

BURLINGTON CITY COUNCIL REGULAR SESSION 9-2-2020

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, September 2, 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:

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

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Paul Abendroth, Kerri Weltha, Laura Riccobono

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

MINUTES 8/19/2020: Mayor Luke, “You have before you the draft minutes of our regular session of August 19, 2020, are there any additions or corrections?”

Council Member Tschantz, “I move to approve the draft minutes of August 19, 2020, as presented.” Council Member Jasper, “Second.” Motion unanimously carried, 4:0.

APPOINTMENT:

None.

PUBLIC COMMENTS:

Paul Abendroth, “We had a water leak across the street from us this last week. I want to thank the Water Department employees who got out there so quick and got the leak fixed.”

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.

Power Pole Replacement: Superintendent Schneider, “The men are still straightening power poles that are leaning and replacing them.”

Vehicle Maintenance: Superintendent Schneider, “Since we have had rain for the last couple of days, we were able to do truck maintenance.”

Tree Trimming: Superintendent Schneider, “We had some trees on our system that were out of reach of our bucket truck. So, as Kevin went through the bid process for what he had done through Trenary’s Tree Care, we added on three trees to the list that we could not reach.”

Outage: Superintendent Schneider, “We did have one outage when the storm came through last Saturday morning. A large tree branch fell on a customer’s service on north 2nd street and knocked their service down. It did not affect any other customer. It took about an hour and a half for that.”

ELECTRIC DEPARTMENT: PRODUCTION Update

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

ELECTRIC DEPARTMENT: Personnel – Cody Goracke’s Evaluation

Superintendent Schneider, “Cody Goracke, has completed the third year of his apprenticeship program. He is ready to advance to a fourth-year apprentice. He has completed his final test with a test score of 92%; he did very well. He is doing a great job in the field. I am very happy to have him. I would like to recommend that he advance to 4th year apprentice.”

Council Member Jasper, “I make a motion to move Cody Goracke from Third Year Apprentice Lineman to Fourth Year Apprentice Lineman at the hourly rate of \$23.12, effective September 5, 2020.” Council Member Tschantz, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 4:0.

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QUESTIONS:

Mayor Luke, "Alan and I received an email this afternoon from Kansas Power Pool. October is Public Power Month. Burlington is a public power community since we have our own generation facilities. They have established the week of October the 4th through the 10th as public power week. They have a proclamation that they would like for us to present to the community and put it in the paper like we do our other proclamations. My question is do any of you have an issue with anyone with respect to using the proclamation advancing public power?" Council Member Hall, "I'm for it." Council Member Tschantz, "Sounds good." Mayor Luke, "Okay, then we will have that ready for the next meeting."

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.

Meter Upsize – Customer Request: Superintendent Hawkins, "We did an upsize on a meter at 16th and Housatonic. We went from a ¾ inch to a 1 inch at the customer's request."

Sewer Cleanout: Superintendent Hawkins, "The guys are still out cleaning sewers. We are getting that done and taken care of."

Water Leak: Superintendent Hawkins, "We repaired a water leak, as Paul said, across the street from him. I was pleased with the guys because they got out there very quickly. We will still go back and dress it up when it dries out more."

Sewer Lagoon Riprap: Superintendent Hawkins, "I did notify Mike Schmidt of the changes from the last meeting. He will start on it before too long."

WATER/WASTEWATER: Production – Water Treatment Plant Update

Superintendent Hawkins, "The plant is running really well."

Sewer Cleanout: Superintendent Hawkins, "Shane Newland came in and did our normal year to date on the chlorinators. We got that completed. The past month the water usage has been higher due to the chlorine burn out and flushing the hydrants. The average was 615,000 gallons a day."

City Clerk Kewley: Superintendent Hawkins, "I know that this is Mrs. Kewley's last meeting. I want to say publicly that she has been a great cornerstone to all of us here at the City. She has been my mentor personally for bringing righteousness and doing the right thing in the City. You are losing a great person. I just want her to know that. Thank you and good luck in your retirement." City Clerk Kewley, "Thank you."

STREET DEPARTMENT: Update

General: Superintendent Davidson, "We have been doing our normal duties. We have been cleaning ditches, sweeping curb and gutter, fixing potholes, culvert cleaning, tree trimming, alley work, and servicing equipment."

Crack Sealing: Superintendent Davidson, "We started crack sealing the downtown area. We try to do that first thing in the mornings so we don't disrupt the businesses. We are about to the point where we will have to start coming in on Saturday afternoon or Sunday morning. We are between 3rd and 4th and 4th and 5th. We will have to see where that all falls. I just wanted to let you know that we will be working on a Sunday or a Saturday afternoon."

Culvert Installation: Superintendent Davidson, "We have also been installing some culverts. We installed 90ft over at the Co-op by their request on the north ditch. That will benefit them by getting into their fertilizer buildings."

QUESTIONS:

Mayor Luke, "You have a bid opening coming in?" Superintendent Davidson, "Yes, it will be the 14th. We had a pre-conference set up this morning. I had a doctor's appointment so Richard (Foreman Mason) sat in for me. Wayne Blackburne, Richard, B&G Consultants, and some of the contractors had some questions about the bridge (Kennebec Bridge Project). They were answered to the best of our ability. There was a question on the guard rail on the north side (northeast corner) of the bridge. The company isn't able to make that sharp of a bend in a piece of guardrail. We are going to have to do a little adjustment there. B&G Consultants is working on that. They are going to contact another company to see if there is a different option that we can go with. It sounds like there were 10 to 12 bidders that sat in on the conference. We will see where this all ends up."

POLICE DEPARTMENT: Update

General: Chief Jones, "We had our normal calls, which is everyone else's very weird."

Handheld Radios: Chief Jones, "The handheld radios for the officers have been programmed and assigned to them. We are still waiting on radios for the department heads and mobile radios for the vehicles. I don't know the timeline on those. The new handheld radios seem to be working quite well."

City Court: Chief Jones, "We have court a week from Thursday, which is September 10th."

Cases: Chief Jones, "The older gentlemen that we have been dealing with since Friday that randomly showed up in town from Emporia, had acquired an RV camper that appeared to have been built on a '74 Ford van body. He left town yesterday. We told him that that camper was not insured, did not have current registration, and he didn't have a driver's license. We told him it could not stay at Drake Park anymore. He agreed to pay Jeff Chandler to tow him all the way to Manhattan. We were not unhappy with that outcome."

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Cases: Chief Jones, “We just got done working a theft call and had one of our local young men admit to the theft. He is in jail right now. So, our normal run of calls.”

QUESTIONS:

Council Member Jasper, “The trailer on Lamoille.... did you see anything show up on...” Chief Jones, “I have not. I tried to mail something and it came back returned, no forwarding address. I have not had any contact with anybody. Kevin and the Parks Department did go over there to haul the trash away and mowed the property. When I am assured that we have the money to complete the process, until that point, I don’t see any reason to waste the money on legal fees or to advertise it in the paper if we are not able to complete the process. That is where we are at with that. I’m sure I am going to have to ask the Parks Department to mow it at least one more time this fall.”

Council Member Jasper, “I didn’t know with the 45 days.” Chief Jones, “The 45 days are up. We can start the process but it is not cheap to put the notification in the paper. Until we know where the funds are going to be, I can’t really go any further. I have a couple of others that we need to do, but we are in the same boat with them.” Council Member Jasper, “Okay, thank you.”

PARKS DEPARTMENT: Update

General: Superintendent Boyce, “We have been cleaning public restrooms and buildings. We have been doing building and equipment maintenance. Most of our time has been spent mowing grass. We also have been spraying weeds and grass in gravel areas and watering flowers and trees.”

Water Issues: Superintendent Boyce, “We have been hauling dirt into some low areas that are holding water and other areas that have washed out. For example, Kelley Park in the corner where Rock Creek comes into the Neosho River. We are getting ready for grass seeding in those areas.”

Fogging / Spraying Mosquitoes: Superintendent Boyce, “We are still fogging for mosquitoes. We will probably be doing that through September, then we will see where we are at after that.”

Hazardous Tree Removal: Superintendent Boyce, “We have been working with the tree contactor (Trenary’s Tree Care). They were scheduled to come in on the 21st. He called me last Friday to see if it was okay if they came in on this past Monday to start. The reason for that is because they will probably be leaving this weekend for Louisiana for 2-3 weeks for the hurricane clean up. Most of the trees are out and the stumps are cleaned up. So, that is taken care of.”

PARKS DEPARTMENT: City Dam Retaining Wall Repair (West)

Superintendent Boyce said, “We did have some questions come in today from a contractor that is looking at bidding the job. Most of the questions I was able to answer. One question he had, I think he has his streets mixed up, but he asked about closing Kennebec Street during the time of that project. I believe he is thinking of Cross Street instead of Kennebec Street, though. I asked for a reason why but that was right at the end of the day so I don’t have a response to that yet. So, would we be able to close Cross Street if it had to happen?”

Council Member Jasper, “I would say just as long as they know to make a detour before they get all the way down there.” Chief Jones, “Well, and we have the people that live down at Willow Bend.” Superintendent Boyce, “I don’t see why they would have to be closed.” Mayor Luke, “I’m trying to figure out why it would have to be closed. We could close the parking area there where they would have the equipment and things, I would understand that. I’m not sure why.” Chief Jones, “I’d like to see him diagram it out as to exactly how much room he needs.” Mayor Luke, “See, what his answer is and work with the Chief, but I see no reason to restrict people to get down to their own homes.” Superintendent Boyce, “We can close the parking area and the campgrounds but as far as the roadway in front of the restrooms--.” Mayor Luke, “I see no reason.” Council Member Scothorn, “Close everything off just by the bathrooms.”

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2020-16	\$	<u>124,923.62</u>
b. Payroll Ordinance	2020-18	\$	<u>89,478.72</u>
	TOTAL	\$	214,402.34

CLAIMS 2020-16: Council Member Hall moved to approve City of Burlington Claims Ordinance 2020-16 for the amount of \$124,923.62 for payment of city bills. Council Member Scothorn gave the second. City Clerk Kewley, “The larger expenses of the whole ordinance tonight are to B&G Consultants \$7,585.00, Electronic Comm. \$9,567.66, and Stanion and Wholesale \$4,557.45.” **Hearing no additional discussion, Mayor Luke instructed City Clerk Kewley to poll Council. All votes were in favor. Mayor Luke declared, “Claims Ordinance 2020-16 passed unanimously, 4:0.”**

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PAYROLL 2020-18: *Council Member Tschantz moved to approve City of Burlington Payroll Ordinance 2020-18 in the amount of \$89,478.72, as presented. Council Member Hall 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 2020-18 passed unanimously, 4:0."*

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, "Normal duties. We have started to pick up more on permits. I think with everything opening back up people can do more."

City Hall Updates: Zoning Clerk Hugunin, "I did get all of the shelves painted and installed in the store room. That project is done."

CDBG-Grant: Zoning Clerk Hugunin, "Last meeting we tabled choosing the grant administrator for the CDBG – Grant. I reached out to everyone again and I got only two back again. One of them was SEK (Southeast Kansas Regional Planning Commission). They submitted the same one that they had before which is \$6,600. Then Thrive came back with \$5,500. They had a chart for all of the money that the state is giving and that is what they were basing their fee off of. Since we are paying it out of our own funds, they reduced that. They made it a little cheaper for us since we are paying out of our own funds. That way, we can pass all of the money on. Looking through Southeast Kansas Regional Planning Commission, it looks like they only provide help on everything. They will provide some assistance on this and that. Thrive will do the majority of the scope of the work. They may need some information from us. So, after talking to both of them, Thrive is a little more in depth and a little cheaper. It looks like they will do a little more for us than Southeast Kansas Regional Planning Commission."

Mayor Luke, "What is your pleasure? We need to start to move on this grant program that we have. The State recommends using a grant administrator. Thrive at \$5,500 and SEK at \$6,600. They are not quite equivalent but it appears that Thrive is probably the better of the two." Zoning Clerk Hugunin, "If I was going to recommend one then I would recommend Thrive just based on everything they have in here." Mayor Luke, "At this time I would accept a motion if it is the Council's pleasure."

Council Member Hall, "I move to accept Thrive for \$5,500 for the administration of the CDBG – Grant Program, as being in the best interest for the City." Council Member Scothorn, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 4:0.

CARES Program: Zoning Clerk Hugunin, "I have been working with the County on the grant applications. We have another meeting on the 15th to release the funds, so we will be getting some funds here at the City." Mayor Luke, "I do have the letter from the Commissioners with that. We submitted a request for \$45,316.76 for COVID-19 related expenses and purchases. They have given us a letter of assurance that we will be receiving that amount, and the County Commissioners have approved it. Once the state has authorized everything, it is anticipated that on the 15th of September, then we can move forward. The City has gotten basically everything that it was looking for. The schools got \$176,000; the hospital got \$500,000. The businesses were not designated a specific dollar because they are just getting the requests in, not knowing what it was going to be. We have something in the neighborhood of \$400,000 that has not been submitted and allocated. We have the \$400,000 for the businesses and any other proposals that might arise between now and the submission date."

Zoning Clerk Hugunin, "I will say some of that money that we are receiving, and that many are receiving, is reimbursement for different money that was already spent for supplies during the COVID-19; hand sanitizer and other items like that." Mayor Luke, "We will wait until next meeting and hopefully we will have an answer from the state that the program that the County submitted to them is approved."

PERMITS: Building Permits issued by Zoning Clerk Hugunin:

LEGAL DEPARTMENT: Update

City Attorney Wright, "I don't have much. Since the last time we met, I was able to meet with Mayor Luke and Superintendent Hawkins with regards to some plumbing ordinance concerns and assess that with them."

ORDINANCE 868, Adopting the Uniform Public Offense Code for 2020

Chief Jones, "This is the standard ordinance that we do every year to adopt the Code Books that the League of Municipalities puts out. Generally, we have two ordinances but when Philip reviewed it, he said that there was no need to renew the Standard Traffic Ordinance because there were no changes." Council Member Scothorn, "Were there any major changes in this one?" Chief Jones, "No, there is not. The legislature literally didn't have time to make changes on the statutes this year."

Council Member Hall, "I move to adopt Ordinance 868, adopting the Uniform Public Offense Code for Kansas Cities, 2020 Edition." Council Member Tschantz, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 4:0.

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 August, we will be sending \$571.81 in delinquent utility accounts to the Kansas Set-Off program for collections.

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Level Pay: City Clerk Kewley, “They sent out the new level pay contracts to utility customers to renew their level pay for another year.”

Audit: City Clerk Kewley, “I did receive and after reviewing, I accepted the 2019 draft audit from Sean our auditor. In the near future, he will be presenting the final one to Council.”

Sales Tax and Utilities Revenue Report: City Clerk Kewley, “I handed out the sales tax and utility revenue report. As you can see, sales tax continues to increase every month. We are \$10,000 over last year. We are doing extremely well with our sales tax locally. It has been a nice number during this COVID situation.”

COVID-19 Update: City Clerk Kewley, “We have continued with COVID-19 updates through conference calls with the League of Municipalities.”

Closed: City Clerk Kewley, “The City will be closed Monday, September 7th for Labor Day.”

Regina R. Kewley Retiring: City Clerk Kewley, “Tonight is my last Council meeting. I will be retiring on October 1st. I want to say it has been a pleasure working for the City and working with everyone over the last 33 years. It is extremely hard for me with the employees because they are such good people.”

Council Member Jasper, “Congratulations, enjoy it.”

QUESTIONS:

REPORT BY CITY OFFICERS:

MAYOR’S COMMENTS:

Mayor Luke, “I think Judge Wine and the County Attorney went through, with Kevin down at Kelley Park, the Kelley Hall, and the 4-H Buildings. The Kansas Supreme Court told the district judges to look at how they can open up district courts. Judge Wine called me and wanted to know if it was alright if they could use the 4-H building for when they need a hearing with a jury and Kelley Hall, where they can sequester the jury over there for deliberation. They could also have witnesses over there so everyone can spread out far enough to meet all of the COVID-19 requirements at this point in time. They have no jury trials in the immediate forecast. They just have to submit to the Supreme Court a plan. I told him I would bring to you if there was any questions or concerns. Also, if there would be a fee for the use of the buildings.”

Council Member Jasper, “Let them have it.” Mayor Luke, “Do they pay a fee?” Council Member Jasper, “It’s just us paying it back.” Council Member Hall, “I don’t think we would need to charge them.” Mayor Luke, “I don’t think so.” Council Member Jasper, “It’s taxpayer money that’s paying for it.”

Council Member Hall, “I move to approve the District Court to use Kelley Hall and the 4-H Building for any jury trials scheduled in the immediate future during the COVID-19 at no cost.” Council Member Scothorn, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 4:0.

Superintendent Boyce, “One thing I have on that. I asked when I met with them about the cleaning of the building. Depending on what time that it happens, if its December, January, or February then we would probably have the time to go in and clean the buildings and sterilize them. Outside of that, we will probably not have time for that.” Mayor Luke, “They would have to do it.” Superintendent Boyce, “If we are giving it to them for free use then I think that they can.” Mayor Luke, “Yes, their custodian people can do that. I will let him know that as well.”

Regina R. Kewley Retiring: The Mayor presented City Clerk Kewley with gifts as a sendoff for her last council meeting. Mayor Luke and Council Members congratulated her on her retirement and thanked her for her service to the City since 1987.

FUTURE AGENDA ITEMS:

GENERAL: City Debt - How to fund projects Expense Tracking on Projects Budget 2021	GAAP - Infrastructure Capitalization City/County Grant Funds – Discussion on Matched Funding Flooding 5-2019 – Updates
ELECTRIC DEPARTMENT: Power Plant - Additional Generation	<i>R.I.C.E. N.E.S.H.A.P. Compliance</i>
PARKS DEPARTMENT: Events in Parks (Updates) City Dam - West Wall Repair – Engineering Services Proposals	Kelley Park Light Poles – Repair/Replace (also see Legal) Girl Scout Rock Garden - Updates
LEGAL DEPARTMENT: Municipal Court Updates	Misc. Legal - Documents, Cases, Contracts, etc.
PLANNING AND ZONING 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	Prepare Easements for any City-owned property without one Permits - Building/Zoning/etc. Burlington Corporate Boundary Updates on Map (Work with State)
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: Sewer Lagoon Maintenance/	Sensus Water Meter Replacement Updates Storage Building for Dirt -Construction Sewer Lagoons - Analysis (KRWA/funds for dredging) Sewer Liftstations –Flushing Rags, etc.

Mayor Luke declared the meeting adjourned.

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