

BURLINGTON CITY COUNCIL REGULAR SESSION June 20, 2018

City of Burlington Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, June 20, 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)
 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: Salli Stewart (Burlington Promotions); Society for Creative Anachronism, Shire of Moonstone members: Rene Branson, Dan Branson, Renee Armstrong, Anna Guiltner, Frances Mihulec, Nicolas Thomsen

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

MINUTES 6-6-2018: *Council Member Curtiss, "I move to approve the minutes of June 6, 2018 as presented." Council Member Scothorn, "Second." Motion unanimously carried, 5:0.*

PUBLIC COMMENTS: None

APPOINTMENT: Salli Stewart, Burlington Promotions - New Events

Wine Tasting at Taste of Fall Festival: Salli Stewart, Burlington Promotions, addressed Council, "There are a couple of things I am here for. One is, at the Taste of Fall Festival, we would like to have wine tasting. Our idea is that we would have the winery out north of town (Fuqua Winery) come in. We'd have it at the 4-H Building in the kitchen area. They would have a wrist band or something they would check id's; and we would keep it separate from the rest of the public. Anyway, we wondered if that could be part of our Taste of Fall event; and if so, what we need to do to make it happen."

City Clerk Kewley, "I think you'll need to get with the State on permitting because you do need to get that type of permitting through the State." Mrs. Stewart, "I would imagine she (the owner) knows about that - she probably needs to do that anytime she does any kind of tasting event. I just wanted to make sure. I didn't want to just spring it on you that this was happening." City Clerk Kewley, "My understanding is that when she gets all the permits from the State, the Council would have to pass some kind of resolution or ordinance prior to the event." Mrs. Stewart, "So, we would have to get all of our stuff approved through the State first, and then come back?" City Clerk Kewley, "Yes. They have changed some things since about three years ago when the Library was thinking about doing something like that."

Mrs. Stewart, "Okay; but the feeling is that it would probably be okay if we got all our ducks in a row?" Mayor Luke, "As long as it's controlled and no one can leave the building with alcohol." Mrs. Stewart, "Right. They would stay in that little room and that way we could control it a little easier. She's going to cross her Ts and dot her Is also because she doesn't want to lose her license. She will be, I'm sure, taking care of all that. Okay, I'll tell her it's in her court now to get the State permitting, and then to come back." City Clerk Kewley, "I'm thinking the Taste of Fall event would have to get the permit." Mrs. Stewart, "Okay, not her." City Clerk Kewley, "There are different categories for different functions; so you have to explain to them what you're doing. Is that right, Chief?" Chief Jones, "There's a specific permit for a wine tasting. We had occasion to look it up last year for something else. If you go to the Department of Revenue website, there are specific categories and specific permits for everything. I think wine tasting has its own category." City Clerk Kewley, "She'll probably know, too." Mrs. Stewart, "Okay."

Renaissance Event during Taste of Fall Festival on October 6th, and Stand-Alone Demo on October 27th:

Salli Stewart addressed Council on behalf of the Society for Creative Anachronism, Shire of Moonstone Kingdom of Calontir. Members (Rene Branson, Dan Branson, Renee Armstrong, Anna Guiltner, Frances Mihulec, Nicolas Thomsen) gave an overview of their group and their request. They were dressed in time-period costumes for tonight's discussion.

Mrs. Stewart stated, "The other reason I'm here is for this group - I'm kind of with this group here, I'm not part of the group. This is the Shire of Moonstone, and they're going to be part of the Taste of Fall Festival. They're doing some fighting demos. They would also like to do some stand-alone events later in October. They've asked to kind of go through Burlington Promotions. We are happy they are doing that; we are just asking them to get

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the insurance that covers the City and Burlington Promotions. That is what we asked for; and then they will need to talk to you to tell you a little more about it." She passed out information about the group, and turned the discussion over to the group's spokesperson, who with the help of several others in the group, discussed their organization, events, and request.

Their Spokesperson said, "I would be bringing in Artisans to show their handicrafts - weaving, sewing, possibly cooking. It depends on whose available that day and wants to come down to do demonstrations." Mayor Luke asked when the events would be. She said, "This demo will be the same day as the Taste of Fall Festival. Our Stand-Alone event would be on the last Saturday of October, the 27th." Mayor Luke, "We'll check and make sure we don't have any conflicts going on. I'm assuming it would be in Kelley Park?" It will be.

Another member said, "It is for a war college. We're going to bring the entire Kingdom of Calontir here. I am the actual fire marshal for this area, so I would be focusing on that. The FBA is an educational group. We promote and learn about the medieval period of about 600 AD to about 1600ish. We promote studies on arts, crafts, fighting, all kinds of stuff. We cover Burlington and Emporia. Our Kingdom is called Calontir, which covers Kansas, Nebraska, Iowa, Missouri, and a little bit of Arkansas. A war college is a fighting practice sort of thing; so we would have people coming in from those states and a few others. We have more safety standards than the NFL." She passed around a sword they use explaining that they do not use live steel, they use rattan. She said, "Our goal is not to just teach people the fighting techniques of our war college, we also want to see people come into your community. We would like to reach out into the community ourselves and help the younger people learn about medieval societies and times. I am strictly in charge of the fighting, and make sure nobody gets hurt and that people are very safe with it. Our biggest goal is to help promote communities and to help teach communities; and if we can get some people locally involved, that would be even better. I love this outreach; and if there's anything we can do to help you guys as far as demos, things done at schools or libraries just contact us."

Renee Branson said, "I would personally like to see the children put down the tablets and cell phones and do things with their hands, and have that sense of accomplishment - 'I made this', 'I made that', 'Look what I can do outside', 'Look at what I can do - archery. We'll have archery at Taste of Fall in an enclosed area that will be monitored to let the kids shoot pumpkins, dragons, and what not. To have the kids be outside and put down those electronics. Also, to pull people into Burlington. I'm a local and I want people to come to Burlington and see how cool Burlington is, and Kelley Park is just perfect."

Dan Branson, "We were here once a long time ago when you had May Daze, and we had Kelley Park. We did some archery and stuff like that for one day. We're familiar with the park." Mrs. Branson, "We have someone to run the archery. He's well versed in working with children. He looks like Santa Claus; kids love him. He's very patient, and he's a great teacher; so they all have a good time. We just want to have fun and get people outside."

Mayor Luke verified with City Clerk Kewley that Kelley Park will be available on October 27th. He asked if they would need any of the indoor buildings. Renee Branson said, "Kelley Hall, for sure. We've already talked to Kevin (Superintendent Boyce); and if the public bathrooms are shut down in October which will depend on weather, we'll need one of the other buildings that has bathrooms. That is what we're looking for." City Clerk Kewley, "Kelley Hall on the 27th of October, is available." Mrs. Branson, "Perfect, if that works for you guys."

Mayor Luke, "What's the Council's pleasure?" Mrs. Branson, "This would turn into a yearly; we would bring people over to Burlington yearly. It would grow from this initial event, because this is something nobody else in our Kingdom is doing in the fall anymore - they do a spring. We've got an open time throughout our Kingdom when there is nothing else going on, and it'd be a great time to pull people together."

Council Member Curtiss, "I think with them being at the Taste of Fall Festival, they're going to be able to promote coming; and you may get a good turnout as a result of that." Mayor Luke, "What timeline during the day would you need those facilities?" Spokesperson, "Generally these start out about nine o'clock in the morning, and run until about 5 o'clock." Mrs. Branson, "Sometimes there is camping, so you'll have people coming in Friday night and setting up - especially people who are going to run certain venues throughout. They will set up Friday evening and be there all day Saturday, and usually head home after." Mayor Luke and City Clerk Kewley verified that both Kelley Park and Kelley Hall will also be available on Friday (October 26th). Mrs. Branson said, "Kevin took us on a tour and showed me things. I live here and I didn't know there was camping at Kelley Park. I was thrilled about that." She added, "Our groups do equestrian, and eventually - not at this first event we have, but eventually we would like to pull in the equestrian as well. I understand that requires the okay of another entity/organization."

Mayor Luke, "What's the pleasure of the Governing Body?" City Clerk Kewley, "Are you waiving the fee to the building?" Mrs. Branson, "That would be superb." City Clerk Kewley, "Do you think it's only for Saturday for the building?" Mrs. Branson, "Yes." Superintendent Boyce, "And you only want Kelley Hall?" Mrs. Branson mentioned the need for available bathrooms. Superintendent Boyce, "Kelley Hall has bathrooms. It would be the rock bathroom out in front of Kelley Hall that is going to be questionable, and may be closed; and the Stadium will be questionable. Kelley Hall and the 4-H Building both have bathrooms. Kelley Hall has no shower; 4-H does." It was agreed that showers would be needed. Mayor Luke said, "We will need a motion for the utilization of Kelley Park, the 4-H Building, and Kelley Hall, and also the waiving of the rental fees." Council Member Curtiss questioned whether the 4-H Building was available. It was.

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Council Member Curtiss made the motion that Council approve the request by the Society for Creative Anachronism, Shire of Moonstone. Kingdom of Calontir to use Kelley Park on Friday evening and Saturday, October 26 and 27, 2018 and both Kelley Hall and the 4-H Building at no charge on Saturday, October 27, 2018 for their Stand-Alone Demo Event. Second by Council Member Hall. Mayor Luke called for discussion. City Clerk Kewley inquired when they would need the buildings available on Saturday morning. The Spokesperson said they would like to start setup at 8 a.m., and they should be done by 7 o'clock, and then they would need to clean up. Superintendent Boyce suggested just blocking it out for all day, and it was agreed on. **Hearing no additional discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.** The group thanked Council. Mayor Luke said, "We will see you at Taste of Fall." Chief Jones was asked if he had any questions for them. He said he didn't and that he had a little familiarity with them. Salli Stewart and the group left the meeting.

ELECTRIC DEPARTMENT: Distribution Updates

General: Superintendent Schneider reported, "It's been pretty much the same routine. The men have still been doing line locates, but thankfully, those have slowed down. We have been doing customer service requests, line repairs, and maintenance."

Kelley Park - RV Site electrical: Superintendent Schneider stated, "The men have been working down at Kelley Park upgrading the service that feeds the RV spots along the river. We're trying to eliminate problems we've had in recent years, and hope to finish next week."

Protective Equipment Testing: Superintendent Schneider said, "Protective Equipment Testing from Great Bend is onsite and is doing the annual inspections on our bucket trucks and our high voltage protective line equipment. They will finish up tomorrow."

ELECTRIC DEPARTMENT: Power Plant/Production Update

General: The Power Plant crew has been doing normal duties and general power plant repairs and upkeep.

Crane Inspection: Superintendent Schneider reported, "We had our annual crane inspection in the new part of the Power Plant. There was a little bit of fray on the winch cable, showing signs of wear. At this point, although it wasn't a hazard and we would have still passed inspection, the men replaced that cable so it would be taken care of. Some protection covers were replaced, as well."

Automated Meter Infrastructure - Landis+Gyr (Software): Superintendent Schneider reported, "Our automatic metering software that we use to migrate into the billing system was upgraded by Landis+Gyr as part of the service. It caused a few minor issues with the formatting as it came into City Hall and our billing software. Carol Mahon (Utility Billing Supervisor) here at City Hall, kept them on their toes, and got it resolved quickly. She did a great job dealing with them. Everything is fine."

WATER/WASTEWATER DEPARTMENT: Distribution Update

General: Water/Wastewater personnel have been doing their normal duties: reading meters, line locates, work orders, customer concerns, etc.

Removing Unused Water Meters: The project to remove all the unused water meters, as requested by the property owners, has been completed.

Mapping of all Fire Hydrants in Town: Superintendent Hawkins reported, "We did a mapping update with the Fire Department, Chief Randall Brown. We identified and mapped all the fire hydrants in town so he and his firemen have a map showing where each hydrant is, including all the waterline replacement we've done. The map is all up to date for him."

Cottonwood & Neosho River Basins Water Assurance District #3 (CNRBWAD#3): Superintendent Hawkins, "I attended the Cottonwood Neosho River Water Management meeting at the Eisenhower Training Center at Wolf Creek. That was interesting visiting with several persons from the Kansas Water Office (KWO), the KDHE (Kansas Department of Health & Environment), and the Corps of Engineers."

Global Positional System Mapping and KDHE Compliance Class: Superintendent Hawkins reported, "I attended a GPS Mapping and KDHE Compliance class in Iola. It helped us out tremendously with laboratory testing - especially on our ammonia, which is great because we found a little simpler and cheaper way of testing our ammonia. KDHE was fine with it, so we are happy to do that."

WATER/WASTEWATER DEPARTMENT: Production Update

Plant Operation: Superintendent Hawkins said, "At the Water Treatment Plant, due to the lack of rain and everybody using more water than they usually do, we increased our flow up to 1,200 gallons per minute."

Sludge Press: Superintendent Hawkins reported, "We did get the new cloths installed on the Sludge Press; so that is completed and it is working great."

Chlorine Burnout & Fire Hydrant Flushing: Superintendent Hawkins, "On Monday, we're going to be doing a Chlorine Burnout. This is the normal time of year when it gets hot and it's gotten hot earlier this year than normal, so we're going to start a Chlorine Burnout from June 25th and we're going to run it until July 16th. I have

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already contacted KDHE. I've contacted all our customer Rural Water Districts and cities, so they all know. I apologize in advance that the water will taste of chlorine." He added, "In the process of doing the Chlorine Burnout, we will be sweeping across town flushing fire hydrants as well." (To make the public aware, a notice has been published on the City's website, sent to the local newspaper, and is available at City Hall.)

WATER/WASTEWATER DEPARTMENT: Truck - Go out for bids

Superintendent Hawkins stated, "Last year, we budgeted for a new truck. I am asking to go out for bids for that." Council Member Scothorn inquired what he was going to do with the old one, what year it is, and what is wrong with it. Superintendent Hawkins commented that they were going to trade in the 2005 Ford F-250 and explained, "The transmission is out of it. We just put a motor in it, and there is no reason to put a transmission in." Council Member Jasper asked about the age of the motor; and what the cost of replacing the transmission would be. Superintendent Hawkins said, "The motor is about a year old. When we talked with Blake Thomsen the other day, the transmission would cost anywhere from \$4,000 to \$4,500. The problem is that we've already invested so much in the truck, and it's value is about \$6,000 or \$7,000."

Council Member Jasper, "This is a question for all Superintendents - Is there anybody in-house who can maybe do a transmission change-out - in all our departments?" Superintendent Hawkins, "I don't in my department." Superintendent Davidson, "We changed one out in one of our trucks last fall. I'm not saying we could do it, but we have done it in the past." Council Member Jasper, "Is it something to consider?" Council Member Tschantz, "That truck has a lot more problems than just the transmission. It needs the rear end changed; the universal joints need to be repaired; and they just put new brakes on it a while back; and then it (the transmission) went out. We did budget for it last year." Council Member Hall, "So, it's time for it to go instead of spending more money on it?" Superintendent Hawkins, "We're throwing money in the pot - it's not going anywhere." To Council Member Jasper he said, "I understand why you're saying that, but...." Council Member Jasper, "I guess where I stand is, we just raised rates on our customers. I understand it was put in the budget and everything; but that's a hang-up for me; but I'm just one vote here, so...." He added, "Are you looking at buying a new truck?" Superintendent Hawkins, "Yes, new." Council Member Tschantz, "Buying a new truck, we'll get ten years of use out of it before we have to buy another one to replace it."

Hearing no additional discussion, Mayor Luke called for a motion. Council Member Tschantz stated, "I move to authorize Superintendent Hawkins to go out for bids for a 3/4 ton truck, model year 2018 or 2019, for the Water/Wastewater Department." Council Member Hall, "I'll second the motion." Hearing no additional discussion, Mayor Luke called for a vote, "All in favor say 'Aye'." Council Members Curtiss, Hall, Scothorn, and Tschantz stated 'Aye' in favor of the motion. Mayor Luke, "All opposed, same sign." Council Member Jasper voted 'Nay' to disapprove the motion. Mayor Luke declared, "Motion passed 4:1."

STREET DEPARTMENT: Update

General: Street personnel have been doing normal duties, some ditch cleaning, tree trimming, and addressing anything that comes up.

2018 Asphalt Project - Preparation: Superintendent Davidson reported, "We started patching streets where we're going to have the County come in and chip seal for the 2018 Street Project."

Sidewalk Removal at Recreation Center: Superintendent Davidson said, "We removed a sidewalk from the north side of the Rec Center. They had asked us several months ago because it was becoming a hazard. Scot Jeffers spoke with me; I spoke with Council about it. We had time yesterday, so we removed it and hauled dirt in. The Rec Center is going to level it off and seed it and get grass to grow on it."

STREET DEPARTMENT: Street Improvement, 2018 Asphalt Project - Present Bids

Superintendent Davidson said, "I would like to ask permission of the Council to accept project bids for the 2018 Asphalt. Gina (City Clerk Kewley) and I opened the bids Friday morning (June 15th at 10 a.m.). Sue (Administration Assistant Stroh) had sent out an Invitation to Bid to three different companies: Killough Construction, Bettis Asphalt, APAC Shears. Killough and APAC sent bids back. Killough came in at \$270,956.33. APAC was \$348,059.76. The difference was \$77,103.43; Killough being the low bid. I ask Council to go ahead and accept the bids."

CONTRACTOR	ASPHALT			MILLING		TOTAL BID
	Per Ton	Total Tonnage	Bid for Asphalt	Per Sq. Yard	Bid for Milling	
Killough Construction, Inc.	\$75.45	3,172	\$239,327.40	8,581 sq. yd. of 4" @ \$3.10 ea. 1,072 sq. yd of 6" @ \$4.45 ea Total Bid for Milling	\$26,858.53 <u>\$ 4,770.40</u> \$31,628.93	\$270,956.33
Bettis Asphalt & Construction, Inc; Se-Kan Asphalt Division	NO BID					
APAC-Kansas Shears Div.	\$99.26	3,171	\$314,753.46	9,654 sq yd @ \$3.45 ea.	\$33,306.30	\$348,059.76

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Accept as Bona Fide: Council Member Curtiss stated, "I move to accept the bids presented for the 2018 Asphalt Project as bona fide." Council Member Jasper, "I second." Mayor Luke called for discussion. Council Member Scothorn, "Why was Killough's so much lower per ton of asphalt than APAC's? I'm just curious." Superintendent Davidson, "Apparently, ten months ago Ken Massengil with Killough said oil prices were going up; so my guess is they locked their oil prices in, and APAC Shears hasn't done that yet. That's just a guess." **Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0. Mayor Luke declared the bids to be bona fide.**

Award Bid: Council Member Jasper stated, "I move to accept to bid from Killough Construction, Inc. for \$270,956.33 for the 2018 Asphalt Project, as being in the best interest of the city." Council Member Curtiss, "I second the motion." **Hearing no discussion, Mayor Luke called for a vote. Motion carried, 5:0.**

Council Member Curtiss commented, "It looks like they can start sooner and get done earlier, that's good." Council Member Scothorn, "Are any of the streets they are doing up by either one of the schools. Just curious because that's about when school's going to be starting." Superintendent Davidson, "The closest one will be Kennedy Street from 4th to 5th. The rest will be to the south." Mayor Luke, "No major bus routes are included either, are they?" Superintendent Davidson, "No."

POLICE DEPARTMENT: Update

Burglaries of Items from Vehicles: Chief Jones stated, "The big one for us, which you may have seen in the paper or seen on Facebook - we got hit with a lot of vehicle burglaries, as in unlocked vehicles were entered and a number of items taken. There were other vehicles that were entered, but we couldn't determine that they actually stole anything. I believe we had ten vehicles that things were actually stolen from. My officers put in a lot of work and a lot of time on this; and I am very pleased with their efforts. We wound up with one adult and one juvenile arrested and charged with it. The adult is currently sitting in jail with a \$35,000 cash security bond on him. With everything being felony charges and juvenile charges, everything is going to be going through the County Attorney, so there's not much else I can really say about that until the County Attorney starts making his releases."

Municipal Court: Chief Jones reported, "We had city court last Thursday. We started promptly at 4:30 p.m. We had four trials on the docket. One took a plea agreement; one is continued; and we did the other two trials. It was after 8 o'clock before we got done. It was another long night in city court."

General: Chief Jones said everything else was normal business. The burglaries were their main focus.

PARKS DEPARTMENT: Update

General: Superintendent Boyce reported, "We have been doing normal duties, cleaning public buildings and restrooms, mowing, weedeating, spraying weeds, spending a lot of time watering trees and flowers, and doing building and equipment maintenance."

Mowing Nuisance - 928 Des Moines: Parks personnel mowed a nuisance property, 928 DesMoines.

PARKS DEPARTMENT: Hazard Tree Removal - Go out for Quotes

Superintendent Boyce, "I am asking permission to get quotes for the hazard tree removals. Right now, I have six on the list, and am still looking." Mayor Luke, "What is the Council's pleasure?" Council Member Hall stated, "I move to authorize Superintendent Boyce to request quotes for Hazard Tree Removal." Council Member Jasper, "Second." **Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.**

FINANCE: Claims Ordinance & Payroll Ordinance

a.	Claims Ordinance	2018-12	<u>\$136,829.48</u>
b.	Payroll Ordinance	2018-12	<u>\$ 84,200.24</u>
	TOTAL		\$221,029.72

CLAIMS 2018-12: Council Member Tschantz moved to approve City of Burlington pay Claims Ordinance 2018-12 in the amount of \$136,829.48 for payment of city bills, as presented. Council Member Hall said, "Second." Mayor Luke called for discussion. City Clerk Kewley reported, "I have Water Technology for \$7,296.00; Utility Contractors for \$10,275.00; Wheeler World, Inc. for \$15,232.51." **Hearing no additional discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. Mayor Luke declared Claims Ordinance 2018-12 approved by unanimous vote, 5:0.**

PAYROLL 2018-12: Council Member Hall moved to approve City of Burlington Payroll Ordinance 2018-12 in the amount of \$84,200.24 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 2018-12 approved by unanimous vote, 5:0.**

PLANNING & ZONING: Update

City Clerk Kewley presented Zoning Clerk Hugunin's report.

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General: Zoning Clerk Hugunin has been doing normal duties, including Facebook and webpage updates. He worked on a few permits; and has also been working on several nuisance properties getting letters ready to send.

Nuisance Property - 928 Des Moines: City Clerk Kewley said, "Like Kevin (Superintendent Boyce) had mentioned, the Parks Department mowed the nuisance property at 10th and Des Moines."

Variance BZA-V-2018-001, Midwest Classic Tattoo, 406 Neosho: Burlington Planning Commission approved the variance for Midwest Classic Tattoo to operate at 406 Neosho. No action is required by the Council.

Planning Commission Meeting for Variance BZA-2018-002, Home at 10th & LaMoille: Another Planning Commission meeting will be scheduled in late July for a variance application on having a home built from shipping containers. (Reference Council minutes of 5-16-2018.)

PERMITS: Permits issued by Zoning Clerk Hugunin: None

LEGAL DEPARTMENT: Ordinance 856, Establishing a Policy for Competitive Bidding

Attorney Robrahn reported, "We have a couple of ordinances. In particular, Ordinance 856, establishing a policy for competitive bidding. I looked at what Coffey County has in their procedure. I thought it might be good to follow what the County does. That way, when we have contractor support come in and look at bidding with the City, if we're in line with the County's bidding procedure, it does help provide continuity between the City and the County." (Reference Council minutes of 5-6-2018 and 6-6-2018.)

Concerning the draft of this ordinance that was distributed on June 6th, Attorney Robrahn said, "I didn't have any feedback on this; but Stan (Mayor Luke) and I were talking yesterday, and I think Stan brought out some concerns. Maybe we ought to visit a little on this."

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DISCUSSION on Chapter I, Section 1-904 I. Formal Bid Procedures/Purchasing Policy; Item C.1.

Mayor Luke, "Under Section I. C.1, Is the verbal part with respect to previously budgeted items, or when we go out for vehicles, asphalt, or mowers that are already previously budgeted items - do we have to do those in writing, or can we call the dealerships and say we want a pickup truck, police car, or whatever - or do we have to write specifications and give it to them in writing? If so, then we don't need the word 'verbal'. How do we do it now?"

Chief Jones, "It depends on what we're buying. One of the things I talked to Tom (Attorney Robrahn) about, it being the last item VII. Exception. (This procedure shall not apply to single source purchases regardless of magnitude. Such purchases are made on a negotiated basis through appropriately prepared legal documentation.) That would be if we go to a sole source; such as we go to purchase a police car under the State of Kansas purchasing contract, where the bid process has already been done - that would come under that exception. I guess we could get a little guidance from the Council as to where this kicks in. If we're talking about day-to-day consumable supplies to keep our departments going, or is this a big ticket item; at what level do you consider it to be a big ticket item?"

City Clerk Kewley, "We discussed this in that - we didn't really put in an amount like the County has levels." Chief Jones, "Under previous administrations, we had been given the guidance that basically 'If you need it, get it.'" City Clerk Kewley, "Right. Get it, because it's repair/replace." Chief Jones, "Then two administrations ago, we were given the guidance, 'Well if it's going to cost more than \$1,000 or more than \$1,500, then you're going to have to go out for bids'. I guess at least for my department, we're just asking, what's the Council's feelings?" City Clerk Kewley, "The thing that's difficult with that is each department's prices vary. The Electric Department could be spending \$30,000 for repair/replace; you would be spending maybe \$10,000 - it's the difference. If you put \$1,000 on it, you could be bidding things left and right; so we took it out." Mayor Luke, "If you have pre-budgeted items." City Clerk Kewley, "Pre-budgeted is just estimates. We have to do that to plan budgets the year before because we can't go on a set amount."

Mayor Luke, "So, what does the Governing Body think?" Council Member Jasper, "Is it too much to ask that each department has its own budget - I mean, dollar amount? Can the Superintendents come up with something? They know what their ticket items are roughly at." Council Member Curtiss, "How have we been doing it?" City Clerk Kewley, "If it's repair and replace, we just go and get it. If it's something like the streets - we do the big project every year; if it's a piece of equipment that's a pretty good size - not a smaller item like a weedeater, push mower, or whatever - or a vehicle, yes that goes out for bids." Council Member Curtiss, "They have their budget, that they have to follow anyway, I mean....." City Clerk Kewley, "Yes, they can't go over that authority....." Chief Jones, "If it comes out of capital outlay, it's not in our budgets anyway - it's under governing body. You all have to approve those big ticket items anyway because they're not in our budget."

City Clerk Kewley, "We didn't want to make it complicated. We have various departments and the County doesn't have as many departments that are specialized with utilities; so that's why we did not include that." She added, "I just think that if you're going to set limits on each department, that could be a little cumbersome at times, versus if you set it across the board for everybody; but then you also could run into a lot of bidding if that's the case. If we have a lot of repair and replace we'd have to take care of, we may not have a council meeting - it's sometimes three weeks between councils."

Council Member Scothorn, "I was looking at this for the big ticket items." City Clerk Kewley, "Nothing has really changed from how we do it now." Council Member Scothorn didn't think we should have to go out to bid to get a weedeater. Council Member Jasper, "Right." Council Member Curtiss, "I'd say the way it's been done is

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the way it needs to stay." She asked, "So, does that answer what you are asking about?" Mayor Luke, "All I'm asking for is consistency in whether or not we will accept verbal quotes when we go out for an item; or whether we are requiring written." Council Member Tschantz, "As City Council, whether we're voting on a vehicle or big ticket items, shouldn't we have a written estimate?" Council Member Curtiss, "It ought to be written." Mayor Luke, "Then, do we have Tom remove 'verbal' from that piece?" Chief, "Yes, because if it ain't right, anything could happen - you can't hold them to it." Mayor Luke, "Then the recommendation would be to alter this and remove 'verbal'." Attorney Robrahn advised, "Or just strike out 'or verbal.' It was consensus of the Council to do that." (Also, the word 'may' was changed to 'shall'.)

In the following excerpt from the draft ordinance, the suggested changes are italicized, underlined, & bolded.

Chapter I; Section 1-904 I. Formal Bid Procedures/Purchasing Policy, Item C. 1.

C. 1. City of Burlington gets informal bids or quotes to purchase equipment, materials, and services to operate the city departments, which ~~may~~ *shall* be written ~~or verbal~~ and will be annotated on the purchase order by the Department Head.

a. The City shall award to the lowest and/or best bidder from within the city when the amount of such bid does not exceed the amount of the bid of the lowest and/or best bidder from outside city limits of Burlington, Kansas by more than five percent (5%) of the amount thereof.

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DISCUSSION on Chapter I, Section 1-904 I. Formal Bid Procedures/Purchasing Policy; Item C.2.

Mayor Luke, "Under Section C. 3, 'City of Burlington has formal invitations to bid on Community Improvement Projects which must not exceed the Engineer's estimate for the project bid to be accepted.' Having done a lot of projects, you get estimates from three different groups: you get an estimate from the engineer; sometimes you get an estimate from an architect; sometimes you get an estimate from the contractor which is actually going to do the work. The contractor is the most accurate of the three. One of the issues with the Water Plant was we used the architect's recommendation for what the cost would be; and the result was the estimate from the contractor was considerably more. I don't know if we will have an engineer on every project; I don't know if we're going to have an architect on every project; but we're going to have a construction person on every project. All I'm looking for is, do we want to specify a particular profession or do we want to use some generic 'not to exceed' source?"

Council Member Tschantz, "I think we all know that some contractors will put out a bid and then come back just before the project is finished and say 'We have to add so much money to our contract because we ran out of time, or pay increases, or something like that.'" Mayor Luke, "It's like the street projects. There are times when we add to the project, add thickness or something so we have added costs. Those are change orders, which we address on an individual basis." Council Member Tschantz, "We address that through the Council for Mark (Superintendent Davidson) through the street people." Mayor Luke, "Normally, Mark and or the Committee review and recommend it, and we get the change order kind of after the fact." There were a few suggestions. Mayor Luke said, "You're going to have a variety of things. I didn't want to restrict this to only utilizing an engineer on everything." Attorney Robrahn said, "I think Stan is hung up on the actual term 'Engineer's'. Like he said, there may in some cases be an engineer, in some cases it might be a contractor. We'd even discussed the term 'qualified person'." Mayor Luke, "I just don't think we want to restrict ourselves; we want to keep it open."

Chief Jones, "When we built the Police Department, we did not go through an engineer or an architect. We designed it ourselves and then went out strictly to contractors to request competitive bids. The way this is worded, this policy would have required us to have had them engineered before we could....." Council Member Curtiss, "Just put in 'a qualified individual's estimate'." Superintendent Hawkins, "With water, we're under KDHE, EPA and other entity regulations, we have no choice." Superintendent Boyce, "Anything I do along the river has to be engineered." Mayor Luke, "But the final price normally comes from the contractor." Attorney Robrahn, "Why don't we put 'Engineer's, Architect's, or Contractor, whichever one is applicable'." Mayor Luke, "Just so we're covered." The Governing Body and City Clerk agreed on the change.

In the following excerpt from the draft ordinance, the suggested changes are italicized, underlined, & bolded.

Chapter I, Section 1-904 I. Formal Bid Procedures/Purchasing Policy; Item C.2.

C. 2. City of Burlington has formal invitations to bid on Community Improvement Projects which must not exceed the *Engineer's, Contractor's, or Architect's* estimate for the project bid to be accepted.

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DISCUSSION on Chapter I, Section 1-904 II. Invitation to Bid Projects, Item B. 3.

Mayor Luke, "Some of the projects under Section 2 B3, where it says 'Contractor agrees to provide all labor', there are some projects we have done where we have supplied some of the labor, we have supplied some of the parts." Council Member Tschantz, "Is that because they were running out of time and we supplied the parts because they didn't have any on hand - or what?" Mayor Luke, "No, sometimes we can get the parts cheaper than they can; sometimes we have the parts in inventory so we use what we have in inventory. Sometimes if there is trenching to be done, we may

do the trenching and they do whatever needs to be done in the trench and we backfill over it."

Council Member Scothorn, "How much do we bill them for?" Mayor Luke, "We don't, we just have a low cost on the contract to start with." Council Member Curtiss, "So, we have to put in something so that unless the City has some lower cost items they can provide - something on that order." Mayor Luke, "Or change at the end that they provide all the equipment and materials as required by the contract, because if we take out what we're going to do, it's not part of the contract." Council Member Curtiss, "Is what we're going to do going to be written into the contract?" Mayor Luke, "It would be in the contract that we would be supplying certain things." Council Member Curtiss, "I have no problem with that, then." Attorney Robrahn, "I think that would be good."

Superintendent Hawkins, "That's what we do with the waterline. We hire Riley Boring Company to come in. We purchase all the material and we do the labor, they just pull the pipe for \$10 per foot. You can't find a guy out there that will do that, but we're doing the work for them; but we get more linear feet of pipe in the ground versus if we hired them to just go do the job - the price would triple."

In the following excerpt from the draft ordinance, the suggested changes are italicized, underlined, & bolded..

Chapter I, Section 1-904 II. Invitation to Bid Projects, Item B. 3.

B. 3. Contractor agrees to provide all labor, equipment and materials needed to complete the work, as required by the contract.

DISCUSSION on Chapter I, Section 1-904 II. Instruction to Bid for Projects, Item II.B.4. and Item

II.C.2. Mayor Luke asked if the verbiage on estimated project start and completion dates is needed in both Section II. B. 4 and in Section II. C.2. It was agreed that the replication would not be a problem and should be left as is.

DISCUSSION on Chapter I, Section 1-904 IV. Bid Opening, Item A.

Chief Jones said, "I don't know how Gina (City Clerk Kewley) feels about it, but IV.A where it says 'Bids must be opened at the stated time on the Invitation to Bid', things happen. I would suggest that it say 'No bid will be opened until the stated time'; because otherwise if you say the bids will be opened at 9 a.m. and something happens that you don't get to it until 9:05, you may have people raising all kinds of grief about it." City Clerk Kewley said, "We have them here at City Hall and have the date and time." Chief Jones, "The way it says the bids 'must' be opened at a certain time, and if you have eight bids and they have to be opened at 9 o'clock - you won't finish at 9 o'clock."

In the following excerpt from the draft ordinance, the suggested changes are italicized, underlined, & bolded.

DISCUSSION on Chapter I, Section 1-904 IV. Bid Opening; Item A

A. Bids ~~must~~ will not be opened until the stated time on the Invitation to Bid.

DISCUSSION on Chapter I, Section 1-904 III. Bid Submission, Item A

Mayor Luke asked City Clerk Kewley, "When an email or a bid comes in, is it on the computer with a time attached to it showing the time it was received, so that if we don't take it off the computer until after the time it was received the time it came is still recorded on the email?" City Clerk Kewley explained, "When an email or a fax comes through, there is always a time stamp on it." Mayor Luke, "Even though we may not take it off the machine or print it until later?" City Clerk Kewley explained that the received date and time it is part of the fax that comes in or an email that comes in." Mayor Luke just wanted clarification that if necessary, we could prove the date and time an email or fax is received, so there could be no dispute about it.

DISCUSSION on Chapter I, Section 1-904 V Submission for Council Action, Item B

Mayor Luke, "At the end of the sentence it says the process shall be started completely over if none of the bids are deemed acceptable. What process are you talking about? Are you talking about the bidding process, redesigning of the project, change of scope?" City Clerk Kewley, "I believe that's why we are here - we have a bid right now because of some of that situation, so we checked with the League of Kansas Municipalities and were told we needed to start back over." Attorney Robrahn advised it should read, "The bid process shall be started completely over." Mayor Luke, "Alright."

Chapter I, Section 1-904 V Submission for Council Action

B. If NO BID IS DEEMED ACCEPTABLE for whatever reason, written notification shall be provided to the bidders, the Invitation to Bid shall be reviewed, and the *bid* process shall be started completely over.

Mayor Luke stated, "With the changes that have been verbally agreed upon, are there other issues that need to be addressed or looked at prior to any action being taken by the Governing Body?" Hearing no comments, Mayor Luke said, "I will accept a motion to adopt Ordinance 856 as modified."

Council Member Tschantz stated, "I move to adopt as amended Ordinance 856, An Ordinance Establishing a Policy For Competitive Bidding, to be applicable to all City of Burlington Departments; and amending Chapter I, Administration; Article 9, Financial Affairs; Section 1-904 of Code of City of Burlington, Kansas (Edition 1-2017)." Council Member Curtiss, "I second the motion." Hearing no discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. Motion unanimously carried, 5:0. Mayor Luke declared, "Ordinance 856 has been adopted, as modified by a unanimous vote of 5:0."

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LEGAL DEPARTMENT: Ordinance 857, Amend City Code Chapter IV 4-229 and 4-330

City Attorney Robrahn explained, "This ordinance is to amend the City Code. Actually, it's just the dollar amount that we are amending. The changes in the dollar amounts are in the bold face text of the ordinance. For example in the bold face of Section 2, the amount is **\$10,000**. I can't recall for sure what that was previously." Administrative Assistant Stroh said, "I think that was \$5,000." Attorney Robrahn, "Under Section 3, we're changing it to be that an electrician or electrical contractor must procure and maintain a liability insurance policy in the amount of **\$250,000** for the death or injury of any one person; **\$500,000** for the death or injury of any number of persons in any one accident; and **\$100,000** for property damage in any one accident." (*The City has always required the same amounts for both the Electric and Water/Wastewater. With this ordinance, they will.*)

Council Member Scothorn stated, "I move to adopt Ordinance 857, An Ordinance to amend the Code of City of Burlington, Kansas (Edition 1-2017) Chapter IV Buildings, Article 3 Electrical Code, Article, Section 4-329(a) Electrician's or Electrical Contractor's Bond Required, Conditions, Approval, Rights Reserved; and Section 4-330 Insurance." Council Member Curtiss, "I second the motion." Hearing no discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. Motion unanimously carried, 5:0. Mayor Luke declared, " Ordinance 857 has been adopted by a unanimous vote of 5:0.

LEGAL DEPARTMENT: Update

City Attorney Robrahn reported that city court went until about 8 o'clock last week.

CITY CLERK: Update

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

Budget for 2019: City Clerk Kewley attended the finance meeting last Tuesday, June 12th in preparation of the 2019 Budget.

Timeline for the 2019 Budget: City Clerk Kewley provided the timeline for the 2019 Budget.

- A. July 18 Council to Authorize Publishing Notice of Hearing.
August 2 Notice of Hearing will be Published and Budget Summary
(Per Kansas Statute, by the last day of August)
- B. August 15 Budget Hearing will be held.
(6:30 p.m.) (Per Kansas Statute, by the last day of August.)
- C. August 20-24 File budget with County Clerk
(Per Kansas Statute, by the last day of August.)

Finance Meeting Scheduled for 7-26-2018: City Clerk Kewley said, "I do have another Finance meeting scheduled for July 26 at 10 a.m. to work on the budget."

Bid Opening - 2018 Street Improvement Project - Asphalt: City Clerk Kewley participated in the 2018 Street Improvement Project bid opening last Friday (June 15th).

City Hall Personnel - Carol Mahon is staying: Carol Mahon, Utility Billing Supervisor/Assistant Municipal Court Clerk, has withdrawn her resignation, and she will not be leaving City employment.

Independence Day - City Closing on July 4th: The City will be closed on Wednesday, July 4th, for Independence Day.

In July - One Council Meeting - July 18: City Clerk Kewley reminded everyone there will only be one city council meeting in July - on the 18th.

Other: City Clerk Kewley, "We have been handling a lot of calls and inquiries."

MAYOR'S COMMENTS: None

REPORT BY CITY OFFICERS: None

FUTURE AGENDA ITEMS:

GENERAL City Debt – How to fund projects Water Rate 2018 forward (updates) Promote Businesses with Business Showcases at Council meetings 2019 Budget Independence Day Celebration (Updates by Mayor)	Financial Program Software (CIC) - updates GAAP – Infrastructure Capitalization 2017 Audit Committee Succession Plan
ELECTRIC DEPARTMENT: Power Plant-Add Generation: Proposals Engineering, Design, Construction--on hold	
PARKS DEPARTMENT: Events in the Parks (Updates) City Dam West Wall Repair Hazard Tree Removal	General Update, Activities, etc. Banners (Veterans)

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LEGAL DEPARTMENT: Municipal Court Policy for Competitive Bidding (in Ordinance form)	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 Property Annexed to City - Co-ops/City Right to Serve Utilities (Work with County Mapping) 404 Neosho -Restoration of old Plaza Theatre historical site - Update on Grants, etc. -	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	Department Activities/Cases/etc.
STREET DEPARTMENT: Concrete Streets - Repair/Replace Sidewalk Repairs on City Rights-of-Way	Pavement Management System/Asset Management System Street Improvements 2018 Asphalt Project
WATER & WASTEWATER DEPARTMENT: Pump Repairs (Clearwell/River Intake) Hospital - Water Meter Replacement Sludge Press Repair	Water Plant - Valve Replacement (WA 18-001) Lead & Copper Monitoring - Survey Update Sewer Pump Station #9 - Repair Truck Bids/Purchase Water Meter installations Sewer Lagoon - Maintenance/Updates TTHMs - KDHE Survey (updates)

Mayor Luke adjourned the Council Meeting.

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

****COUNCIL APPROVED****