

## BURLINGTON CITY COUNCIL REGULAR SESSION 12-19-2018

City of Burlington Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, December 19, 2018. Mayor Stan Luke called the meeting to order.

**ROLL CALL:** ☒ Stan Luke, Mayor

### **Council Members present:**

<input checked="" type="checkbox"/> Lewis Lenard (President of Council)	<input checked="" type="checkbox"/> Dallas Scothorn	<input checked="" type="checkbox"/> Jerilyn Curtiss
<input type="checkbox"/> J.J. Jasper	<input checked="" type="checkbox"/> Thomas P. Tschantz	<input checked="" type="checkbox"/> Sharon Hall

### **Superintendents Present:**

<input checked="" type="checkbox"/> Kevin Boyce (Parks)	<input checked="" type="checkbox"/> Alan Schneider (Electric)	<input checked="" type="checkbox"/> Mark Davidson (Street)
<input checked="" type="checkbox"/> Doug Jones (Chief of Police)	<input checked="" type="checkbox"/> Danny Hawkins (Water/Wastewater)	

### **Also Present:**

<input checked="" type="checkbox"/> Regina Kewley (City Clerk)	<input checked="" type="checkbox"/> Susan Stroh (Administrative Assistant)
<input checked="" type="checkbox"/> Tom Robrahn (City Attorney)	<input checked="" type="checkbox"/> Jimmy Hugunin (Zoning/Grants Clerk)
<input type="checkbox"/> Philip Wright (Assistant City Attorney)	<input type="checkbox"/> Anne Brown (Deputy City Clerk)

**Media Present:** Mark Petterson (Coffey County Republican)

**VISITORS:** none

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

**MINUTES 12/5/2018:** *Council Member Scothorn, "I move to approve the draft minutes of December 5, 2018 as amended." Council Member Hall, "Second." Motion unanimously carried, 5:0.*

**APPOINTMENT:** None

**PUBLIC COMMENTS:** None

### **ELECTRIC DEPARTMENT: DISTRIBUTION Update**

**General:** Personnel have been busy doing line locates, normal line maintenance, and customer service requests.

**Squirrel Proofing:** Superintendent Schneider reported, "During the pleasant weather, the men have been doing more squirrel proofing."

**Electrical issues:** Superintendent Schneider reported, "We worked on an overhead electric service going to a residence. The insulation had broken down and when it got real windy, it threw sparks; so the men changed that out and put a new service conductor in."

**Pole Change-out / Street Lights:** The men changed out a utility pole since last council. They are still doing street light repairs.

**Convert Service:** Superintendent Schneider, "Per a customer request, we converted an overhead service to underground."

**Electric Department/Plant Sign:** Superintendent Schneider invited everyone to look at the new sign at the north entrance of the Electric Department and Power Plant. He said, "The sign the men were working on is up and it looks really nice. They did a really good job."

**Vehicle Maintenance:** Personnel have been doing vehicle maintenance – oil and fuel filter changes, hydraulic filters, and things like that.

### **ELECTRIC DEPARTMENT: PRODUCTION Update**

**General:** Production personnel have been performing normal duties, power plant maintenance.

**Inventory Reduction:** Superintendent Schneider, "We have been taking an inventory of equipment. We can't keep everything on hand, but we do keep the main things; so we'll be going through everything to make sure we have everything we may need for an emergency. We are building some shelving in the basement for some larger items like three-phase motors."

**Generators #1 & 4 – Maintenance:** Personnel did a maintenance run today on Generator #1, which is a CAT (Caterpillar), and on Generator #4. It had been a few months since those generators had been exercised. They did run #4 six hours today. So, they are ready, if needed.

**Goals & Accomplishments:** Superintendent Schneider, "I've been working on Goals & Accomplishments with Dee Francis in the Power Plant and Thomas Hess in the Line Department."

### **ELECTRIC: Kelley Park Ballfield Light Project and Park Contracts**

Superintendent Schneider, "We talked last council about replacing the light pole. Lyon-Coffey Electric did come in, and we got the light hung, all the light controllers and everything put back up, and it is ready to go. I'm still waiting on some final costs from one of my vendors. Once I get that, we will send that to the Recreation Commission so they can pay their share, which is half the cost."

Mayor Luke stated, "A letter went out to the Recreation Commission today thanking them for their support and help with that process." Superintendent Schneider said, "Yes; and I got a visit from Mike Tweedy (Lyon-Coffey) thanking us for thanking them. It was really nice of him."

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**WATER AND WASTEWATER: Distribution Update**

**General:** Superintendent Hawkins reported that personnel have been doing normal duties, line locates, work orders, read meters, customer concerns, call-outs.

**Service between 8th & Hudson and 8th & Miami:** Superintendent Hawkins said, "We got Ron Dorpinghaus' meter over to him between 8<sup>th</sup> & Hudson and 8<sup>th</sup> & Miami. We ran a new line to the back. It sounds like they're going to build another house back there, as well; so we ran a two-inch waterline in there."

"We did get the new vac trailer in, so we used it; and I'm glad we did. It helped us get around all those utilities in there – and there were a lot of utilities. It worked out really good for us and saved us a lot of time. That job is complete."

**WATER/WASTEWATER: Production – Water Treatment Plant Update**

**New Lights Ordered:** Superintendent Hawkins, "I want to thank Alan (Electric Superintendent Schneider) for ordering new lights for the Water Treatment Plant. They're going to be nice."

**Removing Unused Water Meters:** Personnel are still removing unused water meters on vacant lots at the request of the property owners.

**Water Plant Update:** The Water Treatment Plant is running fine. The daily water production average has been around 500,000 gallons.

**Personnel:** Superintendent Hawkins said, "We are still doing a lot of training with the guys. David Mefford will be leaving this Friday; so that will be his last day at the Water Plant; so we've been doing a lot of excessive training at the Water Plant."

**WATER/WASTEWATER: Personnel – Water/Wastewater Non-Certified Operator, Recommendation**

Superintendent Hawkins stated, "I have not had as big a pool of applicants as I hoped we would, but we had some interviews this week. With the Council's permission, I would like to recommend hiring Christopher Hammond at \$16.13 per hour." ***Council Member Curtiss stated, "I move to extend an offer of employment to Christopher Hammond for the position of Water/Wastewater Non-Certified Operator, at the starting wage of \$16.13." Council Member Scothorn, "Second." Mayor Luke called for discussion, and hearing none asked, "Two weeks, is he going to be available?" Superintendent Hawkins, "I will know this evening. If Council approves it, I will go over there this evening and will see what he wants to do. We want to encourage two weeks, but we'll see what he wants to do."***

**Mayor Luke asked if there was more discussion.** When asked if we're going to hire one more. Superintendent Hawkins said, "We're going to wait until we add to the pool of applicants. We'll keep trying."

**Mayor Luke called for a vote on the motion which is:** ***Council Member Curtiss stated, "I move to extend an offer of employment to Christopher Hammond for the position of Water/Wastewater Non-Certified Operator, at the starting wage of \$16.13." Council Member Scothorn, "Second." Motion unanimously carried, 5:0.*** Mayor Luke, "You can let him know." Superintendent Hawkins, "I will. Thank you."

**STREET DEPARTMENT: Update**

**Water Leak – Outside City Hall:** Superintendent Davidson, "We helped Danny (Superintendent Hawkins) with the water leak at 3<sup>rd</sup> and Neosho." Superintendent Hawkins, "I want to thank Mark for helping us."

**General:** Personnel have been hauling waste to the Coffey County Landfill, sweeping curbs and gutters, and helping the Parks Department for a little bit. We did a couple drive culverts, did a little ditch cleaning, and doing maintenance on trucks and equipment.

**Parking Behind City Hall:** Superintendent Davidson said, "We painted 'No Parking' on the two former parking stalls behind the City Hall carport. Apparently, we've been having trouble with people parking there. There are concerns that when vehicles are backed out of the carport, vehicles parked there may get hit."

**POLICE DEPARTMENT: Update**

**2019 Dodge Charger is here:** Chief Jones said, "The good news is, the car finally showed up. Randy (Officer Stuart) and I went and got it Thursday. I got the graphics on it over the weekend, and I delivered it to K-Com Monday morning to have the equipment installed; so, I'll probably see it again after New Years. It will take a while to get that done with the holidays. Apparently, that car and about two hundred others have been sitting in Kansas City because Chrysler has some transport logistics issues; so it's been in the area for a while, we just couldn't get it delivered." (*Purchase was approved 8-1-2018, with delivery to be by 10-11-2018.*)

**Cases:** Burlington Police Department has been assisting the Sheriff's Office with several calls.

**Court:** Chief Jones, "Last Thursday, District Court ran long; so, we were late getting started with Municipal Court, but it went smoothly and we were still out of there by 6:30 p.m."

**County Attorney Wade Bowie II:** Chief Jones said, "We did have a very good meeting with the County Attorney last Wednesday."

[3] **CONTINUATION: December 19, 2018 Burlington City Council Regular Session**

**Christmas Parade:** Chief Jones reported, “The Officers gathered up to get ready to do traffic control for the holiday parade; and we got the call of a wreck at the corner of 3<sup>rd</sup> and Neosho. Despite a couple of comments we heard about how come there were so many officers there to work a simple traffic accident, we did get it cleared up and the street cleared in time for the parade to start on time.”

**RV Solar Panels Stolen:** Chief Jones, “We’ve been working a couple of other calls. A guy had his RV in one of the fenced in RV lots. Somebody cut a two foot by three foot chunk out of the chain-link fence and stole three solar panels. These are about three foot by a foot and a half triple charge type panels. We are not sure when they were stolen.”

**Welfare Food Assistance - Fraud:** Chief Jones, “I am currently working a benefit, Welfare Food Assistance, fraud that came in this week. We’re waiting for response from Department of Children and Families on that to try to determine exactly how much the State of Kansas has been defrauded. It has actually been reported to their investigation department, and we’re waiting to see who is actually going to have jurisdiction over this – as to whether this will remain our case or whether we let the State of Kansas take it over.”

**PARKS DEPARTMENT: Update**

**General:** Parks personnel have been cleaning public buildings and restrooms, building and equipment maintenance, mulching leaves in Kelley Park, and worked on Goals & Accomplishments and inventory.

**Caboose Park:** Superintendent Boyce, “As Mark (Superintendent Davidson) said, they helped us out replacing some brick by the Caboose. On the north side of the restrooms at the Caboose, there was a little gravel area where all the utilities and stuff come in. On some other projects – like on Veterans Park, where we removed some of the bricks and put stamped concrete in, we took the gravel and dirt out on the north side of that (in Caboose Park) and laid bricks in there. It’s been on our Goals list for a few years. I think we’re past any issues over there, I hope, as far as nobody coming in to do work in that area. The bricks are laid. We do have a sand/mortar mix we can put down in the spring. We need the temperature to be above fifty degrees for twenty-four hours. We’ll sweep it over the bricks, and that will fill all the cracks in between the bricks and help with (preventing) any vegetation growing in there (the cracks). It turned out pretty nice.”

**PARKS DEPARTMENT: City Dam Retaining Wall Repair (West) – Engineering Proposals**

(Reference lengthy discussions January through April 2014; and updates in April, October, December 5, 2018.)

Superintendent Boyce stated, “Tom (Attorney Robrahn) reviewed all three of the proposals. Once I made a decision on which engineering firm I thought was a good one to go with, I telephoned to get the references on that company. Nobody had anything bad to say about the company. I passed that out. Their insurance information is in there, and extra work needed is in the packet I handed out tonight. My recommendation would be Schwab Eaton for their proposal of \$18,850.00.”

**Mayor Luke, “What’s the Council’s pleasure?” Council Member Scothorn stated, “I move to accept the proposal, as presented, from Schwab Eaton for engineering services for the City Dam Retaining Wall Repair Project, not to exceed \$18,850.00.” Council Member Curtiss, “I second the motion.” Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.**

**FINANCE: Claims Ordinance & Payroll Ordinance**

a. Claims Ordinance	2018-23	\$	418,753.66
b. Payroll Ordinance	2018-25	\$	85,410.88
	TOTAL	\$	504,164.54

**CLAIMS 2018-23:** Council Member Lenard moved to approve City of Burlington Claims Ordinance 2018-23 in the amount of \$418,753.66 for payment of city bills, as presented. Council Member Scothorn gave the second. City Clerk Kewley reported, “We have three big ones: Davis Moore for the police car, \$24,356.00; Kansas Power Pool, \$163,118.78; Vermeer Sales & Services for the Vac Trailer, \$75,816.92.” **Hearing no additional discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared Claims Ordinance 2018-23 approved by unanimous vote, 5:0.**

**PAYROLL 2018-25:** Council Member Tschantz moved to approve City of Burlington Payroll Ordinance 2018-25 in the amount of \$85,410.88, as presented. Council Member Hall gave the second. **Hearing no discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared Claims Ordinance 2018-25 approved by unanimous vote, 5:0.**

**PLANNING & ZONING: Update**

**General:** Zoning Clerk Hugunin has been doing normal duties. He is still inputting inventory, and working on the Tree City USA application.

**Resolution Preparation:** Zoning Clerk Hugunin said, “Most of my time was used with getting the two resolutions prepared, with the help of Sue and Tom (Administrative Assistant Stroh and Attorney Robrahn).”

- Zoning Clerk Hugunin explained, “Resolution 2018-05 was to set the time, date, and place for the public hearing on the Darnell property at 415 S. 6<sup>th</sup> Street. Since we have been talking about this property and it’s been in the newspaper, there’s been a lot of action at that house. Piles of stuff are coming out of the house now. One of her friends came in and visited with me. They’ve been working the last two weeks trying to get as much stuff out of there as they can.”
- Zoning Clerk Hugunin said, “Resolution 2018-06 was to redefine the boundaries of the city limits of Burlington, since we annexed the property at 1198 12<sup>th</sup> Road.” He explained that each year we annex property into the city by ordinance, we are required to pass a resolution by the end of that year to redefine the city boundaries (by adding the newly annexed property to the end of Section 1).

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**RESOLUTION 2018-05: Set Hearing on Nuisance Property at 415 S. 6<sup>th</sup> St. (Theda Darnell)**

Mayor Luke, referring to proposed Resolution 2018-05, a copy of which is in the council packets, requested a motion. *Council Member Hall stated, "I move to approve Resolution 2018-05, to set the date, time, and place of a Public Hearing for 415 S. 6th to determine whether structures thereon should be condemned as unsafe and unfit, and to be demolished." Council Member Lenard, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0. (The hearing is set for 6:10 p.m.; February 20, 2019; at 301 Neosho Street, Burlington, Kansas.)*

**RESOLUTION 2018-06: Redefining the Corporate Boundaries**

Mayor Luke, referring to proposed Resolution 2018-06, a copy of which is in the council packets, requested a motion. *Council Member Tschantz stated, "I move to approve Resolution 2018-06, Redefining Corporate Boundaries of the City of Burlington." Council Member Curtiss, "Second the motion." Hearing no discussion, Mayor Luke asked, "That was the only piece that was annexed?" Zoning Clerk Hugunin, "Yes, that is a long resolution, but the only piece added this year (1198 12<sup>th</sup> Road) is at the end. Each year we annex property, the property description is added to the end of Section 1 in the new resolution." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.*

**LICENSE –2019 Cereal Malt Beverage Renewal: Pump'n Pete's**

Mayor Luke, "We knew this was coming, Pump'n Pete's just didn't have it in to us last meeting when we approved the others." *Council Member Hall stated, "I move to approve the 2019 Cereal Malt Beverage License for Pump'n Pete's." Council Member Lenard, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.*

**LEGAL DEPARTMENT: Update**

**City Dam Retaining Wall – Engineering Proposals:** Attorney Robrahn, "I reviewed the City Dam Retaining Wall engineering proposals. I visited with Kevin (Superintendent Boyce) about that."

**Agreement – Parks:** Attorney Robrahn said, "I worked on the agreement between the City and the Recreation Commission. I visited with the Recreation Commission's attorney about what we would want to put into a temporary agreement, just to get us by until we have a final permanent type agreement. We talked about that and he left me with the task to draft them something. Like I say, it's vague; but it's very general, very simple, and it covers things until we get to that point." Mayor Luke, "It basically just puts in writing what we're currently doing."

Council Member Lenard, "So, we never had anything before?" Attorney Robrahn, "Not since 1987. We had an agreement and it had a termination date. It hasn't been renewed since the 1980s." Council Member Lenard, "I was going to ask on this one – this is just temporary, does it have a termination date?" Attorney Robrahn, "No, our hope is that we get something in place by March or April – sometime in the spring." City Clerk Kewley, "They had discussions throughout the years on an agreement – to find it and to update it; but then they just moved on and took care of any issue at hand - like we're doing now, but they never followed through and approved a new contract/agreement."

Attorney Robrahn, "We probably need to not have a termination date where we'd have to constantly renew the contract, we ought to just make it perpetual unless there's a change by either of the parties and what they've agreed to." Council Member Lenard, "I kind of like that; but I know when we were looking at some of the water agreements a few years ago with some of the other cities (and Rural Water Districts) nobody ever really looked at them to see if they needed updated. That's probably been one of our shortfalls – having different agreements and not really knowing when they're outdated."

Mayor Luke, "The Recreation Commission Board signed it. They had a meeting Friday and accepted it; and now it's up to us to accept it on our side." *Council Member Hall stated, "I move to approve the Agreement (dated December 19, 2018) between U.S.D. #244 Recreation Commission and City of Burlington, as presented." Council member Curtiss, "I second it." Mayor Luke called for discussion. Council Member Lenard asked, "Should we somehow tag it under future business – April, May, June, or something like that?" Attorney Robrahn, "To renew or review?" Council Member Lenard, "Yes." Attorney Robrahn, "If we do put termination dates on things, we probably should." Mayor Luke asked Administrative Assistant Stroh, "Want to put that on your list of future items?" She said she will.*

*Hearing no further discussion, Mayor Luke called for a vote on the motion, which is: Council Member Hall stated, "I move to approve the Agreement (dated December 2018) between U.S.D. #244 Recreation Commission and City of Burlington, as presented." Council member Curtiss, "I second it." Motion unanimously carried, 5:0.*

**CITY CLERK: Update**

**General:** City Clerk Kewley reported that City Hall personnel have been busy preparing meter readings for utility bills. They have been preparing work orders, vouchers for bill paying, payroll, and council meeting minutes. Administrative Assistant Stroh worked with Attorney Robrahn and Zoning Clerk Hugunin to prepare the two resolutions for this meeting.

**Dog Tags for 2019:** The 2019 dog tags will be due, starting in January.

**Unconventional Vehicle Registrations:** City Clerk Kewley reminded everyone the unconventional vehicle registrations renewals are due on the anniversary date of the original registration.

**Water/Wastewater Interviews:** City Clerk Kewley participated in the interviews for the Water/Wastewater Non-Certified Operator position on Monday, December 17th.

**Council Meetings:** City Clerk Kewley stated, “Of course, this is our last council meeting for the year; and as in the past, we can continue to have 2018 open to finish old business while having 2019 open.”

**Holiday Closing:** City Clerk Kewley said, “We will be closed December 24<sup>th</sup> and 25<sup>th</sup> (Monday and Tuesday) for Christmas; and January 1<sup>st</sup> (Tuesday) for New Years.”

**General:** City Hall Staff handled normal calls and inquiries.

**OTHER:**

Council Member Curtiss said, “Merry Christmas, everybody! Take food home because it’s not going home with me.”

**MAYOR’S COMMENTS:**

**KPP Rate Forum:** Mayor Luke, also President of KPP Board of Directors, stated, “We had our Rate Forum and approval of rates for the Kansas Power Pool on Friday; and in 2019, the forecasted rates are going to be 2.15% lower than they were in 2018. We’re trying to move in the right direction.” Council Member Lenard, “Was the reduction contributed to labor, new contracts, or .....?” Mayor Luke, “A multitude of things. Three or four items were going to be lower, gas prices are going to be a little higher; and there is a reduction in labor because we have a part-time person with no benefits versus a full-time employee.” Council Member Lenard, “Cash position?” Mayor Luke, “Cash position is quite well. Nothing really jumps out; but maintenance at Dogwood is going to be less because we did some of the maintenance this year that was on next year’s schedule; so what has been forecasted has already been taken care of. Transmission cost is pretty much the same. It kind of worked out with just a slight reduction.”

**Holiday Greetings:** Mayor Luke added, “I also want to wish all of you Happy Holidays, Merry Christmas. Superintendents, Let your staff know we appreciate what they’ve done for the year, and wish them safe travels if they’re going somewhere; and we’ll see them – a lot of them – after the first of the year.”

**FUTURE AGENDA ITEMS:**

<b>GENERAL:</b> City Debt - How to fund projects Goals for 2019 and Accomplishments in 2018	GAAP - Infrastructure Capitalization Promote Businesses with Business Showcases
<b>ELECTRIC DEPARTMENT:</b> Power Pant - Additional Generation Christmas Lights/Decorations – Change to LED Lights	Thermal Imaging of Electric System
<b>PARKS DEPARTMENT:</b> Events in Parks (Updates)	Kelley Park Light Poles – Repair/Replace (also see Legal) City Dam - West Wall Repair
<b>LEGAL DEPARTMENT:</b> Municipal Court Misc. Legal - Documents, Cases, Contracts, etc. Park Agreement	<b>Park Agreements:</b> 1) Agr of 12-2018 - City & Rec. Com. – Review in Spring 2019 2) Form a Committee – Review and Update Park Contracts
<b>PLANNING AND ZONING</b> Industrial Park Lots for Sale, etc. Work with NexTech and City Departments to improve Cyber Security Nuisance Structure & Properties: Work with PD Old Equipment & Misc. – Sell on purplewave.com Departmental Inventories Tree City USA Application, etc.	Quarterly Construction Valuation Report Prepare Easements for any City-owned property without one City Hall - Awning Replacement (switch to metal) Permits - Building/Zoning/etc. 415 S. 6 <sup>th</sup> (Theda Darnell Property) Condemn to Demolish
<b>POLICE DEPARTMENT</b> Nuisances (Work with Zoning Clerk)	Department Activities and Cases
<b>STREET DEPARTMENT:</b> Concrete Street Repairs/Free State Ct. Replacement/Repair Sidewalk Repairs on City Rights-of-Way Excess Hot-Mix from APAC Litigation/Redo S 3 <sup>rd</sup> St. Municipal Parking Lot in 2019	Pavement Management System/Asset Management System Street improvement Plan, Paving Gravel Streets, Crack Filling, Street Improvement Projects
<b>WATER &amp; WASTEWATER DEPARTMENT:</b> Sewer Lagoons - Analysis (KRWA/funds for dredging) Sewer Lagoon - Maintenance/Updates Sewer Pump Station #9	TTHMs - KDHE Survey Updates Personnel – Hiring two W/W Non-Cert. Operators

Mayor Luke declared the meeting adjourned.

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