

BURLINGTON CITY COUNCIL REGULAR SESSION 2-20-2019

City of Burlington Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, February 20, 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) Susan Stroh (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: Tom Hugunin (Coffey County Commissioner, District 1), Theda Darnell, Toni McGee, Pam Scott

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

MINUTES 2/6/2019: *Council Member Hall, "I move to approve the draft minutes of February 6, 2019 as presented." Council Member Scothorn, "Second." Motion unanimously carried, 6:0.*

PUBLIC COMMENTS: There were none.

APPOINTMENT: Tom Hugunin, Coffey County Commissioner, District 1: Discussion

Mayor Luke said to Commissioner Hugunin, "Tom, we have a public hearing at 6:10 p.m., so you have the floor until ten after six."

Commissioner Hugunin addressed Council, "I came down because I don't want to be misunderstood when I speak at a commissioner meeting. I brought up the 6th Street bridge as a possible project – those are just my thoughts, my ideas. I'm not trying to say that's what you guys need to do – nothing like that. I believe I still have the rest of the Commission with me as far as infrastructure monies for the city, a kind of matched fund deal like I talked about last time when I was here (February 6th). You know, that's still on the table; that's still an option. I don't know if you guys have got any projects in mind that you're wanting to do. I noticed we have a fair amount of money in your infrastructure; that's your call, not my business. I guess what I'm saying is, if there's a project out there you want to do....."

Mayor Luke, "Some of that money will probably disappear this year with the street projects and water and park projects and stuff like this. We're working on a couple three projects to have you look at and see if that's something that the County Commission is willing to support us in."

Commissioner Hugunin, "I believe we're all on the page as far as, you know, everybody keeps talking about the day that Wolf Creek leaves, where are we going to be. I think if our cities are not tuned up, if you will, and running correctly – or you know, for lack of better terminology at the moment here – decent streets, decent walks, whatever; if we don't have cities, we don't have a county. That's my firm belief - infrastructure in the cities, and then everything will go on. Like I said, I just don't want to be misunderstood about what I'm trying to do for the city; because that's my district. It's pretty easy for some of those other guys for a person to say I've got a gravel road or too many potholes, or whatever. My district is the city of Burlington. I'm here to do for you whatever I can do."

He continued, "I heard you guys talking about the streets earlier. I know that back in the day before we had Wolf Creek money; I think is when that (requirement) to sign a petition to get a chip seal or whatever for on your street – reconsider that you guys." City Clerk Kewley, "Will the County give us that money, then? Our money is tied up in the projects. The street infrastructure money we expend that pretty much down to our improvement projects. Infrastructure money money, we have saved for our Water Department, Electric Department, and the sewer – that's where a lot of our expense for our infrastructure money comes out of because we split that in half." Commissioner Hugunin, "I see. Okay." City Clerk Kewley, "It has its own account – fund."

Commissioner Hugunin, "Okay. Well again, we will go back to the terminology of matched funds. If you're saying you're going to allot so much for paving those streets, it's a consideration. I would assume at this time – I can't speak for all the Commissioners, but again, we talked about it a couple times as you know, it's a matched fund deal. It's an entertaining thought."

(continued)

[2] CONTINUATION: February 20, 2019 Burlington City Council Regular Session

“When I mentioned the 6th Street bridge, there by the former eye doctors office (north 6th Street) down by the courthouse, daily buses come in going to the lower elementary; so that’s a pretty well traveled bridge. I do know - I believe, Wayne Blackburn (County Engineer & Surveyor) said on one of the latest inspection on that showed the bridge was at 70%. Is that correct?” Superintendent Davidson, “I believe that probably sounds correct.” Commissioner Hugunin, “I believe it’s in the 70s percentage; but anyway in my thinking, we’ve got school buses coming back and forth on 6th between the elementary school (on Neosho) and the high school and middle school (on Cross). It’s a busy street. What are we going to do if one day that bridge makes it down to 50%? Are we going to have to route the buses clear around.”

Superintendent Davidson, “I think right now, our main concern is going to be the Kennebec bridge by the old Hess house (Kennebec and Osborne Streets). It’s a dated bridge.” Commissioner Hugunin, “Is that worse?” Mayor Luke, “Yes. The deck is.” Superintendent Davidson, “It is worse. The deck is starting to deteriorate on it. We can go down there probably every two weeks and patch the holes. That would be, at least my main concern far more than would be the 6th Street bridge.” Commissioner Hugunin, “I understand. There again, is that a candidate for micro-topping like the State does a lot?” Superintendent Davidson, “Wayne is to get back with me – he’s supposed to have bridgework done this year, and he was going to discuss it with me whenever he gets ready to let the contract and we’ll see if there is some way the County can help us get that done.”

Superintendent Davidson said, “It’s still considered part of the Connecting Link. We have the bigger bridge. The County has the smaller bridge (further west on Kennebec).” Council Member Hugunin, “I thought that was in the same shape as the 6th Street bridge.” Superintendent Davidson, “It was, and when we were doing some hot-mixing that year, we just had them go ahead and put a two-inch overlay over that bridge; which at the time was acceptable, but now it seems to be the norm putting a hot-mix overlay over them. So, that would be one option on this bridge; but I think some further looking on that bigger bridge, we’re going to have some piers and everything underneath starting to show some rust. So again, we need to speak with Wayne and see.” Commissioner Hugunin, “Yes, he did mention that and getting up with you, which is great. And everything I said, is just not a request.” Mayor Luke, “Understand.”

Council Member Lenard, “I would maybe suggest that the City pass along our Street Department plans, share that with Tom (Commissioner Hugunin); and then maybe a copy of our goals for this year which have a lot of the department projects. It might give Tom some ideas of what we have planned. Just for your information, I think that would be a good start. I would like to say it’s nice – I appreciate you being here because Kimberly Robrahn (former Commissioner) used to come to council meetings periodically. Just being present is a good start, Tom.” Mayor Luke, “We need to bring this to a close – it’s time for our public hearing.” Commissioner Hugunin, “Okay. I took longer than I thought. Thank you for your time.”

APPOINTMENT: Public Hearing for 415 S. 6th St. (Theda Darnell) on Condemnation/Demolition

Open Hearing @ 6:10 p.m.: Mayor Luke stated, “It is ten minutes after six. We have a public hearing for the property at 415 S. 6th Street; and at this time, I would accept a motion to open the hearing.” Council Member Lenard stated, “I move to open the public hearing for 415 S. 6th Street to determine whether the structure(s) should be condemned as dangerous and unfit.” Council Member Curtiss, “I second the motion.” Hearing no discussion on the motion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Discussion: Attorney Robrahn said Zoning Clerk Hugunin could talk first, and afterwards he would fill in the blanks. Zoning Clerk Hugunin said, “Okay. Doug (Chief Jones) knows more about this; he started this. The original letter was sent out in May of 2018, and gave them (Theda Darnell) forty-five days from then to abate the nuisance. I think we’ve done an extension with her son, Freddy Darnell, July 24th. Freddy did come in and did quite a bit, but he did get called back to California with the wild fires.” Mrs. Darnell, “Yes, and now there is the flooding there.” Zoning Clerk Hugunin, “So, then he had to go back and take care of that. Then Toni McGee and her husband have been over there doing some cleanup; it’s been slow. I know it’s been a long process.” Mrs. Darnell, “He’ll be back this summer sometime.”

Toni McGee requested permission to speak, and said, “I have been going over there and helping her with the yard work and stuff; but I broke my wrist and I couldn’t go over and do what I needed to do. I had talked to him (Zoning Clerk Hugunin); and the last time I spoke with him before I did that, we had discussed me going in and removing the back porch so that would at least make that part of it safe – because it’s just an add-on. He was going to go over and look at it. I haven’t been able to get back over there; I just got released (from the Doctor) again; and then the weather hit.”

Mrs. McGee continued, “We are trying to get the house cleaned out.” Mayor Luke, “Where are you set on getting the house cleaned out – 20%, 50%, 80%?” Mrs. McGee, “We’re about 30%. With no heat in there, I can’t let Theda go in there and catch pneumonia and end up in the hospital again, with the weather the way it is. I’m also her caregiver, so when it comes to her health, I’m you know. I’ve been going over there and getting stuff out as I can; and when she’s able, she goes over there with me. With this weather, I haven’t been able to take here over there very much.”

“So, we are trying. When I went over to work on the yard the last time, I cut a lot of brush; and the man (neighbor) that lived on the other side of her was going to take it over to his yard and burn it. I noticed when I

[3] CONTINUATION: February 20, 2019 Burlington City Council Regular Session

went by – I don't know if maybe something has happened to him; but it's not been moved either. So, I'm trying, she is trying; and like I said, her son had planned on coming back, but then it's flooding out there; and he had another death in the family. He's going to try to be back as soon as he can to help us. That's where we stand right now; but we are trying to get the house cleaned out."

Mayor Luke asked, "Any questions of Toni?" Council Member Lenard, "What happens after the house gets cleaned out?" Mrs. McGee, "Well, they've already said that they want to condemn it. You know, she is living in a little apartment right now; and a lady has voiced an opinion that she may be interested in buying it just for the property. I don't know; she hasn't contacted us back again." Mayor Luke, "So, if/when it gets cleaned out, it would possibly have the option of being sold?" Mrs. McGee, "Yes." Council Member Curtiss, "And you don't have any idea about how long it's going to take to get it cleaned out?" Mrs. McGee, "Honey, I'm working as fast as I can." Council Member Curtiss, "Right, you said you're about 30% done?" Mrs. McGee, "Right." Council Member Curtiss, "And I understand that the weather right now has not been favorable for any of that." Mrs. McGee, "Right. Her son did 90% of the yard before he was called back (to California)." Council Member Curtiss, "Right." Mrs. McGee, "So I do what I can in the yard when it's nice; and when I can, I go in and do what I can in the house when it's warm enough. Like I said, I do what I can." Council Member Curtiss, "Right, I understand that." Mayor Luke, "If you had adequate weather, how long do you think it would take for yourself and the son or whoever to have it cleaned out?" Mrs. McGee, "Well, between me and my husband and what he can do, I don't know. About how long do you (Theda) think it would take us?" Mrs. Darnell, "I don't know. Freddy's supposed to be back around April."

Mayor Luke, "Tom, if the decision is made to extend time, what type of timelines is the legal process?" Attorney Robrahn, "I'm not for sure there's really any limitation on our extension of time. I think we just need to....." Mrs. McGee, "I've been trying to keep him (which person?) updated." Attorney Robrahn, "From the City's standpoint, I don't think we should let this continue to drag on; I mean, it is an unsecured house that is an attractive nuisance for somebody to get in and get hurt. There's all kinds of reasons why we need to look at abating as soon as we can. I understand, though, with the weather the way it is, it's been difficult for somebody to work at."

Mayor Luke, "Is there electricity on in the house?" Mrs. McGee, "There is electricity, but there's no heat." Mrs. Darnell, "There's electricity, that's all." Council Member Scothorn, "If we condemn the house, what happens to items inside the house?" Attorney Robrahn, "They would just be part of the material to be hauled off to be disposed of." Council Member Lenard, "If we condemn it, you'd have a period of time before you brought it down?" Attorney Robrahn, "Probably." Council Member Lenard, "You'd have a cut-off date?" Attorney Robrahn, "Yes." Zoning Clerk Hugunin, "We'd have to go out for bids and get those, and hire a contractor." Council Member Tschantz, "How long would it take to get the bids – 30 days, 60 days?" Zoning Clerk Hugunin, "Normally, we do a 30-day or 60-day extension." Council Member Lenard, "But it would still be on availability of your contractor; so you'd potentially have time buffered in there to get contents out."

Council Member Curtiss, "The 30 days or 60 days, is that on us to determine that – as far as the contractor." Attorney Robrahn, "Yes." Chief Jones explained, "You can give an extension right now, before the condemnation. You can vote to go ahead and condemn, and then set a timeline for what you want to see happen & when, as part of that process. If it does go to a point to do a contractor, you have to advertise and go out for bids. Once you settle on a contractor and sign a contract, then there is going to be a minimal amount time because obviously there's weather conditions and you have to give the contractor time to do the work. So, the timeline is really whatever you (the Council) want it to be." Council Member Lenard, "If we decide to condemn, do we have to firm up the timeline then tonight, based upon...." Attorney Robrahn, "Yes, I would."

Mayor Luke, "Any other questions? Any other input?" Attorney Robrahn, "I think also, if we do extend time, that we need to understand that the property owner is the one that goes in at their own liability to remove items; and that no one from the City to be doing that because of the inherent danger of the structure."

Mayor Luke, "What's the Council's pleasure?" Council Member Lenard, "Doug (Chief Jones), could you repeat one more time if we were to condemn – the schedule and what our options are?" Chief Jones, "If you choose to, you can vote to condemn with condemnation action beginning on such-and-such date to start the calendar; and then at that point, the City would go out for bids for contractors to submit bids for demolishing and cleanup of the structure with the bid opening on whatever date you all choose; and you would have a final date for the contractor to have all work completed. The property owner would have the option of continuing to remove items from the structure up until the day the contractor actually starts working. I believe there is a provision in there for the contractor to deal with salvage as they see fit."

Council Member Tschantz, "So, what have we done in the past?" Chief Jones, "The ones we've done in the past, we condemned the property. The majority of them, there has been nothing there. Billy Snovelle's house – there was nothing left in there. We just flat out went in, and Martha (former Zoning Administrator Newkirk)

[4] CONTINUATION: February 20, 2019 Burlington City Council Regular Session

drew the paperwork up. We just set a flat out date, went out for bids, the contract was awarded to the lowest bidder; and in the contract it was stated that this property will be basically cleaned down level, refilled, reseeded – and all work will be done by whatever date we set to have it done. We had 30 or 45 days in there for weather allowances and stuff like that.”

He continued, “When we had to do Andy Darnell’s house, Theda worked on that for a long time before she finally got it cleaned out. There was a lot of stuff in there. Then, that was taken down to a level lot, filled back in, and reseeded.”

Council Member Tschantz, “We can condemn the place tonight, Jimmy, you can start sending the contract bids out (Invitation to Bid) to tear the place down?” Zoning Clerk Hugunin, “Yes.” Council Member Curtiss, “Is there a lot of furniture, boxed stuff? What is in the house?” Mrs. McGee, “There is still some furniture. Her collectable dolls are still in there.” Council Member Curtiss, “I mean, if the weather would get nice, it wouldn’t take that long to get that stuff out of the house?” Zoning Clerk Hugunin, “If they had some able bodies to help, it wouldn’t take long.” Mrs. McGee, “Right now, it’s just me, her, and my husband; and my husband is disabled, also.” Council Member Curtiss, “Her son was to come back, when?” Mrs. McGee, “He is trying, and his guestimate was in April.” Mayor Luke, “Do you have a location to put what you take out of there?” Mrs. McGee, “We’re looking. We have some storage bins we are putting stuff in right now.” Mayor Luke, “Do you have adequate storage bins?” Mrs. McGee, “No.” Mrs. Darnell, “I’ve already got three.”

Council Member Scothorn, “Why don’t we make an extension to May 31st to finish? Too long? Too Short?” Or does nobody want an extension?” Chief Jones, “You could pass the condemnation with proceedings (for demolition) to begin by such-and-such date.” Mayor Luke, “By May the 31st.” Chief Jones, “Yes; and then you could set it so the contract would read to complete demolition of the house (and cleanup) by June 30th or something like that; if that’s how you wanted to go.” Council Member Lenard, “When would Jimmy send it out? That’s dependent on the contractor, too.” Chief Jones, “With proceedings to begin by May 31st, Jimmy would be sending Invitations to Bid out (pretty quick), and the sealed bids would be due in here by May 30th or 31st (Thursday or Friday).” Council Member Curtiss, “And to start June 1st.” Chief Jones, “Yes.” Attorney Robrahn, “I think I like that, too.” Council Member Scothorn, “And whatever’s left?” Chief Jones, “Salvage.”

Commissioner Hugunin, “Does she retain ownership of the property after the house is removed?” City Clerk Kewley explained that Mrs. Darnell will retain the property; but we’ll have to pay for the demolition and assess it against her property.” Commissioner Hugunin, “Then what if she sells it before May 31st?” City Clerk Kewley, “Yes, that would be great if she’d sell it. That’s what we would really like.” Mayor Luke, “If we do the extension to May 31st, nothing will happen on the property except their ability to remove all the stuff that they want out of there; and at that point we go out for bids, and they will still have a couple, three weeks or a month or whatever to get the bids in; and then the timeline for the contractor to show up onsite.”

Council Member Curtiss, “My understanding was we’d go out for bids – I understood you to say we would go out for bids and that contractor would start on June 1st.” Chief Jones, “Yes, if we went with Dallas’s (Council Member Scothorn’s) suggestion we would advertise for bids, with bids to be received at City Hall sometime at the later part of May; and the day the bid process is done, the bids would be opened, the contract awarded, and the contractor would then have however much time the contract states.” Mayor Luke, “The bids wouldn’t be opened until May 31st, or whatever date is stated (on the Invitation to Bid).” Council Member Curtiss, “Okay.”

Mayor Luke asked if Mrs. Darnell and Mrs. McGee understood. Mrs. McGee said, “I do. She can’t hear you.” Mrs. Darnell, “I can’t hear you guys very good.” Mrs. McGee, “Okay. We’ve got until May 31st.” Mrs. Darnell, “That’s good. I also have some antiques in the house. It will take a while to move everything.” Mrs. McGee explained to her, “So we will get it cleaned out. They will start the bids for demolition on June 1st.” Mrs. Darnell, “So can I go ahead and sell it anytime I can?” Mayor Luke, “You can sell it anytime you can. In fact, we would love that.” Zoning Clerk Hugunin, “If you sold it any time before then, everything will go away.” Mrs. Darnell, “Good. I just need to get somebody to help me, because my son had to go back home I lost all my help except for what her (Toni) and her husband can do.”

Chief Jones, “If I may make a recommendation, I would encourage the Council to go ahead and vote on this matter tonight and get the timeline set.”

Council Member Scothorn made the motion to approve Resolution 2019-01, Declaring Structure(s) at 415 S. 6th Street to be Condemned and Demolished, with allowing the property owner to have until May 31, 2019 to remove from the property all items they want to keep and to forfeit any remaining items; and with the bid process to begin for the demolition and cleanup of the property and all bids to be submitted no later than 10:00 a.m. on May 31, 2019, and bid opening to begin at that time, at Burlington City Hall. Council Member Jasper asked, “If there is any way that if this gets turned over to us, that we can maybe contact the Fire Department and see if they could use this?” Chief Jones, “We’re not allowed to do that anymore.” Superintendent Boyce, “The Fire Department can, but you have to remove all the shingles, all the wiring.” Council Member Tschantz, “All the asbestos.” *Council Member Curtiss, “I second his motion.”* Mayor Luke called for discussion on the motion.

Council Member Lenard, “But we’re between the demolition process?” Mayor Luke, “Yes.” Attorney Robrahn, “And Jimmy (Zoning Clerk Hugunin) can start sending out the Invitations to Bid anytime.” Mayor Luke and Council Member Curtiss said, “Yes.” Chief Jones, “As long as everybody knows what the timeline is.” It was agreed that the bids will be due at 10 a.m. on Friday the 31st, with the bid opening beginning at that

[5] CONTINUATION: February 20, 2019 Burlington City Council Regular Session

time. Council Member Lenard, "I was thinking it should be with the demolition process to be completed by May 31st?" Mayor Luke, "The bidding process will be completed on May 31st."

Council Member Scothorn made the motion to approve Resolution 2019-01, Declaring Structure(s) at 415 S. 6th Street to be Condemned and Demolished, with allowing the property owner to have until May 31, 2019 to remove from the property all items they want to keep and to forfeit any remaining items; and with the bid process to begin for the demolition and cleanup of the property and all bids to be submitted no later than 10:00 a.m. on May 31, 2019, and bid opening to begin at that time, at Burlington City Hall. Mrs. McGee, "So, we have until May 31st to get the stuff out?" Mayor Luke, "Yes, and if the contractor cannot show up until June the 15th, then you still have until June 15th." Mrs. McGee, "I'm setting May 31st as the deadline." Mayor Luke, "May 31st, yes; and she (Mrs. Darnell) can sell it anytime." **Hearing no further discussion, and after asking if everybody understood the motion, Mayor Luke called for a vote. Mayor Luke declared, "Motion carries, 6:0."**

Mayor Luke, "Any questions?" Mrs. McGee, "When's the city-wide cleanup going to be?" City Clerk Kewley, "The County determines that." Zoning Clerk Hugunin, "It's usually in April." Mrs. McGee, "The reason we're asking is that there is a lot of stuff and we don't want to just put it out by the curb." Mayor Luke said Zoning Clerk Hugunin will notify her two weeks prior to the Spring Cleanup, because we will be notified by the County when they set the dates the County will offer free dumping at the Coffey County Landfill. Council Member Jasper, "Something to think about – if you don't want to haul it out to the curb, whatever you don't want just leave it and the contractor will haul it off for you." Mrs. McGee, "We can just take what we want out of the house and leave the rest, and the contractor will do the rest?" Chief Jones, "They'll just haul it off in a dump truck." Mayor Luke, "Do you understand that?" Mrs. Darnell, "Yes. We're still taking some out for the trash man so we, you know." Mayor Luke, "I understand, you may need the space." Mrs. McGee said, "I will get ahold of Freddy and let him know what has transpired."

Mayor Luke, "At this time, I will accept a motion to close the Public Hearing." Council Member Curtiss stated, "I move to close the Public Hearing." Council Member Lenard, "Second." Hearing no discussion, Mayor Luke declared the Public Hearing closed, with a unanimous vote of 6:0.

APPOINTMENT: Pam Scott, Request to Close Neosho Street (400-500 Block) on April 7, 2019 (Sunday)

Pam Scott, President of Coffey County Council For The Arts and owner of the old Plaza Theatre (404 Neosho) addressed Council, "I am here tonight to ask if you could permit Neosho Street from the 400 block down to the 500 block to be closed off on April 7th, a Sunday. I'm working with Salli Stewart and Natalie. I've had a lot of people ask me about the theater – what's going on, what's happening, and everything. I know it looks like nothing; I feel like nothing."

"It was Salli's idea that we have a barebones tour; and raise some money by letting people go in and see what it's actually like prior to all the fix-up, repair, and restoration. Natalie's students made some soup bowls for their fundraiser for their scholarship; and she asked if maybe she could set up a table for some of her students to sell bowls made by her students and herself as well. They would sell those, since they didn't get to have their super event, and give the theater twenty percent of that; and then they would still have the rest for their scholarship. Then Salli was going to try to get some of the guys that have older cars to park them along that block – kind of a vintage type of event. I don't know what they'd call it - Fun In The Afternoon, or something like that, in that one block area there. Salli contacted Wiley's Weenie Wagon to come and set up on Sunday – they don't usually go out on weekends, but they would come down for that."

"We're looking at anywhere from maybe 11 or 11:30 in the morning. Wiley's Weenie Wagon is coming, and we figured people would get out of church and they'd grab a hotdog or whatever, and then go through and have fun in the Sunday afternoon. It would probably end about 2 or 3 o'clock." Council Member Curtiss, "So, let's go 11:30 to 5:00?" Mayor Luke, "11 to 4." Mrs. Scott, "Yes; that would give us plenty of time to clear out."

Mrs. Scott added, "If you want a little bit of an update on what has been going on – there is a new roof. That was taken care of. The community has been very supportive – very supportive. To get us started, I had a beginning balance of a little over \$48,000 straight donation from the community and a tee-shirt fundraiser. That paid for the roof in total; I paid the taxes in total. So that's where that is right now. I was notified that there was an issue with the electrical wires from the pole to the building, and contacted Mike Tweedy; and he was going to look at it." Superintendent Schneider said, "I have visited with Gene Merry as well, but I did talk to Mike Tweedy. I think we've got a plan to make everything temporary to where you can make things permanent." Mrs. Scott, "Okay, good deal, thanks!"

Mrs. Scott, "I attended, on February 8th, the Historical Preservation Society's hearing on the grants for the Heritage Trust Fund Grants, which I have applied for. I got to stand up there and give my spiel; and they had

[6] CONTINUATION: February 20, 2019 Burlington City Council Regular Session

the application in front of them in slides on the screen up front. We won't find out the results from that until May, when they have their big board meeting." Mrs. Scott mentioned that she was going to be working on the CDBG (Community Development Block Grant), but due to medical issues, both she had been laid up and couldn't do anything. Also, more would have been going on at the theater if the weather had been cooperating."

Also, I know the tiles out front (on the marquee) are still an issue. I'm hoping those get taken care of in March. We've contracted with somebody; but of course, the weather has to be consistent for them to work on those."

Council Member Jasper, "Have we still got our barricades there?" Council Member Curtiss, "Yes." Council Member Jasper, "How soon are we going to be able to get them down?" Mrs. Scott, "When we get our tiles fixed, and I'm hoping before April 7th. That's kind of scary to have those there. I do have liability on the building. I do have insurance, but that's still scary."

Council Member Curtiss stated, "I move to approve Pam Scott's request to close Neosho Street (the 400-500 Block) on Sunday, April 7, 2019 from 11 a.m. to 4 p.m. for the Barebones Tour of the old Plaza Theatre (404 Neosho Street)." Mrs. Scott, "And when the advertisement comes out, it will be Barebones, Bowls, and Bumpers." Council Member Scothorn gave a second. Mayor Luke, "Is there any additional discussion?" Council Member Lenard suggested she coordinate with Street Superintendent Davidson. Mrs. Scott asked, "Do you guys have picnic tables? Since the Wiley's Weenie Wagon is coming, a couple of picnic tables.... We're going to advertise for people to bring lawn chairs." Mayor Luke, "We have a few picnic tables, yes." Mrs. Scott, "Can we borrow them?" Mayor Luke told her that Parks Superintendent Boyce will take care of that. **Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0. Mrs. Scott thanked Council.**

ELECTRIC DEPARTMENT: DISTRIBUTION Update

General: Personnel have been busy doing normal work: line locates, customer service requests, general shop and vehicle maintenance.

Line Repairs: Superintendent Schneider, "The men did some line repairs on some pole top pin insulators. We were lucky to find those before they caused a power outage. They were smoked a little bit and may have had some lightning damage."

Street Light Repairs: Personnel have been doing some streetlight repairs

Down-Guys Replaced: The men replaced a couple of down guys that had failed backing up our distribution lines.

ELECTRIC DEPARTMENT: PRODUCTION Update

General: Superintendent Schneider reported that everything is normal on the production side. Power Plant personnel have been performing normal duties, power plant maintenance, cleaning and painting the floors.

Substation Maintenance: The men have been doing some battery maintenance for the 12 volt DC power supply in the three substations.

Meetings: Electric personnel attended the monthly KMU safety training on February 5th, and the Employee Benefits Meeting on February 12th.

ELECTRIC DEPARTMENT: Light Emitting Diode (LED) Lighting Track Expenses/Savings - Update

Superintendent Schneider said, "I need to back up a little bit and explain myself a little bit better from last Council meeting on the Highway 75 lights. The only statement I really made was that we had a fifty percent reduction in energy usage. I'm not sure how much detail you want me to go into, so I will just highlight over it, and if you have any questions, please ask. Basically, for all the lights on the highway, we spent \$15,264 for that replacement. With our cost associating with the old lights – electricity usage, truck fuel, labor, replacement monthly or whatever type of bulbs and ballasts that it takes to maintain all those old high-pressure sodiums - we actually had about \$8,380.04 annual operating cost to operate those lights. So like I said, we cut our electric energy (usage) in half; so basically with all the light on the highway, we will have roughly \$2,100 in electric usage – we dropped to that from \$4,240. If you add all those savings up in our avoidance/repair/energy savings, we're looking at roughly two and a half years of these new LED lights in service, we should be in the clear on them and breaking even on everything. I know this number sounds crazy, but I've run the math more than once. Like I said, I just wasn't comfortable last council with a couple of the numbers I gave; so, I feel better about discussing it tonight."

Council Member Lenard, "I think it's real good to add up the payback. Two and a half years is pretty incredible for most standards. That's the kind of thing I'd like to see us approach going forward when we look at projects. Our community is entitled to know what the payback is, too. That's good data to have, Alan." Superintendent Schneider, "Yes. You know, since back when we did the pretties – the ones running up Neosho on the pedestals (Victorian Lights), the cost of these LED lights has really dropped to our benefit. If I remember right, it was six and a half or seven year payback when we did that install. We've really come a long way with the price of LEDs that we're able to install out in the field; and the reliability of them is just unbelievable. Another important thing is that with those on Highway 75 like that, it's keeping our linemen off the highway. Accidents happen and as busy as that is, if we stay off it that's a huge benefit, as well."

Council Member Jasper, "Like we were talking about with services and stuff like that – cutting costs, not only could it do that; but our citizens now drive up and down the highway and see a quality difference in our

[7] CONTINUATION: February 20, 2019 Burlington City Council Regular Session

lights.” Mayor Luke, “They can definitely see our tax dollars at work.” Superintendent Schneider, “I’ve had several compliments; and actually have had the City of Iola approach me wanting to know what we did; so we got them a lot of information so they could work on a plan of theirs, as well.”

Council Member Lenard, “I have a comment on that. We could also ask Alan, what’s the remaining plan for the city, how many other lights do we have, and what could be the total impact if we changed them out?” Mayor Luke, “Basically, right now you can’t buy any of the high-pressure sodium or halogen lights.” Superintendent Schneider, “I’ve exhausted all my regular vendors. Not to say they’re not out there, they are – they are more expensive.” Mayor Luke, “Anything we do now is going to be LEDs in replacement, repairs, whatever.” Council Member Lenard, “It would save expense if we did this as a project instead of just dispatch one in an outage. The payback is probably better.” Superintendent Schneider, “We’d much rather be keeping electric service reliable than fixing street lights if possible.”

WATER AND WASTEWATER: Distribution Update

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

Vehicle Maintenance – 1986 Dump Truck: Superintendent Hawkins reported, “The men have been doing a lot of maintenance inside. We have been working on our 1986 Chevy dump truck. We put in a new heating fan and a new switch – the list just goes on and on with that truck, but we’re just trying to keep it up to regulation.”

Training – Chris Hammond: Superintendent Hawkins reported, “Chris Hammond did complete and pass the written part of his CDL; so we will be getting him ready for the driving part; and then take him to Topeka to take the driving test.”

Sewerline Behind Water Shop - Break: Superintendent Hawkins reported, “The Sewerline behind the water shop broke, so they had to dig it up our own sewerline and repair and replace it.”

WATER/WASTEWATER: Production – Water Treatment Plant Update

Superintendent Hawkins reported they have been working on several projects within the treatment plant.

Polymer System - Chemical Feed Changes: Superintendent Hawkins said, “The guys have been running new waterline for the Polymer System. They have been putting in new meters for Polymer, setting in tanks, new pumps and that particular kind of stuff.”

“We have Crayton Cox (a local electrician) coming in. He is going to do some runs to some new electrical outlets, and he’s to run some new conduit to replace conduit that is rusted out. It’s just been deteriorating over the years and we want it replaced, so we just want to pull the old line and put in new conduit in some of the traps we have. We don’t want any problems with inspections.”

Floor Drains in Water Plant: Superintendent Hawkins, “We’ve had some issues with floor drains within the Plant; so we’ve been working on snaking that. We are trying to get that done and do some general maintenance within the building.”

Reactor Clean-outs in Recarb Basins: Superintendent Hawkins, “We are getting ready to do our clean-outs on the two reactors in the recarb basins. Some overtime for that will be scheduled before long. We’ve got to get that done before our big ramp up time for summer.”

Budget for 2020: Superintendent Hawkins has been working on the budget for 2020, talking about projects.

WATER/WASTEWATER: Storage Building needed for Dirt Storage

Superintendent Hawkins, “I want to visit with you about a building for storing dirt to keep it dry. We’ve looked at metal; we’ve looked at stick. The thing with the vac trailer, it is nice to have; it’s just that when you take dirt out of the earth, you’ve got to put dirt back. I’ve been borrowing Mark’s (Superintendent Davidson’s) screening, which I’m sure people don’t want a lot of in their yards. We like to put dirt back. One of the things we’re finding, especially with this wet weather, is that dry dirt would be nice to put back in some of these areas that we tear out and rip out. I know I didn’t budget for it; I know I visited with the Water Committee concerning the building.”

“The building I’m looking at now is an 18’x24’x10;. I told the Committee 12’, but we discussed today that we think 10’ would be better. The cost of the building would be somewhere in the \$2,800 range; and we would want to build it ourselves, and place it at the Water Treatment Plant; and then if any of the other departments would want dirt, it would be there for them, as well. That is the discussion I wanted to bring before the Council to see what everybody thought.”

Council Member Jasper, “The request for quote, is that for the material?” Superintendent Hawkins, “Just for the material. We would do our own structure building as we can. We wouldn’t do it, obviously, for a while because of the way the weather is. It’s just open for discussion.” Council Member Jasper, “Do we still have old utility poles up there (at the Parks Department fenced area)?” Superintendent Schneider, “For now there are.

[8] CONTINUATION: February 20, 2019 Burlington City Council Regular Session

We're getting to a point now where I need to dispose of those." Council Member Scothorn, "You don't have any place just to put dirt?" Superintendent Hawkins, "At this time, we are storing our dirt down in the sewer lagoons and in the open. We would like to keep it dry so we have dry dirt to put back." Mayor Luke, "It's a lot easier to handle and put back and work with when it's dry versus wet." Superintendent Hawkins, "Yes. We'll recycle. Now, the sludge we take with the vac trailer, we dump it out at the sewer lagoon, we push it back up, and we reuse it – we don't just throw it away, but we need to let it dry to reuse it. It's just something that would be handy for all of us; and I thought it would be a benefit to the other departments, as well, if they needed dirt on a project or something."

Council Member Lenard, "So then when you have a project and you really can't get the dirt to finish it off then, do you have to come back and remobilize?" Superintendent Hawkins, "Yes, there are a lot of issues; especially if you're in a wet weather condition like you are right now; you can throw the slop back in, but you've got to do something with it. You can go back and put the screenings or AB3 in, depending whether you're out in the street. It would be nice to have dry dirt, especially if we're doing repair and replace like on meter pits and stuff. When you're cutting it out with the new vac trailer, it's nice; but it would be nice just to pack around it with dry dirt, as well, instead of using screening in the yards – that's just an example."

Council Member Lenard, "Does the Structure have to be enclosed or just covered?" Superintendent Hawkins, "Just three sides – just enough to keep the dirt dry; that's all we would use it for, to store dirt in, turn it over, and have dry dirt." Council Member Lenard, "It's kind of what the Highway Department has, Quonset huts or whatever." Superintendent Hawkins, "Right." Superintendent Boyce, "Dry dirt would be nice for us when we grind the tree stumps and remove that. If we go back in with wet dirt, it's cloddy and stuff, so we can't seed it then because we can't get it leveled out, so we have to go back later. Dry dirt there would be nice." Council Member Lenard, "So, it would expedite the seeding process, too?" Superintendent Boyce, "Yes." Council Member Jasper, "And this is something all the departments would benefit from?" Superintendent Hawkins, "Oh yes, I think it would be. I can see where they would all use it." Council Member Jasper, "And you're saying you'd keep it at the Water Treatment Plant?" Superintendent Hawkins, "Yes, we're thinking about putting it in the fenced in area on the west side of the old filter building area where the basins were." Council Member Jasper, "And you're fine with other departments using your equipment and dumping it?" Superintendent Hawkins, "I have no problem with that."

Mayor Luke, "Any other discussion?" Hearing none, he asked, "What's the Council's pleasure?" ***Council Member Hall stated, "I move to authorize Superintendent Hawkins to request quotes for a Storage Building for dirt." Council Member Tschantz, "Second." Hearing no discussion, Mayor Luke called for a vote. Council Members Lenard, Curtiss, Hall, Jasper, and Tschantz voted, 'Yea' and Council Member Scothorn voted 'Nay'. Mayor Luke declared the motion passed, 5:1.***

STREET DEPARTMENT: Update

General: Superintendent Davidson reported, "We have been doing quite a bit of snow and ice control the last two weeks. We cleaned the equipment up, usually after we bring the trucks back in we wash them off to get the salt off of them. We had several days that were nice, so we cleaned some of the curb and gutter. We have been picking up some leaves we didn't get to in the fall, and picking up salt. We worked inside the building and have been changing the lights." Council Member Curtiss stated, "I've had a lot of positive comments on the street cleaning. Thank you."

POLICE DEPARTMENT: Update

Cases: Chief Jones said, "Last council I mentioned that strange and weird seems to have become the new normal, and that trend is continuing. Last Wednesday is an example of that. Between lunchtime and about 8 p.m., we had three incidents and wound up arresting seven people in that timeframe. The Sheriff's Office arrested three other people that day; so ten people went to jail between noon and 8 p.m.; and the jail was busy, and interesting." He offered to give details after council.

Municipal Court: Chief Jones, "City court was last Thursday. District Court ran a little long, so it was about 5:00 by the time Municipal Court got started. Even with Phillip Wright (Assistant City Attorney) and I having a short meeting with Judge Campbell after court, we got out of there by 7 p.m.; so that went pretty good."

Mental Health Working Group: Chief Jones reported, "I've got the Mental Health Working Group meeting at 2 o'clock tomorrow, and then the County Attorney (Wade Bowie) is going to do a training class for us on Miranda rights/Miranda decisions about 4 o'clock tomorrow."

PARKS DEPARTMENT: Update

General: Superintendent Boyce reported that Parks Department personnel have been cleaning public buildings and restrooms; doing building and equipment maintenance; and doing quite a bit of snow and ice removal and cleaning vehicles after that. They attended the Employee Benefits Meeting on the 12th.

Grasshopper 900D-1.31 Mower: Superintendent Boyce reported that he got the paperwork mailed out to Moridge Manufacturing, Inc. for the new mower. It may be delivered by the end of March.

PARKS DEPARTMENT: City Dam Retaining Wall Repair (West) – Update

Superintendent Boyce, "Three or four days after Schwab Engineering got the contract, I got an email he was sending down the surveyors. We checked the river level, and told them if they need to get to the bottom where

[9] CONTINUATION: February 20, 2019 Burlington City Council Regular Session

it's going to be set, don't send the surveyors now because there was probably three feet of water there. Pretty much, the river has been running ever since we awarded the contract on December 19, 2018; so we're kind of at a standstill waiting to get the river level down."

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2019-03	\$	<u>451,361.15</u>
b. Payroll Ordinance	2019-04	\$	<u>85,542.67</u>
	TOTAL	\$	536,903.82

CLAIMS 2019-03: Council Member Lenard moved to approve City of Burlington Claims Ordinance 2019-03 for the amount of \$451,361.15 for payment of city bills. Council Member Hall gave the second. City Clerk Kewley said, "We have payments tonight for Kansas Power Pool, \$175,589.55; USA Blue Book, \$11,922.48; and the really big one is for Kansas State Treasurer, \$157,973.25 for our two bonds – for our Sewer Improvement Project, and then in 2012 we refinanced our debt." **Hearing no additional discussion, Mayor Luke instructed City Clerk Kewley to poll Council. All votes were in favor. Mayor Luke declared, "Claims Ordinance 2019-03 passed unanimously, 6:0."**

PAYROLL 2019-04: Council Member Tschantz moved to approve City of Burlington Payroll Ordinance 2019-04 in the amount of \$85,542.67, 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 2019-04 passed unanimously, 6:0."**

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin has been doing normal duties, updating Facebook and the webpage; and got everything ready for tonight's Public Hearing on the 415 S. 6th Street nuisance property

Cyber Security Assessment Training: Zoning Clerk Hugunin attended the Cyber Security Academy class in McPherson, which is sponsored by KPP and APPWA. He will be attending every Wednesday, weather permitting, through March 20th. He said, "Today's class was canceled due to the weather, so I'll be going next Wednesday. They will probably extend the class to make up that day."

Department Inventory: The inventory is finally done and has been sent to the auditors, Mize Houser & Company.

Tree City USA application: Zoning Clerk Hugunin reported, "We received a letter from the National Arbor Day Foundation saying that we were again named Tree City USA for the 25th consecutive year. The Tree City USA recognition event will be March 27th through the 28th in Salina.

Nuisance - Definition: Council Member Scothorn asked, "What's the take on zoning a nuisance? What makes a nuisance? Or can I make a suggestion on one?" Chief Jones, "The Code (City Code) gives the definitions of it as anything that's an annoyance, inimical (detrimental) blight, a blight on property values, a blight on the neighborhood, anything that can be considered an attractive nuisance. It covers a lot of different things." Attorney Robrahn, "It can also be initiated by neighbors of the neighboring nuisance." Council Member Scothorn, "Do they know who ratted on them?" Attorney Robrahn, "I don't think we usually document that." Chief Jones, "We don't usually. We tell them we've had concerns."

OTHER COMMITTEE OR COUNCIL BUSINESS: None

PERMITS: Permits issued by Zoning Clerk Hugunin: None

LEGAL DEPARTMENT: Update

Resolution 2019-01: Attorney Robrahn, "I reviewed the resolution to condemn and demolish that Jimmy (Zoning Clerk Hugunin) had worked on."

CMB & Beer Ordinance Preparation: Attorney Robrahn, "Susan (Administrative Assistant Stroh) has been working on the new cereal malt beverage and beer ordinance that we need to have adopted and published before April 1st. We've been a little pushed on that. She's done a really good job. Right now, I'm trying to work out a couple of details with the League of Kansas Municipalities to get some answers to questions we have, but we should have it ready for the next meeting." He told Mark Petterson, Mayor of New Strawn, that they need to have one ready, also.

CITY CLERK: Update

General: City Hall personnel have been busy with preparing meter readings for utility bills. They have been preparing work orders, vouchers for bill paying, payroll, and council meeting minutes.

Employee Benefits Meeting: City Clerk Kewley and City Hall Staff attended the Annual Employee Benefits Meeting last Tuesday, February 12th.

[10] CONTINUATION: February 20, 2019 Burlington City Council Regular Session

City/County Infrastructure Grant Fund Reports: City Clerk Kewley reported, “Completed the City/County Grant Funds report for the County Commissioners. It’s an accounting of both the Infrastructure Funds and the Parks & Recreation Funds, showing how we used the money in 2018 and what we’re looking at for 2019. It is in your packets.”

Financials: City Clerk Kewley, “I handed out the 2018 financials. You have that in front of you. If you have any questions, let me know.”

Finance Meeting scheduled: City Clerk Kewley, “Also, a reminder that we have scheduled a finance meeting for next Thursday, February 28th at 3:00 p.m.”

Other: City Hall Staff have been really busy with handling a lot calls and inquiries.

REPORT(S) BY CITY OFFICERS: None

FUTURE AGENDA ITEMS:

GENERAL: City Debt - How to fund projects Promote Businesses/Economic Development-Revitalization Expense Tracking on Projects	GAAP - Infrastructure Capitalization City/County Grant Funds – Discussion on Matched Funding
ELECTRIC DEPARTMENT: Power Pant - Additional Generation	Christmas Lights/Decorations – Change to LED Lights
PARKS DEPARTMENT: Events in Parks (Updates) GrassHopper – Mower delivery update	Kelley Park Light Poles – Repair/Replace (also see Legal) City Dam - West Wall Repair – Engineering Services Proposals
LEGAL DEPARTMENT: Municipal Court Misc. Legal - Documents, Cases, Contracts, etc. Cereal Malt Beverage & Beer Ordinance	Park Agreements: 1) Agr of 12-2018 - City & Rec. Com. – <i>Review in Spring 2019</i> 2) Form a Committee – Review and Update Park Contracts
PLANNING AND ZONING Industrial Park Lots for Sale, etc. Work with NexTech and City Departments to improve Cyber Security Nuisance Structure & Properties: Work with PD Old Equipment & Misc. – Sell on purplewave.com Tree City USA Application, etc. F.I.R.M. Floodplain Map Changes – Updates	Quarterly Construction Valuation Report Prepare Easements for any City-owned property without one City Hall - Awning Replacement (switch to metal) Permits - Building/Zoning/etc. 415 S. 6 th (Theda Darnell Property) – Demolition-Hire Contractor
POLICE DEPARTMENT Nuisances (Work with Zoning Clerk) Dodge Charger – Purchase approve 1-16-2019 - Updates	Department Activities and Cases
STREET DEPARTMENT: Sidewalk Repairs on City Rights-of-Way Concrete Street Repairs/Free State Ct. Replacement/Repair Excess Hot-Mix from APAC Litigation/Redo S 3 rd St. Municipal Parking Lot in 2019 Preparator/Grinder (SPS10) w/Option for Edger Assembly – Bid for/Purchase Grinder – Policy to rent with use of operator to businesses	Pavement Management System/Asset Management System Street improvement Plan, Paving Gravel Streets, Crack Filling, Street Improvement Projects – 6 th & Alleghany Project Skid Steer Hydraulic Breaker – Bid for/Purchase
WATER & WASTEWATER DEPARTMENT: TTHMs - KDHE Survey Updates Personnel – Hiring a W/W Non-Cert. Operators	6 th and Alleghany Waterline Proje Storage Building for Dirt Sewer Lagoons - Analysis (KRWA/funds for dredging) Sewer Lagoon Maintenance/Updates

Mayor Luke declared the meeting adjourned.

Approved by the Governing Body and signed by Anne C. Brown, Deputy City Clerk