

BURLINGTON CITY COUNCIL REGULAR SESSION 12-18-2019

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, December 18, 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: Wayne Blackburn (County Engineer & Surveyor)

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

MINUTES 12/4/2019: *Council Member Curtiss, "I move to approve the draft minutes of December 4, 2019 as presented." Council Member Tschantz, "Second." Motion unanimously carried, 6:0.*

APPOINTMENT: Jennifer Fagan – Republic Services – Request for Rate Increase

Jennifer Fagan, "I believe you have a copy of the ordinance in front of you. I'm here tonight in regards to the annual price adjustment that occurs each January 1st. It is based on the consumer price index for water, sewer, and trash, which was 3.3%. I believe it is a \$0.33 increase." City Clerk Kewley, "\$0.37." Jennifer Fagan, "Okay, I'm sorry. A \$0.37 increase for the residents each month that will go into effect January 1st. This will give enough time I think for them all to have notification. Gina and I talked about that, they should be notified before they get their first billing that has the new increase. The commercial will go up about 3.3%. Also, we have had a small route change. I know they sent a map and you guys have redone a map, which was much better than our map. Jim is not really good at that, I told him he was going to have to get it figured out. I don't know if he doesn't have the right software or he may just not have the right computer skills. I think he was telling me it was just a handful of 100 customers that it affected. I believe those were tagged and pretty much already changed their service day."

Mayor Luke, "Basically it is the small light blue area down in the south east corner. That was a Thursday?" Jennifer Fagan, "Correct." Mayor Luke, "And now it's going to be a Wednesday?" Jennifer Fagan, "I believe so." Zoning Clerk Hugunin, "No, I think it was --." Council Member Curtiss, "It's a Thursday." City Clerk Kewley, "It's a Friday moving to Thursday." Jennifer Fagan, "Okay. I know that they tagged everybody that they could, where they took something and put it on their door." City Clerk Kewley, "Yes, Mr. Melton said that he was going to talk to them if they were there, then if not he would hang the notice." Jennifer Fagan, "Right, people just don't read stuff anymore. You know what I mean? I'm sure we may have a few people that will have to get adjusted to it."

Council Member Lenard, "I'm not familiar with the water, sewer, trash CPI. Do you have an idea of what percentage of that is contributed to diesel fuel?" Jennifer Fagan, "No, because there is a separate index for that, a fuel index. It is a portion of it but it has to do with all the aspects of solid waste, except for disposal. Disposal is not included at all in the CPI. So, if rates change per ton or something like that, that is totally separate. It's just based off of the industry, tires, employment, and insurance, all of those factors play into it." Council Member Lenard, "All of the overheads." Jennifer Fagan, "Yes." Council Member Scothorn, "What did you say the increase was?" Jennifer Fagan, "It is 3.3%. In the last three years it has fluctuated between 3% and 4%." **Council Member Hall, "I move to adopt Ordinance 865, Establishing Trash Rates, to be effective January 13, 2020." Council Member Lenard, "I second the motion."** City Clerk Kewley, "The 13th is our billing date; we have to put it in the paper first." **Hearing no further discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared, "Ordinance 865 passed unanimously, 6:0."**

PUBLIC COMMENTS:

Paul Abendroth, "It's going to be about old business. You were elected. You guys came in here to be, supposed to be, good stewards for the people's money. With the way you went about purchasing this building was underhanded all together, the way I feel. You could have told them what was going on. Hopefully, you are better at this next time. You couldn't even tell them the truth about purchasing the building."

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You lied about it to somebody that asked you if you were negotiating for it. People were against the purchase of this building, the most of them. It's not completely right, I don't believe. I found more people that were against the purchase of the building, you had plenty of room downtown, and you are going to argue with it because you already filled in these buildings out here. I just don't believe it was alright and up handed. That's all I have to say." Mayor Luke, "We appreciate your comments." Council Member Jasper, "Thanks, Paul." Paul Abendroth, "I had several things that I had written out that I was going to put in the paper but instead I decided to come down here and tell you face to face." Council Member Jasper, "We appreciate that."

ELECTRIC DEPARTMENT: DISTRIBUTION Update

General: Electric personnel have been doing many line locates, customer service requests, and vehicle and equipment maintenance.

Moving City Hall: Superintendent Schneider reported, "We have been helping up here at City Hall as needed."

ELECTRIC DEPARTMENT: PRODUCTION Update

General: Power Plant personnel have been performing normal power plant duties, annual painting and equipment maintenance.

Generator #1 Maintenance: Superintendent Schneider, "The men conducted a general maintenance run on generator #1 yesterday afternoon to get it exercised. It has probably been three months since it was run."

KPP Membership Meeting: Superintendent Schneider, "I attended the annuals KPP Membership meeting in McPherson last Friday on the 13th."

WATER AND WASTEWATER: Distribution Update

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

Inventory: Superintendent Hawkins, "We are wrapping up our inventory. We will have it done hopefully before the first of the year for Jimmy (Zoning Clerk Hugunin) to get that taken care of."

Water Line: Superintendent Hawkins, "I did get all the paper work submitted to the State of Kansas with Dan Claire for the Alleghany Street Project. We did try to go over and dress some of it up. The frost and water were in it so we weren't able to dress it up as good as what we would have liked. We will go back and finish dressing it up and cleaning it up. We have told home owners about it and that we are going to make it look nice. We are trying to get that done as weather permits."

WATER/WASTEWATER: Production – Water Treatment Plant Update

Superintendent Hawkins, "The plant has been running very well. We have had no issues there, just normal maintenance."

WATER AND WASTERWATER: Generator Bid Request

Superintendent Hawkins, "I would like to request to go out for bids. I have been keeping the committee in contact with what we have been doing; we looked at different avenues, whether to use natural gas or propane, gas or diesel. Our recommendation is to go out tonight for three bids for a generator."

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

WATER AND WASTERWATER: Personnel - Recommendation to Hire

Superintendent Hawkins, "The last thing that I have is that we did get interviews accomplished. It was really tough this time. We had a lot of good interviewees. I was really pleased. I would like to submit a hand of employment to Bill Cole."

Council Member Tschantz, "I move to extend an offer of employment to Bill Cole for the position of Water/Wastewater Non-Certified Operator, at the starting wage of \$16.34." Council Member Scothorn, "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 ditches, and working on alleys."

Moving City Hall: Superintendent Davidson, "We started the renovation of City Hall. We have been working on that for the past week."

Ice/Snow Control: Superintendent Davidson, "We were called out last week for some ice control, then again on Sunday evening. There was a slick road so we put down some mix the first time, and then straight salt trying to get it to melt off. The freezing temperatures didn't help us any. Monday, we started to get a little thawed. We took trucks out and got off what slush that we could, then put another round of salt down. The only good thing we have in our favor is that we are starting to have some warmer temperatures. That is taking care of the problem."

County Commission Meeting: Superintendent Davidson, "Mayor Luke and I attended a County Commission meeting over the #2 Bridge on Kennebec Street. Then we also met with B&G Consultants and Wayne Blackburn on Wednesday about the intersection."

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POLICE DEPARTMENT: Update

General: Chief Jones, "They have been keeping us busy."

Parades: Chief Jones, "We had the Christmas Parade downtown last Wednesday. We had good weather and an excellent turn out for it. There were a lot of entrees, that was probably their biggest parade in a long time."

City Court: Chief Jones, "We had City Court last Thursday."

LEPC (Local Emergency Planning Committee): Chief Jones, "Local Emergency Planning Committee meeting was last Wednesday and I was selected as chairman. This is probably the fifth time in the past 12 to 14 years."

Cases: Chief Jones, "The one that has been taking up most of our time is a burglary that occurred last Sunday morning. Officer Deb Klenda tracked our suspect footprints through the snow. We have been doing interviews, talking to witnesses, talking to people, and talking to our suspect multiple times. We did a search warrant at his house last night and he is now sitting in jail. I'm quite pleased. The interview process and the investigation are still continuing. I am pleased with my officers; they have put a lot of work into this one."

PARKS DEPARTMENT: Update

General: Superintendent Boyce reported, "We have been cleaning public buildings and restrooms and mulching tree leaves in Kelley Park. We are doing equipment and building maintenance."

Goals & Accomplishments/ Inventory: Superintendent Boyce, "I worked on the goals and accomplishments and inventory. I'm not quite done with inventory yet."

Moving City Hall: Superintendent Boyce, "We have helped a little bit here with the renovations at City Hall."

Snow/Ice Removal: Superintendent Boyce said, "We did have snow and ice removal."

FINANCE: Building Restoration Loan for 324 Hudson Street - Chris Faimon

Mayor Luke, "Under Finance we have a building restoration for Chris Faimon at 324 Hudson Street for a total of \$5,000." City Clerk Kewley, "What this entails is that he is doing a \$5,000 loan. He is doing exterior brick cleaning, masonry repairs and water proofing, completely tuck pointing all of the masonry work. I did recommend to the Decision Authority Board and they had approval so now I'm bringing it to Council for approval."

Council Member Hall, "I move to accept the Decision Making Authority's recommendation and approve Chris Faimon's Building Restoration Loan Application for 324 Hudson Street in the amount of \$5,000, with a two-year payback." Council Member Lenard, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Council Members Curtiss, Hall, Scothorn, Lenard, and Tschantz voted, 'Yea' and Council Member Jasper voted 'Nay'. Mayor Luke declared the motion passed, 5:1.

FINANCE: Building Restoration Loan for 424 Neosho Street - Polly Ann Epting

City Clerk Kewley, "What Polly Epting is doing is float finishing to the front of the building, finishing crack filling, paint the plaster, material, labor and equipment. She is wanting the \$5,000 loan as well. I did take this to the Decision Authority Board for their approval and recommending it for approval for tonight."

Council Member Hall, "I move to accept the Decision Making Authority's recommendation and approve Polly Ann Epting's Building Restoration Loan Application for 424 Neosho Street in the amount of \$5,000, with a two-year payback." Council Member Lenard, "I second the motion." Council Member Scothorn, "How much of the \$60,000 did we get used up this year?" City Clerk Kewley, "We just got a loan paid off, so these will be the two that we have gotten so far. We are way under." Hearing no further discussion, Mayor Luke called for a vote. Council Members Curtiss, Hall, Scothorn, Lenard, and Tschantz voted, 'Yea' and Council Member Jasper voted 'Nay'. Mayor Luke declared the motion passed, 5:1.

Council Member Lenard, "I would like to comment too, in the lack of economic development for the county, I am glad some of our local businesses are investing in their structures. I think that is a good alternative at this point."

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2019-23	\$	477,824.87
b. Payroll Ordinance	2019-25	\$	88,143.91
	TOTAL	\$	565,968.78

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CLAIMS 2019-23: Council Member Hall moved to approve City of Burlington Claims Ordinance 2019-23 for the amount of \$477,824.87 for payment of city bills. Council Member Tschantz gave the second. Mayor Luke said, "Out of all of the \$477,824.87, 80% of that is in six bills. Number six transformer we have a \$16,671.00 bill, we have fuel for \$11,000.00, the County, we had to contact them for the invoice, for the chip seal and that is just over \$30,000.00, we have an insurance premium for \$28,000.00, we have a KPP bill for over \$157,000.00, and we have a check to First National Bank for \$137,941.75 as we closed at 10:30 this morning, on the purchase of this building. So, those cover 80% of all of the invoices that we had for this time period."

Hearing no additional discussion, Mayor Luke instructed City Clerk Kewley to poll Council. All votes were in favor. Mayor Luke declared, "Claims Ordinance 2019-23 passed unanimously, 6:0."

PAYROLL 2019-25: Council Member Hall moved to approve City of Burlington Payroll Ordinance 2019-25 in the amount of \$88,143.91, 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 2019-25 passed unanimously, 6:0."

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, "Normal duties and a lot of not so normal duties for the past few weeks."

Moving City Hall: Zoning Clerk Hugunin, "Every department has been up here, every department has sent their guys up. It's been a mad house up here. We are getting things done as you can tell and we will keep going."

House Fire: Mayor Luke, "I've had several people ask me about the house on Hudson Street. Is there a status on that for demolition?" Zoning Clerk Hugunin, "Not on demolition but I think they had a dumpster there. It was removed but they had been taking stuff out." Council Member Tschantz, "The dumpster he had there he was just cleaning up the yard." Zoning Clerk Hugunin, "Okay, what they had told me was that they were going to start getting stuff out of the house." Council Member Tschantz, "He took a little bit out but he was doing it by himself so he didn't get everything." Zoning Clerk Hugunin, "As far as demolition we haven't started anything, I believe the funds are gone right now too." Mayor Luke, "Okay."

PERMITS: Building Permits issued by Zoning Clerk Hugunin:

RESOLUTION

LEGAL DEPARTMENT: Update

Attorney Robrahn, "I have worked on documents to complete the closing on the new City Hall building. I reviewed Ordinance 865. Then the mayor and I worked on an agreement between the City and the County regarding the Osborne Bridge #2 for cost reimbursement from the County to the City." Mayor Luke, "That has been given to Wade Bowie, the County Attorney. He was going to check what was in the document versus what the actual motion that was passed within the Commissioners and let us know if there are any discrepancies. We haven't heard back from him yet."

OTHER COMMITTEE OR COUNCIL BUSINESS

CITY CLERK: Update

General: City Hall Staff have been busy with customers paying utility bills, many calls and inquiries, preparing work orders, vouchers for bill paying, payroll, and council meeting minutes.

Dogs Tags: City Clerk Kewley, "I wanted to remind everyone that 2020 dog tags are due in January."

Unconventional Vehicle Registration Renewals: City Clerk Kewley, "Also, Unconventional Vehicle Registration Renewals are due on the anniversary date of the original registration."

Interviews: City Clerk Kewley, "I participated in the Water/Wastewater interviews last Tuesday."

Trash Rates: City Clerk Kewley, "I worked with Mary Mader (Administrative Assistant) and Tom Robrahn (City Attorney) on the trash rate ordinance."

Moving City Hall: City Clerk Kewley, "Like Jimmy (Zoning Clerk Hugunin) said, all of the City Departments have been up here helping on the remodel. They are doing a terrific job and it is much appreciated."

Last Council Meeting: City Clerk Kewley, "This is the last Council meeting of the year. Just like in the past, we can continue 2019 and open up 2020 so we can do old business and new business."

Closing: City Clerk Kewley, "We will be closed December 24 and 25 for Christmas and January 1st for New Years. I hope everyone has a Merry Christmas and a Happy New Year."

REPORT BY CITY OFFICERS:

Council Member Lenard, "I have one question; I would like to circle back to on the trash. We have a CPI and we go out and check it. I don't see in any of her documents here, do we have a BLS of index that we've verified?" City Clerk Kewley, "I tried to talk to her a little bit about it, she said what she had explained to you there, in our contract that we did last year it says the water and utilities CPI. We don't have anything on that. We are just going on her recommendation, we aren't checking." Council Member Lenard, "So I would recommend, I've had this happen before, that we have referenced that index and then that index goes away. Some of the federal indexes may go away or get replaced. I would suggest that we try to track down whatever that index is that she is using and get it documented somewhere. I just think we need to validate that increase." City Clerk Kewley, "Okay, if that is what the Council wants to do."

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Council Member Lenard, "I've seen it vary before, they can vary from index to index. I just think it would be good to have some reference to what they are. It's a pass through but we need to know what that index is." City Clerk Kewley, "There are so many indexes. That's what I'm saying --." Council Member Lenard, "Whatever one she's using, just tell us." City Clerk Kewley, "We should have put that in the contract when we did that last year."

Council Member Jasper, "What is the length of their contracts at a time?" City Clerk Kewley, "We just did it last year. It's for five years and then it automatically renews after that."

MAYOR'S COMMENT(S):

Mayor Luke, "Last meeting of the year and we will move into the 'Roaring 20's' for our next meeting. Hopefully, it's not quite the same as the previous 'Roaring 20's' was. I also want to thank all of you for what has been accomplished this year. Also, to wish you a Merry Christmas and a Happy New Year, and we will meet again in 2020."

FUTURE AGENDA ITEMS:

GENERAL: City Debt - How to fund projects Expense Tracking on Projects Budget 2020 Flooding 5-2019 – Updates	GAAP - Infrastructure Capitalization City/County Grant Funds – Discussion on Matched Funding Council Discussions on Evaluations, Succession Planning, etc. City Hall Location Updates
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)	Quarterly Construction Valuation Report Prepare Easements for any City-owned property without one Addition Nuisance Structures for Possible Condemn/Demolish Permits - Building/Zoning/etc.
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: Fire Hydrant – 3 rd & Neosho Storage Building for Dirt -Construction Flooding	Sensus Water Meter Replacement 6 th and Alleghany Waterline Project Sewer Liftstations –Flushing Rags, etc. Quick Coupler Bucket Updates Sewer Lagoons - Analysis (KRWA/funds for dredging) Sewer Lagoon Maintenance/Updates

Mayor Luke declared the meeting adjourned.

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