

**BURLINGTON CITY COUNCIL REGULAR SESSION JANUARY 3, 2018**

City of Burlington Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, January 3, 2018. Mayor Stan Luke called the meeting to order.

**ROLL CALL:**  Stan Luke, Mayor

**Council Members present:**

Lewis Lenard (President of Council)       Dallas Scothorn (arrived 6:10 p.m.)       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:** Paul Abendroth, Carol Mahon, J. J. Jasper, Jay Hale

**AGENDA:** *Council Member Lenard, "I move to approve the agenda as modified." Council Member Hall, "I'll second." Motion unanimously carried, 5:0.*

**MINUTES 12-20-2017:** *Council Member Curtiss, "I move to approve the minutes of December 20, 2017 as presented." Council Member Tschantz, "Second." Motion unanimously carried, 5:0.*

**APPOINTMENT:** None

**PUBLIC COMMENTS:** None

**ELECTRIC DEPARTMENT: Distribution Updates**

**General:** Superintendent Schneider reported, "The men have been doing line maintenance and line locates. With the weather the way it is, they have been doing equipment maintenance. The Christmas decorations have been taken down, and the lights on the downtown buildings were turned off yesterday. Two power poles were changed since last council meeting. Personnel are still doing street light maintenance."

**Electricity Theft:** Superintendent Schneider said, "We received a call from the Police Department last week that a resident was stealing electricity. The line crew went out, confirmed that was what was happening, and cut the service wire at the pole to ensure it would not happen again."

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

**General:** On the production side, the men are doing normal power plant maintenance.

**Generator #2 Repair:** Superintendent Schneider reported, "We're still waiting for an outboard bearing for Generator #2 to come back from being repaired. All the work that can be completed is done until it is returned, probably within two weeks, then they can set the valve and align the crankshaft."

**Boiler - Leak:** Superintendent Schneider said, "In the old electric plant and in the new electric plant, we have boilers to heat those engine blocks to a certain temperature and to keep the radiators from freezing up in this type of weather. One of our backup boilers in the old side of the plant started leaking sometime last night after the men went home for the evening. There is an alarm on that. but it is by temperature so it doesn't sense the volume in it; and what happened was that it leaked enough out that it drained quite a bit of the water in the radiator. The guys spent a good part of the day cleaning up floors and pits where the water had gotten. The boiler is under warranty, which is a good thing, and we are just waiting for parts to be delivered."

Mayor Luke asked, "Do we have to worry about anything freezing up?" Superintendent Schneider, "No, we don't. In the old plant and the new plant we have two systems; so should one fail, we have the other to take care of that (back it up); and we have alarms on them on a dialer that will call out first to Dee (Senior Plant Maintenance Operator Francis) to let him know we have an alarm going at the Electric Plant. Unless our telephone line fails, we will get notification."

Council Member Lenard, "Is the warranty on parts and labor, or just parts?" Superintendent Schneider, "Parts and labor. I need to do a little more investigating - supposedly we have to pay shipping on the part, which I don't quite understand; but the parts and the labor are taken care of." Council Member Lenard, "The warranty is 100 percent; if that's the case, it should cover shipping, too." Superintendent Schneider, "The parts should get here soon, and it is running off the other system, so the plant is warm as it should be."

**ELECTRIC COMMITTEE REPORT: Electric Plant Additional Generation - Proceed to Get Proposals**

Mayor Luke, "Last council meeting, we indicated we would bring back some information on generation. We went out and talked with the design company. They estimated anywhere between twelve and sixteen months to do the potential project from start to finish. There are multiple ways of doing it, we haven't decided yet - I think that's one of the things that if we get the go ahead to even start looking at that, we will do that."

"We've also looked at our millage rate (tax rate) with respect of other communities. We're well below majority of all the communities of cities of the second class; in fact, we're probably half of a lot of the communities. Rate-wise, we're about in the middle. We've got thirty-four communities that are public utilities - I think there might be 11 or 12 out of 34 below us; but there's a lot of us within 2/10ths or 3/10ths of a cent apiece. So as far as the rates are concerned, the impact of the generation will not make a major change. We are well below Lyon/Coffey Electric Cooperative with respect to their rates in the area."

Mayor Luke stated, "If the Council is ready to move forward with allowing the Electric Committee and Electric Department to start the process of looking at design, obtaining costs, and expanding the timeline so we have a better feel for where we're going to go, I would accept a motion for that. This would not restrict us in the future of voting not to build the project for whatever reason - if it costs too much or if there are EPA issues or something. At this time, it is just getting to the point we can put together the package, and bring it back to the Council for their approval or rejection."

Council Member Lenard, "What's that cost at this point, then?" Mayor Luke, "It's going to be something in the neighborhood of \$50,000." Council Member Tschantz, "We already have that money allocated, right?" Mayor Luke, "We have that money in our Capital Fund." Council Member Lenard, "I know Dallas (Council Member Scothorn), and I'd like to know where we stand with..... I think I saw where KPP was changing their capacity from 7.48 to 7.50." Mayor Luke, "That's for 2018; and they put together a committee to look at expanding that in the future." (*Council Member Scothorn arrived at the meeting.*) Council Member Lenard, "I'd just like to understand how that capacity pays back with the averaging rate; and with the KPP contract, what guarantees we have to receive that capacity - the development of the KPP contract at that time. Those are a couple of checkboxes I have."

Mayor Luke, "Are there any other issues?" There were none. "Does the Governing Body wish to move forward at this time?" *Council Member Griffith made the motion to move forward with getting proposals for the engineering, design, and timeline; and to bring the final cost back to the Governing Body for future approval.* Council Member Tschantz, "I'll second." Mayor Luke, "Is there any additional discussion?"

Council Member Curtiss, "Where does this \$50,000 come from?" Mayor Luke, "Out of our Capital Fund that we have in the Electric Department." Council Member Lenard, "What's the interaction between the development of this plan and the Electric Committee?" (Electric Committee includes Mayor Luke, Council Members Scothorn and Lenard.) Mayor Luke, "The whole design will all go out through the Electric Committee and through Alan (Superintendent Schneider) and we decide what engineering firms we want to go through to write the specs, to provide to them for whether they want to do a design build, whether they want to do a design, and then would bid it out to a contractor to do construction; but until we can have the authority to go out and talk to them, we can't."

Council Member Lenard, "I don't know how much of that Dallas caught because he just walked in." Council Member Scothorn said, "Pretty much nothing." Mayor Luke, "We had a motion on the floor to do was to allow the Electric Committee and the Electric Department to go out and talk with firms and put together a package - to come up with the exact cost, design, timeline, bring it back to the Governing Body for approval of construction." Council Member Scothorn, "Then if we don't like that, we're spending another \$50,000 for another one to do it a second time?" Mayor Luke, "No. What we'll have is that whatever is brought back - I don't know if there's three or four contractors/design engineers, we'll go to them for their recommendations. At that point we will not have spent any money. Going out to get proposals, we don't spend any money. Once we get the proposals in, we evaluate them and determine which one we want to move forward with, and then we get the cost in the design." Council Member Scothorn, "So at this point, there's no cost?" Mayor Luke, "Not for the proposals." Council Member Curtiss, "And that's what we're voting on?" Mayor Luke, "And once that proposal is approved, then we would be voting on going out and doing the design because we won't have the total design done or the EPA permits, or anything at that point in time. We can't get those (permits) until we get the design done." Council Member Lenard, "So this is to proceed, Jerilyn, just to move forward and go out for proposals." Council Member Curtiss, "And then we will see the proposals?" Mayor Luke, "Yes." Council Member Curtiss, "And then it will cost us this money?" Mayor Luke, "Then it will cost us the \$50,000 to go forward." Council Member Curtiss, "Okay, but right now to do what's in the motion - this is not going to cost us \$50,000?" Mayor Luke, "Right." Council Member Curtiss, "Okay."

**Hearing no additional discussion, Mayor Luke called for a vote on the motion: *Council Member Griffith made the motion to move forward with getting proposals for the engineering, design, and timeline for additional generation for the Burlington Power Plant; and to bring the final cost back to the Governing Body for future approval; with the understanding no costs are involved with obtaining proposals. Council Member Tschantz, "I'll second." Motion unanimously carried, 6:0.***

**Additional Discussion:** Council Member Lenard asked City Clerk Kewley, "If we're proceeding with going out with this RFP (Request for Proposals), is there anything we could do financially running parallel to this for starting to looking at bonding - or does that come later?" City Clerk Kewley, "The bond company will come in after we hire our engineers and we know the scope of the project of what we're looking at spending, take our financials and go from there. I can call Kutak Rock, the bonding company we use."

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**WATER/WASTEWATER DEPARTMENT: Distribution Update**

City Clerk Kewley provided Superintendent Hawkins' report.

**General:** Water/Wastewater personnel have been doing their normal duties: work orders, line locates, customer call-outs, meter re-reads, etc.

**Water Leaks:** Due to the cold temperatures, they have been repairing water leaks and replacing frozen water meters.

**New Bulk Water Station- Construction update:** The Water Department is still working on the new bulk water station. Superintendent Schneider reported, "The men pulled the cable and the conductor in today. They couldn't get inside, so we couldn't even mount our meter socket on the side of the building. They will work on it next week when the weather is better." Mayor Luke said that the old bulk water station still works, so if someone needs water, it is available.

**Water Treatment Plant:** The Water Treatment Plant has been running excess water due to water leaks in our city, our customer cities, and rural water districts; and also due to customers running water to keep their pipes from freezing, watering livestock, house waterline breaks, etc.

**Reactor Basin Clean-out:** Superintendent Hawkins will be scheduling overtime for his crew next week to clean sludge out of the reactor basins.

**STREET DEPARTMENT: Update**

**General:** Superintendent Mast reported, "We have been working on equipment, working on signs, inventory, and the 2018 plan for street maintenance."

**Bowers Civil Engineering - Pavement Management Plan:** Superintendent Mast said he had sent an email to Gina (City Clerk Kewley) today. Norm Bowers (Bowers Civil Engineering) will be at the next council meeting (January 17), and will be putting on a presentation of the Pavement Management Plan for this year.

**POLICE DEPARTMENT: Update**

**General:** Chief Jones reported, "We got through the extended holidays without any serious incidents. Officers stayed busy, but there was nothing significant. We actually got into more significant cases helping the County outside the city limits."

**Electric Theft:** Chief Jones stated, "On the electric theft that Alan (Superintendent Schneider) mentioned, if you hear a comment or two about the cold weather rule, it does not apply to somebody that had utilities turned off for nonpayment November 22nd. The City is not in the habit of turning people's electric back on a month after that." City Clerk Kewley, "We don't fall under the cold weather rule, anyway." Chief Jones, "Yes, but that question has been coming up a little bit. So, if you hear anything about it, it doesn't apply."

**POLICE DEPARTMENT: Patrol Car - Get Quotes to Purchase a Replacement**

Chief Jones, "I would like the Council's permission to move forward to look for a replacement patrol car for one of my 2013 Dodge Chargers." *Council Member Lenard stated, "I move to approve for Chief Jones to proceed with the process to get another patrol car to replace one of the 2013 Dodge Chargers." Council Member Tschantz, "Second."*

Council Member Scothorn, "How many miles are on it?" Chief Jones, "This is one of the used Kansas Highway Patrol cars, and has 90,000 miles on it right now. It's the second oldest patrol car in our fleet." Council Member Curtiss, "Has this been budgeted for?" Chief Jones, "Yes, it has. When we buy the replacement for this car, it will be six or seven years before the car gets replaced - that's how long the cycle is going to be." Council Member Curtiss, "So, your cars are on a rotation?" Chief Jones, "Yes." Council Member Curtiss, "How many do you have?" Chief Jones, "I've got six patrol cars and two pickup trucks - one is the Animal Control's and the other is the black one that I drive. The one I drive is actually the oldest vehicle in the fleet - it's a 2011." Council Member Scothorn, "How long have we had this 2013 you want to replace?" Chief Jones, "We would have purchased that in late 2014 - around September. The Highway Patrol runs their cars about eighteen months to about 49,000 miles and then they sell them." Council Member Curtiss, "So you usually get a new car about every year?" Chief Jones, "Yes, especially with the fleet plan we're on now where we have a car assigned to each officer. So that means that as we cycle through, we're going to keep each car approximately six years from here on out. We're just now getting to that because we just now got to a true take-home car assigned car program." Mayor Luke, "If we delay it, then we will be looking at two cars in the same year versus one every year."

Council Member Lenard, "Are there still Highway Patrol cars available? I think the last one we got, there was....." Chief Jones, "There was a question about that, but I got information from the Highway Patrol this week - there are vehicles available from them. That's one of the options I'll be looking at; and then if we did that, we would try to sell the 2013 on purplewave.com like we did the last car. The Sheriff's office had gotten into some deals where they purchased a brand new one, and used an existing vehicle for trade-in; and it worked out to be about the same price. So I'm going to look at state contract price to see what our available options are, what kind

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of trade-in cost they will give us, and see what's going to be the best deal in the best interest of the city. If I get a Highway Patrol car - a used car - that's two or three years old with 49,000 miles on it - or if I get a brand new car with the full 100,000 mile warranty on it for about the same cost; it will be obvious which direction I'm going to be leaning if that comes in at that same area."

**Hearing no additional discussion, Mayor Luke called for a vote on the motion which was: Council Member Lenard stated, "I move to approve for Chief Jones to proceed with the process to get another patrol car to replace one of the 2013 Dodge Chargers." Council Member Tschantz, "Second." Motion unanimously carried, 6:0.**

**POLICE DEPARTMENT: Nuisance Update: None**

**PARKS DEPARTMENT: Update**

**General:** Superintendent Boyce reported that the Parks Department has been doing normal duties: cleaning public buildings and restrooms. They did a little snow removal, trimmed trees in the parks and industrial parks, did building and equipment maintenance, finished the department inventory, and finished the Goals and Accomplishments. They changed out the banners today.

**Veterans Park - Dean Kirchner Memorial:** Superintendent Boyce, "I've been working with the Kirchner family on putting a memorial in Veterans Park for Dean Kirchner. It would be an concrete statue of an eagle.

**FINANCE: Claims Ordinance & Payroll Ordinance**

a. Claims Ordinance	2018-01	\$100,923.40
b. Payroll Ordinance	2017-26	\$ 80,632.74
TOTAL		\$181,556.14

**CLAIMS 2018-01:** Council Member Lenard moved to approve City of Burlington pay Claims Ordinance 2018-01 in the amount of \$100,923.40 for payment of city bills, as presented. Council Member Hall said, "Second." Mayor Luke called for discussion. City Clerk Kewley said, "Tonight we have Kansas Fencing for \$21,000; Kritz Davis Company for \$5,177.27; Mid-America Valve for \$2,550.00; and Stanion for \$5,953." Hearing no additional discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. Mayor Luke declared Claims Ordinance 2018-01 approved by unanimous vote, 6:0.

**PAYROLL 2017-26:** Council Member Tschantz moved to approve City of Burlington Payroll Ordinance 2017-26 in the amount of \$80,632.74 as presented. Council Member Lenard, "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 2017-26 approved by unanimous vote, 6:0.

**PLANNING & ZONING: Update**

**General:** Zoning Clerk Hugunin has been doing normal duties, updating Facebook and the City's webpage, working on the inventories as the departments bring them in, updating permits to give to the County Appraiser. Today, he finished the mapping for the Census Bureau. Next meeting he will have the year-end construction valuation report of all the building permits done in 2017.

**OTHER COUNCIL BUSINESS: None**

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

**LICENSES: 2018 Cereal Malt Beverage:**

Mayor Luke asked if all the licenses that had been approved at the December 20, 2017 council have been delivered so all the businesses are operating legally. Chief Jones said, "Yes, and I delivered the one to the manager of Pizza Hut myself. All the other businesses got theirs - except La Hacienda, and they did not submit an application."

**LEGAL DEPARTMENT: Update**

City Attorney Robrahn reported, "I worked on several letters of correspondence."

**Nuisance Historical Building - 404 Neosho** I was not at the last meeting, and I think Doug (Chief Jones) did a very good job explaining to the council about the nuisance building we have downtown here, and the process we would have to go through. I visited with Larry Behr. I wanted to make sure I caught him before he retired at the end of December, and he had been with the League of Kansas Municipalities for several decades. I think Doug explained to you pretty accurately that Larry had not seen anything like this. I didn't get a lot of guidance there; but he suggested I call the Kansas Historical Society, which I did; and as Doug explained, if we continue through the process, we're going to need to keep the Kansas Historical Society informed as to every move we make. I guess we'll keep proceeding with that."

Mayor Luke, "Is there a federal one also? Do we have to go beyond the State or is the State where we end?" Attorney Robrahn, "I think from what I can determine....." Chief Jones, "Excuse me. Susan (Administrative Assistant Stroh) found in the council meeting minutes from 2005 and 2006 and correspondence in the files where we were notified that it was placed on the National Historic Registry; so I don't know what kinks that throws into what we're trying to do." Council Member Curtiss, "Is there a way to get out of that?" Attorney Robrahn, "Yes, the process we're doing." Council Member Curtiss, "I mean on the historic registry?" Attorney Robrahn, "I think the reason Larry Behr has never seen this is probably because in instances if somebody cares enough to place a

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structure on that, it's maintained. The only way to get out of it is probably doing what we're having to contemplate doing."

Council Member Griffith, "Tom, there was some mention of a community meeting?" Chief Jones, "In the event that we want to try to demolish the building, we have to hold a community meeting to allow members/residents to come and present alternatives to demolition." Council Member Griffith, "What leads up to this community meeting?" Attorney Robrahn, "That would be that we find that it's not feasible to try to repair the building at tax payer expense; and that the only thing to do at that point because of it being in the shape it's in is to demolish. We will need to inform the Kansas Historical Society that we are having the public meeting, then have the meeting to give the citizens a chance to come in and talk about whatever is on their minds about the structure."

Attorney Robrahn, "I've also been able to ascertain - I don't think this is necessarily a national park site like the school building in Topeka (Brown vs. the Board). I'm hoping that since that's the case, we're going to be mostly dealing with the State of Kansas on this. Anyway, that's what I've been able to find out so far. I think we're going down the right course, it's just how fast we go. Hopefully, somebody will intervene to help us."

Council Member Curtiss, "And we haven't heard anything more from Mr. Oliver?" Chief Jones, "I have not had any contact with him for a month."

**Municipal Court:** Attorney Robrahn though Chief Jones pretty much covered Municipal Court last meeting with the DUI case. Chief Jones said he thinks there is one trial scheduled for January for theft of property at the laundry mat, but it won't take long.

**CITY CLERK: Update**

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

**Delinquent Utilities for Kansas Set-off Program:** City Clerk Kewley reported that in January, delinquent utility accounts in the amount of \$2,176.16 will be sent to the Kansas Set-off Program for collection.

**2018 Budget:** City Clerk Kewley finished keying in figures for the 2018 Budget line items.

**2017 Tax Revenue Report:** City Clerk Kewley referred to the 2017 Sales Tax Revenue Report and explained, "It was down again this year by roughly \$48,000 from last year. A lot of that has to do with Wal-Mart shutting down. With Wal-Mart shutting down, the last two years we are down roughly \$159,000.00 revenue in sales tax loss."

**Dog Tags 2018:** The city dog tags for 2018 will be due this month

**Goals & Accomplishments:** We are working on the Goals for 2018 and the Accomplishments in 2017.

**Officials Elected November 7, 2017 will take Office January 8, 2018:** City Clerk Kewley stated, "Next Monday, January 8th, with the new law for elections, I will be swearing in Jerilyn Curtiss, Sharon Hall, and J.J. Jasper as Council Members. They can come in anytime during the day, and I will administer the Oath of Office to them here in the Council room."

**King Day - January 15th:** City offices will be closed Monday, January 15th in observance of Martin Luther King Day.

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

**CITY OFFICERS: Recognition of Jane Griffith's Service as Council Member**

Mayor Luke recognized Council Member Jane Griffith for her service to the City of Burlington. He read the certificate aloud.

*Certificate of Appreciation*

*This certificate is awarded to*

*Jane Griffith*

*In recognition of 5 years and 2 months of service  
to the City of Burlington, as Council Member, Ward 3.*

*November 7, 2012 to January 8, 2018*

*Robert S. Luke, Mayor      Attested by: Regina R. Kewley, City Clerk*

Mayor Luke presented Jane with a framed certificate and with a file copy. He also presented her with the 8 Wonders of Kansas Guidebook. Mayor Luke thanked Jane Griffith for her service. Council Member Griffith said, "It's been a privilege and an honor."

**COMMENTS OF CITY OFFICERS:** None

**COMMENTS OF MAYOR LUKE:** None

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**FUTURE AGENDA ITEMS:**

<b>GENERAL</b> City Debt – How to fund projects Service/Allied Waste Agreement Renewal Water Rate Study for 2018 rates / increase effective 1-15-2018 (updates) Actuaries – GASB-45	Financial Program Software (CIC) - updates MT Wireless - Fiberoptics to City Buildings GAAP – Infrastructure Capitalization Economic Development - Co. Commerce Committee Updates
<b>January 8 - Swear in Officials elected 11-7-2017</b>	
<b>ELECTRIC DEPARTMENT:</b>	Power Plant - Add Generation - Get Proposals for Engr/Design
<b>PARKS DEPARTMENT:</b>	Happy Tails Dog Park - Scooping - Keep Park open or close it?
<b>LEGAL DEPARTMENT:</b> Municipal Court Clinton Sowder - Bow Hunting in town (former Huff's Gardens)	Misc. Legal - Documents, Cases, Contracts, etc.
<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 Crow-Moddie Detail/Wash Building - Permit updates	Quarterly Construction Valuation Report Prepare Easements for any City-owned property without one City Hall - Awning Replacement (switch to metal) Floodplain Maps - updating/remapping
<b>POLICE DEPARTMENT</b> Nuisance Updates Parvovirus - update	Department Activities/Cases/etc. Purchase Truck / Dispose of 2013 Dodge Charger
<b>STREET DEPARTMENT:</b> Concrete Streets - Repair/Replace Sidewalk Repairs on City Rights-of-Way Sinkhole at Garrettson and HWY 75	Pavement Management System/Asset Management System Street Improvements: 2017 Asphalt Project (assessments) 2015 Asphalt Project - Repairs Sinkholes under highway - Check into liners for culverts
<b>WATER &amp; WASTEWATER DEPARTMENT:</b> Water Meter installations Neosho River - Riverbank Erosion/Dike/Gravel Bar/etc. Middle School Water Meter Replacement	Fencing at Water Treatment Plant Pump Repairs (Clearwell/River Intake) Plumbing Violations / Grease Traps Bulk Water Station - New Waterline Replacement Project - Updates Lead & Copper Monitoring - Survey Update Sewer Lagoon - Maintenance/Updates

Mayor Luke adjourned the Council Meeting.

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

COUNCIL\*\* APPROVED