BURLINGTON CITY COUNCIL REGULAR SESSION 12-4-2019

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 4, 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 Scothorn, “I move to approve the agenda as modified.” Council Member Lenard, “Second.” Motion unanimously carried, 5:0***

**MINUTES 11/20/2019: *Council Member Curtiss, “I move to approve the draft minutes of November 20, 2019 as presented.” Council Member Hall, “Second.” Motion unanimously carried, 5:0.***

**APPOINTMENT: Wayne Blackburn – Community Planning and Bridges**

Wayne Blackburn, “Mayor, Council Members, I appreciate you giving me some time. I visited with the Commission Monday. I had a couple of things to deal with or go over. One is on the bridges but I am going to wait until we hear the report from the Street Department and I’ll chime in there with the comments from the Commissioners meeting. To be able to move forward on this community planning, they are wanting to make sure that the cities are on board. Also, who would be your preferred consultant. The commission would like to make the final selection themselves but they would like to hear what the community has to say about what consultant they would prefer. Actually, I am going around to each one of the cities, each council meeting and having the same discussion. As I have a motion before you if you would accept this motion and it is, ‘The City of Burlington moves to approve the support of and participation in the community planning project proposed for Coffey County.’” That way I can get that information to say yes, you are interested and wanting to move forward. That is my task. So, if you would entertain that motion I would like to ask that we would proceed with that.

***Council Member Hall, “The City of Burlington moves to approve the support of and participation in the community planning project proposed for Coffey County.” Council Member Lenard, “I second the motion.”***

Mayor Luke, “Are they still up front funding to start?” Wayne Blackburn, “As far as the consultant fee, yes. As we go through this process the first one would be to potentially interview the three of them again. They may just visit with one. Then at that particular time they will come up with the contract and make sure that all of the steps in the contract are there for what we are asking for the community planning. Then after that we will continue, like we have had these discussions before, they would be in touch with you. Then also the community at large and ask them what they would like to have, what their wishes would be.”

Mayor Luke, “When are they looking at making a decision on the contractor?” Wayne Blackburn, “Well, it’s to take me to the end of this month to make contact with each of the cities. I’d say at this point, I’ll have that information to the commission in January. I hope by the end of January that they would have a selection of a consultant that they would feel comfortable with to move forward. I could see possibly March or April would be some of the first meetings that they would have. Of course, through this process when that consultant plans to come to a community we will be notifying you first. I also plan to actually participate and assist them with those meetings. So, I’ll be part of that as well.” Mayor Luke, “So, when would you want from us the preferred contract?” Wayne Blackburn, “Well, actually tonight. That way I don’t keep chasing the questions and I would actually have answers. Mine is, it is not necessarily a motion, but I’d leave it up to Tom (Attorney Robrahn) however he would like to do it. If I could get a consensus, after this motion, of which contractor out of the three that you are interested in. Once again, the deciding factor is going to be the commission so that is why I’m not asking for a motion from the City.” Mayor Luke, “We have used two of the three. Council Member Scothorn has been at the meetings and Council Members Tschantz, Lenard, and I. So, is there a preferred consultant from the presentation? Think about those. Are there any other discussions?”

**Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.**

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

Wayne Blackburn, “Now the consultants. We have B&G Consultants, Cook Flatt & Strobel Engineers, and Schwab Eaton are our three region consultants that we have used before.” Mayor Luke, “We have used Schwab Eaton and B&G Consultants.” Council Member Lenard, “I would rank them in the order that you just listed them because that is the order that they had presented if I remember right.” Council Member Scothorn, “The first one was out of Emporia, is that right?” Mayor Luke, “Yes, B&G Consultants are out of Emporia.” Council Member Lenard, “That has been three months ago.” Mayor Luke, “B&G Consultants first, then Cook Flatt & Strobel Engineers second, then Schwab Eaton.” Council Member Lenard, “If I had to eliminate one it would be Schwab Eaton.” Wayne Blackburn, “So preferred choice is B&G Consultants.”

Council Member Lenard, “So, after this, whatever projects we can still hire--.” Wayne Blackburn, “Yes. It wouldn’t have to be any of those three. You could hire whoever you want at that point. Hopefully we would get a booklet of the wish list and then where the funding would potentially be. Then at that point you are going to have to rank what you want to move forward with and the consultants accordingly.”

Mayor Luke, “Okay, when we have our minutes approved, we will include that motion and give you an official copy of them. That would be at the next meeting.” Wayne Blackburn, “Okay that would be fine.” City Clerk Kewley, “We can mail them too.” Wayne Blackburn, “That’s fine as long as I have them the first of January.” City Clerk Kewley, “We put them on our website too.”

**PUBLIC COMMENTS:**

Seth Jarvis, “I don’t really have anything to say right now. For my merit badge requirements for scouting I have to attend a public meeting and learn about one major issue that was discussed. So, I’m just here to observe.” Mayor Luke, “I think you found your major subject.” Wayne Blackburn, “Community planning! Give me a call.” Council Member Lenard, “It’s not just a merit badge; it’s towards his eagle scout.” Council Member Curtiss, “That’s great.”

**ELECTRIC DEPARTMENT: DISTRIBUTION Update**

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

***Christmas Lights/Decorations:*** Superintendent Schneider reported, “Monday we helped remove banners and flags along the highway. Then yesterday the Christmas lights were put up and we lit the lights downtown. The men got that taken care of.”

***Outages:*** Superintendent Schneider, “Last Friday (November 29th) evening when the lightning came through, we did have one outage. It was isolated to four blocks in the southwest part of town. We were able to get that back on pretty quick. Everyone in the area saw their lights flicker. The lightening took out a lighting arrestor in that alley that held the line tap fuse out. Once we found the lighting arrestor that was damaged we were able to re-fuse and put that back in service. It was less than hour that the power was out.”

**ELECTRIC DEPARTMENT: PRODUCTION Update**

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

***Generator #6 Repair:*** Superintendent Schneider, “The cleanup is pretty much complete after repairs on generator #6. They will probably spend the next couple of weeks painting; there were some things that had some scratches. That’s what the men are working on. I would like to say that we came in $86,000 under estimated cost; which is fantastic. The main reason I bring that up is because that would not have been possible without the crew that we have out there. That savings reflects on labor that we would have paid an outside source. The men did a fantastic job. I wanted everyone to know that.”

***Year End Reports:*** Superintendent Schneider, “We are also working on year end reports. I have been building new spreadsheets for 2020.”

***Thank You:*** Superintendent Schneider, “I would like to thank the Street Department. They helped move the car port from City Hall to the Electric Department. We will make good use of that.”

**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, and customer concerns.

***Water Line:*** Superintendent Hawkins, “We finished Alleghany Street. We have everyone attached on Alleghany from 6th to 9th. I am really pleased with how that went. We have had a lot of positives from the customers with their water pressure and clean water. The only thing we have left to do is the disconnect on 6th and 9th of Alleghany, then go back and clean up our mess. Then that project will be complete. I’m gathering the numbers to report back to Dan Claire at the State of Kansas. At the end of each of these projects the State wants to know how much we have spent on each project. I’m getting those numbers wrapped up.”

***Waiver of Annexation:*** Superintendent Hawkins, “We got Mike Thorp’s service in today. That went really well. That is now completed.”

**WATER AND WASTERWATER: City Vehicle Purchase**

Superintendent Hawkins, “Our truck did show up at the Ford Dealership today. It is on its way to Kansas City to get the knapheide bed on it.”

***Inventory:*** Superintendent Hawkins, “The guys have been working on inventory.”

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***[3] CONTINUATION: December 4, 2019 Burlington City Council Regular Session***

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

Superintendent Hawkins, “The plant is running fine.”

**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 have been helping Jimmy (Zoning Clerk Hugunin) move things up from the old City Hall. We are helping with the shelving.”

***2019 Street Projects:*** Superintendent Davidson, “Killough Construction finished up Martindale Street on the 25th.”

***Repairs:*** Superintendent Davidson, “We received the parts for our spreader box so we are able to repair that and get it back in service.”

***Sign Replacements:*** Superintendent Davidson, “After the wind storm this weekend there were a few signs that had blown down or was blown off of the brackets. We got that taken care of.”

***Kennebec Bridge Project:*** Superintendent Davidson, “We got the report back from B&G Consultants. Bridge #1, which is the smaller of the bridges, we refer to it as the Bowman Bridge on 13th Street. It is the furthest west bridge. They have done their Echo GPR (ground penetrating radar) and found that the bridge deck was 6% of deficiency, which is very good. With that being said, it has also been overlaid with asphalt. Until they get the asphalt off of the bridge they are not going to be completely sure what the deck actually looks like. They did give us an estimated price on that bridge with the consulting fees with B&G Consultants, the ground penetrating radar, and the mileage from Paola, the bridge will cost approximately $56,250. That’s going to be removal of the asphalt, check the bridge deck, repair any bad spots, they will sandblast the I-beams underneath, then they will put a coating on that, that we had discussed at previous meetings. That will pretty much take care of that bridge.

“Bridge #2, the Osborne Bridge, it came in at being 58% deficient. That means that it is in dire need of replacement. There was a lot of cracking and deterioration of the concrete. The estimated price on that was $58,482 to repair the bridge and take the existing concrete off that is bad. To replace the bridge deck is going to be $59,000. So, we are looking at a difference of $518 to replace the bridge deck and the sidewalls. They would do the same thing; they would sandblast and paint the I-beams. In conversation I’ve had with Commissioner Saueressig, I was asking about how bridge #1 was going to fit in with the County to do 50/50. Visiting with Wayne at the meeting, the County has generously offered to pay for Bridge #2, engineering fees, and deck replacement. I don’t know if we need to approve that or if we can just go with that. It will still be our bridge but Coffey County will take that over to do the maintenance on the bridge and then it will come back to the City. Correct?”

Wayne Blackburn, “If I could step in. With the discussion from the Commission of what they are wanting to do. Basically Bob (Commissioner Saueressig) had brought it up then Tom (Commissioner Hugunin) had reinforced the idea that the County would incur the cost of the larger bridge, that’s Bridge #2. That is the one that is requiring the deck replacement. They are seeing basically sharing the cost and they are suggesting Bridge #2 as far as the cost associated with it. What I would say at that point would be, to move forward, would be an agreement that would need to be made between the County and the City. One, that the County would approve by motion and two, the City would approve by motion. It might be to everybody’s advantage if the City would send a representative to the Commission and discuss the terms of the agreement. Then at that point we can have the attorneys come together with an agreement for both to sign to move forward on it. What we are doing is we are agreeing on who is going to be paying the costs.

“Also, just from discussion, and this was not part of the discussion with the commission, but it is going to be more than replacing that bridge deck and those bridge rails on bridge #2. We really need to look at that intersection. I’m not sure if you are familiar with that bridge or not but that bridge is jogged over into the lane as you are continuing to go to the west. So, there needs to be some safety measures there. I have not had that discussion with the Commission but it would be wrong if we moved forward and only replaced the bridge deck without looking at the geometry of that intersection. That is something that is out there a little bit further. I believe it does need some consideration at the end of this. So, with the bridge deck on bridge #2, if this is the direction that the City would like to go as far as replacement. It is still your bridge. If you’re wanting to go that way with replacement, then Bridge #1 would be something that you could move forward on. The bidding process could actually be tied into the County’s six bridges and we would get that bridge. It would be almost identical in scope of services as the other six bridges. So you are going to get the same type of contractor and that’s what we are trying to piggy back off of, to basically get better pricing.

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

But Bridge #2 is going to be totally different. That’s not just going back and correcting the faults or the concrete on top but rather replacing that whole bridge deck. So, that’s going to be a whole different contractor and a different set of plans. That one could actually be pulled out of this survey. Another process could take place where we have Moni El-Aasar (B&G Consultants) look at the bridge for plans and also geometry of that intersection too. That’s where you are at. At this point to move forward if the City would entertain either having Stan come and visit with the commission at one of the meetings and then bring it back and everyone agree on the terms of the agreement.” Council Member Lenard, “So let me ask this, since you’ve talked about agreements on this, is there other options to do some kind of memorandum of understanding that we get those fees passed on to us like we do our infrastructure money? Is there an easier way than doing a bunch of agreements?” Attorney Robrahn, “We can do a memorandum. Whatever the county might feel to be acceptable.” Wayne Blackburn, “It’s still an agreement. That’s what you are doing. The City will still pay the bill but then the County is going to reimburse you. That would be the agreement, so, however you want to do it. Wouldn’t that be right?” Attorney Robrahn, “Yes.”

Mayor Luke, “Is that on their agenda for their next meeting?” Wayne Blackburn, “Well, without having to visit to see if you would entertain coming to visit with the commission I do not have that on the agenda. But we could if you would like to do that.” Mayor Luke, “We can add it for this coming Monday?” Wayne Blackburn, “Yes. Would you like to do that? Does that require a motion?” Mayor Luke, “Not at this time, no. I’ll bring Mark (Superintendent Davidson).” Wayne Blackburn, “Okay, if that’s agreeable, I’ll pass on the time to Mark and I’ll get you on the agenda for next Monday.” Mayor Luke, “Okay, that will work.”

**POLICE DEPARTMENT: Update**

***General:***Chief Jones, “Holiday weekend was relatively peaceful. Had the usual run of calls, domestic fights, alleged elder abuse case, driving while suspended, usual things but nothing too major.”

***City Court:*** Chief Jones, “We do have city court a week from tomorrow on the 12th.”

***Parades:*** Chief Jones, “Next Wednesday on the 11th at 6:00p.m. is the Holiday Parade downtown.”

**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.”

***Vehicle Repairs:*** Superintendent Boyce said, “I still do not have an update on the 2014 Ford pickup because Ford was back logged with the holiday and people being off of work. We picked the truck up so it wasn’t sitting out down there.”

***Moving City Hall:*** Superintendent Boyce, “We helped to install the drop box out front here for bill payments.”

***Christmas Lights/Decorations:*** Superintendent Boyce, “We changed out the Veteran banners to the holiday banners. I would like to thank the Electric Department for their help with that.”

**FINANCE: Claims Ordinance & Payroll Ordinance**

|  |  |  |  |
| --- | --- | --- | --- |
| a. | Claims Ordinance | 2019-22 $ | 90,634.82 |
| b. | Payroll Ordinance | 2019-23 $ | 86,272.16 |
|  |  | TOTAL $ | 176,906.98 |

***CLAIMS 2019-22:*** ***Council Member Tschantz moved to approve City of Burlington Claims Ordinance 2019‑22 for the amount of $*90,634.82** ***for payment of city bills. Council Member Lenard gave the second.*** City Clerk Kewley said, “We have payments tonight to Core and Main $2,400.63, Republic Waste Service $10,888.96 and Wheeler World $21,438.13.” **Hearing no additional discussion, Mayor Luke instructed City Clerk Kewley** **to poll Council. *All votes were in favor.* Mayor Luke declared, *“Claims Ordinance 2019-22 passed unanimously, 5:0.”***

**PAYROLL 2019-23:** ***Council Member Hall moved to approve City of Burlington Payroll Ordinance 2019-23 in the amount of $*86,272.16*, 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 2019-23 passed unanimously, 5:0.”***

**PLANNING & ZONING: Update**

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

***Moving City Hall:*** Zoning Clerk Hugunin, “We have been moving a lot of things around here. As Mark said they have been up here helping. I wanted to thank them and him for sending the guys up here to help with everything. I have been busy getting everything scheduled and everything in place for here.”

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

**RESOLUTION**

**LEGAL DEPARTMENT: Update**

Attorney Robrahn, “Yes, I don’t have much I can say. It is one of those situations, I know many of you are aware because of the attorney client relationship I have with the City, there are things that I am doing, I just can’t always publicly discuss that. Anyway, as far as I know everything is going well and I’m looking forward to going to city court next week.”

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***[5] CONTINUATION: December 4, 2019 Burlington City Council Regular Session***

**LICENSE RENEWALS for 2020:**

Mayor Luke, "This time of year we have to do the Cereal Malt Beverage Licenses and Trailer Court Licenses for 2020.”

**LICENSE APPLICATIONS FOR 2020**

**TRAILER COURT LICENSES**

Dietrich Trailer Park- Jim Toy 2 lots Matt Barrett Trailer Park 8 lots Bill Lockhart 1 lot

**CEREAL MALT BEVERAGE LICENSES (6)**

Across the Borders Casey’s General Store Dollar General Pizza Hut Pete’s of Erie, Inc. Mi Veracruz

***Council Member Lenard stated, "I move to approve the Cereal Malt Beverage Licenses and Trailer Court Licenses for 2020, as presented." Council Member Hall, "I second the motion.”* Hearing no further discussion, Mayor Luke called for a vote. *Motion unanimously carried, 5:0.***

**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. For November we will be sending $4,317.73 in delinquent utility accounts to the Kansas Set-Off Program for collections.

***Cereal Malt Beverage License:*** City Clerk Kewley, “All of the businesses have completed the CMB License renewals.”

***Budget 2020:*** City Clerk Kewley, “I’ve started keying in the 2020 budget figures to line items.”

***Meetings:***  City Clerk Kewley, “I participated in the Wolf Creek E Drill with Emergency Management yesterday.”

***Goals & Accomplishments:*** City Clerk Kewley, “We have started on Goals and Accomplishments.”

***Thank You:*** City Clerk Kewley, “Also, thank you to the Parks Department, Street Department, and all departments. The Parks Department installed the payment drop box out front. The Street Department has been moving our documents from the old City Hall to this place. I really appreciate it. All the departments have come forward and want to help do a lot of the remodeling here to help us. It makes it a lot easier. They have some downtime here in the winter. They have all been great about helping us here and we will save a lot of money. We have good people that can do carpentry work and that’s going to really help us. What we are looking at hiring out is going to be the carpet and the counter top, everything else we are going to do ourselves. I’m just really appreciative of all of the departments.”

**REPORT BY CITY OFFICERS:**

Council Member Curtiss, “Holiday lights look good and the banners look great. I love Christmas.”

**MAYOR’S COMMENT(S):**

**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 | *R.I.C.E. N.E.S.H.A.P. Compliance* |
| **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. *– Review in Spring 2019*  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 3rd 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 6th & Alleghany Project  Street Improvements 2019 Asphalt Project |
| |  | | --- | | **WATER & WASTEWATER DEPARTMENT**: Sensus Water Meter Replacement Sewer Lagoons - Analysis (KRWA/funds for dredging)  Fire Hydrant – 3rd & Neosho 6th and Alleghany Waterline Project Sewer Lagoon Maintenance/Updates  Storage Building for Dirt -Construction Sewer Liftstations –Flushing Rags, etc.  Flooding Quick Coupler Bucket Updates | | |

Mayor Luke declared the meeting adjourned.

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