

BURLINGTON CITY COUNCIL REGULAR SESSION 10-16-2019

City of Burlington Governing Body met in Regular Session at City Hall’s temporary address, 1013 N. 4th Street, Burlington, Kansas at 6:00 p.m. Wednesday, October 16, 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: Tim Hammye, Paul Abendroth

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

MINUTES 10/2/2019: *Council Member Curtiss, “I move to approve the draft minutes of October 2, 2019 as presented.” Council Member Tschantz, “Second.” Motion unanimously carried, 6:0.*

APPOINTMENT: Tim Hammye – Block Street for Trunk or Treating on October 31

Tim Hammye addressed Council, “Good evening everyone. I was elected to come to speak to you all about getting the street blocked off between 4th and 5th for Trunk or Treat this year on October 31st between 4:00p.m. and 6:00p.m. So, I’m here to ask for you to approve that. There will be businesses down there.” Council Member Scothorn, “Did we do this last year?” Tim Hammye, “Yes, this is probably the 3rd or 4th year.” Council Member Scothorn, “Have there been any issues anywhere?” Chief Jones, “No. We’re down there and it’s right next to the sheriff’s office and we haven’t had any problems.”

Council Member Scothorn, “I move to approve the request to close Neosho Street between 4th Street and 5th Street for the Trunk-or-Treat on Halloween (October 31st) between 4 p.m. and 6 p.m.” Council Member Jasper, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

PUBLIC COMMENTS:

Mayor Luke, “Any public comments?” Paul Abendroth, “I was wondering how the repair on the City Hall building is coming?” Mayor Luke, “That will be discussed during the report. This is for comments. Questions and answers are not for the comment section.” Paul Abendroth, “Can I ask about a tree that is sitting in a ditch from a storm, if it’s going to be moved out?” Mayor Luke, “What is the address?” Paul Abendroth, “It’s on Penobscot between 12th and 13th.” Mayor Luke, “Okay, it has been noted.” Paul Abendroth, “On the same block, there are some blocks that need mowed badly.” Mayor Luke, “Along with several others.” Paul Abendroth, “Yes, but these have been that way for some time.” Mayor Luke, “Thank you for your comments.”

ELECTRIC DEPARTMENT: DISTRIBUTION Update

General: Electric personnel have been doing many line locates, customer service requests, tree trimming, some line maintenance, and distribution maintenance and repairs.

City Wide Trash Cleanup: Superintendent Schneider reported, “Brush pick up was last week. As always the Electric Department does everything south of Neosho Street from east to west. We picked up roughly 20 loads this time, so numbers are down. We did go back Friday to double check and picked up a few more.”

Tree Trimming: Superintendent Schneider, “The men went back to tree trimming. We are making very good progress with that.”

ELECTRIC DEPARTMENT: PRODUCTION Update

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

Generator #6 Repair: Superintendent Schneider, “Work continues on generator #6. We are progressing very well and we are staying on schedule. We did have a couple of surprises but nothing really expensive. We caught the problems before they could do any damage. So, that is going really well. If anybody wants to come out to see what the men are working on, now is the time. It looks terrible in there but they are starting to go back the other way.”

[2] CONTINUATION: October 16, 2019 Burlington City Council Regular Session

Training: Superintendent Schneider, "I did go to the KMEA Annual Conference on October 3rd and 4th. It had some very good topics, some were refreshers and some were new. Overall it was very good."

WATER AND WASTEWATER: Distribution Update

General: Personnel have been doing the normal duties: line locates, work orders, reading meters, meter rereads, city wide clean up, maintenance on trucks and equipment, customer concerns.

Fire Hydrant: Foreman Foster, "We installed a new fire hydrant at the corner of 3rd and Miami Street this past week and that went well. The water was off for only a couple of hours."

Water Line: Foreman Foster, "We are going to start to bore the water line on Alleghany from 9th to 6th depending on the weather. Hopefully, we do not get any more rain."

WATER/WASTEWATER: Production – Water Treatment Plant Update

Foreman Foster reported, "The water plant is running great. The water temperature is dropping, it is at 16.1 degrees Celsius today I believe."

Sewer Lagoon RipRap: Foreman Foster, "I would also like to get permission to go out for bids for re-riprapping all three cells of the sewer lagoon. The project was budgeted last year for this year's budget. Over the years we have tried repairing it here and there but erosion has taken place."

Council Member Jasper, "I move to authorize the Water and Wastewater Department to go out for bids for Sewer Lagoon Riprap for the Water/Wastewater Department." Council Member Curtiss, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

City Clerk Kewley, "In your packet you have a copy of the application for a waiver of annexation permit. It has been signed and paid for so what we need now is authorization to go forward with it."

Council Member Scothorn, "I move to approve Waiver of Annexation (Application and Permit for Water Service Outside the Corporate Limits of City of Burlington, Kansas) for Michael Thorp for 1245 10th Lane, Burlington, Kansas." Council Member Tschantz, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

STREET DEPARTMENT: Update

General: Superintendent Davidson said, "We have been working on sweeping curb and gutter, cleaning gutters. We also swept Kelley Hall for the Taste of Fall Festival and put up barricades and no parking signs for that."

6th and Alleghany: Superintendent Davidson, "We have been working on 6th and Alleghany where we had a water leak. We dug out the rock and patched it back with hot mix. We ground down a little bit in the gutter where it was holding water. It will be a temporary fix to keep it from freezing this winter."

Patching: Superintendent Davidson, "We have started AMZ-ing (asphalt patching machine) some bad spots. Basically, the concrete streets, Housatonic and Cross, where the concrete is chipping out a little, we will put a little rock on it maybe that will slow the deterioration down."

Other: Superintendent Davidson, "We had a couple days that it was raining so we asked Gina (City Clerk Kewley) if we could help move files from City Hall to the temporary building. She allowed us to do that."

City Wide Trash Cleanup: Superintendent Davidson, "This year for trash clean up we had 22 loads for a total of 25.4 tons, a little over 4500 pounds of metal. That is down quite a bit from this spring, we had close to 54 tons of solid waste."

Kennebec Bridge Project: Superintendent Davidson, "Echo GPR (ground penetrating radar) Services came here. Tuesday they did both of the bridges and they will get back with us five to seven working days to let us know the condition of the bridges. We will pass that along to BG Consultants."

Other: Superintendent Davidson, "We are helping the Water Department. We will be pouring concrete tomorrow around the new fire hydrant and we replaced the asphalt that was cut out for the tapping of the water main."

POLICE DEPARTMENT: Update

General: Chief Jones, "Normal Duties."

Cases: Chief Jones, "A week ago Friday, we had a newborn baby at the hospital. DCF had been called and they called us in. The mother had tested positive for methamphetamines and admitted to using meth that week the baby was born. So, we had to take the baby into police protective custody. We turned all the paperwork over to our county attorney. Then our county attorney got ahold of Jerry B Hathaway, the county attorney of Allen County, and everything was filed in Allen County since that is where this mother lives. We also just opened a child pornography case with the suspect living here in this area."

Training: Chief Jones, "Kansas Peace Officers Association Conference last week in Wichita. It was fairly morbid. One day was an extensive review of two different murder cases. One in Wichita and the other in Franklin County, the quadruple murder a few years ago."

Parades: Chief Jones, "I have not heard from the grade school yet, but we are anticipating the grade school Halloween parade to be the afternoon of October 31st. I will get with Darla (Principal Long) on that to find out for sure that we are doing that, we have done it for the last 20 years. I did hear from Ronda at the Housing Authority; they are wanting to schedule the Holiday Parade for Wednesday December the 11th. That is usually around 6:00p.m. or 6:30p.m."

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Trunk or Treat: Chief Jones, “Mark, (Superintendent Davidson) could I get barricades dropped off for the Trunk or Treat at 4th and 5th?” Superintendent Davidson, “Yes.” Chief Jones, “I would appreciate that.”

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.”

Taste of Fall Festival: Superintendent Boyce, “We set up and took down everything for the Fall Festival. It was a little down this year because of the rain in the morning.”

Roofing Projects: Superintendent Boyce, “We are still working with the contractors for the roofing projects. We are waiting on one more roofing quote and I’ll get back with the adjuster for that.”

Winterizing – Water off: Superintendent Boyce said, “We have started winterizing the parks because of the predicted low temperatures. Next week we will probably have most everything off in the parks; the public restrooms and campsites. The portable restrooms should be delivered soon. We are set on that.”

City Dam Retaining Wall Repair (West): Superintendent Boyce reported, “There was a company at the City Dam that did core samplings for that project. We are moving along slowly on that. It depends on the water elevations. Hopefully, we will have something to present for permits very soon.”

Veterans Day – Veterans Banners: Superintendent Boyce reported, “We will be installing the veterans banners October 21st and 22nd. Zoning Clerk Hugunin and the Electric Department will be helping with that.”

Vern Failor –KS Camper Association: Superintendent Boyce, “Vern Failor, with the KS Camper Association, came on September 18th to ask to stay here May 1, 2, and 3rd, which is Friday through Sunday. I received a call from a gentleman with the Sun Chasers camping group, which are members of the KS Camper Association. They will be here for May 1, 2, and 3rd, but they are wanting to stay the 4th through the 7th also. I have gotten ahold of the Rec Center, Fair Board, Saddle Club, and Coffey County Extension Office to make sure there weren’t any conflicts and there are none. They are already going to be here so we don’t have to reserve the whole park for camping. I told them to go ahead and plan on being here. There will be 20 – 25 campers in the park all week and they will be renting Kelley Hall at that time also. They seem like a very good group to work with.”

“Cub Scouts has Kelley Hall on Monday nights. The camping group was wanting Kelley Hall all day on Monday. I told them that we could rent it to them hour by hour but Cub Scouts do have it reserved from 4:00p.m to 8:00p.m. They said that they would get with them and work with them for a possible group project. I am trying to contact a leader who has the building reserved.” Council Member Lenard, “So, Cub Scout meeting is tomorrow night at the school. They are trying to get them to start using the scout house and I think they are going to do that on Thursdays. We will get back with you but I don’t think there will be a conflict. I think it will take care of itself.” Superintendent Boyce, “It is already rented throughout the year month to month. So, if you could help me get a contact that would be great.”

Mayor Luke, “Any questions for Kevin?” Council Member Lenard, “I have a comment. If these guys are going to come in, I know we have time, I think as a community we need to do something for all of the campers. Whether it’s in conjunction with Economic Development or we just take it on ourselves.” Council Member Curtiss, “I really think it’s a good thing that they decided to extend their stay here.” Superintendent Boyce, “Some will be leaving and some staying. The way I understand it, the ones that will be staying here are waiting on their next camping location. They will leave here Thursday and show up Friday for their next 3 day stay because they live in their RV’s. The ones that have to leave on Sunday are still working. They all do seem very happy to come here and I take that as a compliment for our parks.” Council Member Curtiss, “Right.” Mayor Luke, “Well, we have some time if we want to think about it.”

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2019-19	\$	<u>357,675.47</u>
b. Payroll Ordinance	2019-21	\$	<u>87,679.34</u>
	TOTAL	\$	445,354.81

CLAIMS 2019-19: Council Member Hall moved to approve City of Burlington Claims Ordinance 2019-19 for the amount of \$357,675.47 for payment of city bills. Council Member Jasper gave the second. City Clerk Kewley said, “We have payments tonight to Advantage Computers \$7,075.50, Bahr Tire \$3,092.00 Core and Main \$4,916.67, Kansas Power Pool \$212,898.43, and Wheeler World \$17,045.74.”

Hearing no additional discussion, Mayor Luke instructed City Clerk Kewley to poll Council. All votes were in favor. Mayor Luke declared, “Claims Ordinance 2019-19 passed unanimously, 6:0.”

[4] CONTINUATION: October 16, 2019 Burlington City Council Regular Session

PAYROLL 2019-21: Council Member Jasper moved to approve City of Burlington Payroll Ordinance 2019-21 in the amount of \$87,679.34, as presented. Council Member Scothorn 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 2019-21 passed unanimously, 6:0."

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, "Normal duties."

City Hall Repairs: Zoning Clerk Hugunin, "They are continuing to patch the roof at City Hall. They said basically it was a terrible roofing job. They are getting everything up to the termination bar underneath the ledge on the east side and patching everything between the two buildings. They are using a better glue and putting new layers down. That is going well."

Training: Zoning Clerk Hugunin, "I did attend the code training last week in Mulvane. The common theme down there was tall grass in the cities and dealing with it this year with the weather. They are all having trouble trying to keep up and getting people to mow. It was interesting to hear all of these towns, even the bigger cities, dealing with it. Another topic they talked about was anonymous complaints. There is no such thing as an anonymous complaint. All complaints are public records. So, if someone calls in and they want to be anonymous, they can't."

Nuisance Properties: Zoning Clerk Hugunin, "I have made contact with the two campers with people living in them and they will be moved." Council Member Scothorn, "How long do houses that have been burned down, we have had 3 or 4--." Zoning Clerk Hugunin, "Until they are released and cleared from the State Fire Marshal's office." Council Member Scothorn, "Then how long do they have to get rid of them?" Chief Jones, "They have been released. We are just waiting on the reports." Zoning Clerk Hugunin, "It's not a quick process. Then on the one, getting family members involved has been kind of tricky." Council Member Scothorn, "I'm referring to the one on Alleghany." Zoning Clerk Hugunin, "I talked to them today; they are going to start working on that."

Council Member Jasper, "Back to the complaints, is there a formal complaint someone could make through a letter or—." Zoning Clerk Hugunin, "We have a formal complaint form and it has to be signed." City Clerk Kewley, "We hand them out but they don't bring them back." Zoning Clerk Hugunin, "The thing is, if people call in then they don't want their names used. If someone comes in and requests that information, we have to give them that information that was called in." Council Member Jasper, "So, as a neighbor what is their leverage? Can you use it as it is hurting the value of their property?" Zoning Clerk Hugunin, "You can or blight on the neighborhood."

Zoning Clerk Hugunin, "And then between 12th and 13th on Penobscot, do you know who owns that?" Paul Abendroth, "No."

PERMITS: Building Permits issued by Zoning Clerk Hugunin:

None.

LICENSE

None.

OTHER COMMITTEE OR COUNCIL BUSINESS

None.

LEGAL DEPARTMENT: Update

Attorney Robrahn reported, "We had municipal court last week and my understanding is that it went pretty fast. Philip (Attorney Wright) was out of there at a respectable hour. Friday on October 11th, we had the Attorneys Association of Kansas meeting in Overland Park which is held by the League of Municipalities. We had the usual case law update and Attorney General opinion went through. A lot of the classes we covered this time I felt had some relevancy with what we are dealing with on a day to day basis here in the City. We had an ethics class for the city attorneys and dealing with the media. Sometimes when the media asks questions to the city attorneys the common response is 'no comment.' Sometimes to be a zealous attorney for your city is a good idea and to say more than just no comment."

"Then in the afternoon we had two different classes, I attended one and Philip the other. The one Philip went to is something he deals with in municipal court, which is what's called Emerging Issues: 1983 Claims Liabilities when Dealing with Mental Health. So, that's beginning to be more of an issue with our municipal court. Then I went to the City Attorney 101, which was a good refresher on drafting ordinances, the home rule, and all those good things. The last class we had in the afternoon was public comment and first amendment rights. So you have to weigh two things. There are still some cities out there that don't regulate public comment and their meetings are going until 1:00 or 2:00 in the morning. Of course you can't deny someone the right to talk, so you have to find the middle. I think we are on track because they suggested 5 minutes and that is what we have been doing."

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. The 3rd quarter financials have been handed out.

[5] CONTINUATION: October 16, 2019 Burlington City Council Regular Session

League Of Kansas Municipalities: City Clerk Kewley, “I attended the Annual League Conference this past weekend in Overland Park. Next Monday, on the 21st, Deputy City Clerk Anne Brown and I will be attending the KPERS training in Topeka.”

Fall Decorating Contest: City Clerk Kewley, “City Hall won 1st place in the Taste of Fall display contest. We won \$50 which we donated to God’s Store House.”

REPORT BY CITY OFFICERS:

Council Member Curtiss, “Thank you for the opportunity to attend the conference. I like my socks but I like the Mahomes jersey much better that I won in the drawing there.” Attorney Robrahn, “Philip and I would also like to thank you for sending us to the class on Friday.” Council Member Lenard, “So the State Treasurer had a booth there and they pulled out a file for Burlington of unclaimed money. We did a quick peruse through it, I don’t know if you got to look at the total?” Mayor Luke, “There are two pages and there are no dollars and cents. They have just put a heading at the top as to what the boundaries were but each one does not have a dollar attached to it. I will start making those contacts this next week or maybe even Friday. There are some interesting names and a couple of businesses that we are going to have to do some searching to find. I don’t know how far back some of them go.”

MAYOR’S COMMENT(S):

Mayor Luke, “I would appreciate if you mark down November the 14th. It is the Regional Supper by the League; it starts at 4:30p.m. From 4:30 to 5:30 they are going to be talking about Governance 101. They will provide dinner and have follow up discussion on several issues that are coming up before the legislature this year. So, Kelley Hall starting at 4:30p.m. and they are normally out by 7:00 p.m. Eric Smith has indicated that he will be there. Any member of the Governing Body is welcome to attend. I know they will be in touch with surrounding communities; this will be the only dinner in the southeastern Kansas area. Last year it was in Humboldt; this year it is here.” Council Member Curtiss, “We have to RSVP by a certain date, correct?” Mayor Luke, “If you just let Gina know we will turn them all in at the same time.”

Paul Abendroth, “Can I congratulate Mark on his job he has done. He cleaned up some mixed trash which they haven’t done before. They had tree branches and trash together. He separated them and cleaned them up. I want to congratulate him on doing a good job.” Superintendent Davidson, “Thank you.”

FUTURE AGENDA ITEMS:

GENERAL: City Debt - How to fund projects Expense Tracking on Projects LKM KOMA/KORA Class (Host in August 2019) LKM Regional Supper (Host in November 2019) Election 2019 – Mayor and Council All Wards, Position 1 Budget 2020	GAAP - Infrastructure Capitalization City/County Grant Funds – Discussion on Matched Funding Council Discussions on Evaluations, Succession Planning, etc. Flooding 5-2019 – Updates City Hall Location Updates Negotiations for Real Property
ELECTRIC DEPARTMENT: Power Plant - Additional Generation	<i>R.I.C.E. N.E.S.H.A.P. Compliance</i>
PARKS DEPARTMENT: 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
LEGAL DEPARTMENT: 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
PLANNING AND ZONING Industrial Park Lots for Sale, etc. Work with Advantage Computers and City Departments to improve Cyber Security Nuisance Structure & Properties: Work with PD F.I.R.M. Floodplain Map Changes – Updates Burlington Corporate Boundary Updates on Map (Work with State) Permits - Building/Zoning/etc.	Quarterly Construction Valuation Report Prepare Easements for any City-owned property without one City Hall - Awning Replacement (switch to metal) 415 S. 6 th (Theda Darnell Property) – Demolition-Hire Contractor Addition Nuisance Structures for Possible Condemn/Demolish
POLICE DEPARTMENT Nuisances (Work with Zoning Clerk) Voice Stress Analyzer Project	Department Activities and Cases
STREET DEPARTMENT: Concrete St. Repairs/Free State Ct. Replacement/Repair Excess Hot-Mix from APAC Litigation/Redo S 3 rd 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 th & Alleghany Project Street Improvements 2019 Asphalt Project
WATER & WASTEWATER DEPARTMENT: Sensus Water Meter Replacement Fire Hydrant – 3 rd & Neosho Storage Building for Dirt -Construction Flooding	Sewer Lagoons - Analysis (KRWA/funds for dredging) Sewer Lagoon Maintenance/Updates 6 th and Alleghany Waterline Project Sewer Liftstations –Flushing Rags, etc. Quick Coupler Bucket Updates

Mayor Luke declared the meeting adjourned.

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