

**CITY COUNCIL REGULAR SESSION APRIL 4, 2018**

City of Burlington Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, April 4, 2018. 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  
 J.J. Jasper       Thomas P. Tschantz       Sharon Hall

**Superintendents Present:**

Kevin Boyce (Parks)       Alan Schneider (Electric)       Mark Davidson (Street Foreman)  
 Doug Jones (Chief of Police)       Danny Hawkins (Water/Wastewater)  
 Jessica Stice (Police Officer)

**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:** Michael Abendroth, Paul Abendroth

**PUBLIC COMMENTS:**

Paul Abendroth addressed Council, "I want to thank Mark (Street Foreman Davidson) for taking care of my alley so the water doesn't run down my property now."

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

**MINUTES 3-21-2018:** *Council Member Tschantz, "I move to approve the minutes of March 21, 2018 as presented." Council Member Curtiss, "Second." Motion unanimously carried, 6:0.*

**APPOINTMENT:** None

**ELECTRIC DEPARTMENT: Distribution Updates**

**General:** Superintendent Schneider reported, "The men have been doing a lot of line locates. They are still changing out power poles, and fixing street lights. They have been doing very little tree trimming, but have been getting started. The apprentice linemen are working on their apprenticeship programs with some of the shop time that we've had."

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

**General:** On the production side, it's been normal power plant maintenance and repairs.

**Generator #2:** Superintendent Schneider reported, "Generator #2 is back in service and running really good. It's a good thing we did the work we did."

**Power Outage:** Superintendent Schneider reported, "Last Saturday at approximately 2:30 p.m., an outage occurred because of the same thing that happened on the 17th of February. Birds were nesting again in the gridwork at the power plant substation. They were in the exact same spot as before. When the men went in and pulled the nest out, they found more of the same material (metal wire, etc.) that we had found before. We were able to isolate the affected gridwork in the substation and reroute the circuit feeders to restore service to the city. We made the permanent repairs on Monday, and everything is back to normal operation. I have been working with one of our vendors to look into some preventative measures to help protect us better in the future. He referred me to another vendor, which is basically his competition. I will get in touch with them and see what we can work out."

He added, "I want to thank the Street Department. They did borrow a piece of equipment from the County, and we're thankful they loaned it to the City. They (Street Department personnel) went through and drug - not only around the Power Plant, but also around the streets and around a large area, trying to pick up metal debris that may still be around."

**ELECTRIC DEPARTMENT: Electric Plant - Additional Generation Project- Proposals (RFPs) - update**

Superintendent Schneider, referred to the proposals that had been received in response to the Request for Proposals for the Electric Plant Additional Generation Project, "I wanted to make sure we got those out. The Electric Committee is still meeting and discussing the proposals, and are still working on coming up with a solution and recommendation to bring to Council. We just haven't reached that point yet."

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**ELECTRIC DEPARTMENT: Safety issue with placement of traffic cones:**

Council Member Tschantz, "I have more of a concern than a question. Today, we were headed out of town toward Emporia, and a couple of men (City personnel) were working by Dairy Queen. They had the cones out, but they had them right around the back of the back pickup instead of at an angle away from the work area. If somebody wasn't paying attention, they would have run right through those cones right into the back of that pickup; because there's no leeway there - it just comes to a dead stop, and then the driver would go over into the other lane instead of going at a gradual angle into that other lane. That's the only concern I have - the only thing I've seen so far that I don't agree with."

Superintendent Schneider, "Okay, we will revisit that. What we did to help with that situation was that we got a directional light that goes on the back of the unit and directs traffic." Council Member Tschantz, "I saw that." Superintendent Schneider, "We will visit about it more." Council Member Tschantz, "I think the cones need to be further from the side of the pickup, back at an angle at least a car length to give that person in the right lane enough time to be able to transfer over into the left lane."

Council Member Lenard, "It should be a standard for OSHA - they should have guidelines for all that; and I think it should be followed." Superintendent Schneider, "Yes, and I agree; and that's why we went to the directional lights which meet KDHE/OSHA standards." Council Member Tschantz, "I like the directional lights and I did see them on the pickup, and they were working; but still, if somebody's not paying attention, there's worse fact that a vehicle or somebody may get hurt." Superintendent Schneider, "We'll think about that."

**ELECTRIC DEPARTMENT: Electric Committee Meeting (after Council)**

City Clerk Kewley stated, "We are going to have an Electric Committee meeting following tonight's council meeting." It will be here at City Hall.

**WATER/WASTEWATER DEPARTMENT: Distribution Update**

**General:** Water/Wastewater personnel have been doing their normal duties: work orders, line locates, customer concerns, meter re-reads, general maintenance around the shop, and safety training. They did insulation on a sewer tap at 7th and St. Lawrence.

**Training:** Superintendent Hawkins reported, "We attended the Kansas Rural Water Association Convention last week in Wichita." (*Superintendent Hawkins and Utility Billing Supervisor Mahon attended the convention.*)

**Unused Water Meter Removal:** Weather permitting, personnel have been going out and removing unused water meters, as requested by property owners. They still have a lot more to remove.

**Personnel - Training - Vincent Riccobono:** Superintendent Hawkins stated, "One of the guys is going to be doing his CDL testing. I want to thank Mark (Superintendent Davidson) for letting him borrow one of the Street Department trucks. I want to thank Mark for helping us train for that, as well."

**WATER/WASTEWATER DEPARTMENT: Production Update**

**Water Treatment Plant - West Reactor Motor:** Superintendent Hawkins reported, "At the Water Treatment Plant, the west reactor motor went out two days ago, but we had ordered the parts and pieces for less than \$300; got that taken care of, and the motor is up and going." He added, "Other than that, the Plant's been running good. We've been averaging production of about 460,000 gallons a day; so it's springtime normal."

**STREET DEPARTMENT: Update**

**Training:** Street personnel attended the KMU safety meeting.

**County Equipment - Borrowed to Help Electric Department:** Foreman Davidson stated, "Alan (Superintendent Schneider) kind of stole my thunder on borrowing equipment from Coffey County. "

**General:** Foreman Davidson reported, "We bladed some alleys today, and the sewer lagoon roads. We're patching some potholes on some of the rock roads; we need to put another overlay of rock on them again because it's pretty soft. We're cleaning drain boxes - getting leaves out of the culverts before it rains. We store concrete at the old Penny's Concrete Plant from projects we've done; and we hauled some of the concrete to the landfill. We took care of one truck that had some electrical issues. We touched up some paint on the back of some of the trucks to keep them looking nice; and did general maintenance on the trucks."

**Sewer Lagoons - Blading:** Superintendent Hawkins, "I don't want to take your thunder away, but thank you for doing the sewer lagoons."

**STREET DEPARTMENT: Sidewalk Replacement - Application No. 2018-01 (203 S. 5th)**

Foreman Davidson said, "Kathy Peterson put in an application for 115 linear feet of sidewalk to be replaced on the west side of her house at 203 S. 5th Street. I looked at it and measured it. It needs replaced. It's got some cracking going on. I recommend you approve her application."

Mayor Luke, "Is four foot width the ADA (Americans With Disabilities Act) approved, or do we have to go with five foot?" Foreman Davidson referred to what he had read, and said, "ADA is five foot, but we can match up with four-foot if she has some existing that is four feet."

(continued)

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Per Ordinance 807 and the City Code 13-217, Cost-Sharing of Sidewalk Replacement, which is on page 2 of the application:

- (b) The construction guidelines on sidewalks will be 5 ½ sack cement strength, four inches in thickness, and five feet in width. *Regarding replacing sections of existing sidewalk, the Street Superintendent has the authority to allow new sidewalk to match the width of the existing sidewalk for aesthetic purposes.* Where sidewalks cross driveways, alleys or streets, the thickness of the cement will be six inches.

**Council Member Lenard stated, "I move to approve Kathy Peterson's Application for Sidewalk Replacement No. 2018-01 for 203 S. 5th Street, on a cost-sharing basis." Council Member Jasper, "I second." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.**

**POLICE DEPARTMENT: Update**

Burlington Police Officer Stice provided Chief Jones' report.

**General:** Office Stice reported, "We are keeping busy with the normal run of calls: domestics, funeral escorts, a couple of juvenile fights at the high school. There are lots of domestics this time of year - everybody's been cooped up for a long time. We had some DUIs. We've found some suspicious activity - as it gets warmer people are moving around. We've been making sure we can identify everybody that's wandering around. We've had driving complaints and animal complaints."

**KBI Audit - April 10th:** Officer Stice said, "April 10th will be the KBI audit that will check for the Kansas Justice System Access, Criminal History procedures, security requests and records. Basically, they will go through and verify all our stuff (programs/systems) are running right, that only certain people are seeing it - it's in a locked room. That will mostly be through Becky (Police Records Clerk Richwine).

**Pre-Prom Mock Disaster:** April 11th is the Pre-Prom Mock Disaster at Kelley Park. It is done every year for the Juniors and Seniors, right before Prom.

**Municipal Court:** City court will be on April 12th.

**POLICE DEPARTMENT: Nuisance (Update)**

Officer Stice reported, "We've been working on nuisance properties, and starting to hit it a little bit harder."

**Nuisance Vehicles - Derby:** Officer Stice said, "With the Demolition Derby coming up, we have that leeway for junk cars being in town a few weeks before and a few weeks after." Council Member Jasper, "Is there a certain number of derby cars allowed at a certain property?" Officer Stice, "I don't know. I can look into it and see. I just know it's more a question of are they really working on a derby car or is it an old car that with the derby coming up, they pulled it out of the garage." Mark Peterson said, "Do you know the Spring Derby is canceled?" Officer Stice, "Oh, then that's even better." (It was in the Coffey County Republican.)

**PARKS DEPARTMENT: Update**

**General:** Superintendent Boyce reported Parks personnel have been doing normal duties, cleaning public buildings and restrooms, and doing building and equipment maintenance. They attended KMU safety training.

**Public Water - Turning Water Off again:** Superintendent Boyce reported that they had pretty much finished turning on the seasonal water for the seasonal restrooms and the RV camping hookups, which was about a two-week process. Then for the last two days, due to the cold weather, they started turning them all back off and winterizing everything.

**Beautification Project - Flowers:** Superintendent Boyce reported, "We are working on getting the baskets and flower pots ready for the flower planting."

**FINANCE: Claims Ordinance & Payroll Ordinance**

a.	Claims Ordinance	2018-07	<u>\$255,310.84</u>
b.	Payroll Ordinance	2018-07	<u>\$ 77,888.30</u>
	TOTAL		\$333,199.14

**CLAIMS 2018-07:** Council Member Lenard moved to approve City of Burlington pay Claims Ordinance 2018-07 in the amount of \$255,310.84 for payment of city bills, as presented. Council Member Tschantz said, "Second." Mayor Luke called for discussion. City Clerk Kewley said, "Tonight we have Stanion Wholesale for \$2,118.40; the big one is TrustPoint Insurance for \$192,402.00; Water Loss Solution for \$3,651.87." Hearing no additional discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. Mayor Luke declared Claims Ordinance 2018-07 approved by unanimous vote, 6:0.

**PAYROLL 2018-07:** Council Member Tschantz moved to approve City of Burlington Payroll Ordinance 2018-07 in the amount of \$77,888.30 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 2018-07 approved by unanimous vote, 6:0.

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**PLANNING & ZONING: Update**

On behalf of Zoning Clerk Hugunin who was at K.A.C.E. training in Manhattan, City Clerk Kewley provided the Planning & Zoning update.

**Annexation 1198 12th Road:** Zoning Clerk Hugunin has been working with City Attorney Robrahn on the annexation for the property at 1198 12th Road.

**Permits:** Zoning Clerk Hugunin issued some permits.

**Tree City USA:** Zoning Clerk Hugunin attended the Tree City USA event in Lawrence last Wednesday and Thursday (March 28th and 29th). Burlington received the Tree City USA award for the 25th consecutive year; and also received the Growth Award for the 7th time. This is the first time we have received the Growth Award since 2010.

**Arbor Day - Proclamation (update):** *Zoning Clerk Hugunin worked on the Arbor Day Proclamation.* (Arbor Day Celebration in Burlington will be April 25, Oak Park, 5:30 pm. (Rain Day is May 1st.)

**ORDINANCE 855, Annexation of 1198 12th Road**

Mayor Luke, "Let's go ahead and do the ordinance for the annexation at this time." *Council Member Tschantz stated, "I move to adopt Ordinance 855, An Ordinance Annexing A Certain Described Area also known as 1198 12th Road, and Extending the Boundary of the City of Burlington to Include Said Area and Designating the Ward to Which it Will Belong; Pursuant to K.S.A. 12-520(a)(7) as Amended."* *Council Member Hall, "I'll second."* Mayor Luke, "I believe correctly that will be classified as Ward 1?" Council Member Curtiss said that is what it says in the proposed ordinance. Attorney Robrahn said, "Yes, I checked at the County, and the Clerk's Office verified that they thought it should be Ward 1 and it would go to Mapping."

Council Member Scothorn, "This is the first annexation since I've been on (the council); so I've got a couple questions on it. What's the advantage to us to annex that; and then, what is the advantage to the homeowner?" Attorney Robrahn, "I've been working in conjunction with Jimmy (Zoning Clerk Hugunin) on this. This extends back to an agreement in August 1993 between the City and the property owners at the time, Homer and Gladys Mays. Apparently, they worked out an agreement with the City that they wanted to be hooked up to sewer service by the City; and in turn, they allowed the City to enter their property and install sewer equipment and sewer line - I believe. They asked as part of that not to be annexed at that time although the property was being hooked up to city sewer service; and it was filed with the Register of Deeds. Anyway, it states that at the time the Mays no longer own the property, at that point it could be annexed into the city." He stated, "I think it would make sense since the City has been providing sewer service there since 1993, and since the Mays are no longer the owners of that property, we go ahead and follow through and annex it to the city." Council Member Jasper, "Do we get taxes since it will be part of the city then?" City Clerk Kewley said, "We'll get property taxes." Council Member Jasper inquired about the city limits to the west. Council discussed where the city limit currently ends.

Mayor Luke called for a vote on the motion, which is: *Council Member Tschantz stated, "I move to adopt Ordinance 855, An Ordinance Annexing A Certain Described Area also known as 1198 12th Road, and Extending the Boundary of the City of Burlington to Include Said Area and Designating the Ward to Which it Will Belong; Pursuant to K.S.A. 12-520(a)(7) as Amended."* *Council Member Hall, "I'll second."* City Clerk Kewley polled Council for a vote. *Mayor Luke declared the Ordinance 855, Annexation of 1198 12th Road adopted unanimously by a vote of 6:0.*

**OTHER COMMITTEE OR COUNCIL BUSINESS: Arbor Day Proclamation**

Mayor Luke has proclaimed April 25, 2018 as Arbor Day in the City of Burlington.

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

2018-001 Wayne Gosney - 519 Alleghany - Fence

2018-002 Ron Chambers - 202 N. 11th - Carport

**LEGAL DEPARTMENT: Update**

**General:** Attorney Robrahn said, "I worked on Ordinance 855; and we have Municipal Court on Thursday, the 12th of April." Officer Stice, "The next couple dockets are going to be pretty full."

**CITY CLERK: Update**

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

**Delinquent Utilities - None to send to Setoff this month:** City Clerk Kewley said, "I am glad to report that we will not be sending any delinquent utility accounts to the Kansas Set-Off Program for the second month in a row."

**Sewer Charge to be Calculated this Month:** City Clerk Kewley explained, "This month, we are calculating the new sewer charge for each customer. This entails taking the average of their water meter readings for December, January, and February; and that average would be their new sewer charge for next year."

**Additional Power Plant Generation Project - Financing:** City Clerk Kewley said, "I have been working with our financial advisor, David Arteberry with George K. Baum & Company. We are doing preliminary financing for our potential added generation project."

**City Audit of 2017:** City Clerk Kewley, "We are gathering information for our auditors (Mize Houser & Company). They will be here the 8th and 9th of May to do our audit for 2017."

**[5] CONTINUATION: April 4, 2018 Burlington City Council Regular Session**

**CITY OFFICERS COMMENTS:**

Council Member Lenard, "One of the local businesses might get on the agenda for the next council meeting. We didn't really get any feedback, so we're going to proceed with that at this point. One of the local businesses may come in and give an overview of their business. It will take ten or fifteen minutes." Mayor Luke, "Okay. Just make sure they contact Gina (City Clerk Kewley) so we can get it on the agenda."

**MAYOR'S COMMENTS: None**

**FUTURE AGENDA ITEMS:**

<b>GENERAL</b> City Debt – How to fund projects Water Rate 2018 forward (updates)	Financial Program Software (CIC) - updates GAAP – Infrastructure Capitalization
<b>ELECTRIC DEPARTMENT:</b> Power Plant-Add Generation: Proposals Engineering, Design, Construction	General Update, Activities, etc.
<b>PARKS DEPARTMENT:</b> Events in the Parks (Updates)	Misc. Legal - Documents, Cases, Contracts, etc.
<b>LEGAL DEPARTMENT:</b> Municipal Court	Quarterly Construction Valuation Report
<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 Property Annexed to City - Coops/City Right to Serve Utilities (Work with County Mapping)	Prepare Easements for any City-owned property without one City Hall - Awning Replacement (switch to metal) Annex - 1198 5th (Do City Boundary Ordinance in December)
<b>POLICE DEPARTMENT</b> Nuisance Updates Nuisance - 404 Neosho - Work with Zoning Clerk/Attorney to get structure assessed	Department Activities/Cases/etc.
<b>STREET DEPARTMENT:</b> Concrete Streets - Repair/Replace Sidewalk Repairs on City Rights-of-Way	Pavement Management System/Asset Management System Street Superintendent - Fill Position
<b>WATER &amp; WASTEWATER DEPARTMENT:</b> Pump Repairs (Clearwell/River Intake)	Water Plant - Valve Replacement (WA 18-001) Water Meter installations 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*