

BURLINGTON CITY COUNCIL REGULAR SESSION 11-6-2019

City of Burlington Governing Body met in Regular Session at City Hall’s address, 1013 N. 4th Street, Burlington, Kansas at 6:00 p.m. Wednesday, November 6, 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:

AGENDA: *Agenda was approved as modified.*

MINUTES 10/16/2019: *Council Member Curtiss, “I move to approve the draft minutes of October 16, 2019 as presented.” Council Member Tschantz, “Second.” Motion unanimously carried, 5:0.*

APPOINTMENT:

None.

PUBLIC COMMENTS:

None.

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.

Christmas Lights/Decorations: Superintendent Schneider reported, “We are getting ready for the Christmas lights. We will be working on those in the next few weeks.”

Tree Trimming: Superintendent Schneider, “The men are still doing a lot of tree trimming.”

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. The repairs are going really well and the heads are back to the power plant. They showed up today and are ready for reassembly.”

KPP Rate Forum: Superintendent Schneider, “I attended KPP rate forum on November 1st in McPherson. They talked about preliminary rates. Those rates will be approved at the December 13th meeting in McPherson. So, anyone who would like to go can ride with me if they would like to. They think the rates are going to stay. We are not going to see any big increase; it’s going to be minimal.”

KPP Voting Delegates: Mayor Luke, “Under the KPP, it has been quite a few years where they have had an actual voting delegate on record. However, there has been a large change in the people that are attending the meetings and showing up to vote. So, they have determined this year that they are going to update and determine the voting delegates for every community so they have the right people there. I am going to recommend that I not be considered as I sit on the board and I have helped to put together the information that they are going to be voting on. So, I would recommend that we use Alan as the voting delegate.” Council Member Curtiss, “Are you the delegate now?” Mayor Luke, “No, Alan still is. I am the alternate.”

Council Member Curtiss, “I move to appoint Alan Schneider as City of Burlington’s KPP Committee Meeting Voting Delegate, and Stan Luke as Alternate Delegate.” Council Member Hall, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

ELECTRIC DEPARTMENT: Personnel – Austin Birk’s Evaluation

Superintendent Schneider, “Austin has completed his third year of his apprenticeship program. He is doing great work. He completed his final exam with a test score of 93% so he did very very well. I would like to recommend to move him from third year to fourth year apprentice at \$22.60 an hour.”

(Continued)

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Council Member Curtiss, "I make a motion to move Austin Birk from Third Year Apprentice Lineman to Fourth Year Apprentice Lineman at the hourly rate of \$22.60, effective November 9th, 2019." Council Member Tschantz, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

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.

EPA (Environmental Protection Agency) Visit: Superintendent Hawkins, "We did receive the EPA report the other day. I brought a copy if anybody would like to review it. It is a good report; there were no violations or fines. We did a good job. Their conclusion was just a recommendation that we stayed compliant. They did give us some recommendations that we could try for the future, specifically trying the coagulation process at the front of the plant which we have been administering since the day that they left. So we are waiting for test results over time for the disinfection byproducts. If anybody would like to see it, it is here."

Water Line: Superintendent Hawkins, "The water line on Alleghany Street is going very well. It is already in the ground from 6th Street to 9th Street. We got it charged, burning it out, and waiting for bact. samples. It went in very well. As soon as the bact. samples come back negative, we will be putting everyone on the new line. I think everyone in that area will be very pleased with it once we get it hooked up."

WATER/WASTEWATER: Production – Water Treatment Plant Update

Superintendent Hawkins, "The water plant is running good. With it being winter time the temperature is dropping, so the water is 15 degrees Celsius. So, we have shut the sodium permanganate off for the year for zebra mussel control."

Sewer Lagoon RipRap: Superintendent Hawkins, "We did get the sewer lagoon bids out. We will be having a bid opening on November 19th here at City Hall at 10:00 a.m."

WATER AND WASTEWATER: Personnel Vincent Riccobono – Evaluation

Superintendent Hawkins, "The last thing I have is the evaluation of Vinny Riccobono. He has done a great job for us this year. I am very pleased. I gave a copy to City Hall so anybody can come and review it if they want to. It really reflects on what he has done for us, he has done a great job this year. My recommendation is to give Vinny a 3.5% increase."

Council Member Tschantz, "I move to accept Vincent Riccobono's annual personnel evaluation as presented, and to grant a pay increase to \$17.24 per hour, effective November 9th, 2019." Council Member Hall, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

STREET DEPARTMENT: Update

General: Superintendent Davidson said, "We have been working on sweeping curb and gutter, cleaning ditches, vehicle maintenance and catch boxes."

Street Shop Repair: Superintendent Davidson, "We replaced the entrance into the street shop with some of the hot mix from APAC."

Repairs: Superintendent Davidson, "We have done some concrete work at 3rd Street and Miami Street. That is where Danny and some of his men replaced the fire hydrant. We poured back the curb and gutter there."

Winterizing: Superintendent Davidson, "With the onset of winter coming we have brought the plows and spreader boxes in and exercised those. We found one spreader box in need of some repair. We have the parts ordered."

Training: Superintendent Davidson, "We attended the safety meeting."

Other: Superintendent Davidson, "We went to Cross Street and Shea Street. There is a concrete box culvert that was full of mud and rock from all of the rain that we had. We spent a day trying to get that cleaned out."

STREET DEPARTMENT: Sidewalk Cost-Share Applications 2019-04

Superintendent Davidson, "I have a sidewalk cost-share for David Aucoin at 300 South 3rd Street. We had to have a variance for him. The sidewalk he wants to replace is four foot and the City requires five foot. However, we have some very old trees in the way. There is no way that we can do that. We always put the extra foot of sidewalk on City property. The trees are right on the property line or the sidewalk. So, with your permission I ask that we waive that and make it a four foot sidewalk." Council Member Jasper, "Only handicap ramps have to be five foot, right?" Superintendent Davidson, "Actually, we require all sidewalks to be five foot. There is absolutely no way we can put in a five foot sidewalk in the area that we have right now. The City's portion will be the five foot from Niagara south, we have plenty of room. The east to west, in front of his house, is where we run into the problem."

Council Member Jasper, "I move to approve Sidewalk Replacement Cost-Share Application 2019-04, David Aucoin for 300 S. 3rd Street." Council Member Scothorn, "I second the motion." Council Member Jasper, "Where are we at with that money?" Mayor Luke, "We have plenty of money in that budget to cover that." Council Member Jasper, "To cover that and more going forward?" Superintendent Davidson, "Yes, I have around \$8,000." City Clerk Kewley, "Then it starts back over in January." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

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STREET DEPARTMENT: Street Oiling Petition- Resolution 2019-04

Superintendent Davidson, "I also have a street oiling petition from Vincent Riccobono. It will be 15th Street between Mohawk and Penobscot. It is gravel at this time and we have hot mix on both sides of it. I believe there is a sheet in your packet with estimated costs of the materials totaling \$12,878.50. Vinny has passed the petition around and had it signed." Council Member Jasper, "So, going forward for other people that are concerned about their gravel road, this is the action that they should take, correct?" City Clerk Kewley, "Yes." Council Member Jasper, "Get the petition going and get the neighbors to sign it. How many?" Mayor Luke, "51%" Council Member Jasper, "How many years do you have on your taxes?" City Clerk Kewley, "5 years on your taxes with no interest." Council Member Jasper, "This total of \$12,878.50, is it divided up between all property owners?" City Clerk Kewley, "Yes. They will get a hearing in a year from now when it's all done to come in and say they will pay this amount within 30 days or put it on their taxes. So, it would be five years no interest on their taxes." Council Member Jasper, "Okay, thank you."

Council Member Hall, "I move to approve Resolution 2019-04, Authorizing and Directing Street Improvements of 15th Street between the intersections of Mohawk Street and Penobscot Street." Council Member Jasper, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Council Member Scothorn, "I have a question. Did they come up with this on their own to do this? I would like to see some other people do this." Council Member Jasper, "I think other property owners need to understand that the City does do so much from the cross street. Correct me if I'm wrong." City Clerk Kewley, "We do the intersections." Council Member Jasper, "So the intersections so far, then it's the property owner. So some of that portion is ours?" Superintendent Davidson, "It depends on the right of way, some we have 80 foot and some we have 120 foot. So, that will be divided up at the intersections. What is left in between is what they actually pay for. On this one the length of the road is 337 feet but the owners are only paying for 240 feet." Council Member Scothorn, "I guess I would just like to know how we get more people to do this." City Clerk Kewley, "He did this on his own because it was the one street that hadn't been done. So, he got enough people to sign it. Our whole thing is just pushing the information out there, we can't force them. We can educate them that this is the process."

Council Member Jasper, "Hopefully, the Republican throws what we are talking about right now out there." City Clerk Kewley, "Yes?" Mark Petterson, "Probably." Superintendent Davidson, "If I can add, don't always count on this price because a lot of this depends on oil prices. So, oil could sky rocket and this price could change drastically but this is kind of the set price right now. It could change by several thousand dollars by the price of oil." Council Member Jasper, "Okay, do us a solid Mark (Mark Petterson)." Mayor Luke, "Anything else?" Superintendent Davidson, "This will be done on next year's street oiling. I'm guessing late August or early September of next year."

POLICE DEPARTMENT: Update

General: Chief Jones, "Normal Duties. Usual runs of dogs, domestics, and traffic."

Parades: Chief Jones, "The grade school parade got moved inside. So, Randal and I did not get to officially count."

Trunk or Treat: Chief Jones, "We moved in the old flower shop with the sheriff's office and we handed out candy in there. Unofficially, we won again this year. We didn't keep a count, but Eckan did next door and the estimated over 300 kids coming down the side walk there. We had no other issues with what turned out to be a very busy Halloween night."

Flu Clinic: Chief Jones, "The flu clinic is scheduled this Friday. It is only going to run from 9:00 a.m. to 11:00 a.m. The reason for that is that the Health Department has already given out over 400 flu shots so they are not expecting a big push. So, it's only going to go for a couple of hours."

City Court: Chief Jones, "Then we have city court a week from tomorrow."

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 and weedeating which is coming to an end. We will have a month or two with mulching tree leaves in Kelley Park, weather permitting."

Winterizing – Water off: Superintendent Boyce said, "We did winterize and close the seasonal restrooms, the stadium, and sprinkler systems downtown. There is a softball tournament this weekend at Kelley Park. Once that is over, the restrooms between the two ball fields will be shut down. They do have heaters in them right now so hopefully that keeps everything safe."

Snow Removal: Superintendent Boyce, "We got equipment ready for snow removal which is taking the bush hog off of the big tractor and putting the blade on, putting the loader back on, and things like that."

Flowers: Superintendent Boyce, "We took down the hanging flower baskets and moved the cement flower pots off the sidewalks downtown. The ones along highway 75 stay out through the winter."

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Roofing Projects: Superintendent Boyce, “We finally got all of the numbers for the roofing that needs to be redone. Hopefully, tomorrow I can get all of that emailed to the adjuster. Then at the next council meeting I’ll have numbers to present to the City Council.”

Veterans Day – Veterans Banners: Superintendent Boyce reported, “We changed out the banners October 21st to the 26th and put up the Veterans banners. December 2nd and 3rd we will switch them back out to put up the holiday banners. I would like to thank Jimmy (Zoning Clerk Hugunin) and the Electric Department for helping to change those out and put up the Veterans banners. We added six more big banners on highway 75 and 1 small one on 3rd street. I think it went up by the Legion. The one that was there came out and went by Veterans Park permanently.”

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2019-20	\$	<u>140,216.51</u>
b. Payroll Ordinance	2019-22	\$	<u>84,824.98</u>
	TOTAL	\$	225,041.49

CLAIMS 2019-20: Council Member Jasper moved to approve City of Burlington Claims Ordinance 2019-20 for the amount of \$140,216.51 for payment of city bills. Council Member Scothorn gave the second. City Clerk Kewley said, “We have payments tonight to Core and Main \$3,966.72, Reilly Equipment \$13,000.00, and Wheeler World \$31,995.11.” **Hearing no additional discussion, Mayor Luke instructed City Clerk Kewley to poll Council. All votes were in favor. Mayor Luke declared, “Claims Ordinance 2019-20 passed unanimously, 5:0.”**

PAYROLL 2019-22: Council Member Hall moved to approve City of Burlington Payroll Ordinance 2019-22 in the amount of \$84,824.98, 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 2019-22 passed unanimously, 5:0.”**

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, “Normal duties. I have been updating permits to be sent to the county assessor.”

Nuisance Properties: Zoning Clerk Hugunin, “Believe it or not, we are clear into November and I just sent out three letters for people to mow their yards. So, hopefully this weekend is going to be nice and they will all take advantage of it to mow their yards.”

House Fires: Zoning Clerk Hugunin, “The property at 216 Hudson, where the structure fire was, has been mowed. They are working on and in the process of getting that taken down and removed. The one at 723 Alleghany, the trailer house, it is going to be removed. What they are waiting on is Red Cross; they are going to send them money. I also understood that Salvation Army is going to assist them to get it removed. They are looking at getting it removed and putting something else back in there.”

City Hall Repairs: Zoning Clerk Hugunin, “The roof repairs at 301 and 303 Neosho Street have been completed.”

PERMITS: Building Permits issued by Zoning Clerk Hugunin:

2019-026 Kevin Johnson 416 Miami - Single Family Dwelling

2019-029 Thomas & Kimberly Robrahn 1421 12th Lane - Single Family Dwelling

LICENSE

None.

RESOLUTION

Resolution 2019-03, Mitigation Plan: Mayor Luke, “We have a resolution 2019-03 adopting the Kansas Homeland Security Region J Hazard Mitigation Plan.”

Council Member Hall, “I move to approve Resolution 2019-03, to adopt the Kansas Homeland Security Region J Hazard Mitigation Plan.” Council Member Tschantz, “I second the motion.” City Clerk Kewley, “What this entails is we work with the County Emergency Management and this helps us all work together to get grants and funding for emergency situations. So, all of the county must come together to pass this resolution. Tom (Attorney Robrahn) reviewed it and it is good to go.” **Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.**

OTHER COMMITTEE OR COUNCIL BUSINESS

None.

LEGAL DEPARTMENT: Update

Attorney Robrahn reported, “I have been reviewing legal documents and reviewing the FEMA mitigation plan resolution. Like Doug (Chief Jones) said we have municipal court next Thursday.”

Mayor Luke stated, “At this time, I would like to enter into an Executive Session Pursuant to K.S.A. 75-4319b2 for consultation of the city attorney for the Governing Body which would be deemed privilege attorney client relationship, for ten minutes; to include the Governing Body, City Clerk, and City Attorney.”

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Council Member Scothorn made the motion to enter into an Executive Session Pursuant to K.S.A. 75-4319b2 for consultation of the city attorney for the Governing Body which would be deemed privilege attorney client relationship, for ten minutes; to include the Governing Body, City Clerk, and City Attorney. Council Member Hall, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Council entered Executive Session at 6:26 p.m. and exited at 6:36 p.m. The following action was taken: **Council Member Jasper stated, "I move to approve the purchase of 1013 North 4th, Burlington, for the cash price of \$137,500.00. This motion shall include to authorize the Mayor to execute the purchase agreement and all necessary documents required to be executed to complete the purchase of said premises. Closing shall be consummated within 30 days of the completion of the pending repairs that is the responsibility of the seller." Council Member Tschantz, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.**

Council Member Jasper, "This Council has done its due diligence on making sure this was the right decision for the City. This is the right decision. This is the place that our citizens should conduct business, along with our employees. I stand behind this decision 100%." Council Member Tschantz, "I'll back you." Council Member Hall, "Yes."

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. October we will be sending \$4,883.00 in delinquent utility accounts to the Kansas Set-Off program for collections.

Licenses: City Clerk Kewley, "We are getting ready to send out the renewals for the businesses in regards to the Cereal Malt Beverage, Amusement, and Trailer Court Licenses for 2020."

Trash Exemption: City Clerk Kewley, "At the end of this week we will be sending out the annual trash exemptions for 2020."

KPP Rate Forum: City Clerk Kewley, "I attended the KPP rate forum in McPherson last Friday, November 1st."

Closing: City Clerk Kewley, "City Hall will be closed next Monday, November 11th, for Veteran's Day. Also, we will be closed for Thanksgiving Thursday the 28th. In the past council has allowed the employees at their option to take Friday off as vacation, comp time or without pay. There is no need for a motion as they have approved this in the past."

Coffey County Engineer – Planning Projects: City Clerk Kewley, "I wanted to remind you all about the meeting tomorrow evening at 7:00 p.m. at the courthouse basement meeting room in regards to the community planning with engineering consultants."

LKM Regional Supper: City Clerk Kewley, "Also, a reminder about the League regional suppers that the City is hosting at Kelley Hall, November 14th. The dinner reservations start at 5:30p.m. and the optional free training, City Government 101, will take place at 4:30p.m."

REPORT BY CITY OFFICERS:

Council Member Scothorn, "If anybody has a free evening tomorrow night I think that meeting will be a good to attend. To me, it's a way for us to come up with grants or matching funds; something to do some streets or bridges." Mayor Luke, "Possibly setting up revitalization zones within the City, a variety of different things could come of this."

Council Member Curtiss, "I want to thank all the City employees that put up the Veterans flags. That first day was cold, windy, and kind of terrible but I just want you to know that they are appreciated." Superintendent Boyce, "Thank you."

MAYOR'S COMMENT(S):

None.

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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) 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

