get Hudson Street completed; other than we need to go back and level, till, and seed those areas. Everybody is on the new line, and the old line has been disconnected. I just need to get the final dollar amount and send it to the State of Kansas. They require that for every project we do."

Water Leaks/Repairs: Superintendent Hawkins, "We have had a few water leaks. We had one between 3rd and 4th on Miami Street; another at 12th Street and Juniatta; and this morning, we had one at Kennedy and Shea."

Sewer Lagoon - Weed Spraying: Water/Wastewater personnel have been spraying weeds at the sewer lagoon, and got that done.

WATER DEPARTMENT: Production

Superintendent Hawkins reported that the Water Treatment Plant has been running fine.

WATER DEPARTMENT: Water Outside City - Waiver of Annexation for Rice's for 1232 13th Road

Superintendent Hawkins reported, "I have a waiver of annexation for Bradley and Jennifer Rice. This is the house that's out by Brad Caldwell on 13th. There is already a waterline there. In fact, we're ready; so if Council chooses to accept this waiver of annexation, we will install the new meter this Friday."

Mayor Luke called for a motion. *Council Member Tschantz stated, "I move to approve Bradley and Jennifer Rice's Application and Permit for Water Service Outside the Corporate Limits of City of Burlington, Kansas for 1232 13th Road, Burlington, Kansas." Council Member Hall, "I'll second." Hearing no additional discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.*

WATER DEPARTMENT: Water Treatment Plant - Go out for Quotes for Fencing

Superintendent Hawkins said, "We budgeted for fence for the Water Plant last year, so the funding is there to be used. We will be fencing off from the southeast side of the Water Plant and go towards the river; and on the north side of the Water Plant where the existing fence is that lies next to the property on the west side of the Water Treatment Plant, we will go from there over to the corner of Miami and then all the way back to the river. This has been budgeted and is ready for us. We changed from requesting bids to requesting quotes, and we have them ready to go. We just need permission."

Mayor Luke called for a vote. *Council Member Hall stated, "I move to authorize Superintendent Hawkins to go out for quotes for fencing at the Water Treatment Plant." Council Member Tschantz, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.*

STREET DEPARTMENT: Update

Street Rebuilds: Superintendent Mast reported, "We are doing street rebuilds and we will continue on that until we get that completed. We're a little over half-way done. We're making good progress. Used to be we were averaging about a block a week; and now we're averaging around a block and a half a week - sometimes even two blocks a week. We're making good time."

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Culverts: Street personnel are putting in some culverts for a new garage.

First Assembly of God Church: Lyndon Blackwell said, "Thank you for straightening out the area around our church."

STREET DEPARTMENT: Executive Session - Attorney/Client

Mayor Luke, "At this time, I request that we go to executive session for five minutes for attorney/client privileges with elected officials, City Attorney, Superintendent of Streets, and Deputy City Clerk." Council Member Curtiss made the motion to enter into a five-minute Executive Session for Attorney/Client privileges, with the elected officials, City Attorney Robrahn, Street Superintendent Mast, and Deputy City Clerk Brown. Council Member Scothorn, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0. Council entered the Executive Session at 6:21 p.m. and exited at 6:26 p.m.

Mayor Luke, "What's the Council's recommendation?" Council Member Curtiss stated, "I move to accept the proposed APAC agreement with a change in the completion date from June 1st to August 31st of 2018." 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, "They have been keeping us busy - nothing spectacular, just the usual run of calls."

OK Kids: Chief Jones, "We're getting ready for OK Kids this weekend. We had our last organizational meeting today, and we actually have started moving stuff out there for OK Kids. Friday will be our big day out there for that; and the weather report is looking very promising."

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

Chief Jones reported, "On the nuisance side, I had Mr. George Oliver show up in my office yesterday morning at 11 o'clock. He and I discussed the project and what he looks to do; and we also discussed Paula Bruce's proposal for the Arts Council, and working with the Arts Council and the USD #244 School District - and he is not opposed to those ideas. As a matter of fact, the mission statement/action plan that Paula had given me - I have given to George. He took that with him, along with her phone number; so possibly. He did show up, and I was quite happy with that. He had to go to Kansas City to get on an airplane and fly to Jacksonville, Florida this morning because he has a boat at a dock there and he was afraid of what that hurricane is going to do to that boat, but he will be back in a couple of days;" Mayor Luke said, "Make sure he gets in touch with Pam Scott." Chief Jones, "Yes."

PARKS DEPARTMENT: Update

General: Superintendent Boyce reported, "We have been doing normal duties, cleaning public buildings and public restrooms, mowing, weedeating, spraying weeds, watering flowers and trees. If you haven't noticed, the flower baskets downtown are gone. The weather started cooling off and the plants started going back down, so we had to remove all but one that still looked good and is at the shop. They were all maintained the same, but one is still in full bloom and the others are all brown."

Park - Lines: Parks personnel got the parking lot lines in Kelley Park and Jones Park repainted and also the handicap symbols.

PARKS DEPARTMENT: Hazard Tree Quotes

Quotes for Hazard Tree Removal 9-6-2017 (Remove 7 trees and grind out the stumps)

Welnitz Tree Care Inc.	\$4,170
Custom Cutters Tree Service	\$5,916
Trenarys Tree Care	No Quote
WildHawk Tree Service, LLC	No Quote

Superintendent Boyce, "I started working on getting quotes for removal of hazard trees a couple of weeks ago, but two of the guys (prospects) were in Texas working for the hurricane disaster (Harvey) down there. I finally got two guys here to look at the trees. Trenary has done them in the past four years. He is booked up roughly until the first of November because he was one of them that was in Texas, and he will probably go to Florida if that hurricane (Irma) hits there. He isn't really wanting to take it on because it was going to be a while this year. My recommendation would be Welnitz Tree Care in the amount of \$4,170.00 to remove seven trees and grind the stumps."

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Mayor Luke called for a vote. Council Member Curtiss stated, "I move to accept the quote from Welnitz Tree Care Inc. for the removal of seven hazard trees and grinding out of the stumps, not to exceed \$4,170.00." Council Member Griffith, "Second." Mayor Luke called for discussion. Superintendent Boyce explained that Welnitz is from Emporia, and has bid every year; but Trenary got the job for four years because Welnitz's price was just a little more every time. He said, "Pricewise per tree, we're in the ballpark." Council Member Tschantz, "That's \$4,000 per tree?" Superintendent Boyce, "No, that's for all seven trees." **Hearing no other discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.** Mayor Luke, "When is he going to start?" Superintendent Boyce, "June."

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2017-16	\$156,811.09
b. Payroll Ordinance	2017-17	\$ 78,950.82
c. Payroll Ordinance	2017-18	\$ 79,942.94
TOTAL		\$315,704.85

CLAIMS 2017-16: Council Member Lenard moved to approve City of Burlington pay Claims Ordinance 2017-16 in the amount of \$156,811.09 for payment of city bills, as presented. Council Member Griffith said, "I'll second." Hearing no discussion, Mayor Luke instructed Deputy City Clerk Brown to poll Council for a vote. All votes were in favor. Mayor Luke declared Claims Ordinance 2017-16 approved by unanimous vote, 6:0.

PAYROLL 2017-17: Council Member Tschantz made the motion to approve City of Burlington Payroll Ordinance 2017-17 in the amount of \$78,950.82 as presented. Council Member Hall, "Second." Hearing no discussion, Mayor Luke instructed Deputy City Clerk Brown to poll Council for a vote. All votes were in favor. Mayor Luke declared Payroll Ordinance 2017-17 approved by unanimous vote, 6:0.

PAYROLL 2017-18: Council Member Hall made the motion to approve City of Burlington Payroll Ordinance 2017-18 in the amount of \$79,942.94 as presented. Council Member Lenard, "Second." Hearing no discussion, Mayor Luke instructed Deputy City Clerk Brown to poll Council for a vote. All votes were in favor. Mayor Luke declared Payroll Ordinance 2017-18 approved by unanimous vote, 6:0.

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin has been doing normal duties.

City-wide Cleanup & Brush: Zoning Clerk Hugunin said the County free dump week at the landfill will be October 16th through 21st. He said, "Our brush pickup will start at 7 a.m. Monday, October 9th; and the trash the following week, October 16th. I've done flyers and put them on the counter, Facebook and the webpage."

Kansas Water Office meeting: Zoning Clerk Hugunin reported, "Friday, I attended a Kansas Water Office meeting with the Mayor at the training center (at Wolf Creek)."

Mowing: Yesterday, Zoning Clerk Hugunin helped Superintendent Boyce do some mowing.

PERMITS: Permits issued by Zoning Clerk Hugunin: None

LEGAL DEPARTMENT: Update

City Attorney Robrahn stated, "Still continuing to work on a couple of on-going legal cases. We have Municipal Court next Thursday. Next Friday, Phillip (Assistant City Attorney) and I will be going to the City Attorney's meeting in Wichita, that the League of Kansas Municipalities is putting on."

CITY CLERK: Update by Deputy City Clerk Brown

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

New 2017 City Code Books: The new City Code books are out. For those of you that haven't picked yours up yet, they are on the counter for you to pick up. The ordinances have been incorporated into the new City Code, so if you want to turn in your old Code book and your book of Ordinances affecting the 1997 Code, you are welcome to do so.

Utility Level Pay Contract renewals: The new level-pay contracts have been sent out.

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

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
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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
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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 City-Wide Cleanup / Brush Removal		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: SCADA System-updates 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 Plant Improvements-Efficiency Testing/Chemical Updates Water Meter installations John Redmond Reservoir - Dredging Plumbing Violations / Grease Traps Middle School Water Meter Replacement	Southwest Sewer Project Fencing at Water Treatment Plant 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 by Anne C. Brown, Deputy City Clerk

COUNCIL APPROVED