

## BURLINGTON CITY COUNCIL REGULAR SESSION OCTOBER 5, 2016

City of Burlington Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, October 5, 2016. Mayor Stan Luke called the meeting to order.

**ROLL CALL:**  Stan Luke, Mayor

**Council Members present:**

Lewis Lenard  
 Jane M. Griffith

Dallas Scothorn  
 Thomas P. Tschantz

Jerilyn Curtiss  
 Sharon Hall

**Superintendents Present:**

Kevin Boyce (Parks)  
 Doug Jones Chief of Police)

Alan Schneider (Electric)  
 Danny Hawkins (Water/Wastewater)

Doug Mast (Street)

**Also Present:**

Regina Kewley (City Clerk)  
 Tom Robrahn (City Attorney)  
 Philip Wright (Assistant City Attorney)

Anne Brown (Deputy City Clerk)  
 Jimmy Hugunin (Zoning/Grants Clerk)  
 Susan Stroh (Administrative Assistant)

**Media Present:** Mark Petterson (Coffey County Republican)

**VISITORS:** Mark Chesney (KPP), Jay Hale

**AGENDA:** *Council Member Tschantz moved to approve the agenda as modified. Council Member Hall, "Second." Motion unanimously carried.*

**MINUTES: September 21, 2016:** *Council Member Curtiss moved to accept the Draft Minutes of regular session September 21, 2016 as presented. Council Member Scothorn, "I second." Motion unanimously carried.*

**APPOINTMENT: Mark Chesney, Kansas Power Pool**

Mark Chesney (KPP's CEO/General Manager), who last addressed council on the 6th of April, stated, "Thanks, Mayor and Council, it's good to see you again. Speaking of the recent KPP Fall Planning Retreat, I want to thank you - there were indeed several of you present and participating. We appreciated that. I think there was a very robust set of discussions, and I have no doubt - in fact I'm certain - that there are some action items that are going to come out of that Retreat that will be rolled out during the next eight to twelve months. That's why we do that, we want to take input; and we got good input. We'll look forward to getting together again next year. Once again, as you've heard me say before, we would be delighted if all of you were there, although that's not necessarily practical; but sincerely we want to give that invitation."

"I know the Mayor, as the President of the Board of Directors, keeps you up to date on KPP activities. Two dates to remember, November 10th and December 16th. We're having our annual rate forum on November 10th in Wichita - our office is in downtown Wichita. You've heard me describe that before as the first look at what will eventually be the proposed budget and rates for the coming year. It's more than just a look - it's a pretty deep dive to understanding the calculation methodology. That's the 10th of November, 11 o'clock; we'll go for an hour, have lunch, and pick it up again after lunch as needed."

"Then as we've always done, after letting that simmer for one month, we'll have our annual membership meeting on the 16th of December. We're going to have it in McPherson this year in KMU's brand new training center. I'm pretty sure we will have the first formal meeting ever in that facility, and I'm looking forward to that. Like I said, that day is when those business items will be formally proposed to the membership for approval. The last couple of years, there's been some tweaking at the behest of the membership, to adjust rates before they're finally approved. I say it again and again, that's one of the benefits and valuable aspects of being a member of the Kansas Power Pool. Those are two dates we would be pleased for you to have on your calendar and look forward to together." Mr. Chesney then offered to answer any questions on any subject. He said, "We really appreciate your participation. We appreciate your help. Together, the City of Burlington and the twenty-two other member cities, we're doing a good thing." Hearing no questions, he then left the meeting.

**PUBLIC COMMENTS:** None

**ELECTRIC DEPARTMENT: Distribution Updates**

**General:** Electric Distribution personnel are still doing normal duties, customer service requests, and work orders, and a lot of line locates. The men have changed two power poles since last council, and installed one new permanent service to a residence.

**Brush Pickup:** Superintendent Schneider reported, "The men have been picking up brush, and unless more comes out behind us, everything has been picked up."

**Temporary Electric for Street Dance:** Temporary electric was installed by the American Legion building for last weekend's fund raiser street dance for the Kirk Manwaring Scholarship Fund.

**ELECTRIC DEPARTMENT: Personnel - Bryson Olson, advance to Third Year Apprentice Lineman**

Superintendent Schneider stated, "Bryson Olson has completed his Second Year Apprenticeship, and is ready to advance to year three. He received 89% on his final test, so he did really well. As Second Year Apprentice, Bryson is currently at \$17.27 per hour, advancing to Third Year Apprentice the starting wage is \$18.34. I recommend him to move on the Third Year Apprentice Lineman, starting next pay period (October 15)." (con't)

**[2] CONTINUATION: October 5, 2016 Burlington City Council Regular Session**

Mayor Luke called for a motion. *Council Member Tschantz made the motion to move Bryson Olson from Second Year Apprentice Lineman to Third Year Apprentice Lineman at the entry level hourly rate of \$18.34, effective October 15, 2016." Council Member Scothorn, "I'll second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.*

**ELECTRIC DEPARTMENT: Power Plant/Production Update**

**General:** Electric Production has been doing required reports and generator maintenance.

**DNR Catalyst Units 1, 4, and 6 Recertification:** Superintendent Schneider reported, "The R.I.C.E./NESHAP recertification by Olsson & Associates for the catalysts on Generators 1, 4, and 6 was done on October 3rd. We were able to complete that testing all in one day, which made for a long day, but by not taking a second day, I think it cut the expense for the engineers to be here. Everything tested well within our limit requirements, as well. That went really good."

**ELECTRIC DEPARTMENT: Additional Generation for Power Plant**

Superintendent Schneider stated, "I'd like to talk with you a little about the additional generation project. Sue (Administrative Assistant Stroh) has looked through all the files at City Hall to find a study that showed how they made a decision to add Generator #4. There's just nothing down here that indicates any process they went through. At this point, I would like to sit down with our engineers (Allgeier Martin & Associates); and I would like to visit with them about doing a life cycle study for our Power Plant generation - not only now, but in the future - to kind of help us along with making this decision; if everybody is okay with that because we kind of hit a dead end."

Mayor Luke, "Do you have any idea what the cost might be?" Superintendent Schneider, "The only thing they (the engineers) have told me in anything I've done is it's just based on hourly rate. I don't have a good answer for that, Stan; a few thousand dollars, maybe."

Council Member Lenard, "Similar life cycle studies surely they can tell you that for four units or five units they can ballpark it. My only comment other than that is that if they can't, maybe we have the wrong engineering firm. Maybe, I don't know what you think, Stan, about looking at the skill sets of Bartlett & West or other engineering firms that could probably provide us a bid if we wanted to."

Superintendent Schneider, "Well, trying to save the money - I get that. Every record we've got on distribution/production they've (Allgeier Martin & Associates) got right there in-house and they've got instant access to that; and that does make things a lot easier. Anything else they've done for us, they've gotten to it right away, and I've always been surprised and always expected bigger number than we've gotten back. I can try to pinpoint them a little more, but that's the standard answer whenever I talk to them - it's based on hourly rate."

Mayor Luke, "What's the Council's pleasure? Put a 'not to exceed' number?" Council Member Lenard, "I would feel comfortable with what's put in that number. I'm more concerned about the skill set. I mean, can we get a good study out of them? Do we know any other cities around that have done it?" Mayor Luke, "Why don't we see if we can pin it down a little more on timeline and pricing, based on the units we have and the one we're going to be looking at installing, and see what kind of pricing they will give us and the timeline to get it done. I know they've done the same type of work before; it's a matter of mostly plugging numbers into that reset equation." Superintendent Schneider, "That's my guess, too. When they added Generator #6 in 1980-1981, they (Allgeier Martin & Associates) were the engineers on the project here; and I have no doubt they did some kind of case study at that time, too. So, I'm sure it's nothing new to them." Mayor Luke, "Can you have that ready for the next meeting?" Superintendent Schneider, "Yes."

**ELECTRIC DEPARTMENT: Kansas Power Pool - LED (Light Emitting Diode) Bulb discount available**

Superintendent Schneider stated, "KPP is trying to promote energy efficiency. This year, they are buying 60 watt LED bulbs and making them available to the member cities at a considerable discount. By subsidizing 50% of the cost of the bulbs, the bulbs will be available to us at \$2.28 each; or if the order is large enough for at least 500 from all the member cities together, they will be \$2.18 each. That's a very big savings on LED bulbs, and they are just making that available so we can sell them to our customers here. I visited with Gina (City Clerk Kewley), and we did talk about charging a small administrative fee if you decide you'd like to do that, to help cover some of the time and cost associated with doing that. I know with the new software there is the capability to put a line item in for that, and it will be easy to keep track of compared to our old software system; so Gina didn't indicate it would be any problem if you would like to do that. I know a lot of other cities are doing that, and are already on their second order of bulbs; so I know they are going pretty good around other KPP communities."

Mayor Luke, "What's your pleasure?" Council Member Lenard, "I think it sounds like a pretty good idea." Mayor Luke, "Any particular quantities you think we ought to be ordering?" Superintendent Schneider explained that the minimum order is 500 bulbs total for all the cities in order to get them at \$2.18 each, but we can order as many as we would like to. He said, "When I visited with Carl Myers (KPP) on Friday, he acted like they had nearly enough orders to be getting to that breakpoint. Gina and I talked a little about getting 100 to 150 bulbs.

(continued)

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You don't know how many people will come in and want to buy them; and we don't want to buy too many and be stuck with them. Whatever quantity we decide to do, if it goes over well, we can order more." Council Member Curtiss suggested purchasing 100 bulbs. Mayor Luke, "Okay. You will get with Carl Myers and place the order?" Superintendent Schneider, "Yes, I will."

**WATER DEPARTMENT: Distribution Update**

**General:** Superintendent Hawkins reported, "We've been doing the normal duties, line locates, work orders, and customer requests, and meters rereads."

**Brush Pickup:** Superintendent Hawkins said, "We were about done picking up brush today, and then we heard the chainsaws firing up behind us, so they're not done just yet. We'll come back and pick them up as soon as they're done cutting."

**Fire Hydrant Replacement:** Superintendent Hawkins reported, "We replaced the fire hydrant at Martindale and Jarboe. I want to thank Jimmy (Zoning Clerk Hugunin) for putting a notice on Facebook and the city's website to let the public know we were going to have the water off for a couple hours; and we went door to door handing out flyers. We got it done under an hour and a half. I want to thank Doug (Superintendent Mast) for letting us borrow the guys to come down with the track loader because that was a wet mess and if we'd taken our backhoe, it would have been a bigger mess."

**Smoke Testing - Manholes need raised:** Superintendent Hawkins again thanked Superintendent Mast for loaning him the use of Street Department employees. He said, "During the last rains we did the smoke testing, and found some areas in town where we need to raise the manholes. So, Mark Davidson and Richard Mason went out in some of those areas and shot some elevations - behind Dallas Scothorn's house and in that area (around Flint Court in Pioneer Meadows). We are going to raise some of those manhole covers, but we are not going to bring dirt in because they said it would cause more issues with ditches and water flow in that area. We asked for their assistance because we didn't know how the drainage and stuff went in there. We'll be raising the manholes soon after it quits raining."

**Pump Station #3 (LS#3):** Superintendent Hawkins reported, "We had to work on Pump Station #3. We're still having rags get in that lift station. I don't know what's going on in there. I know Sue's been putting notices in the paper and on the city's website for a while. There were lots of rags. I don't know where they are coming from, but we know it's isolated in that part of town. We were up late the other night until one or two o'clock in the morning because we couldn't get the pump to pump more than twenty gallons a minute; we back-flushed and did everything. We don't know how, but we finally got them out and got it to pumping normal."

**WATER DEPARTMENT: Production Update**

**Chlorine Burnout:** Superintendent Hawkins reported, "At the Water Treatment Plant, we did extend the chlorine burnout until next Monday, the 10th. We extended it because the Rural Water Districts are still having trouble getting the chlorine further out in their systems and asked us to keep doing the chlorine burnout for another week. We are pumping around 500,000 gallons of water a day. The numbers are still up because the Rural Water Districts are still flushing their lines. I guess that's a benefit to us."

**STREET DEPARTMENT: Updates**

**Tree Trimming:** Street personnel have spent a lot of time doing tree trimming ahead of our asphalt program.

**Alleys:** Superintendent Mast reported, "We had some flooding issues in some alleys, which it's usually the ones on the highway where we've got a pretty good hill, it washes all the gravel out of the alley and out onto the highway; and we have to take care of that. All this rain has been tearing up a lot of different things. We are still sweeping. We are also cleaning some ditches."

**Computer System/Simple Signs Program:** Superintendent Mast reported, "I want to thank Jimmy (Zoning Clerk Hugunin) for helping with the computer system at the Street Department. We've been having some problems with the computer system; and we also got our Simple Signs program updated. We'll be back on line with it. Since we went with Windows 10, it has messed up everything on the Simple Signs program, but now we've got that going again. We will need to pay \$400 to get the company (Roakamp) to come in and do that for us. Apparently, we were supposed to have been paying them \$400 every year, and we haven't paid for anything since day one (11/2011), so we've been pretty lucky. I never knew we were supposed to be paying anything. We wanted it to be simple, and they're making it look difficult. I do want to thank Jimmy for that."

**Call-out for Stop Sign:** Superintendent Mast said, "We had one call-out for a stop sign that got hit up by Gene Merry's building (3rd and Hudson)."

**Street Improvements - Asphalt 2015 (faulty materials):** Superintendent Mast reported, "I emailed the report from PSI (Professional Services Industries, Inc.) to you guys. Basically, the report says that we've got low compaction rates throughout the whole project, which also creates a high absorption rate for our material. That's on top of all foreign materials that are in the asphalt. We finally got a third party's view of what's going on here."

Superintendent Mast stated, "I suggest we just move forward on this, and that we go ahead with a letter from our attorney stating: this is what we found and here's the results from a third party - because originally, we just had results from APAC; and then ask APAC to come in, grind it all out, and start over again. I really do not see another solution that is going to work, in my opinion."

"And, due to the fact that they (APAC) have all that foreign material in there..... You know, originally, they were going to somehow come down here and try to pick out these little pieces of rubber, which is an impossible task anyway so I don't know how they were going to accomplish that; and just put a little bit of crack fill material

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over the top of it. That's not going to work. We're going to have issues with this asphalt. We paid a lot of money to get it done, and I believe that we should get the quality product that we asked for and that they bid; and that's my recommendation to the Council." He added, "If you've got any thoughts on that, I'd be glad to hear them. I don't know what to do for the next step, anything other than that."

Assistant City Attorney Wright stated, "I do have some thoughts on it. Tom (Attorney Robrahn) and I talked about it. Quite honestly because it may end up in a situation where we end up litigating, I would probably prefer to do that in Executive Session as Attorney/Client Relations, confidential information." Mayor Luke, "Are you prepared to do that this evening?" Attorney Wright, "I could give you some brief thoughts in five or ten minutes on that if you want." Mayor Luke, "What's the Council's wishes?" Council Member Curtiss, "Well, something has to be done, so we might as well." Mayor Luke called for a motion. **Council Member Curtiss made the motion to enter into an Executive Session for Attorney/Client Privileges for ten minutes with Street Superintendent Mast, Deputy City Clerk Brown. Council Member Lenard, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0. Council entered the Executive Session at 6:27 and exited at 6:37. No action was taken.**

**POLICE DEPARTMENT: Update**

**Homecoming/Taste of Fall/Manwaring Benefit Street Dance (update):** Chief Jones stated, "We did the Homecoming Parade, the Taste of Fall Festival, and the street dance last Friday and Saturday. Everything seemed to go pretty well; no issues with any of that."

**Flu-Clinic/Drug Take-Back:** Chief Jones reminded everyone the Drug Take-Back Initiative and the Drive-In Flu Clinic will be at the hospital this coming Friday, October 7th from 10 a.m. to 1 p.m. Mayor Luke stated, "I stopped by the Health Department this morning, and they said thank you for your previous support for the Flu Shot Clinic, and thank you in advance for this year's support." Chief Jones, "We've actually got that system worked down pretty good."

**Training:** Chief Jones said, "We've got some training coming up this month, including taking the whole Police Department to the range tomorrow afternoon. There's a couple/three of us that are going to go to an FBI class in Topeka on the 19th. I'm sending an officer to a class in Pratt at the end of the month."

**Cases:** Chief Jones reported that the Police Department has been working quite a few drug cases. There has been some vandalism to the Elementary School playground equipment over the weekend. They are actively working that; and are following up on a couple of names.

**Nuisances - Property:** Chief Jones said, "We had gotten some success on some of the properties we were working on, and then got another two inches of rain and there's supposed to be more tonight; so it's going to slow that down."

**Nuisance - Dust:** Chief Jones reported, "On the dust complaint, I ran into some stuff on that one that I am going to need some legal advice as to how we can or cannot proceed."

**PARKS DEPARTMENT: Update**

**General:** Parks Department personnel have been doing normal duties of cleaning public buildings and restrooms, mowing, weed eating, spraying weeds, and watering flowers. Mowing has been consuming most of their time. This week they got some dirt work and grass seeding done in the Kelley Park area, and seeded out in front of the Parks Department.

**Taste of Fall Festival/Street Dance/etc.:** Superintendent Boyce reported, "We helped set up for the Fall Festival and take it down on Monday. They were a great group to work with. They walked the park, picked all the trash up; and it was pretty much spotless when we got back on Monday."

**Hazard Tree Removal:** Superintendent Boyce said, "We worked with Trenary's Tree Care in the removal of the hazard trees."

**FINANCE: Claims Ordinance & Payroll Ordinance**

a.	Claims Ordinance	2016-19	\$ 77,313.04
b.	Payroll Ordinance	2016-20	\$ 76,281.26
	TOTAL		\$153,594.30

**CLAIMS 2016-19:** Council Member Lenard stated, "I move City of Burlington pay Claims Ordinance 2016-19 in the amount of \$77,313.04 for payment of city bills, as presented." Council Member Hall said, "I'll Second." Mayor Luke called for discussion. Deputy City Clerk Brown, "Some of the bigger expenses were: Drake Control for working on Generator #4 for the Electric Plant; Mid-States Energy for Electric Department equipment repair; and trash service (Allied Waste), which is always a big one. **Hearing no additional discussion, Mayor Luke instructed Deputy City Clerk Brown to poll Council for a vote. All votes were in favor. Mayor Luke declared Claims Ordinance 2016-19 approved by unanimous vote, 5:0.**

**[5] CONTINUATION: October 5, 2016 Burlington City Council Regular Session**

**PAYROLL 2016-20:** Council Member Lenard stated, "I move City of Burlington pay Payroll Ordinance 2016-20 in the amount of \$76,281.26." Council Member Scothorn, "Second." Hearing no discussion, Mayor Luke instructed Deputy City Clerk Brown to poll Council for a vote. All votes were in favor. Mayor Luke declared Payroll Ordinance 2016-20 approved by unanimous vote, 5:0.

**PLANNING & ZONING: Update**

**General:** Zoning Clerk Hugunin did normal duties, updated Facebook and the webpage, helped the other departments with problems caused by updating to Windows 10. He also issued several permits.

**Commercial Property at 4th & Potomac (Matt Moon):** Zoning Clerk Hugunin, "Everything for the land sale with Matt Moon is completed, except for the land survey and the title insurance."

**City Hall - Vehicle Bid Invitations:** Zoning Clerk Hugunin reported, "I did get all the bid invitations sent out to several dealerships for a vehicle for City Hall."

**Burlington Tree Board:** Zoning Clerk Hugunin reported the Burlington Tree Board is planning a meeting for October 19th, time and place yet to be determined.

**OTHER COMMITTEE/COUNCIL BUSINESS: Proclamation - SADD Red Ribbon Week**

Mayor Luke has proclaimed the Burlington High School Students Against Destructive Decisions (SADD) Red Ribbon Week to be the week of October 23rd through the 31st. The proclamation encourages citizens to participate in drug prevention education activities.

**LEGAL DEPARTMENT: Update**

Assistant City Attorney Wright said, "It's time for the annual or semi-annual report on city court, I guess. I think it's been going fantastic. I want to thank Doug (Chief Jones) and Becky Reeves (Police Records Clerk) for doing a great job making my job for city court so smooth. I don't have any major issues."

**PERMITS: Permits issued by Zoning Clerk Hugunin: none**

**CITY CLERK: Update**

Deputy City Clerk Brown presented City Clerk Kewley's report.

**General:** City Hall personnel have been busy with customers paying utility bills. They have also been preparing work orders, vouchers for bill paying tonight, payroll, and council meeting minutes; and have been handling normal calls and inquiries.

**Delinquent Utility Accounts - Set-off:** For September, we will be sending \$675.26 of delinquent utility accounts to the Kansas Set-off Program for collection.

**Utility Level Pay Plan:** It is time for customers to sign up for the annual Utility Level Pay Plan. The deadline is October 20th. During this time, the existing level pay accounts are recalculated and any necessary adjustments are made.

**GOB Annual Disclosure Filing (EMMA):** City Clerk Kewley has been working with Kutak Rock, our Bond Counsel, to complete our required submission of the annual disclosure filing for the City's General Obligation Bonds through the Municipal Securities Rulemaking Board's Electronic Municipal Market Access (EMMA) website. This entails the Securities and Exchange Commission focusing on making sure the bond issuers comply with their continuing disclosure obligations. The October 1st deadline was met.

**Annual LKM Conference:** The Annual League Conference is this weekend (October 8th through the 10th) at Overland Park Convention Center.

**REPORTS BY CITY OFFICERS: Spending**

Mayor Luke stated, "We have just entered the fourth quarter. Our sales tax revenue is down \$100,000 for the year; and the County has not been collecting all the property taxes that were assessed, so that is down another possible \$40,000. Therefore, we are looking at going into emergency expenditure only for the last quarter of this year. So if you have any expenditures that are critical to operation, we will continue to do so; but if we have any expenditures that are not, we are not going to make those expenditures. We will be close in rolling over dollars to cover our January and February expenses until we receive the revenue from the County, so please be strict in what you want to spend money for in this quarter. We're not broke, don't get it wrong; but we're at a point where we have to severely look at what we are going to spend money for during the next quarter."

**FUTURE AGENDA ITEMS:**

<b>GENERAL</b> City Debt – How to fund projects City Code Recodification (LKM and American Legal Publishing) Service/Allied Waste Agreement Renewal Water Rate Study / Potential 2% Increase for 2017 City Hall - New Traverse: Bids	Actuaries – GASB-45 Financial Program Software (CIC) MT Wireless - Fiberoptics to City Buildings GAAP – Infrastructure Capitalization
<b>ELECTRIC DEPARTMENT:</b> Emissions Standards Compliance/EPA KPP Operating Agreement/Contract Amendment (updates) Power Plant - Add Generator (Research) Parallel Generation/Net Metering Power Generation f/Renewable Energy Personnel - Electric Lineman - Advertise/Hire	Automatic Meter Infrastructure for Electric (AMI)-updates Conger Addition - Underground utility damages/MT Networks Arc Flash Study - Mapping Update Bucket Truck - delivery from ETI (within 270 days from 6/1/2016)
<b>PARKS DEPARTMENT: Dog Park - Parking Improvements Taste of Fall Festival and UHCA (Horsemen's Challenge) - Fall 2016</b>	Riverbank Fill Permit - Prepare and apply
<b>LEGAL DEPARTMENT: Municipal Court</b>	KG&E Pollution Control Bond - Updates

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<b>PLANNING AND ZONING</b> Industrial Park Lots - for Sale, etc. Work with NexTech and City Departments to improve Cyber Security Work w/PD on Nuisance Structure regulations Quarterly Construction Valuation Report	Prepare Easements for any City-owned property without one GIS Mapping - Address Corrections - south part of town Commercial Property at 4th and Potomac for Sale
<b>POLICE DEPARTMENT</b> Nuisance Updates	Personnel – Vacancy and Training Updates
<b>STREET DEPARTMENT:</b> Heather Street - Concrete Panels Sidewalk Replacement Cost-Share Program - Update Pricing Sidewalk Repairs on City Rights-of-Way Asphalt Grinding Machine for 2016 Trackhoe Repairs - update Rebuild/Repair Kennedy Street and 14 <sup>th</sup> Street	Pavement Management System/Asset Management System Mohawk Street Improvements between 14th & 15th) Street Rebuild Project 2016 - Elmwood Lane issues Street Project Testing by PSI - updates 2016 Asphalt Project 2015 Asphalt Project - Faulty Materials
<b>WATER &amp; WASTEWATER DEPARTMENT:</b> Southwest Sewer Project Waterline Replacement Project Pump Repairs in 2016 (Clearwell/River Intake) Sewer Lagoons - Analysis (KRW/funds for dredging) John Redmond Reservoir – Dredging Morris' Waterline Extension for 1314 Hwy 75	Sewer Cleaning SCADA System-updates Fire Hydrant Testing Plumbing Violations Testing: Lead & Copper Work Schedule Bulk Water Storage - Hose/Hoop Neosho Riverbank Stabilization Water Plant Improvements–Efficiency Water Meter installations Testing - LT2 Monitoring/E-Coli in river Fire Hydrant Flushing Lift Station #1 - Surge Protection repair

**Mayor Luke declared the meeting adjourned.**

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

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**COUNCIL MEMBERS**  
Dallas Scothorn  
Thomas P. Tschantz  
Lewis Lenard  
**CITY CLERK**  
Regina R. Kewley



**MAYOR STAN LUKE**

**COUNCIL MEMBERS**  
Jerilyn Curtiss  
Sharon A. Hall  
Jane M. Griffith  
**CITY ATTORNEY**  
Thomas F. Robrahn

**CITY OF BURLINGTON**

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Website: www.burlingtonkansas.gov

**REQUEST FOR SPECIAL COUNCIL MEETING, CITY OF BURLINGTON, KANSAS**

DATE: October 17, 2016

On October 14, 2016, Mayor Stan Luke and Lewis Lenard (President of Council) called a Special Meeting of the City Council.

City Clerk Kewley visited with each of you on the telephone this afternoon; or in Jane Griffith's case, left a message on her home phone. Administrative Assistant Stroh sent a text message to Sharon Hall requesting she call Gina about City business; and sent the notice via email to the Governing Body, City Attorney, Assistant City Attorney, and Street Superintendent.

Special Council Meeting called:  
Purpose: Attorney/Client Relations.  
Meeting date: Monday, October 17, 2016  
Meeting time: 6:00 p.m.  
Meeting location: Burlington City Hall; 301 Neosho Street; Burlington, Kansas.  
Meeting Agenda was attached.

Please sign below that you were contacted at least two hours prior to the meeting, as required.

We, the undersigned, were informed of the Special Burlington City Council meeting, as above stated.

Jerilyn M. Curtiss  
Jerilyn M. Curtiss  
Jane Griffith  
Jane Griffith  
Thomas P. Tschantz  
Thomas P. Tschantz  
Sharon A. Hall  
Sharon Hall  
Dallas Scothorn  
Dallas Scothorn

SEAL

Robert S. Luke  
Robert S. Luke, Mayor  
Lewis Lenard  
Lewis Lenard, President of Council

ATTEST: Regina R. Kewley  
Regina R. Kewley, City Clerk

**BURLINGTON CITY COUNCIL SPECIAL SESSION OCTOBER 17, 2016**

City of Burlington Governing Body met in Special Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, October 17, 2016. President of Council Lewis Lenard called the meeting to order.

**ROLL CALL:**  Stan Luke, Mayor

**Council Members present:**

<input checked="" type="checkbox"/> Lewis Lenard	<input checked="" type="checkbox"/> Dallas Scothorn	<input checked="" type="checkbox"/> Jerilyn Curtiss
<input checked="" type="checkbox"/> Jane M. Griffith	<input checked="" type="checkbox"/> Thomas P. Tschantz	<input checked="" type="checkbox"/> Sharon Hall

**Also Present:**

<input checked="" type="checkbox"/> Regina Kewley (City Clerk)	<input checked="" type="checkbox"/> Doug Mast (Street Supt.)	<input checked="" type="checkbox"/> Tom Robrahn (City Attorney)
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**Media Present:** None

**VISITORS:** None

**AGENDA:** *Council Member Curtiss moved to approve the agenda. Council Member Griffith, "Second." Motion unanimously carried.*

**EXECUTIVE SESSION - ATTORNEY CLIENT**

*Council Member Tschantz stated, "I move the City Council enter an Executive Session for Attorney Client, with City Attorney Robrahn,, City Clerk Kewley, and Street Superintendent Mast present, for ten minutes." Council Member Hall, "I second the motion." Hearing no discussion, President of Council Lenard called for a vote. Motion unanimously carried, 6:0.*

Council entered into Executive Session at 6:02 p.m. and exited at 6:12 p.m.

*Council Member Curtiss stated, "I move to authorize City Attorney Robrahn to pursue claims with APAC - Kansas, Inc., Shears Division and Chubb Federal Insurance Company through the Surety on the Performance Bond Number 8239-59-29 purchased by APAC, regarding City of Burlington's 2015 Street Improvement-Asphalt Project; including a claim up to and including litigation; and including authorization to recommend to the Governing Body outside legal counsel to assist in any litigation, as deemed necessary." Council Member Griffith, "I second the motion." Hearing no discussion, President of Council Lenard called for a vote. Motion unanimously carried, 6:0.*

*Council Member Scothorn stated, "I move to authorize President of Council Lenard to sign the legal documents pertaining to filing a lawsuit against APAC - Kansas, Inc., Shears Division and Chubb Federal Insurance Company in relation to Burlington's 2015 Street Improvement-Asphalt Project." Council Member Curtiss, "I second the motion." Hearing no discussion, President of Council Lenard called for a vote. Motion unanimously carried, 6:0.*

**ADJOURN:** President of Council Lenard declared the meeting adjourned.

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