

BURLINGTON CITY COUNCIL REGULAR SESSION 12-16-2020

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 16, 2020. Mayor Stan Luke called the meeting to order.

ROLL CALL: Stan Luke, Mayor

Council Members present:

- Jerilyn Curtiss (President of Council) Dallas Scothorn Lewis Lenard
- 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:

- Anne Brown (City Clerk) Mary Mader (Administrative Assistant)
- Philip Wright (City Attorney) (Zoom) Jimmy Hugunin (Zoning/Grants Clerk)
- Kerri Weltha (Deputy City Clerk)

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Mark Chesney, Vickie Matney, Brooke Carroll, Dorothy Stuart, Randy Stuart, Becky Richwine, Larry Holloway, Paul Abendroth

AGENDA:

Council Member Hall, “I move to approve the agenda as modified.” Council Member Tschantz, “Second.” Motion unanimously carried, 5:0.

MINUTES 12/2/2020: Mayor Luke, “You have before you the draft minutes of our regular session of December 2, 2020. Are there any additions or corrections?”

Council Member Curtiss, “I move to approve the draft minutes of December 2, 2020, as presented.” Council Member Scothorn, “Second.” Motion unanimously carried, 5:0.

APPOINTMENT: Mark Chesney with Kansas Power Pool

Mark Chesney, “Mr. Mayor, I don’t get very many opportunities to call you Mr. Mayor, but I’m going to do that tonight. I think that it is not going to be entirely a surprise if in a few seconds I come around and present this to you. Before I do that, it may be that not everybody in the room is acquainted with numerous of our senior staff. Vickie Matney is Kansas Power Pool’s controller. Brooke Carroll is the Director of Administrator Services. Larry Holloway is the Assistant General Manager of Operations. It is not officially part of his title, but Larry really is our chief operating officer of Kansas Power Pool.

“We wanted to be here tonight to make a couple of comments. I promise to be brief. I think nearly all of you know possibly that as of last week, Stan (Mayor Luke) completed 10 years of service as a member of the Kansas Power Pool Board of Directors. We are very, very appreciative of that. He, and Linda, his wife, have been great friends of the Kansas Power Pool for a lot of years. Stan was the president of the KPP Board of Directors in 2016. I can tell you KPP has made a lot of monumental decisions in the last 10 years or more. Stan has been active in giving advice, council, input, and critical thinking, and we very much appreciate him. The KPP Board was created in 2010, but even before that, the Governing Body is what we called our executive committee, and Stan was a member of that. I have thought about this, and I think it can be said honestly, and maybe this is particularly true just because of the length of time that Stan gave to the board of directors, that he has given more in the way of advocacy for the interest of the Kansas Power Pool and public power in general throughout the entire state of Kansas and also throughout the United States.

“You may know that he is a member of the American Public Power Association policymakers council. Which is a group of elected officials. Stan is the chairman of that council beginning June of next year. He is not going to be on the KPP board of directors now and hereafter, but he is very much involved in advancing things that are dear, electrically, to the city of Burlington and to all members of KPP. Very quickly, I want to tell you about this award. The board of directors who comprise the decision-making authority to even create this award, which is the KPP distinguished service award. They made it clear to me that they are very selective in who they present this award to. Consequently, it has been presented rarely. Stan, if I may approach the bench as they say in the legal world. We are thankful to you. The KPP distinguished service award was presented to Stan Luke on December 11th, which was the date of our annual meeting; you were there virtually. If you were there in person, you would have this in your hands already. Thank you, Stan.”

Mayor Luke, “The only comment I’ll make is now I won’t have to worry quite so much about my budget because Linda won’t be going shopping in Wichita once a month.”

PUBLIC COMMENTS:

None.

ELECTRIC DEPARTMENT: DISTRIBUTION Update

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

Creek Crossing: Superintendent Schneider, "Since we have had the frost, the poison ivy has gone dormant for the year. So, the men have been trimming trees in all of our creek crossings, and those are looking really good."

ELECTRIC DEPARTMENT: PRODUCTION Update

General: Power personnel have been performing normal power plant and equipment maintenance, over current relay maintenance, plant reports, and substation maintenance.

Routine Maintenance: Superintendent Schneider, "They are still cleaning and painting. I know that's not very exciting, but it is very, very important for the generators and the switchgear there at the power plant."

KPP Metering Link: Superintendent Schneider, "Our metering link for KPP at our industrial substation is fed back to the power plant by fiber. That link went down. Austin (Birk) and I did some troubleshooting to try to save a trip for Utility Help Net from Wichita. He did end up having to come. Somewhere the fiber link was bad, but the equipment on both sides was good. We did have a spare pair and was able to switch that communication link, which put that metering link back into service."

QUESTIONS/COMMENTS:

APPOINTMENT: Rob McDonald with MT Networks: Water Tower Agreement

Rob McDonald, "I'm with Madison Telephone -MT Networks. I think all of the council members have seen a power lease agreement for the opportunity to try and lease some space on the blue water tower by the swimming pool. We built fiber to that tower three years ago, so we thought we could use that as a wireless place. That will become a tower for wireless infrastructure to transfer people with our broadband service and voice service in the south part of Burlington, where we don't have fiber built. We are currently doing that on the New Strawn tower. The lease agreement was a redacted version of that agreement, just redacting out the information from New Strawn. Do you have any questions?"

Mayor Luke, "That's all fenced in and secured over there, right?" Superintendent Schneider, "Yes." Mayor Luke, "How often would you be needing to do maintenance?" Rob McDonald, "Not too often. We have engaged our equipment vendor, so we have done a business case to try to figure out what it would take...number of customers and those sorts of things so that we can make it profitable. So, that pertains to how often we would have to climb it. We are going to hire contractors that are certified to climb because we don't do that. Unless there is maintenance like a lightning strike or something like that that takes out a piece of equipment, the installation goes up, and hopefully, we won't have to climb it very often."

Council Member Jasper, "How many people are you thinking that this is going to serve?" Rob McDonald, "So, the initial play that we are looking at would be a 360 degree, which requires four sectors. Depending on the take rate, we can serve the equipment vendors, say we can serve 60 customers per sector. We are probably going to be more conservative with it. The more customers you get on a sector, the less bandwidth you have to share among those customers. So, we would be looking at 40 customers per sector. If we do fill a sector, that would be a great problem to have. We would have to hire a new contractor to come down to hang a new radio to provide more access to that particular sector. We can grow it; it won't fill up, and we would be done with it."

City Clerk Brown, "So, you could potentially have more than the four sectors?" Rob McDonald, "Right, we can add sectors. Those radios work with GPS timing so that they work, it's actually in milliseconds, but they time to the radios on the client radios at the house. So, they can overlap that frequency that it is running in, and by using that timing, it can send the data to this house, the next, and the next, all in the same sector, and they don't overlap each other. So, it creates more bandwidth actually in that same sector by doing the GPS synchronized timing." City Clerk Brown, "So, how did you determine the rental lease fee amount with New Strawn?"

Rob McDonald, "So there is not a rental lease fee. We have broadband, and I'd have to go to our website to look at it. It is just so much a month. I think we have a 25meg package, a 50, and a 100, I believe. Those numbers might be a little bit off. If you go to our website or I can send someone an email with a link. We just look at competitive rates and then what the equipment will do. I don't want to tell a 25meg package if the equipment won't support it. We do have our fiber service here. If someone is paying for a 30meg package, then we try to be 33-35 megs, just a little bit faster than what you are actually paying for. Instead of the other way where you might get what you're paying for."

Mayor Luke, "If we assess a fee for you to connect, does that fee get passed on to the customers?" Rob McDonald, "We currently have that with our fiber customers. The agreement has a monthly lease fee." Mayor Luke, "Right, does that fee get passed onto the customers, or is that absorbed by MT Networks?"

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Rob McDonald, “At the end of the day, the whole project, we are hoping, is going to pay for itself and become net positive at some point. We are a for-profit business. We are not a co-op, we aren’t paying any members, so at the end of the day, we are going to try to pay for that project and hopefully make it a profitable business. So, we can continue to grow it and offer it to more customers.”

Mayor Luke, “What is the timeline?” Rob McDonald, “That’s a good question. I’m hopeful for the first quarter, I think that is definitely possible. One of the issues that we are seeing right now is that with all of the SPARKS & CARES Act money that was distributed nationwide, equipment vendors don’t have anything to sell to us. So, you have states doing broadband and grant funding in the hundreds of millions of dollars across the nation. There are only so many equipment vendors; they don’t keep that much on hand. All of a sudden, they don’t have enough. All of that money has a timeline that has to be built. So, they are running into supply issues. I am hoping we get those radios in fairly quickly. As soon as we have an agreement to be on the tower, then we will get all the equipment ordered.”

Superintendent Schneider, “So, what about power supply?” Rob McDonald, “I believe there is power there. If it’s not, it is really close. These radios don’t pull much. They run on DC. So, what we are going to do is charge a rectifier, and then our gear will run on a DC battery bank.” Superintendent Schneider, “So, basically, you just need enough to run a charger from us?” Rob McDonald, “Yes. We just need to run a 12-volt charger.” Superintendent Schneider, “I guess just get with me when you do come up. You’re right, we do have a service there. We have an area light, and I believe a meter for equipment in the water tower. We would have to set a meter for you guys and go from there.” Rob McDonald, “Okay.” Superintendent Hawkins, “How are you attaching the antennas to the tower?” Rob McDonald, “I want to get with you and make sure that we have a game plan between your guys and what we have planned. The company that we have looked at, they build a bracket that goes around the top manhole, the riser at the top of the tower, it clamps to that. Then it has, I believe, four-foot standoffs that take the radios out so the door can be opened, and there is clearance so painters and stuff can get on top, and there is no issue with the door coming open and closed. That’s the plan. I want to get those drawings and let you look at them before we hang them.” Superintendent Hawkins, “Okay.”

Mayor Luke, “Okay, what we will do is put together and review with our legal counsel. Then we will get the information back to you on a quick turn around and let you know in what direction we are going.” Rob McDonald, “Okay, sounds good to me.” Mayor Luke, “We appreciate you coming in.” Rob McDonald, “Thank you.”

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 call-outs, and concerns.

Water Leak (s): Superintendent Hawkins, “We have had a tremendous amount of digging. We have had a lot of Bill Murray’s Groundhog Days for the last three weeks. We did get the Martindale, and Shea leak by the Rec Center fixed. That was an interesting leak.

“We did complete one yesterday. I received a text from Kevin (Superintendent Boyce) saying that there was water in the ditch at 12th and Potomac. We did not know what it was going to incur with it being a 12-inch line. We purchased some T’s and equipment for it just in case because we had no idea what we were getting into. Plus, with it being so close to the tower, we just didn’t know. When we started on that dig, we thought we would only isolate three residents, but the valves were not holding. We broke a valve at 11th and Potomac, which complicated it more. So, we had to continue and go out further. I apologize to the people that were without. It is not like a water project, and it was such a big project that we had to fabricate everything that we put in the hole. So, it took a long time to complete it. We did get it done safely, and the water is back on.”

Water Service: Superintendent Hawkins, “We did get the water service put in on Kennedy and Sanders between Wilson and Jarboe. That took us three days. It was a good thing we had our vac truck because we had to vac around multiple utilities throughout there. We did accomplish it and didn’t destroy any utilities, and it is installed.”

Lumber Yard Work: Superintendent Hawkins, “We did some concrete work at the lumberyard for a meter pit.”

WATER/WASTEWATER: Production – Water Treatment Plant Update

Superintendent Hawkins, “The plant is still running well.”

Filter Maintenance: Superintendent Hawkins, “We finished up the maintenance on filter #4. It is running well right now. It has everything taken care of.”

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KDHE Manganese Requirements: Superintendent Hawkins, “I did receive today an email from Rob Gavin of Kansas Department of Health and Environment. It is to notify all public sources that the EPA is lowering the manganese requirements for our water distribution. They are requiring that it goes down to 0.300 Ugl of water. Every year I know we have had a consumer confidence report. I just want everybody to understand that we are not in violation or anything; it is just information. If you look at the manganese in the water treatment plant for several years, we have stayed well within compliance. We have not had a lot of issues with manganese, but we stay well within compliance. If there is any concern here or someone reads this in the paper, they can look at the consumer confidence report. They can come by here, or we can send them one, but everything is good. Even though they lowered the requirements, we are still well within our guidelines.”

STREET DEPARTMENT: Update

General: Foreman Mason, “We have been doing our normal duties. We have been doing truck and equipment maintenance, cleaning leaves out of catch boxes, cleaning ditches, sweeping curb and gutter, blading and rocking alleys, and servicing equipment.”

Ditch Repair: Foreman Mason, “We have been working on the ditches at 16th and Niagara. We replaced some culverts over there and re-dug the ditch so water would flow better. We also removed some trees that had roots going through the ditch.”

Spreader Box Maintenance: Foreman Mason, “We have been repairing an oil leak on our spreader box that we spread the salt with. That is now fixed.”

Peterbilt Dump Truck: Foreman Mason, “We have been working on some air leaks on our Peterbilt. That is now fixed.”

Barricade Repair: Foreman Mason, “We have been rebuilding our wooden barricades. The wintertime is when we rebuild those and fix any broken legs.”

Culvert Installation: Foreman Mason, “We installed a new drive culvert beside the funeral home off of Willet Street.”

Kennebec Bridge Project: Foreman Mason, “We have set our barricades and signs for the two bridges on Kennebec Street that are shut down. That is all going well. Both of the bridge decks are removed; it appears that they are making really good progress.”

QUESTIONS/COMMENTS:

Superintendent Hawkins, “The Street Department has also helped us (Water Department) out a bunch. I want to thank them for that. When we have needed rock on all of these leaks, they have been really great.”

POLICE DEPARTMENT: Update

General: Chief Jones, “We have had our normal calls.”

Cases: Chief Jones, “We have made several arrests for a variety of reasons. We have had one ag burglary. Ag on this case means somebody entered an occupied dwelling. They were in there at the time when he went in and stole what he stole.

“Then we had a driving while suspended arrest, protection from abuser violation, and then a couple of out of county warrants. We did have a pick-up fire at Pump’n Petes a week or so ago.

“We are still getting scam calls. Some people are paying attention, and some people are still falling for it.

“We are also still getting the unemployment frauds coming in. We are reminding people that the protocol is to self-report it on the Department of Labor’s website.”

Academy Training: KLETC (Kansas Law Enforcement Training Center): Chief Jones, “Rachel Hale has two more days at the academy, then she will be off for the holiday break. She will be back working with us for the next two weeks.”

PARKS DEPARTMENT: Update

General: Superintendent Boyce, “We have been cleaning public restrooms and buildings. We have been doing building and equipment maintenance, and mulching tree leaves in Kelley Park, which I believe we are done with that for the year.”

Tree Trimming: Superintendent Boyce, “We are cutting unwanted trees growing up in the cedars south of the old Charloma building on the south side of town. We have been doing that on nice days.”

Fence Repairs: Superintendent Boyce, “In Kelley Park, we have done repairs on the wooden fence on the east end of the stadium. There were three wooden posts broken off on it.”

Snow Removal: Superintendent Boyce, “Today we had a little bit of snow removal on the sidewalks.”

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PARKS DEPARTMENT: City Dam Retaining Wall Repair (West)

Superintendent Boyce, "I have still been working with B&B Bridge company on the retaining wall. We may have a delay on the handrailing for the stairs, mostly due to COVID-19. It would be a subcontractor that is building that stuff, so we are still waiting to see about that. Right now, they are saying a 60-day delay on getting the handrails built. They are taking the measurements and everything right now."

Mayor Luke, "Will that delay any of the other work being done?" Superintendent Boyce, "No. The concrete will be done. It may delay opening it."

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2020-23	\$	421,505.88
b. Payroll Ordinance	2020-25	\$	91,510.35
	TOTAL	\$	513,016.23

CLAIMS 2020-23: Council Member Hall moved to approve City of Burlington Claims Ordinance 2020-23 for the amount of \$421,505.88 for payment of city bills. Council Member Jasper gave the second. City Clerk Brown, "The larger expenses we have tonight are B&B Bridge Company \$147,745.29 for the dam retaining wall, KCOM \$3,945.52 for the repeater going up, Kansas Power Pool \$164,439.78, Topeka Foundry Commercial Doors for our automatic doors \$10,192.00. \$6,654.11 was paid through the SPARKS program; that was the last of the money that we had for the SPARKS. So, only \$3,537.89 came out of our pocket." **Hearing no additional discussion, Mayor Luke instructed City Clerk Anne Brown to poll Council. All votes were in favor. Mayor Luke declared, "Claims Ordinance 2020-23 passed unanimously, 5:0."**

PAYROLL 2020-25: Council Member Tschantz moved to approve City of Burlington Payroll Ordinance 2020-25 in the amount of \$91,510.35, as presented. Council Member Hall gave the second. Hearing no discussion, Mayor Luke instructed City Clerk Anne Brown to poll Council for a vote. All votes were in favor. Mayor Luke declared, "Payroll Ordinance 2020-25 passed unanimously, 5:0."

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, "Normal duties and general maintenance around City Hall."

Facebook: Zoning Clerk Hugunin, "Danny has been keeping me busy on Facebook updating for them on water leaks."

City Hall – Front Door- Topeka Foundry: Zoning Clerk Hugunin, "As Anne said, we did get things ordered for the doors. Those will be nice. You push the button, and doors will open. They should be a little off sequence, so we shouldn't have cold air coming in. We can put the buttons wherever we want; they are wireless. I think it will be a big help out here."

Permits: Zoning Clerk Hugunin, "I have been very busy of the last couple of weeks with permits. I don't know if it is the nice weather or what, but people are building things like crazy."

OTHER COMMITTEE OR COUNCIL BUSINESS:

LICENSE RENEWALS for 2021:

Mayor Luke, "This time of year, we have to do the Cereal Malt Beverage Licenses and Trailer Court Licenses for 2021."

LICENSE APPLICATIONS FOR 2021

TRAILER COURT LICENSES

Dietrich Trailer Park- Jim Toy 5 lots Mat Raymer's Trailer Park 8 lots

CEREAL MALT BEVERAGE LICENSES (5)

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

AMUSEMENT & DANCE LICENSES

American Legion, Congdon Kepler Post #38

Council Member Scothorn stated, "I move to approve the Cereal Malt Beverage Licenses, Amusement Licenses, and Trailer Court Licenses for 2021 as presented." Council Member Curtiss, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

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RESOLUTION 2020-07: Redefining the Corporate Boundaries

Attorney Wright, "Early this year, before I was an attorney, Ordinance 866 was adopted which you have a copy of. My understanding is that the baseball field was incorporated into the City of Burlington. Because there was a change, we are required by statute to adopt that by resolution and redefine what the cooperate boundaries of the City of Burlington are. The only difference between this and the last one that was done a couple of years ago is the very last paragraph, which is the legal description of the baseball fields. This is just the administrative statutory requirements the cities have to do whenever they expand.

Council Member Curtiss stated, "I move to approve Resolution 2020-07, Redefining Corporate Boundaries of the City of Burlington." Council Member Hall, "Second the motion." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

LEGAL DEPARTMENT: Update

City Attorney Wright, "I do want to give a quick update on 216 Hudson Street. I have notified Mike Powell and his attorney Mike Kauffman; they hadn't done any as of today as far as filing a probate petition. However, late in the day, I received an email from them of a petition. I don't know whether that means that they filed a petition, but they certainly wanted to indicate to me that they are trying to proceed."

ORDINANCE:

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.

2021 Dog Tags: City Clerk Brown, "I wanted to remind everyone that the 2021 dog tags are due starting in January."

Unconventional Vehicle Permits: City Clerk Brown, "Also, a reminder that the unconventional vehicle registration renewals are due on the anniversary day of their original registration."

Last Council Meeting: City Clerk Brown, "This is the last council meeting of the year. As in the past, we will continue to have 2020 open and 2021. So, we will be able to finish paying all of those bills."

Closing: City Clerk Brown, "City Hall will be closed December 24th and 25th for Christmas, and January 1st for New Year's Day."

CITY CLERK: Personnel: Recommendation to Hire A Utility Billing Clerk / Municipal Court Clerk."

"City Attorney Philip Wright, Council Member Jerilyn Curtiss, Deputy City Clerk Kerri Weltha, and I held interviews last week for the utility billing clerk and court clerk. With that, I would like to recommend that we hire Lisa Birney for the position of utility billing and municipal court clerk starting at \$14.25 an hour."

Council Member Curtiss, "I move to extend an offer of employment to Lisa Birney for the position of Utility Billing Clerk/Municipal Court Clerk, at the starting hourly wage of \$14.25." Council Member Hall, "I second the motion."

Mayor Luke, "When will she start?" City Clerk Brown, "She would like to at least give a two-week notice. As soon as I contact her, we will have that information." **Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.**

MAYOR'S COMMENTS:

FUTURE AGENDA ITEMS:

GENERAL: City Debt - How to fund projects Expense Tracking on Projects Budget 2021 Flooding 5-2019 – Updates	GAAP - Infrastructure Capitalization City/County Grant Funds – Discussion on Matched Funding Council Discussions on Evaluations, Succession Planning, etc. Plan Council Work Session
ELECTRIC DEPARTMENT: Power Plant - Additional Generation	<i>RICE NESHAP 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.
PLANNING AND ZONING Work with Advantage Computers and City Departments to improve Cyber Security Nuisance Structure & Properties: Work with PD FIRM 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 Pavement Management System/Asset Management System	Street improvement Plan, Paving Gravel Streets, Crack Filling, Street Improvements 2020 6 th & Alleghany Project Street Improvements 2020 Asphalt Project
WATER & WASTEWATER DEPARTMENT: Sensus Water Meter Replacement Sewer Lagoon Maintenance/	Sewer Lagoons - Analysis (KRWA/funds for dredging) Sewer Liftstations –Flushing Rags, etc.

Mayor Luke declared the meeting adjourned.

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