

## BURLINGTON CITY COUNCIL REGULAR SESSION 10-2-2019

City of Burlington Governing Body met in Regular Session at City Hall's temporary address, 1013 N. 4<sup>th</sup> Street, Burlington, Kansas at 6:00 p.m. Wednesday, October 2, 2019. 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)                       Mary Mader (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:** Lynn Osburn, Randy Stuart, Dottie Stuart, Charlie George, Brandon George, Theresa George, Paul Abendroth

**AGENDA:** *Council Member Lenard, "I move to approve the agenda as modified." Council Member Tschantz, "Second." Motion unanimously carried, 6:0.*

**MINUTES 9/18/2019:** *Council Member Curtiss, "I move to approve the draft minutes of September 18, 2019 as presented." Council Member Tschantz, "Second." Motion unanimously carried, 6:0.*

### **PUBLIC COMMENTS:**

Mayor Luke, "Any public comments?" Attorney Robrahn, "Mr. George (Charlie George) you have indicated you have retained or may retain legal counsel and I have advised the Governing Body and City Officials not to visit with you about the matter you are going to comment about tonight. I also cannot visit with you." Charlie George, "You never have." Attorney Robrahn, "Your attorneys have never called me. If you want to communicate with us then you need to do so through your attorney. However, we are not going to deny you of your chance to visit tonight for five minutes. Thank you."

Charlie George, "I have concerns with most of you up here sitting behind this table. You have refused to call me back. I have made multiple calls to certain people, they were denied, and did not return my call. I did talk with a few people who did call me back multiple times, others have refused. I don't know why. I have been part of this community for 23 years. You are all elected officials; you should call me back because I have concerns. I have videos of the whole incident. I believe Mrs. Curtiss (Council Member Curtiss) has seen the video. We have a County Commissioner that has seen the video that is appalled by it. This is the video of him (Brandon George) driving down the street and doing nothing wrong, he has a dash cam and it says on there speed and it says 31 mph. This individual is on a traffic stop and he drove by. There is no reason for this officer to follow him for 2.2 miles. We have had issues since this young man was 14 years old. Some of the stuff he has deserved some of it he has not. We have P.D. that has a facebook page, and I talked to you before, that when people make comments if it doesn't look good for them, then they block it. They take the comment away and then they block you from posting anything on an open forum. That is not right either.

"This officer, we have had three incidents with this officer since he was 14 years old. When he was 17 years old this officer got in his face and said, 'Do you want to go?' This is from someone who wants to represent our city. Then my phone is inside my car and I'm recording for my safety. That is my first amendment right. He gets out of his car and comes up to me to confront me. He knocks the phone out of my hand, it hits the ground, and I have to restart it. Then he tells me, 'You and your son are f-ing done.' That is a threat. Now, if I did that I would be handcuffed and in jail. This man needs to leave us alone. This officer needs to leave us alone. He is a loose cannon. He is going to hurt somebody or kill somebody. He needs to stay away from him unless he breaks the law." Brandon George, "All of them need to stay away from me unless I break the law."

Charlie George, "It's so bad, we had a different car a while back and he had come home saying that they are following him. Me and her got in the same car, it had tinted windows, as soon as we start driving down the road, they start following us for three miles. Why? They don't have anything else better to do? Then once I confront her she says, 'Oh, it's Charlie,' then takes off. Just leave us alone. As a matter of fact, we have been in that house 21 years. You would be lucky if you see a cop there once a night. This is just half of all the times they have driven by my house (had times written on a paper for Council to see). Four to six times a night." Theresa George, "That's not all." Charlie George, "This isn't all of it." Theresa George, "That's just the times where we happen--."

**[2] CONTINUATION: October 2, 2019 Burlington City Council Regular Session**

Charlie George, "I don't sit out on the porch and watch everything that goes on. It is getting ridiculous. It really is. As Philip Wright said, 'This has got to stop on both sides,' and it really does. I did file a complaint with the FBI and they took me very seriously. If there is any retaliation from any of these guys then I will be filing one with the Department of Justice. Do you have anything to add?"

Theresa George, "I know Charlie has called you multiple times. This is not a onetime thing. This has been going on since Brandon was 14." Charlie George, "They gave this young man a jaywalking ticket. In the history of this town, what 150 years, who is the only person who has a jaywalking ticket? He didn't use a marked cross walk. He crossed at the other corner. They gave him a ticket because he didn't do what the officer said. That's not a law." Theresa George, "They told me it's not the fact that he jaywalked, it's that he didn't do what the officer told him to. It wasn't during school hours; it was after school." Charlie George, "The little girl that was with him, they didn't do anything to her. How can one break the law and the other doesn't. They are together." Theresa George, "It seems like from our end --." Charlie George, "Thank God two of the ones that have been harassing no longer work for P.D." Theresa George, "Nothing is being done. I've spoke with Chief Jones several times myself. They say they will take care of it but it doesn't stop. It keeps going." Charlie George, "Just like on the video Mr. Haines said, 'Come to me.' I'm trying to come to you." (5 minute timer sounds)

Mayor Luke, "Everything has been recorded. We have it and will look at it. We want to thank you for coming in and giving us insight." Charlie George, "I will be in contact with you. I do have the videos if anyone would like them." Theresa George, "I got online the other night and emailed most--." Charlie George, "They didn't see the other part where he knocks the phone out of my hand." Theresa George, "Right. I emailed most of them a link to the video so they could see it for themselves." Charlie George, "Oh, it's been viewed a lot." Mayor Luke, "Okay, thank you."

**PUBLIC COMMENTS:**

Mayor Luke, "Doug, I would like for you to introduce your officer that most of us have not met." Chief Jones, "Yes, this is Chris Allen. He started with us on July 22. We have not had a chance to bring him up to introduce him to you yet." Officer Allen, "It's nice to meet you all." Mayor Luke, "Which car number do you drive?" Officer Allen, "395." Council Member Tschantz, "How is it going for you, Chris?" Officer Allen, "It's going well. I enjoy it up here." Mayor Luke, "Good. If you need to leave, feel free to do so." Officer Allen, "Yes I believe they hollered at me." Mayor Luke, "Thank you."

**ELECTRIC DEPARTMENT: DISTRIBUTION Update**

**General:** Electric personnel have been doing many line locates, customer service requests, tree trimming, some line maintenance, changed three power poles since last Council, and distribution maintenance and repairs.

**Outage:** Superintendent Schneider, "The outage yesterday at noon was in our substation at the power plant. A bird got into the grid work and got a phase to ground which caused the tie breaker that ties us into Evergy to open. We were able to quickly inspect the grid to make sure it was safe to close the breaker and restore power to the city. It was a less than 10 minute outage and that is what caused it."

**ELECTRIC DEPARTMENT: PRODUCTION Update**

**General:** Power Plant personnel have been performing normal power plant and equipment maintenance.

**Generator #6 Repair:** Superintendent Schneider, "The men have been spending all of their time on generator #6. The cylinder heads are being rebuilt on that generator right now. Progress is going really well; the heads are halfway built so they are really moving on them. While the heads are being rebuilt, the men are inspecting and cleaning other areas of the generator in preparation for when the cylinder heads are back from repair. Everything is going really well. Just for some background information, that generator was put in in 1980 and has 24,000 hours on the motor. There has been maintenance done in the time frame but the cylinder heads have not been off for inspection or repair before now."

**KPP Fall Retreat:** Superintendent Schneider, "September 20<sup>th</sup> and 21<sup>st</sup> I attended the annual KPP Fall Retreat in Wichita. As always there was a lot of great information. I know that there are many long term contracts that are coming due and setting to expire. So, Kansas Power Pool is looking at different options to fill that capacity for its member cities. One of the options is that they are talking about owning their own generation, meaning us as a pool. Even with that, they have figured the costs and with adding the generation, they are confident we will not see a rate increase of any sort. There is good value to that especially with wind energy and some of the generation that they are talking about putting in. They will be able to keep up with demand from a cold start and fill that gap that wind energy might slack. That's something that they have been working on."

**Other:** Superintendent Schneider, "If I can answer any questions, I would be happy to." Mayor Luke, "Who was digging around the poles on Kennebec?" Superintendent Schneider, "That is Century Link. They miss marked a line today, bad. Then we found it in the auger of our truck. It was outside of the marked area that they marked. I don't know what they did. They are fixing and it should not be an issue for the City of Burlington." Mayor Luke, "Any other questions for Alan?"

**WATER AND WASTEWATER: Distribution Update**

**General:** Personnel have been doing the normal duties: line locates, work orders, reading meters, meter rereads, customer concerns.

**[3] CONTINUATION: October 2, 2019 Burlington City Council Regular Session**

**Exercising Valves:** Superintendent Hawkins, “The guys are still going out to exercise water valves and trying to get them done. We have had a couple of valves that had electrolysis to where we had to fix the bolts that have rusted in two. We had the water off at Cleveland and Garretson to go in to fix that.”

**Water Leak:** Superintendent Hawkins, “We had a water leak between 3<sup>rd</sup> and 4<sup>th</sup> on Miami on the south side of the road which we fixed.”

**Alleghany Project:** Superintendent Hawkins, “We are getting ready for the Alleghany project between 6<sup>th</sup> and 9<sup>th</sup>. Riley Boring Company is coming down Monday, October 21st, weather permitting. We have done locates on that corner and it appears that everything is going to go together well.”

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

Superintendent Hawkins reported, “The water plant is running well. We did have our inspection by the EPA (Environmental Protection Agency) which was probably the most intimidating thing I’ve ever been through. They brought in a lot of equipment and other things. They went through us with a fine tooth comb. At the end of the day it went very well. The water was very stable. They monitored it every hour and checked for several things like byproducts of the chlorine, examples are THMs/HAA5s [Trihalomethanes (THMs) and Haloacetic Acids (HAA5s)]. They were very pleased that we have removed bromoform (CHBr<sub>3</sub>), it is one cancer causing agent that is one of the most aggressive of all the treatments. They were happy with what they saw and I am waiting on a report to come back in the next 30 days which will be the full report of everything they have seen. It went very well. I want to thank my guys for that. They keep everything on track and I am very pleased.”

**Other:** Superintendent Hawkins reported, “I have been talking with the committee about the generator for the water treatment plant. We are in the preliminary stages right now.”

**STREET DEPARTMENT: Update**

**General:** Superintendent Davidson said, “We have started crack filling, we are doing what we can in between the rain storms. We have been ditch cleaning, working on sweeping and cleaning curb and gutters, truck and equipment maintenance. Also trimming low hanging street trees in preparation for this winter so we don’t hit them with our salt trucks.”

**Sewer Lagoon:** Superintendent Davidson, “We are trying to drain the fields west of the old sewer lagoons. It belongs to Strawders but the City owns part of the old lagoon. We are draining the water. As soon as it dries up or freezes, we will shape the ditch to where it will drain the field completely. That will be an ongoing project for us.”

**POLICE DEPARTMENT: Update**

**General:** Chief Jones, “One of our rookies, Kyle Black, started the academy Monday of this week. He will graduate on January 24<sup>th</sup>.”

**Cases:** Chief Jones, “We received a call of a suspicious package containing white powder at Dollar General. When the officer retrieved it, took it back to the office, tested it, it was discovered that it had just over two grams of methamphetamine in the powder. It happens to be that aisle is the only one in the entire store that is not covered by security cameras.”

**Silver Alert:** Chief Jones, “We had a silver alert last week. The subject turned up in Kansas City, Missouri. Fortunately, he was able to provide someone with a phone number from his wallet to call his wife. That’s actually the first time that we have had a silver alert that got out of town. So, that was a worrisome event.”

**Cases:** Chief Jones, “We had the Corps of Engineers call in a pick up that came down off of the embankment road, like they are going to river side west, and they had thrown a tire off the rim. They didn’t want anybody called or any help; they were just going to walk to town. Next thing we know a trooper has that pick up stopped over at 13<sup>th</sup> and Lynx, close to Tim Martin’s place. They arrested her for driving while suspended and the more they dug into it they discovered she has been served with 13 warrants. That explains why she didn’t want any help.”

**Other:** Chief Jones, “We have city court next week. Also, next week I will be in Wichita for three days attending the Kansas Police Officer Association conference.”

Mayor Luke, “Any questions for Doug?” Council Member Lenard, “I have a comment. If anyone has the opportunity to attend city court, it can be an eye opening experience. Looking back to where we have been, you (Attorney Robrahn) took over and Philip (Attorney Wright), I think they do a good job. If you have never seen a good judge in action, we have an excellent judge.” Attorney Robrahn, “Thank you.”

**PARKS DEPARTMENT: Update**

**General:** Superintendent Boyce reported, “We have been cleaning public buildings and restrooms; doing equipment and building maintenance. We have also been mowing, spraying, weedeating, and watering trees and flowers. Mowing has been taking up most of our time since we have had so much rain.”

**Taste of Fall Festival** Superintendent Boyce, “We have been getting things ready this week for the fall festival. We will set what we need up this Friday and take it down on Monday.”

**[4] CONTINUATION: October 2, 2019 Burlington City Council Regular Session**

**Hazard Tree Removal Quotes:** Superintendent Boyce, “Today, we were working with Trenary's Tree Care on taking out the hazard trees around town.”

**Roof Repairs:** Superintendent Boyce, “For the last week I have been working with roofing contractors to get quotes for the replacement of the asphalt shingle roofs. Between the Park’s Department and Burlington Police Department we have 22 roofs that need to be redone. They range from 90 square, which would be Kelley Hall and the old Police Department building, and 1 square, which is the covers over the picnic tables in Jones Park.”

**FINANCE: Claims Ordinance & Payroll Ordinance**

a. Claims Ordinance	2019-18	\$	<u>107,563.11</u>
b. Payroll Ordinance	2019-20	\$	<u>84,972.09</u>
	TOTAL	\$	192,535.20

**CLAIMS 2019-18:** *Council Member Lenard moved to approve City of Burlington Claims Ordinance 2019-18 for the amount of \$107,563.11 for payment of city bills. Council Member Hall gave the second. City Clerk Kewley said, “We have payments tonight to Core and Main \$19,472.75, Shane Newland \$12, 064.91, and Wheeler World \$11,190.00.” Hearing no additional discussion, Mayor Luke instructed City Clerk Kewley to poll Council. All votes were in favor. Mayor Luke declared, “Claims Ordinance 2019-18 passed unanimously, 6:0.”*

**PAYROLL 2019-20:** *Council Member Hall moved to approve City of Burlington Payroll Ordinance 2019-20 in the amount of \$84,972.09, as presented. Council Member Tschantz 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, “Payroll Ordinance 2019-20 passed unanimously, 6:0.”*

**PLANNING & ZONING: Update**

**General:** Zoning Clerk Hugunin, “Normal duties.”

**Nuisance Properties:** Zoning Clerk Hugunin, “I am still working on nuisance properties trying to get them to mow and clean up. It is taking some time.”

**Blighted Properties Meeting:** Zoning Clerk Hugunin, “Gina and I attended a meeting at the court house in the basement on the 26<sup>th</sup>. It was on blighted properties and what can be done to expedite the process. There were a lot of good ideas there; it was a very good meeting.”

**Training:** Zoning Clerk Hugunin, “Next week I have my code enforcement training. So, I will be gone on the 8<sup>th</sup> through the 11<sup>th</sup>.”

**Inventory:** Zoning Clerk Hugunin, “Also, just a heads up to department heads that inventory sheets will be coming.”

**OTHER COMMITTEE OR COUNCIL BUSINESS**

None.

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

None.

**LICENSE**

None.

**LEGAL DEPARTMENT: Update**

Attorney Robrahn reported, “I have been working on various legal issues. At our last meeting you had asked Mark Davidson and I to visit with BG Consultants about the polymer concrete disclaimer. We called and visited with the engineer and we were very satisfied after that. It is a minimal risk. He gave the example that while the polymer is being put down and a construction truck happens to run on it while dripping motor oil that will cause the polymer concrete to fail. If everyone is careful the risk is minimal.” Superintendent Davidson, “Yes. Apparently that is what happened on one project and that is why the disclaimer was added. One of their trucks was leaking oil; they went ahead and sprayed over it and it didn’t adhere to the concrete. It wasn’t a product fail it was a mechanical failure on the contractors part.” Attorney Robrahn, “I told Mark I would just keep my antique Fords away from the project.”

**CITY CLERK: Update**

**General:** City Hall Staff have been busy with customers paying utility bills, many calls and inquires, preparing work orders, vouchers for bill paying, payroll, and council meeting minutes. For September we will be sending \$1,495.58 in delinquent utility accounts to the Kansas Set-Off Program for collections.

**Municipal Court Conference:** City Clerk Kewley, “Laura Riccobono, Municipal Court Clerk, attended the Municipal Court Conference last week September 26<sup>th</sup> and 27<sup>th</sup> in Salina.”

**Level Pay:** City Clerk Kewley, “I wanted to remind everyone that the deadline to sign up for the utility level pay plan is due by October 20<sup>th</sup>.”

**Kutak Rock - Bond Council:** City Clerk Kewley, “We have been working with Kutak Rock, our bond council. We have to complete the required submission of our annual disclosure filing for our bonds. That report was done and was due on the 27<sup>th</sup>.”

**[5] CONTINUATION: October 2, 2019 Burlington City Council Regular Session**

**Blighted Properties Meeting:** City Clerk Kewley, “I did attend the meeting with Jimmy about blighted properties and how to better improve the procedures.”

**CITY CLERK: Personnel Laura Riccobono – Evaluation**

City Clerk Kewley, “Laura Riccobono has been here a year. We had her evaluation and she has done a great job in her position. She is due for a merit so I would like to get the Councils permission to move her wage to \$14.75 an hour effective October 12<sup>th</sup>.”

***Council Member Hall, “I move to accept Laura Riccobono’s personnel evaluation as presented, and to grant a pay increase to \$14.75 per hour, effective October 12, 2019.” Council Member Curtiss, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.***

**REPORT BY CITY OFFICERS:**

Council Member Scothorn, “Have we heard anything else from the County as far as the meeting from about a month ago?” Mayor Luke, “No, as far as I know they have not determined their contractor or consultant.”

**MAYOR: Executive Session to Begin Negotiations to Acquire Real Property**

Mayor Luke stated, “I would like to enter into an Executive Session Pursuant to K.S.A. 75-4319b6 for the preliminary discussion relating to the Acquisition of Real Property, for ten minutes; to include the Governing Body, City Clerk, and City Attorney.”

***Council Member Lenard made the motion to enter into an Executive Session Pursuant to K.S.A. 75-4319b6 for the preliminary discussion relating to the Acquisition of Real Property, for ten minutes; to include the Governing Body, City Clerk, and City Attorney. Council Member Hall, “Second.” Motion unanimously carried, 6:0.***

Council entered Executive Session at 6:31 p.m. and exited at 6:41 p.m. No action was taken.

**MAYOR’S COMMENT(S):**

Mayor Luke, “Is there anything else that needs to be brought before the governing body?” Council Member Lenard, “We have clean up coming up, right?” Mayor Luke, “Yes, next week.” Chief Jones, “Brush on the 7<sup>th</sup> and trash on the 14<sup>th</sup>.” Council Member Lenard, “And it goes the whole week?” Chief Jones, “It is free dump all week.” Zoning Clerk Hugunin, “The crews go until they are done picking up, which could be 1, 2, or 3 days. It just depends on how much is out there.” Council Member Lenard, “The folks who have stuff, do they need help getting it to the street or--?” Zoning Clerk Hugunin, “If you would like to go help them.” Council Member Lenard, “Okay. It needs to get done if we are going to clean stuff up.” Zoning Clerk Hugunin, “I don’t know how that will work out for you.”

Superintendent Alan, “Just so you all know, brush next week, chances are we will be done by Tuesday afternoon or Wednesday. We do always go back around on Friday. We just want to help people out in case they got it out late. So, if someone calls, let me know and we will take care of it.” Superintendent Boyce, “The brush pile gate will most likely be open all next week. We do our best to monitor it for people who come in while it is open and dumping things that are not supposed to be in there.” Council Member Jasper, “That means like lumber and anything like that.” Superintendent Boyce, “No lumber, no leaves if it is raked up or in bags; if it is attached to a tree branch then it can go in the burn pile.” Mayor Luke, “What about walnuts?” Superintendent Boyce, “No.”

**FUTURE AGENDA ITEMS:**

<b>GENERAL:</b> City Debt - How to fund projects Expense Tracking on Projects LKM Regional Supper (Host in November 2019) Election 2019 – Mayor and Council All Wards, Position 1	GAAP - Infrastructure Capitalization City/County Grant Funds – Discussion on Matched Funding Council Discussions on Evaluations, Succession Planning, etc. Negotiations for Real Property - City Hall Location Updates
<b>ELECTRIC DEPARTMENT:</b> Power Plant - Additional Generation	<i>R.I.C.E. N.E.S.H.A.P. Compliance</i>
<b>PARKS DEPARTMENT:</b> Events in Parks (Updates) City Dam - West Wall Repair – Engineering Services Proposals	Kelley Park Light Poles – Repair/Replace (also see Legal) Girl Scout Rock Garden - Updates
<b>LEGAL DEPARTMENT:</b> Municipal Court Updates Misc. Legal - Documents, Cases, Contracts, etc.	Park Agreements: 1) Agr of 12-2018 - City & Rec. Com. – <i>Review in Spring 2019</i> 2) Committee – Review and Update Park Contracts
<b>PLANNING AND ZONING</b> Industrial Park Lots for Sale, etc. Work with Advantage Computers and City Departments to improve Cyber Security Nuisance Structure & Properties: Work with PD	City Hall - Repairs Permits - Building/Zoning/etc. Burlington Corporate Boundary Updates on Map (Work with State)
<b>POLICE DEPARTMENT</b> Nuisances (Work with Zoning Clerk) Voice Stress Analyzer Project	Department Activities and Cases
<b>STREET DEPARTMENT:</b> Concrete St. Repairs/Free State Ct. Replacement/Repair Excess Hot-Mix from APAC Litigation/Redo S 3 <sup>rd</sup> St. Municipal Parking Lot in 2019 Pavement Management System/Asset Management System Old Penny’s Concrete Building – renovation/door/etc.	Street improvement Plan, Paving Gravel Streets, Crack Filling, Street Improvements 2019 6 <sup>th</sup> & Alleghany Project Street Improvements 2019 Asphalt Project
<b>WATER &amp; WASTEWATER DEPARTMENT:</b> Fire Hydrant – 3 <sup>rd</sup> & Neosho Storage Building for Dirt -Construction	Sensus Water Meter Replacement 6 <sup>th</sup> and Alleghany Waterline Project Sewer Lagoons - Analysis (KRWAFunds for dredging) Sewer Lagoon Maintenance/Updates Sewer Liftstations –Flushing Rags, etc.

Mayor Luke declared the meeting adjourned.

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