

BURLINGTON CITY COUNCIL REGULAR SESSION OCTOBER 4, 2017

City of Burlington Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, October 4, 2017. Mayor Stan Luke called the meeting to order.

ROLL CALL: Stan Luke, Mayor

Council Members present:

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

Also Present:

Regina Kewley (City Clerk) Susan Stroh (Administrative Assistant)
 Tom Robrahn (City Attorney) Jimmy Hugunin (Zoning/Grants Clerk)
 Philip Wright (Assistant City Attorney) Anne Brown (Deputy City Clerk)

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Jay Hale, Becky Richwine, Sean Gordon (Mize Houser & Company)

AGENDA: *Council Member Lenard, "I move to approve the agenda as modified." Council Member Scothorn "I'll second." Motion unanimously carried, 6:0.*

MINUTES 9-20-2017: *Council Member Curtiss, "I move to approve the minutes of September 20, 2017 as amended." Council Member Hall, "Second." Motion unanimously carried, 6:0.*

APPOINTMENT: Sean Gordon, Mize Houser & Company: Present City's 2016 Audit

Sean Gordon addressed Council with a brief presentation of the City's 2016 Financial Audit. He said, "I am with Mize Houser & Company. We performed the 2016 Audit for the City. Pages 1 and 2 are the Independent Auditor's Report. It discusses the standards we used to perform the audit, and details the auditor's responsibilities and the City's responsibilities. Most importantly is the Opinion paragraph. We issued an unmodified opinion for the 2016 audit of the City of Burlington, which is the highest opinion we are allowed to give under state and federal law; so it reflects very well on the financial management of the City for the year."

Mr. Gordon explained some of the other information provided in the audit, and said there were no new requirements by the federal or the state. He asked if there were any questions. Mayor Luke asked if there are any changes coming for the 2017 audit. Mr. Gordon said one change took effect in 2016, but it did not really affect the City for 2016. As far as he knows, there will be no other governmental auditing standards in place for 2017; it should be about the same when we present next year. There were no other questions for Mr. Gordon.

PUBLIC COMMENTS: None

ELECTRIC DEPARTMENT: Distribution Updates

General: Superintendent Schneider reported it has been normal routine: line locates, customer service requests, line maintenance, changing power poles, and trimming trees.

Fall Brush Pickup: Superintendent Schneider, "At the end of last week, the men picked up some brush where Killough Construction will be doing the asphalt overlay on the streets. We were trying to get that done ahead of them coming so we would not be driving on the fresh asphalt. No sooner had they picked brush up, there was more out; so on Monday, we will pick that up and then go the normal route we do for brush pickup."

Christmas Decorations - bulbs: With the rain today, the men started changing out some of the bulbs on Christmas decorations.

ELECTRIC DEPARTMENT: Power Plant/Production Update

General: On the Production side everything is routine: power plant duties.

Boiler Inspection: Superintendent Schneider reported, "KDHE came and did our annual boiler inspection; everything passed fine. The State has sent us the new permits we needed to be in compliance for 2018."

KPP Fall Retreat: Superintendent Schneider had attended the Kansas Power Pool Fall Retreat; and said, "As always, it was a good conference."

Mayor Luke asked if anyone who attended the KPP Retreat had any comments. Council Member Lenard stated, "I have a few notes I'd like to make. Basically, the KPP is an extension of our city; I mean, they work for us, our utility. I just want to say thanks for sending us to the Retreat. Some highlights I want to make note of: They had a lot of speakers there. The KPP is right now doing a lot of collaboration with other organizations - APPA (American Public Power Association), OMPA (Oklahoma Municipal Power Authority), and other organizations were there. They were really working hard to do the right thing, I think, for the cities. Also, communications - there are a lot of tools they showed us that are available to the cities that we ought to take

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advantage of. I want to make note of that. Another thing they talked about and I was also impressed with was training - maybe offering to come to the cities when we have someone new to the council so they can do an orientation at the city level to educate everybody on the KPP and how it functions. I thought that was a great idea. Obviously, our electricity is a major part of our budget, so anything we can do to help that - and they are very strategic in what they're doing; they help us lower our costs. I was impressed with the program."

Council Member Tschantz said, "I took away a lot about solar and wind generation. It's just not for our small city; it's just not feasible for us to put anything up like that. As far as somebody wanting to come in and put solar electrical on their house or something like that, the cost is a lot more expensive in the long run than it would be to pay to have electrical run in from the city for the next forty years. It was very very informative, and very interesting; if you have a chance, you need to go."

Council Member Lenard, "They did a good brief on the PURPA (Public Utility Regulatory Policies Act), too; so I'm satisfied." Mayor Luke, "We've got a pretty good legal counsel at the KPP." Council Member Curtiss, "Good, and they'll take care of us if the need arises." Mayor Luke, "Yes, and we also have a FERC (Federal Energy Regulatory Commission) attorney in Washington, and KPP will work directly with that FERC attorney on issues that are going to impact the state and Joint Action Agency that KPP is with. They keep on top of stuff."

ELECTRIC DEPARTMENT: Life Cycle Study on Power Plant by Mid-States Energy

On February 1, 2017, Council voted to hire Mid-States Energy Works, Inc. & RMA Engineering to do a Life Cycle Study on Burlington's Electric Plant. Tonight Superintendent Schneider provided an update, "We got the study back. The Electric Committee looked it over - it is not what we asked for; so we will be meeting with them next week and try to get this worked out and get the study done per our original request."

WATER/WASTEWATER DEPARTMENT: Distribution Update

General: Water/Wastewater personnel have been doing normal duties: work orders, line locates, customer call-outs, etc.

Cleanup/seed worked areas: Personnel have been going around town and tilling and seeding the worked areas. They have a few left to do.

Pump Station #7: Superintendent Hawkins reported, "We're having R.W. Vaught come in next week to do some troubleshooting on Pump Station #7. We're having some issues; but I don't know whether it's SCADA, technical, or what. We replaced a couple transducers, but that didn't seem to fix the problem. It's still running okay, but we need to get it fixed."

WATER DEPARTMENT: Production

General: Superintendent Hawkins, "At the Water Treatment Plant, we've reduced the flow down to 1,000 gallons a minute, which is normal in fall and winter time as the usage is down. The Plant has been running well."

WATER DEPARTMENT: Bulk Water Station - Get Quotes for Building Materials

Superintendent Hawkins stated, "I would like permission to go out for quotes for a Bulk Water Station building kit. The Water Department will build the building that will be the new Bulk Water Station. It will be built outside the fence that will be installed at the Water Treatment Plant. We will request quotes from within Coffey County."

Council Member Tschantz stated, "I move to authorize Superintendent Hawkins to go out for quotes for Bulk Water Station building materials." Council Member Hall, "I second." Mayor Luke called for discussion. Mayor Luke explained, "The reason we're relocating the Bulk Water Station is that this will place it outside of the fence that we will be installing at the Water Treatment Plant. It will be on the south side of the Plant instead of the north side; that way it will be outside of the fencing that will be used as security for the property." Superintendent Hawkins said, "The big trucks will be able to come in and pull underneath of it too, and with it being out in the open - especially in the wintertime, the sun will hit it better so when water spills it won't be as icy and prevalent as the other location." **Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.**

WATER DEPARTMENT: USD #244 Middle School Water Meter Replacement (update)

Mayor Luke said, "With respect to the school, right now everything is status quo. That means that the School Superintendent and I are going to meet after Homecoming, because he didn't want to meet this week because of all the Homecoming activities at the school."

Mayor Luke said, "The article that appeared in the newspaper had a misquote, and that's been addressed and taken care of." In answer to Council Member Griffith questions, he explained, "It said the school would have to install a new waterline, which they do not have to do. We are placing a meter on the existing line in our easement and right-of-way; and they can then use their meter for whatever they choose to use it for. Our billing meter will be in the easement and right-of-way on Cross Street. They have no money involved; and that will take place during the school 2018 spring break."

STREET DEPARTMENT: Update

Superintendent Mast stated, "The guys at the Street Department have been very busy the last month and a half, two months."

Street Rebuilds: They got all the street rebuilds in town completed.

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2017 Street Improvements - Asphalt: Superintendent Mast reported, "We did some shaping for the asphalt company (Killough Construction). Prior to them getting here, we noticed that we were getting an extra big lip on some of those edges of the roads they are repaving. They said what they were running into was that our slope of the road versus their slope of the road was considerably different. We were running a considerably higher slope than when they put their asphalt in. So we went back and shaved that down so it's closer for them and then we won't get such a big drop on those edges. Normally for a gravel road you want to run about a five percent slope, so that's what we shoot for when we're rebuilding; if you don't, you end up getting a lot of potholes in the street and you get a lot of problems. That's what we were doing because we let them sit for a year; but we didn't go back and cut those out prior to some of their work, and we find out we're having issues; so we've done that now - we should be good; and we will make sure we do that from now on."

Mayor Luke asked when Killough is due back in town. Superintendent Mast replied, "I talked to them yesterday and they said if the weather held up, they would be here Thursday. With the rain, I'm guessing that will push it back, so I'm guessing it will be Friday or Monday depending on the rain. Every time it rains, they have to shut down."

Council Member Lenard, "So, when they come back to town, are they staying here until they're done?" Superintendent Mast, "Yes." Council Member Lenard, "What percentage are we along the way?" Superintendent Mast said, "To being done? Not very far. They just came in for a little over a day when they had some time between a couple of other small projects. They came in and did a little bit of work and headed back out. They are in Garnett right now, and he did tell me that once they get done with that project, they are coming here to finish our project and they will be here until it's done." Council Member Lenard stated, "What they have done looks good." Superintendent Mast, "Yes. They do good work."

Equipment Maintenance: Today, with the rain, we did some much needed maintenance on equipment that they have been running pretty hard for the last couple months.

Alley Repair: Council Member Griffith asked, "Doug, if somebody has trouble with their alley and has need for gravel, do we ever grade, fill in, or do anything? Do they need to request it? I've had some people ask me." Superintendent Mast, "Yes, we do. They just need to call and ask for the service. Especially on an ungraveled alley, the more you do to those, the more problem it becomes. If we go blade a dirt alley, we end up cutting the grass off and it just becomes big monster clumps, which makes it worse for them to maintain than if we didn't do anything. When they ask for it - say they've got some rutting or whatever, we can go in and fill those ruts, blade it if we need to, or whatever." Council Member Griffith, "This is basically not the use of the alley for them, but it's creating setting water - it ruts the alley." Superintendent Mast, "We have issues with that, people go through them when they're wet; and we have to go in and fix them. All they have to do is make a phone call."

POLICE DEPARTMENT: Update

General: Chief Jones reported, "We have been staying active. It seems like we are still dealing with juveniles. We had a high-schooler pummel a seventh grader on a bus yesterday afternoon and had officers tied up with that one for a while."

Training: Chief Jones said, "We have been getting a lot of training in. I did go to the Fall Conference (Police Officers Association and Chiefs Association) at Overland Park. We've been out to the range. We've got some other training coming up. We have been doing some RMS training (Records Management Systems training) with the County again today and will do some tomorrow."

Drive-Thru Flu Clinic and BHS Homecoming: On Friday, the Drive-Thru Flu Clinic in Burlington will be at the ambulance bay at the hospital from 10 a.m. until 1 p.m. Other outlying towns started doing theirs today. New Strawn's is tonight. Those are at the fire station. BHS Homecoming Parade is at 3 p.m. Friday afternoon.

Nuisances: Nuisances are being worked as time permits.

PARKS DEPARTMENT: Update

General: Superintendent Boyce reported, "We have been doing normal duties, cleaning public buildings and public restrooms, watering trees and flowers, mowing, weedeating, spraying weeds."

Hazard Tree Removal: Superintendent Boyce, "Worked with Welnitz Tree Company. They were here last week. The guy that came and gave the quote for the trees did not come back with the crew, so I took the crew leader around and made sure he would get the right trees. They're all cleaned up nice."

FINANCE: Claims Ordinance & Payroll Ordinance

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| a. | Claims Ordinance | 2017-18 | \$ 79,083.88 |
| b. | Payroll Ordinance | 2017-20 | \$ 83,879.36 |
| | TOTAL | | \$162,963.24 |

CLAIMS 2017-18: Council Member Lenard moved to approve City of Burlington pay Claims Ordinance 2017-18 in the amount of \$79,083.88 for payment of city bills, as presented. Council Member Scothorn said, "I'll second." Mayor Luke called for discussion. City Clerk Kewley said, "Tonight we have

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Brenntag for \$4,866.80, Lewis Oil Company for \$4,590.32, Turret Services for \$5,437.99." **Hearing no additional discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared Claims Ordinance 2017-18 approved by unanimous vote, 6:0.**

PAYROLL 2017-20: Council Member Tschantz made the motion to approve City of Burlington Payroll Ordinance 2017-20 in the amount of \$83,879.36 as presented. Council Member Lenard "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 2017-20 approved by unanimous vote, 6:0.**

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin has been doing normal duties, including quite a bit of computer work - getting software and doing some different things for our backup system. He issued a few permits and has been preparing permits for submittal to the county appraiser.

Code Enforcement Training: Zoning Clerk Hugunin, "I will be doing my code enforcement training October 11 through the 13th of next week in Mulvane.

City Hall Awnings: Zoning Clerk Hugunin reported, "I have contacted probably the fifteenth or sixteenth awning company, and I should have quotes next week from a couple more."

PERMITS: Permits issued by Zoning Clerk Hugunin:

2017-019 Gary Evans, 1524 Neosho - Addition
2017-023 Ruth Steffens, 1405 Neosho - Shed
2017-024 Cathy Bahr, 522 Martindale - Fence
2017-026 Red Gosney, 519 Alleghany - Garage
2017-027 Jennifer Reed, 1104 Neosho - Fence

ORDINANCE 853, Authorize FERC's PURPA Agreement between KPP and City

Mayor Luke read the entire title of proposed Ordinance 853. **Council Member Lenard moved to adopt Ordinance 853 as presented, an ordinance authorizing filing of application with the Federal Energy Regulatory Commission by Kansas Power Pool, a Municipal Energy Agency, on behalf of City of Burlington, a member city of KPP, for waiver of the City's must-purchase requirement under the Public Utility Regulatory Policies Act Of 1978 (PURPA) and adopting rules for compliance with FERC's PURPA Regulations. A complete copy of this ordinance is available at www.burlingtonkansas.gov and at City Hall, 301 Neosho, Burlington, Kansas. Council Member Tschantz, "Second." Hearing no discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared Ordinance 853 adopted unanimously, 6:0.**

LEGAL DEPARTMENT: Update: None

CITY CLERK: Update

General: City Hall personnel have been busy with customers paying their utility bills. They have also been preparing work orders, vouchers for bill paying tonight, payroll, and minutes for the council meeting.

Kansas Set-off Program - Delinquent Utility Accounts: City Clerk Kewley reported, "In October we will be sending \$3,227.57 in delinquent utility accounts to the Kansas Set-off Program for collection."

Level Pay Program Sign-up: City Clerk Kewley stated, "The annual sign-up for the Utility Level Pay Program ends October 20th. Carol Mahon (Utility Billing Supervisor) has sent out new applications/contracts and reminders. We have approximately one-hundred-twenty-four customers that are on the Level Pay Program. Our auditors require us to ask that they submit a new application every year. We have twenty-six that have not submitted their application. Carol sent second notices out; and if they do not submit their application, we will have to drop them."

Bonds - Annual Disclosure Filing: City Clerk Kewley reported, "I have also been working with Kutak Rock, our Bond Counsel, to complete our required annual disclosure filing for the City's General Obligation Bonds through the Municipal Securities Rulemaking Board's EMMA (Electronic Municipal Market Access) website. This entails that the Securities Exchange Commission is focusing on making sure the bond issuers comply with their continuing disclosure obligations. The September 29th deadline was met."

City Hall's Front Entrance - Hangers installed: City Clerk Kewley, "I would like to thank the Electric Department for installing extension hangers to hang our ladder for the Taste of Fall Festival decorations. Denny Noonan did the modification and made us some very nice hangers, so we can also hang flower pots off of them."

Other: City Hall personnel have been handling normal calls and inquires.

COMMENT OF CITY OFFICERS: Light Bulbs for Sale

Council Member Lenard asked if we still have LED light bulbs for sale at City Hall. Superintendent Schneider said, "The last time I looked, we had a nice stock - some dimmable, some not dimmable." Zoning Clerk Hugunin said there is a notice on Facebook and the City's website that we have them for sale at City Hall.

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FUTURE AGENDA ITEMS:

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|---|---|
| GENERAL City Debt – How to fund projects Service/Allied Waste Agreement Renewal Water Rate Study for 2018 rates / increase for 2018 Actuaries – GASB-45 | Financial Program Software (CIC) - updates MT Wireless - Fiberoptics to City Buildings GAAP – Infrastructure Capitalization |
| ELECTRIC DEPARTMENT: Emissions Standards Compliance/EPA Conger Addition - Underground utility damages/MT Networks Arc Flash Study - Mapping Update Parallel Generation/Net Metering Power Generation f/Renewable Energy Generator #2 Shutdown: Maintenance for OIL/Shut down (Appx. 2-3 wks) | Rebuild Line on Lynx Road Automatic Meter Infrastructure for Electric (AMI)-updates KPP Power Purchase Contract - Update Power Plant - Life Cycle Study Power Plant - Add Generator |
| PARKS DEPARTMENT: Riverbank Fill Permit - Application for new site/update Community Thanksgiving Dinner, 4-H Bldg 11/22-23/17(reserved/Vicki VanKooten) | Taste of Fall Festival 10/2017 Ultimate Horsemanship Challenge 10/2017 Veterans Banners and Brackets for Utility Poles Vacant Position (9-20-2017 - _____) |
| LEGAL DEPARTMENT: Municipal Court | Misc. Legal - Documents, Cases, Contracts, etc. |
| PLANNING AND ZONING Industrial Park Lots - for Sale, etc. Work with NexTech and City Departments to improve Cyber Security Work w/PD on Nuisance Structure regulations City-Wide Cleanup / Brush Removal | Quarterly Construction Valuation Report Prepare Easements for any City-owned property without one City Hall - Awning Replacement (switch to metal) |
| POLICE DEPARTMENT Nuisance Updates | Department Activities/Cases/etc. |
| STREET DEPARTMENT: Heather Street - Concrete Panels Sidewalk Repairs on City Rights-of-Way Street Improvements: 2017 Asphalt Project | Pavement Management System/Asset Management System Street Project Testing by PSI - updates 2015 Asphalt Project - APAC used Faulty Materials |
| WATER & WASTEWATER DEPARTMENT: SCADA System-updates Waterline Replacement Project - Continuation/Updates Pump Repairs (Clearwell/River Intake) Neosho River - Riverbank Erosion/Dike/Gravel Bar/etc. Sewer Lagoons - Analysis (KRWA/funds for dredging) | Water Plant Improvements–Efficiency Testing/Chemical Updates Water Meter installations John Redmond Reservoir – Dredging Plumbing Violations / Grease Traps Middle School Water Meter Replacement |
| | Southwest Sewer Project Fencing at Water Treatment Plant Valve Exercise Program - Annually in Fall Lead & Copper Monitoring - Survey Update Sewer Lagoon - Maintenance/Updates Vacant Position (6-2017 - ____) |

Mayor Luke declared the meeting adjourned.

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