

BURLINGTON CITY COUNCIL REGULAR SESSION NOVEMBER 18, 2015

City of Burlington Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, November 18, 2015. Mayor Stan Luke called the meeting to order.

ROLL CALL: Stan Luke, Mayor

Council Members present:

Lewis Lenard Dallas Scothorn (Arrived @ 6:20 p.m.) Jerilyn Curtiss
 Jane M. Griffith Thomas P. Tschantz Sharon Hall

Superintendents Present:

Kevin Boyce (Parks) Alan Schneider (Electric) Doug Mast (Street)
 Doug Jones Chief of Police Danny Hawkins (Water/Wastewater) (Present until after his update)

Also Present:

Regina Kewley (City Clerk) Jimmy Hugunin (Zoning & Grants Clerk)
 Thomas Robrahn (City Attorney) Susan Stroh (Administrative Assistant)

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Mark Chesney (Kansas Power Pool), Becky Reeves, Jay Hale

AGENDA: *Council Member Griffith stated, "I move to approve the amended agenda." Council Member Hall, "Second." Motion unanimously carried.*

MINUTES: November 4 2015: *Council Member Curtiss moved to accept the Draft Minutes of Council's regular session of November 4, 2015 as presented. Council Member Griffith, "Second" Motion unanimously carried.*

PUBLIC COMMENTS: None

APPOINTMENT: Mark Chesney (Kansas Power Pool)

Mark Chesney (CEO/General Manager of KPP) addressed council, "Mr. Mayor, Members of the Council, thanks for letting me be on your agenda. It's a pleasure to see you again. Since I was here last several months ago, several of you from Burlington attended our rate forum last Friday. That was our first look at our budget and our rate to be considered for next year. We appreciate your attendance."

"Several of your attended our outing for the Dogwood combined cycle plant near Kansas City. It's obvious to me that Burlington is really active in participating in our events and our outings; and we're delighted and appreciate your help and your support."

"I want to quickly say - and I'm respectful of the fact you've got a long agenda - in many of the council meetings that I've attended in October and November, I've been asked from time to time to comment about the EPA's clean power plan. You know about it and you've read about it. I think really the question is: What's it really mean to the Kansas Power Pool; and therefore, what does it mean to the city? I'll just remind you there's no question that affecting CO₂ emissions from coal plants is really the thrust of the entire rule that's in process. It's hit the Federal Register - lawsuits have come right on out of the woodwork. We're a long way from having a state implementation plan; the state is working on it - they are; as well as the choice to litigate. Numerous states, including Kansas are litigating."

"More to the point - if you think of the peak demand in a year's time, the City of Burlington along with the other twenty-two member cities of Kansas Power Pool. That aggregate total - think of a number that's somewhere in the range of about 250 to 270 megawatts. Well, 59 megawatts is directly attributable to our contract with Westar Energy - the output from the Jeffrey Energy Center, 59 megawatts. The last time I was here, I told you that we were going to close on a bond issue to purchase another 20 megawatts of Dogwood. Reminder, that's highly efficient natural gas combined cycle. That was done for a small variety of reasons, one of which was that we know we were going to be able to get out of our contract for output from the Nearman Creek Power Station operated by the Kansas Board of Public Utilities - that's coal. That's the most expensive natural resource - and I'm repeating myself a little from the last time I was here. That contract goes away December 31st, leaving us with Jeffrey."

"Now, we do have a little more exposure; we have a contract with the Grand River Dam Authority down in Oklahoma - which is really a system contract because it's coal, it's natural gas, it's wind, and it's hydro. There's a little bit of coal there. But clearly far and away, our 59 megawatts from the Jeffrey Energy Center is the lion's share of our coal exposure. Now, that contract goes away in 2022; and so a couple years or three from now, we will surely gear up another power supply screening study to determine what we want to do with that contract. I don't think Westar knows what's going to happen to that plant, except that when the rule comes out there'll surely be some upgrades and retrofits to come into compliance as it pertains to CO₂ emissions. We like the contract. I'm not trying to force you out of it - we're going to get out of it, but just as every utility in the country is going to have to do, we will reconsider our portfolio. The question really burning is, what does that clean power plan mean to us; and I just now told you. So whether you like coal, or whether you don't like coal - it really doesn't make any difference from the standpoint of energy - not capacity, energy - it's more than fifty percent of the energy consumed in this country. Electricity is generated by coal. So, this is a prominent issue that has to be considered and reacted to." (Continued)

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Mr. Chesney offered to answer any questions on any topic and said, "Maybe when I come in from time to time, maybe there's something you hope that I'll say or address that I haven't. I'm very respectful of your time. I came to town to tell you that we appreciate you. I am very convinced, and more so every single day, that our cities acting collectively are able to do things that if a city were acting entirely on its own would be very very difficult to do. So, when I say we appreciate you, we do. We appreciate you very much."

Council Member Griffith said, "I read an article some time back about the electricity getting so efficient - our appliances; and our numbers were dropping. Have you heard anything about that - about that maybe the demand isn't going to be as much?" Mr. Chesney replied, "It is true that appliances, especially with that energy star rating, are much more efficient; and the loads grow much more slowly. But, taking an even broader look, all of the devices and things that consume electricity still causes growth; even though what you said is absolutely true. Another thing in the state of Kansas that really affects us is declining populations, frankly. So I think the best for us to answer is loads continue to grow, but at a declining rate as compared to ten years ago; and that will continue to happen. It's really relevant because utilities have to make a decision when to buy into another power plant or to add another resource. It's expensive, and so it really has to be a measured thing."

Mr. Chesney continued, "The Kansas Power Pool offers rebate incentives for people who install appliances. That's run right through the city. We've got a fund that we've dedicated every year because we want to help incentivize people who want to do that because we feel it's beneficial in our overall planning. You're exactly right that it's noticeable; and I think that with the advance of technology, the efficiency will even increase further as we go into the next decade." He concluded, "Okay, good to see everybody; I'll head to Wichita. December 11th is our annual membership meeting. That's when the budget and the rate will be formally considered for approval. I have no doubt, Alan (Superintendent Schneider) and some others will be there. Thanks again."

ELECTRIC DEPARTMENT: Distribution Updates

General: Superintendent Schneider reported, "We are still doing our daily work orders, line locates, and customer service requests. We have been doing quite a bit of line maintenance. I'm sure you noticed the men have been downtown putting lights on the buildings for Christmas, and they have the decoration ready to be put up and will put them up Tuesday or Wednesday of next week. They have also done some street light repairs."

Power Outages: Superintendent Schneider said, "Since last council, the line crew had two wind-related call-outs on Veterans Day. They were quick fixes."

ELECTRIC DEPARTMENT: Power Plant/Production Update

General: Personnel are still doing required reports. They are doing general power plant maintenance.

Abandoned Cooling System: Superintendent Schneider informed council the Power Plant crew has been removing a large old cooling radiator that used to serve the old plant and has not been in service for years. It is beyond repair and when the ground is dry enough it will be hauled off and sold for scrap metal.

KMEA: Superintendent Schneider attended the Kansas Municipal Energy Agency Annual Conference the 5th and 6th of November.

WATER DEPARTMENT: Distribution Update

Training and general: Superintendent Hawkins reported that Water/Wastewater personnel read meters on Monday and Tuesday last week and attended Cheryl Treptow's trenching and shoring class in New Strawn last Thursday and Friday. They have been doing work orders, line locates, and on inventory lists for the end of the year.

Waterline Replacement Project - Niagara (9th & 10th): Superintendent Hawkins reported, "The bacteria samples for Niagara Street came back negative, so we've got clearance to go onto 4th all the way to 10th and install services."

Service Connections/new meters: We are connecting services, so as weather permits we will continue moving forward with that. We purchased two-inch water meters. We're trying to replace them so we can get back some of our resources, and we will be contacting businesses and entities before shutting water off while we replace meters."

Inventory: Personnel are working on the inventory lists for the end of the year.

WATER DEPARTMENT: Water Production Update

Water Treatment Plant: The Water Plant has been running fine. Superintendent Hawkins stated, "We are required by the Kansas Water Office to report our water use every Wednesday because of the rains we haven't been getting again. We are not in a water warning or watch. It is just that the Kansas Water Office wants to know what our meter readings are, so every Wednesday I send Galen Beyer an email to let him know what our water use is."

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East Water Tower Repairs: Superintendent Hawkins reported that in two weeks, Cunningham Sandblasting & Painting is coming in to sandblast and paint the Grey (East) water tower over by the Water Treatment Plant. That water tower will be out of commission for almost a month. Superintendent Hawkins wasn't sure about scheduling, but the last time this was done, Water personnel were able to work regular eight-hour days, mainly because the weather was good. He is hoping the weather cooperates and they can continue with the regular work schedule.

STREET DEPARTMENT: Update

Sweeping Leaves/Drain Cleaning: Superintendent Mast reported, "It has been business as usual. We are still doing a lot of sweeping, trying to get the leaves cleaned up. The inch of rain we got the other day brought a lot of leaves to the surface again and we had flooding issues with storm drains getting plugged up with leaves, so we spent much of this week cleaning storm drains."

General: Street personnel are also filling cracks when the weather permits. They are putting shoulder material down on 9th Street, did some sign maintenance, and worked on equipment. On Veterans Day, Street personnel were called out to put stop signs up that had been blown over by the high winds.

Sidewalk/Culvert at 5th & Yuba: Council Member Griffith asked, "At 5th and Yuba, and I don't know who's responsibility it is, but at the sidewalk there would you look at the culvert and see what's going on there?" Superintendent Mast, "Is there something wrong with the culvert?" Council Member Griffith, "There's something wrong with the sidewalk. I don't know if it's washed out or not." Superintendent Mast will take a look at it.

POLICE DEPARTMENT: Update

Officer Hanson - KLETC: Chief Jones reported, "Our new officer, Blake Hanson, is scheduled to go to the academy (Kansas Law Enforcement Training Center) the end of this month, November 30th. His graduation will be March 18th."

Internet/Fiberoptics- MT Networks: Chief Jones said, "MT Networks has been boring and pulling fiber, and I now have fiber at the backside of my building. We are real close to getting a good internet connection at the Police Department."

2014 Dodge Charger: Chief Jones reported, "The last vehicle we purchased from Kansas Highway Patrol is now in service. Trophies and Things put the graphics on it for us last Saturday."

Annual Craft Festival: Chief Jones said, "A reminder the annual craft fair will be at the Middle School and High School this Saturday. Watch traffic because it always gets crazy up there."

Municipal Court: Chief Jones commented that city court last Thursday was long. Judge Campbell was at a meeting in Topeka, and was late arriving at Municipal Court, but it went well.

POLICE DEPARTMENT: Vacation Carryover to 2016

Chief Jones stated, "Officer Randy Stuart - because of department requirements, staffing issues, and manpower issues - has not been able to take his vacation as he had hoped; and he is requesting an extension on the use or lose vacations hours. He made his request to me, I've approved the request; and per the Personnel Policies & Guidelines, that request has to come to the Governing Body for your approval. I am requesting that we basically extend it 90 days to allow him to use up as much of his 2015 vacation hours as possible before April 1st of 2016. He is somewhere in the 90 hour range (of use or lose hours).

Council Member Curtiss stated, "I move to allow Police Officer Randy Stuart to carry over into 2016 the balance of his 2015 year-end vacation hours, with the stipulation that any 2015 vacation time carried over in excess of 80 hours must be used no later than April 1, 2016 or they will be forfeited." Council Member Scothorn, "Second." Council Member Curtiss, "We understand that this really is not policy that usually happens; but because of the shortage of Police Officers, we're recommending it." Hearing no additional discussion, Mayor Luke called for a vote. Motion carried by a unanimous vote of 5:0.

POLICE DEPARTMENT: Nuisance Properties

Chief Jones reported, "I have had a few nuisances brought to my attention, and we've started looking at them."

Nuisance Property: Larry Hargreaves, (314 Neosho) - Danelle Birk's building affect on his building: Chief Jones said, "I believe Jimmy had some information on the old Johnson's Pharmacy building that Dr. Hargreaves brought to our attentions. Zoning Clerk Hugunin reported, "She (Danelle Birk) has started on it. Work is going along pretty good and they are getting ready to rip that awning clear off, and actually take off part of the back of the building. That little addition back there is going to come off also. At the same time as the contractor being there, Dr. Hargreaves has hired them to as soon as they are done with Danelle's work, to fix the water issues on his side. It sounds like it will all work out and get taken care of."

PARKS DEPARTMENT: Update

Superintendent Boyce reported, "We have been cleaning public buildings and restrooms and doing normal duties. We did mow and weedeat around bridges, like on Kennebec and 16th Street. Normally, we do that once a year at the end of fall. We got all the seasonal restrooms, sprinkler systems, RV areas, livestock barns, and stuff all winterized."

"On inclement days, we have been cleaning Kelley Hall and the 4-H Building. Normally in the fall, we will spend quite a bit of time on those two buildings doing a deep-cleaning from top to bottom, including a thorough

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cleaning of the chairs and tables. On inclement days, we have also been doing equipment maintenance."

"We had some brush cleanup in the parks from Veteran's Day wind. There were quite a few branches down at Kelley Park. A few fence boards were blown down at the east end of Kelley Park Stadium, and are put back in order. Also, while the weather was nice, we changed out the banners from fall banners to holiday banners."

FINANCE: Claims Ordinance & Payroll Ordinance

a.	Claims Ordinance	2015-22	<u>\$645,527.91</u>
b.	Payroll Ordinance	2015-24	<u>\$ 77,590.25</u>
	TOTAL		\$723,118.16

CLAIMS 2015-22: Council Member Hall, "I move City of Burlington pay Claims Ordinance 2015-22 in the amount of \$645,527.91 for payment of city bills." Council Member Griffith, "Second." Mayor Luke called for discussion. City Clerk Kewley said, "Tonight's expenditures include: APAC for the Street Improvement Project, \$360,911.62; Kansas Power Pool, \$171,351.50 for power; Paving Maintenance Supply, \$4,970; Skillman Construction, \$3,400. **Hearing no more discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared Claims Ordinance 2015-22 approved by unanimous vote, 5:0.**

PAYROLL 2015-24: Council Member Griffith stated, "I move City of Burlington pay Payroll Ordinance 2015-24 in the amount of \$77,590.25." Council Member Hall, "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 2015-24 approved by unanimous vote, 5:0.

PLANNING & ZONING: Update

Webpage: Zoning Clerk Hugunin has been updating Facebook and the webpage. He said, "There has been a little bit of a glitch on the webpage, and I cannot get the Mayor's email address changed. IM Design is trying to get that taken care of."

Tree City USA: Zoning Clerk Hugunin has begun working on the Tree City USA application.

CPR/First Aid: CPR and First Aid training is scheduled for Monday, November 30th and Tuesday, December 1st.

General: Permits have been updated and sent to the County Appraiser's office. He attended Friday's Strategic Planning meeting.

City Hall Carport Update: Zoning Clerk Hugunin informed Council, "I have an update on the carport for behind City Hall. It is built, but they're waiting to have a load before shipping it to us. They've been saying that forever, but I did talk with a management person there who said it is in the yard and labeled, they just need more than two jobs to come up this way. We have no idea when we'll get it; which in the long run, we haven't paid for anything." It is coming from Arkansas.

OTHER COUNCIL BUSINESS: Christmas Gift: Boards, City Attorneys, City Treasurer, Governing Body

City Clerk Kewley referred Council to the agenda attachment listing the usual recipients of a \$20 Chamber of Commerce Gift Certificate for Christmas: members of various boards, the governing body, and the city's attorneys, judge, and treasurer. She requested a motion to approve doing it again this year, if they want to do it again this year.

Council Member Hall stated, "I move to give a \$20 Chamber of Commerce gift certificate to each Board Member, City Attorney, and City Council Member, and to the City Treasurer and the Mayor." Council Member Curtiss, "I second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried with a vote of 5:0.

OTHER COUNCIL BUSINESS: Christmas Gift - Employees

City Clerk Kewley stated, "In reference to the Christmas gift to employees, for the past several years, the Council has been nice enough to give employees an extra day off as a Christmas gift in lieu of a gift certificate. In the long run, a gift certificate does benefit the employee; but also with it being taxed, it is not really fair for the employee. Giving a day off is much appreciated. If that's what you would like to do again this year, I would need a motion for that; and I was looking at Thursday, December 24th this year - the day before Christmas." (*The gift of a day off began in 2009.*)

Council Member Curtiss stated, "I move to give each City of Burlington employee the gift of an additional paid day off for Christmas, with the day off for this year to be Thursday, December 24th." After suggestions were made, Council Member Curtiss amended her motion to: "I move to give each City of Burlington employee the gift of an additional paid day off for Christmas, with the day off for this year to be Thursday, December 24th, with the option that if an employee is on duty that day, the employee can arrange for another day off in lieu of the 24th of December to be taken within 30 days." Council Member Scothorn, "Second." Hearing no more discussion, Mayor Luke called for a vote. Motion unanimously carried with a vote of 5:0.

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PERMITS: Permits issued by Zoning Clerk Hugunin: None

LEGAL DEPARTMENT: Update

Attorney Robrahn reported, "I visited several times with Fred Walrod (surveyor) on easement issues he and Jimmy (Zoning Clerk Hugunin) are working on in Reserve No. 1 (Highway 75 at the south end of the industrial park area). I think we've pretty well worked that out. It's been pretty quiet otherwise, so there's not much to report."

CITY CLERK: Update

General: City Clerk Kewley reported City Hall personnel have been busy preparing meter readings for utility billing, preparing work orders, and doing other regular duties. They also prepared work orders, vouchers, payroll, and meeting minutes for tonight.

Kansas Set-off - Delinquent Utilities: In November we will be sending \$4,967.55 in delinquent utilities to the Kansas Set-off Program for collection.

City Clerks Annual Conference: City Clerk Kewley reported, "Anne Brown, my Deputy City Clerk and I attended the Master Municipal Clerks Academy in Wichita for the two-day City Clerks Fall Conference. It was a very informative conference. We got a lot of good information."

Kansas Power Pool Rate Forum: City Clerk Kewley also attended a KPP Rate Forum in Wichita last Friday.

Thanksgiving - Closing: City Clerk Kewley reminded council, "City Hall will be closed for Thanksgiving on Thursday, November 26th. Also, in the past the Council has allowed employees to take the day after Thanksgiving as vacation day, comprehensive time, without pay, or work if they want to. *(This tradition was begun in 1999.)* Some departments may be open and some may be closed, it's kind of up to the Superintendents. No motion is necessary, it was approved years ago."

REPORTS BY CITY OFFICERS: None

FUTURE AGENDA ITEMS:

GENERAL City Debt – How to fund projects City Code Recodification Service/Allied Waste Agreement Renewal Mayor’s Volunteer Program Downtown Revitalization (Committee) Sale of 716 Yuba by sealed bid	GAAP – Infrastructure Capitalization Actuaries – GASB-45 Financial Program Software (CIC) MT Wireless - Fiberoptics to City Buildings Police Officer Vacancies Trash Exemptions and Annual License Renewals
ELECTRIC DEPARTMENT: GIS system Emissions Standards Compliance/EPA Industrial Park Substation - DC Power Supply	Automatic Meter Infrastructure for Electric (AMI) Natural Gas - 2nd Supplier Power Plant - Add Generator (research, etc.)
PARKS DEPARTMENT: Dog Park - Hydrant, Parking Improvements WildBlue BBQ and Taste of Fall Festival 2016	RV Parking New Signage for Kelley Park and Drake Park Cancer Support Group - 4-H Building 4-23-2016
LEGAL DEPARTMENT: Municipal Court KG&E Pollution Control Bonds Series 2016	KDOT Damages (4th & Neosho)
PLANNING AND ZONING Quarterly Construction Valuation Report Comprehensive Development Plan – Update by end 2015 Industrial Park Lots - for Sale, etc. Work w/PD on Nuisance Structure regulations City Hall Computer - replace Front Windows CPU Tree City USA - application	Carport for behind City Hall MT Networks Fiberoptics - updates Planning Commission Members (Advertise for 3) CPR/First Aid Training for Employees Inventories - prepare; send to auditor early January 2016
POLICE DEPARTMENT Nuisance Updates Personnel – Vacancy and Training Updates Nuisance - Burlington Dental Center / Danelle Birk Building	Bike Patrol Program (update) Reserve Officer Schankie - Temporary compensation (update)
STREET DEPARTMENT: Heather Street - Concrete Panels Sidewalk Replacement Repairs on City Rights-of-Way Equipment - Purchase Small Milling Machine for Sidewalks, etc. Street Sweeper in 2016 Asphalt Grinding Machine for 2016	Rebuild/Repair Kennedy Street and 14 th Street Pavement Management System/Asset Management System 2015 Curb & Gutter Project (Yuba between 6th & 7th) Mohawk Street Improvements between 14th & 15th) KDOT's N.Hwy 75 Project
WATER & WASTEWATER DEPARTMENT: Clean Sewers Neosho Riverbank Stabilization Waterline Replacement Project Pump Repairs in 2016 (Clearwell/River Intake) Sewer Lagoons - Analysis by KRWA/funding for dredging KDHE L2 Monitoring	Southwest Sewer Project SCADA System Fire Hydrant Static Testing Plumbing Violations Filter Pit - Actuators Water Plant Improvements–Efficiency John Redmond Reservoir – Dredging Filters/Anthracite/Bacterial Testing Fire Hydrant Flushing East Water Tower - Sandblast/Paint

Mayor Luke declared the meeting adjourned.

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