

## BURLINGTON CITY COUNCIL REGULAR SESSION NOVEMBER 1, 2017

City of Burlington Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, November 1, 2017. Mayor Stan Luke called the meeting to order.

**ROLL CALL:**  Stan Luke, Mayor

**Council Members present:**

<input type="checkbox"/> Lewis Lenard (President of Council)	<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

**Superintendents Present:**

<input checked="" type="checkbox"/> Kevin Boyce (Parks)	<input checked="" type="checkbox"/> Alan Schneider (Electric)	<input checked="" type="checkbox"/> Doug Mast (Street)
<input checked="" type="checkbox"/> Doug Jones (Chief of Police)	<input checked="" type="checkbox"/> Danny Hawkins (Water/Wastewater)	

**Also Present:**

<input checked="" type="checkbox"/> Regina Kewley (City Clerk)	<input type="checkbox"/> Susan Stroh (Administrative Assistant)
<input checked="" type="checkbox"/> Tom Robrahn (City Attorney)	<input checked="" type="checkbox"/> Jimmy Hugunin (Zoning/Grants Clerk)
<input type="checkbox"/> Philip Wright (Assistant City Attorney)	<input type="checkbox"/> Anne Brown (Deputy City Clerk)

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

**VISITORS:** Larry Clark (Floyd Lewis Foundation)

**AGENDA:** *Council Member Tschantz, "I move to approve the agenda as modified." Council Member Jane, "I'll second." Motion unanimously carried, 5:0.*

**MINUTES 10-18-2017:** *Council Member Curtiss, "I move to approve the minutes of October 18, 2017 as presented." Council Member Hall, "Second." Motion unanimously carried, 5:0.*

**APPOINTMENT: Larry Clark - Floyd Lewis Foundation**

Larry Clark addressed Council, "I am representing the Lloyd Lewis Foundation. Last year, we kind of at the last minute put together a Veterans Day program that we thought was successful. This year, we put more planning into the Veterans Day program and we think we have a real good program lined out. Steve Lewis told me he talked to somebody (Kevin Boyce) - we're requesting to have Neosho Street blocked off between 4th Street and 3rd Street; and have bleachers and electricity in the park (Veterans Park). I'm hoping we need more bleachers than we had last year, but you can work that out with Steve. We're really hoping we're going to have a good turnout."

"Also, we have a Color Guard and the Boy Scouts are going to present the flag and raise the flag. We think it would be more effective if the Color Guard and the flag came across the Highway on Neosho, and came down to the stoplight and then across; and I think we could probably time that so we wouldn't really have to block the street - if we just do something so if there were cars on Neosho, they wouldn't run over the Color Guard as they're coming down. I will come down and time it and see if we can get it so we could hit that stoplight when it turns green and we could then just come across the street - or, if it's red, they may have to mark time for a few steps and then we could get across it. Coming down the hill where the bleachers are set up, we think it would be more effective if the flag was coming east on Neosho. I think we could time it so we can hit that stoplight without disrupting anything."

Chief Jones said, "When I talked with Steve Lewis yesterday, I actually suggested that since they're wanting to close the 300 block of Neosho off anyway, why not have them come around the corner and march up Neosho Street because then we won't even have an issue with traffic then." Mr. Clark, "Like I said, with the way the bleachers - the park - is setting, some people wouldn't be able to see the flag coming down the street going west. We think if it came the other way, more people in the bleachers and along where people set in the park - the building would block that view." Chief Jones, "We'll make it work whatever you want to do." Mr. Clark, "Okay."

Chief Jones, "What time does it start on Saturday?" Mr. Clark, "It starts at 3 o'clock; so I don't know for you logistically whether it's better to close the street an hour before or noon." Chief Jones, "We would close it about five or ten minutes before." Mr. Clark, "Okay. It will be from 3:00 to 5:00."

Mr. Clark continued, "The Floyd Lewis Foundation is paying for all Veterans present a meal at the Country Club and all others - their family members, are five dollars. We think it's a good day. A small drill team, an ROTC program is coming that will do a close order drill, and their Color Guard; and Eric Smith is going to speak and Steve Fitzgerald, a Kansas Senator of the 5th District is going to be here to speak. So, we think it's going to be a good day. We encourage you to be there and bring all your friends. We're hoping that all the people that were involved with the flags (banners) with the portraits along the highway (and streets) - we're hoping their families will be there. That's my request. I appreciate your time."

***Council Member Curtiss moved to approve the request on behalf of the Floyd Lewis Foundation to close Neosho Street from 4th Street to 3rd Street from 3:00 p.m. to 5:00 p.m. on Saturday, November 11, 2017 for the Veterans Day Program. Council Member Tschantz, "I'll second."*** Superintendent Boyce said last year they set the bleachers the evening before, but this year they will actually do it early in the morning Saturday." Council Member Curtiss, "But if they're wanting more bleachers?" Superintendent Boyce, "I'll need to measure." Mayor Luke, "I don't know if a third one will fit in there." Council Member Tschantz said there was a third one in there one year and it was kind of catawampus." Mr. Clark, "We're hoping to have a pretty good turnout, so we will appreciate anything you can do." Mayor Luke, "Doug, is there anything we have to do if they're coming from the west headed east?" Chief Jones, "I'll have a duty officer in the intersection and just shut it down when they get

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close just because we get idiots coming through sometimes that don't pay attention to the lights." Mayor Luke, "It may not take two hours; last year it took a little over an hour." Mr. Clark, "The Drill Team is going to do the close-order drill starting at 3:00 and will repeat that program twice; take a little break, and then we'll bring the Color Guard down; so it's going to take a little more time, but it may possible be over a little before 5:00." **Hearing no additional discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.**

**PUBLIC COMMENTS: None**

**ELECTRIC DEPARTMENT: Distribution Updates**

**General:** It has been normal routine for the Electric Department: doing line locates, working customer service requests, changing out power poles, getting Christmas lights ready, and fixing street lights.

**Flags and Veterans Portrait Banners:** The linemen helped hang the Veterans Banners and the U.S. flags along Highway 75.

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

**General:** On the Production side they have been doing normal power plant duties.

**Generator #2 Maintenance:** Superintendent Schneider said, "As I talked about before, they are making repairs on Generator #2. They have it disassembled and are changing some rings in the pistons right now. Larry Wheeler (Wheeler World) will be in next week to machine the k rings in the cylinder heads. Repairs are going well on the engine head overhaul. The heads should ship back from his factory towards the end of next week; so the following week we should be putting that generator back together, and hopefully within the next couple weeks we will have it back together and running again."

**ELECTRIC DEPARTMENT: Bulk Storage Fuel Tanks - Painting**

Superintendent Hawkins stated, "We started to paint the bulk storage fuel tanks. The paint was so thick and so bad that we had to sandblast them. They're primed and painted. The placards are back on for DOT Standards. That's all done."

**ELECTRIC DEPARTMENT: Personnel - Bryson Olson - Advance to Fourth Year Apprentice**

Superintendent Schneider stated, "We have two Apprentice Linemen ready to advance in their training. Bryson Olson has just completed his third year of the apprenticeship program. He has a final test score of 97%; and is ready to advance to Fourth Year Apprentice Lineman with a recommended hourly wage of \$21.92." Council Member Scothorn inquired, "What's the effective date on that?" City Clerk Kewley said, "November 4th."

***Council Member Hall stated, "I make a motion to move Bryson Olson from Third Year Apprentice Lineman to Fourth Year Apprentice Lineman at the hourly rate of \$21.92, effective November 4, 2017." Council Member Scothorn, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.***

**ELECTRIC DEPARTMENT: Personnel - Austin Birk - Advance to Second Year Apprentice**

Superintendent Schneider, "Austin Birk has just completed his first year of apprenticeship, with a final score of 90%. He is ready to advance to a second year apprentice, with a recommended wage of \$19.70 per hour."

***Council Member Scothorn stated, "I make a motion to move Austin Birk from First Year Apprentice Lineman to Second Year Apprentice Lineman at the hourly rate of \$19.70, effective November 4, 2017." Council Member Griffith, "I'll second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.***

Superintendent Schneider stated, "With that being said, I just want you all to know that these men worked really hard, and they are doing a fantastic job for the citizens of Burlington." Council Member Tschantz said, "They have done a fantastic job putting up banners and flags. I really appreciate it - it looks nice." Superintendent Schneider, "I will be sure to let them know."

**WATER/WASTEWATER DEPARTMENT: Distribution Update**

**General:** Water/Wastewater personnel have been doing normal duties: work orders, line locates, meter re-reads, customer concerns.

**New Bulk Water Station- Construction update:** Superintendent Hawkins, "I want to thank the Street Department - Harold Reiling, Alan Schneider and his crew. We got the Bulk Water Station slab poured and done. We had Riley Boring Company come in and ran a new line for the electrical and for the new waterline over there. They did a great job, and I want to thank them for that. We're ready to start putting up the building shortly."

**Water Treatment Plant - Security Fence project:** Superintendent Hawkins provided an update on the Water Plant fencing project by Kansas Fencing, Inc. He said, "The fence was supposed to go in today; but when I talked with Randy Collins, he said the gates did not arrive. They're expecting them tomorrow; so with dig safe and everything, Randy said his crews will be here next week to get the fence started, and that it shouldn't take them more than three days."

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**Backwash Holding Basin:** Superintendent Hawkins, "We're still working on the Backwash Holding Basin. The guys have installed the new rebuilt gearbox on top of the Backwash Holding Basin. They're building a 2 by 4 structure around there. We're putting a netting to keep leaves and stuff from getting inside there. We've got to pick up the rake and install the new scraper blades on the bottom of it; so they've been spending a lot of time on that. We had Birk Oil come in and pump the sludge out of the backwash holding basin and haul it off, so that's completed."

**Water Treatment Plant:** Superintendent Hawkins reported, "The Water Treatment Plant has been slowed down because of the weather temperatures; so we're averaging around 450,000 gallons a month in water usage."

**Sludge Press - problems:** Superintendent Hawkins said, "We've had some issues with our Sludge Press, so I've contacted U.S. Filter to see if we could get a representative in to look at that to see what's going on with it. We don't know what's happening with the Press; we're noticing it's starting to get a little out of alignment. We don't want it to fail completely, so we want to get them here to check it out. We've never had that happen."

**WATER DEPARTMENT: Personnel: Non-Certified Water/Wastewater Operator-Recommendation**

Superintendent Hawkins stated, "We did go out and do interviews. My recommendation is to hire Vincent Riccobono as a Non-Certified Water/Wastewater Operator at the hourly wage of \$15.80."

***Council Member Tschantz stated, "I move to extend an offer of employment to Vincent Riccobono for the position of Water/Wastewater Non-Certified Operator, at the starting hourly wage of \$15.80." Council Member Hall, "I'll second."*** Mayor Luke called for discussion, and asked, "He's applying two-week's notice to this?" Superintendent Hawkins, "Yes, if we hire him tonight, I'll call him right after council." **Hearing no additional discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.**

Council Member Curtiss inquired, "Do you still have one opening?" Superintendent Hawkins replied, "We still have one open. We're working on adding to the pool of applicants."

**WATER DEPARTMENT: Water Rate Study (Increase for January 2018) (Proposed Ordinance 854)**

Superintendent Hawkins, "I want you to understand, we've been working on this Water Rate Study for about ten months; so this is not something where we've just been pulling numbers out of the air. We've been working with Phillip Fishburn (Midwest Assistance Program). He, Gina (City Clerk Kewley), and myself went through and itemized every single line item in the Water Treatment Plant, and in our water towers, distribution. So, everything was broke out and gone through very thoroughly."

"To give you an idea of the overall, there's actually been an increase in the residential - going from a monthly minimum charge of \$15.50 to a Access Capacity Charge of \$21.35; and the minimum of \$6.22 actually decreased to \$4.84. With that said, percentagewise, it's basically a 17.06% increase of what we currently have; so it's a \$4.47 cent increase over what we have right now. So there is no such thing anymore of what we call 'free water'. You can't just give it away; and that's what we've been doing forever."

*A Base Access Charge is for access and availability of water and fire protection, and to meet regulatory requirements for the water system and peak demands will be charged for each unused meter on any lot.*

1) **Lots with a meter and no structure:** Superintendent Hawkins explained, "Some of the things I want to highlight that we discussed. In this as well, there's going to be a charge if you have a meter - even if it is turned off - on an empty lot with no structure on it, there will be Base Access Charge of \$8.54 a month. If the property owner does not want to use the meter and does not want to pay the Access Charge, we will - with a work order from City Hall - remove the meter; but with the understanding that if the property owner decides to want a water meter later, the \$500 meter charge (or the charge for the size meter needed) will need to be paid again. It will be the property owner's option."

2) **Lots with a meter and a structure or structures:** Superintendent Hawkins explained, "If there is a structure on the lot, whether it is the meter is being used or not, and whether it is an apartment, trailer, RV park lot, abandoned home, or whatever - there is a Base Access Charge of 21.35 per month for the meter."

Superintendent Hawkins continued, "I know that is out of the norm; but that's one of the things that was empathized to us was fire protection, which is only one reason for this change. So, as each of us pay each bill, the guy in the middle just because he might go out of state or doesn't even use the property - you're paying for his fire protections. Everybody needs to pay their share of fire protection on that block, so that is what was driven into us as well. Believe it or not, we were actually told that we are the only one around that doesn't do that, which really kind of surprised them in the study." City Clerk Kewley explained that with a water meter, they have access and availability of water. Superintendent Hawkins, "So, anytime they want water service, it is available." City Clerk Kewley, "We have to keep up with peak demand, so everybody has got to be responsible."

Superintendent Hawkins, "There will be some new changes with us as well as far as what will happen. I already have a list of all vacant lots in town; now I'll have to go through with structures. Right now, I know there are over 100 empty lots with water meters on them with no structures there. We will have to give the property owners the opportunity of whether they want to pay \$8.54 a month to keep the meter there, or do you want us to come and remove it from the earth - knowing they will have to pay the \$500 charge to put the meter back."

City Clerk Kewley said, "Like Danny (Superintendent Hawkins) said, we worked with Phillip Fishburn for ten months; and then we brought in the Water Committee (Mayor Luke and Council Members Tom Tschantz and Sharon Hall) about three or four months ago. We dialed in every expense - it had to be fixed versus variable on our expenses; so we allocated what went to production, what went to distribution, and what went to C&G because we have to account for our expenses so we have enough money to run and keep up with regulatory requirements

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for our Water Plant. So, we have got to start increasing revenue for this Plant - we're not making any money right now." Superintendent Hawkins, "Right, because the issue we have right now is that we've always relied on the 245 Fund which is the Infrastructure Fund to help us; so we've always had that cushioned. But we should never have based our rates upon that cushion because we need it to be where the Water Plant sustains itself - in other words, it makes its own money, it makes its own revenue based on that and not on a cushion of an Infrastructure Fund that comes from the County."

City Clerk Kewley, "We did reach out this summer and talked to Rural Water Districts #2 and #3 and our customer cities (Gridley, LeRoy, and New Strawn); and to our bigger users like the Hospital, the Courthouse, and the schools (USD#244). We gave them the worst-case scenario; and we are within that worst-case scenario. So, what we told them six months ago, we're way in. The rural water districts and the surrounding cities is an increase of a dime; so we said \$5, and it's going to be \$4.69 (for each 1,000 gallons of water used) versus our old rate was \$4.59. We did all we could to keep it down."

Council Member Griffith asked for clarification of the sewer charge. City Clerk Kewley said the sewer charge is based on the customer's water usage, and the sewer charge pays for the city's sewer.

Superintendent Hawkins, "Keep in mind, too, that last year we didn't increase the water rates that much; so we haven't had an increase basically in eight years - so it's a little over a 2% increase each year since then."

Council Member Curtiss had a question "Larry Crofts and his place (Burlington RV Park) - each one of those lots is going to be charged \$21.35 each month?" Superintendent Hawkins, "Only if there is a structure there." (\$21.35 is Base Access Charge with a structure and the meter turned off.)

Council Member Curtiss, "So, if he doesn't have a trailer renting there?" Superintendent Hawkins, "It will only be \$8.54." (\$8.54 is Base Access Charge with no structure and the meter turned off.) City Clerk Kewley said that is on our new Water Rate schedule.

Proposed Water Rates of January 2018

<b>CITY OF BURLINGTON, KANSAS WATER RATES</b>		
<b>ORDINANCE No. 854 Effective JANUARY 15, 2018</b>		
<b>Consumers Inside City Limits:</b>		
USAGE	RESIDENTIAL	COMMERCIAL
Access Capacity Charge (ACC)	\$ 21.35	\$ 25.62
Each 1000 gallons	\$ 4.84	\$ 4.84
<b>Consumers In Multi-Family Equivalent Dwelling Units</b>		
Equivalent Dwelling Unit (EDU)	\$ 21.35	
<b>Consumers Outside City Limits:</b>		
USAGE	RESIDENTIAL	COMMERCIAL
Access Capacity Charge (ACC)	\$ 26.69	\$ 26.69
Each 1000 gallons	\$ 4.84	\$ 4.84
<b>METERS TURNED OFF - BASE ACCESS CHARGE</b>		
Excluding wholesale water contracts, all properties/lots with a water meter shall be charged a Base Access Charge for each meter <u>even when the meter is turned off</u> . The Base Access Charge is for access and availability of water and fire protection, and to meet regulatory requirements for the water system and peak demands.		
<b>METERS TURNED OFF on LOTS - NO STRUCTURE</b>		
Base Access Charge (BAC)	\$ 8.54	Per month
<b>METERS TURNED OFF on LOTS - WITH STRUCTURE(S)</b>		
Base Access Charge	\$ 21.35	Per month
<b>All Rural Water Districts &amp; Cities of Gridley, New Strawn, LeRoy</b>		
No. of GALLONS	WHOLESALE	
EACH 1,000 gallons	\$ 4.69	

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Superintendent Hawkins, "Basically, what it boils down to is that - without using Larry Crott's RV Park - if you had a house that no one is using, your structure is still there and there could be a fire. If that place ever caught fire and they had to pull water from the fire hydrant, they're using the water to pay for that - that's what the Base Access Charge is for." Council Member Curtiss, "And I understand that. I was just wondering if he was going to have to pay \$20+. Okay, thank you." Superintendent Hawkins, "The only time Larry's RV Park will get charged the \$21.35 (Base Access Charge) is when a trailer (structure) is on the lot."

Council Member Scothorn, "So, how much are the rates really going up? You said 17% (actually, 17.06%) - was that just Access Capacity?" Superintendent Hawkins, "Right. Basically, you take what we have (proposed rates) \$21.35 and \$4.69, add the two together and you get your amount--versus what we now have \$15.50 and \$6.22 - add them together and it's basically 17% roughly." Council Member Scothorn, "So the overall bill - my bill is going to go up 17%?" Superintendent Hawkins, "Yes."

From the Current Rates Schedule

<b>CITY OF BURLINGTON, KANSAS WATER RATES</b>		
CURRENT ORDINANCE No. 846 Effective JANUARY 13, 2017		
<b>Consumers Inside City Limits:</b>		
No. of GALLONS	RESIDENTIAL	COMMERCIAL
First 1,000 gal. (minimum)	\$ 15.50	\$ 18.50
Each 1000 gal. over minimum	\$ 6.22	\$ 6.22

Council Member Curtiss asked for an explanation of the agenda attachment 'Cost for Residential User Per Month, which showed the following computations:

Gallons Used	Monthly Base Capacity Charge	Sales Units Purchased for the Month.	Consumption Charge Per Sales Unit	Monthly Consumption Charge for the Home (sales units x consumption charge)	Total Monthly Bill for the Household
500	\$21.35	0.5	\$4.85	\$2.42	\$23.77
1000	\$21.35	1.0	\$4.84	\$4.84	\$26.19

City Clerk Kewley explained, "That's just an example of what the new rates will be for 500 gallons used. Now we can break it into 500 versus 1,000 gallons." Council Member Curtiss, "So, the new rate is \$23.77 for 500 gallons?" Superintendent Hawkins, "Yes. It's based on sales unit purchases." Mayor Luke, "Yes. Today, you would pay \$21.35." Council Member Curtiss, "I'm paying that now, and tomorrow (then this goes into effect January 15th) I'm paying \$23.77?" Mayor Luke, "Yes."

Council Member Griffith, "And this is a minimum, right?" City Clerk Kewley (with the new Ordinance), "We won't have minimums anymore. There will be an Access Capacity Charge." Council Member Griffith, "Yes, but everybody is going to pay?" Mayor Luke, "No minimum. Everybody will be charged an Access Capacity Charge." Superintendent Hawkins, "Everybody will pay the same." (*The Access Capacity Charge for each household is \$21.35, then the sales units x Consumption Charge for the units used is added on.*) Mayor Luke, "If you use 3,000 gallons of water, you will go from the Access Capacity Charge of \$21.35 to \$35.86."

Council Member Curtiss, "We were just charged \$21.35 all the way through for a while?" Mayor Luke, "Yes, because you had a certain amount of water already included with your bill." City Clerk Kewley, "Currently, you're getting 1,000 gallons on the 'minimum' rate; on the new rates (Ordinance), you won't get 1,000 gallons - there will be no minimum." Superintendent Hawkins, "That was driven into us - there's no such thing as free water; we can't give it away." Council Member Tschantz, "That's basically what we've been doing for the last ten years." City Clerk Kewley, "Forever."

Council Member Scothorn, "So in the old way, how much was it going to cost me to get 5,000 gallons?" City Clerk Kewley, "Okay, 3,000 gallons is pretty much an average family household with a couple and maybe an extra child or someone. The current bill for your minimum and your water usage is \$27.94. With the new increase, it will be \$35.86. That's with the exact usage with the current (rates) versus new. So, for 5,000 gallons it would be \$45.53."

Attorney Robrahn, "So, Danny, say I've got a lot that I've got a meter on that hasn't been turned on for seventeen years - I need to have you come and dig it up and get rid of it?" Superintendent Hawkins, "Right. If you don't want to have that meter on your property, you just call City Hall and say so. We're going to have to set up and contact every homeowner/property owner and let them know they have an empty lot and there is a water meter on it, and ask if they want to keep the meter on it or do they want to pay the \$8.54 (monthly Base Access Charge for lot with meter turned off)? If they don't want the meter, the girls (City Hall Staff) will give us the order and we will go out and remove the meter." Council Member Griffith, "Is that free of charge?" Superintendent Hawkins, "Yes, we're not going to charge anything for that. It might be a slow process, especially if a lot of requests come in at once. We would have to call Dig Safe and go out and remove the meter."

Attorney Robrahn, "Now, if there's a structure on the property and you don't want a meter, you can have it

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taken out?" Superintendent Hawkins, "You should be able to." Superintendent Mast, "Does that go against your philosophy of everybody paying for fire protection?" Attorney Robrahn, "That's what I was touching on." Superintendent Mast, "That doesn't make sense to me. How can you remove the meter if you want them to pay for fire protection?" City Clerk Kewley, "Then someone else would have to pay for it." Superintendent Mast, "That's what I'm getting at." Superintendent Hawkins, "You're meaning if there was a house - an abandoned house (structure)?" Attorney Robrahn, "Like my Quonset building." Superintendent Hawkins, "Right, I understand." Council Member Tschantz, "That would be difficult because you still need fire protection just in case." Attorney Robrahn, "I've never had water there." Council Member Tschantz, "You never had water, but you still have a meter." Attorney Robrahn, "Yes. I haven't had water since the 1980s." Superintendent Hawkins, "That one we will have to think about a little bit." He said there are not many cases like that out there.

Council Member Scothorn, "How are we covering our losses now, if we're losing money?" City Clerk Kewley, "Our 245 Fund, and we shouldn't be doing that." Mayor Luke, "Taking it out of the Infrastructure Fund." City Clerk Kewley, "We should be self-sufficient, and we have not been." Mayor Luke, "We have other uses for that Infrastructure." Council Member Scothorn, "So, is this the minimum that we have to do, 17% to break even?" City Clerk Kewley referred to the back page of the 'Cost for Residential User Per Month', "As you can see, we will have a net gain of \$97,253.23. We need to be setting money aside for future improvements. We do put money aside, but we need to be doing more. There again, that's the crutch - the 245 Fund, you know it's not healthy." Superintendent Hawkins, "We still need to be setting money aside for things like if we need anthracite for the Water Treatment Plant, or if we have something like we had when the pipe to the water tower break - we had to use all our infrastructure funds for every bit of that stuff." City Clerk Kewley, "And then when we have seasons that have less usage (for example, during a drought)."

Council Member Scothorn, "Have you figured it up at a lower percentage?" City Clerk Kewley, "We looked at all different avenues in trying to keep the true costs where they need to be - variables versus fixed; and the way our system already splits out the expenses, it is what it is. We can't go and put an expense over on production. We've got to be able to back the expense." Superintendent Hawkins, "We were advised by Phillip Fishburn, as well, that we have to have at least a 10% increase minimum - that's as low as he advised us to go and to not exceed over 15%, I believe." City Clerk Kewley, "Yes, and we did 12% on the Rural Water Districts." Superintendent Hawkins, "Right." Council Member Scothorn, "So, we could get by with 10%?" City Clerk Kewley explained, "Each one has its own code of increases; and we did the residential at 10%; and the Rural Water Districts we did do 12%, but then we could go up to 15% on each. So, we did not go up as much on the residential, because we could justify the expenses."

Council Member Curtiss, "I'm confused now because you said 17%." City Clerk Kewley explained that they were talking about the profit margin." Council Member Curtiss, "Oh! So, you're telling me the residential 10% (profit margin). Okay." Mayor Luke, "Rural is 12%." Council Member Griffith, "This doesn't affect the sewer rate?" City Clerk Kewley, "No, sewer is separate." Council Member Curtiss, "Okay, tell me one more time, what's 17%?" Superintendent Hawkins explained, "If you take the \$21.35 (BCC) and add the \$4.84 (Consumption Charge Per Unit), and then you look at the current \$15.50 (minimum) and \$6.22 (each additional 1,000 gallons) - and that is the difference between the two." Council Member Tschantz, "Actually, per 1,000 gallons went down to \$4.84." Superintendent Hawkins, "Right. That's the difference in percentage going up. If you take the current ( $\$15.50 + \$6.22 = \$21.72$ , and the new ( $\$21.35 + \$4.84 = \$26.19$ ), the difference would be \$4.47 or 17% increase."

Council Member Hall, "So we'll find out next year if this isn't going to be enough, then we'll have to raise the rates again." Superintendent Hawkins, "Right. We were given the chart that we can do that; and so every year from this moment forward where we keep everything itemized, all we have to do is punch the numbers into it. I think it's 1.10 for the ratio - as long as we stay in there, we may not even have to raise the rates."

Mayor Luke (or Council Member Tschantz), "As the city grows, more property - more houses go in." Mayor Luke, "If we're in a drought and they won't let us generate water, the costs will go up and our sales will go down."

Council Member Curtiss said, "So if somebody asks me how much their water rate is going to increase, I'm going to say?" Mayor Luke, "\$4.47." Council Member Curtiss, "What percent?" Superintendent Hawkins, "17%." Council Member Griffith, "The rate for the household is not going to be that much, it's 10%, right?" Mayor Luke, "No, the rate itself is going up 17.06%. Inside of that rate is a profit margin that we have incorporated to pay for unexpected expenses without going into Infrastructure Funds - of which that percentage is 10%. So, a portion of the 17% is the profit margin." Council Member Tschantz, "7% of that is profit margin." Superintendent Hawkins, "10% on the residential; and 12% on our customer Rural Water Districts and Cities."

City Clerk Kewley, "Actually, I pulled my report that we went on. It's 2% on the Access Capacity Charge on city rate fixed. You've got to understand, there's fixed cost and variable cost; so there are different cost codes. So, on that side of the cost code, it's 2%." Council Member Griffith asked, "How long did it take you?" City Clerk Kewley, "Approximately a year." New Strawn Mayor, Mark Peterson, said "Your rates are really attractive compared to New Strawn's." City Clerk Kewley, "They are?" Mayor Peterson, referring to New Strawn's water rates, "Yes. They're way higher." (continued)

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Mayor Luke, "What's Council's pleasure?" Council Member Tschantz stated, "I move to adopt Ordinance 854, An Ordinance Amending the 2017 Edition Of The Code Of The City Of Burlington, Kansas: Chapter XV Utilities, Article 2. Water, and Chapter I Article 8 Fees; and Amending Ordinance 847 Fees; and repealing Ordinance 846." Council Member Hall, "I second." Hearing no additional discussion, Mayor Luke requested City Clerk Kewley to poll Council for a vote. Council Members Curtiss, Griffith, Tschantz, and Hall voted in favor. Council Member Scothorn voted against. Mayor Luke declared Ordinance 854 adopted by majority vote of 4:1.

**STREET DEPARTMENT: Update**

**Street Shop Lighting:** Superintendent Mast said, "I want to thank the Electric Department for putting up some new outside lights for our building. The old ones were shot and weren't putting out much light. They put up some LED lights that really look nice and light the place up."

**2017 Street Improvements - Asphalt: Driveways/Alleys:** The Street Department has been putting rock in driveways and alleys. They got that all done after the asphalt contract.

**Happy Tails Dog Park - concrete:** Street personnel helped Parks personnel pour the concrete at the dog park.

**Bulk Water Station - concrete** Street personnel helped the Water Department pour concrete - new pad for the new Bulk Water Station.

**Animal Control Shelter - Fence:** Street personnel helped the Animal Control Officer with her fence project.

**General:** The Street Department has been cleaning ditches, sweeping curb and gutter, and tilling and seeding. They also put out barricades for the Halloween Trunk-or-Treat, and picked them back up afterwards.

**Sinkhole on Garrettson & Hwy 75:** Superintendent Mast reported, "I want to let you know that we found a sinkhole at US Cellular, right next to the drain box. It's very similar to what we found about a year ago on the other side of the street where the culvert had rotted out. This is the same deal, and I'm a little concerned. We've been lucky so far that we haven't had any (sinkholes) that crossed the highway; but those culverts along the north end of town are all falling apart so I'm a little concerned about that. If we end up getting into a situation where we have to cross the highway, that's going to be a nightmare. The State doesn't claim the drainage structures, which has always been a problem for me because I don't understand how you can have a roadway without drainage structures. They don't claim them, they say they're ours."

"Right now, we're okay - we're still outside of the roadway. We'll be fixing that soon; but I can see it's going to continue, and in the near future we will be seeing this more often. Those pipes are very very old. When I came to work here almost twenty years ago, they (KDOT) were just finishing up the project on the north 75 Highway. They didn't replace those culverts at that time. The culverts, if they are metal, usually last 20 to 35 years. I don't know how long they've been in the ground - definitely 20 years and then some. When I talked to the contractor that was doing the project, he said all those culverts were in bad shape when they did that project 20 years ago."

Council Member Griffith, "What does it entail? Do they have to tear the road out?" Superintendent Mast, "In places, yes. They would have to go across the road. Now, there are ways now to line culverts and that may possibly be an option. Those kind of things, we've never done, and I don't know exactly what it entails; but I'm assuming it's just digging big holes on both sides of the road and pulling a liner through the culvert, then possibly filling the space up with some concrete. I don't know how good that pipe has to be for that line to work either."

Superintendent Mast continued, "I just wanted to forewarn you that there's issues going on; I'm concerned about it; I don't know exactly what we should do about it; whether that's something that we need to start working with KDOT on trying to work in some kind of a project or something. I hate to say that - that turns into a lot of money; and if you get right down to it, that whole drainage system on the north end of town is way undersized as it is and it doesn't have near what it needs to have - and we have flooding issues now. So, that could turn into a huge project, is what I'm trying to say. For right now, we're just going to fix this; and we're going to try to take a good look at these culverts that are going under the highway - it's hard to really get a good look at them, but we'll see what we can do."

**POLICE DEPARTMENT: Update**

**General:** Chief Jones reported, "We've been working a lot of domestics, both in town and helping the Sheriff's Office with some as well."

**Animal Control Facility - Fence:** Chief Jones, "The dog fence project that Doug (Superintendent Mast) mentioned - Bonnie (Animal Control Officer Foster) is actually subdividing the dog runs on the outside of the building to increase the number of individual areas that we can have dogs out in."

**De-Con Training (Blood Control):** Chief Jones reported, "We did our De-Con or Blood Control - Stop the Bleed class. The EMS came down and taught that for us."

**Drive-Thru Flu Clinic Update:** Chief Jones reported, "We worked the evening Drive-Thru Flu Clinic at the fire station on the 23rd of October. We actually had a good turnout with 25 to 30 people going through that one; so that worked out well."

**BES Halloween Events:** Chief Jones reported they did the grade school parade for Halloween yesterday, and the Trunk-or-Treat last night.

**Animal Shelter - Parvovirus:** Chief Jones reported, "The main one (case) we have right now is we had a dog come into the Animal Shelter from the county on Friday. Actually, Jess Stice checked the dog in and didn't think

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anything was wrong with it at the time; and by Saturday, it was sick and by Sunday it was full-blown Parvo. Parvo is not good news. We've had to go into full infectious control on that one. The guy (owner) was still in jail. I had to go talk to him about it, and he gave us permission to have the dog euthanized."

"Probably for the next six months we will be going through a lot of bleach down there because once a dog gets Parvo, there isn't much you can do for it. This is actually only the second time in eight years that we've had a Parvo case come in. We've been quite fortunate on that, but we've got procedures in place and any dog that comes in that we're pretty sure hasn't had its Parvo shot will get one; and we'll simply add it to the bill or whatever we need to do. We're going to have to be very careful about bringing dogs in for a while. We will be paying close attention to their health status."

**POLICE DEPARTMENT: Nuisance Update: 404 Neosho, The Music Box Theatre (Owner-George Oliver)**

Chief Jones, "I really don't have much to report on the nuisance side. I've left messages and voicemails, and I've had no contact with Mr. Oliver."

**Happy Tails Dog Park - Concrete:** Council Member Griffith, "Chief, that concrete at the Dog Park is awfully nice." Chief Jones, "That's all Kevin's (Superintendent Boyce's) project there." Council Member Griffith, "Did the Lions Club pay for that?" Superintendent Boyce, "Yes, for the concrete and the City crews did the work." Council Member Griffith, "I'd like to say thank you to the Lions Club." Mayor Luke, "We've already forwarded communications to the Lions Club."

**PARKS DEPARTMENT: Update**

**General:** The Parks Department has been doing normal duties, cleaning public buildings and public restrooms, mowing, and weedeating.

**Winterizing - Water:** Superintendent Boyce reported, "We have started winterizing sprinkler systems downtown and at Caboose Park and Veterans Park, and some of the seasonal restrooms and buildings."

**Veterans Day Banners Update:** Superintendent Boyce said, "Thanks to the Electric Department for helping to install the Veterans Banners. We'd probably still be working on it if they had not helped. There was a question of why after the Veterans Banners went up, some were taken back down. There was an issue that some of them came apart; and we were asked if we would take them down so they could do a repair to them, we did. They (Floyd Lewis Foundation) had the banners repaired, and we reinstalled them. They were assessed a bill for the employees doing it, but they were not charged for the use of the trucks or anything like that."

**Happy Tails Dog Park - Sidewalk:** Superintendent Boyce said, "Cement at the Happy Tails Dog Park was poured. We still have a little backfill to do. We finished getting everything back together Friday. Saturday and Sunday, we had rain so it's still a little too wet to get in there with equipment for backfilling. Hopefully, first of next week we can get in there and get that finished "

**Happy Tails Dog Park - Neglected Scooping:** "The Dog Park is back open - for now. People are failing to clean up after their dogs; and we did not put it in for us to clean up after their dogs. So, I will put a warning sign on the gate. If it continues, we're going to lock it up." City Clerk Kewley, "We will put that on Facebook, too, to let people know."

**FINANCE: Claims Ordinance & Payroll Ordinance**

a.	Claims Ordinance	2017-20	<u>\$104,086.75</u>
b.	Payroll Ordinance	2017-22	<u>\$ 78,263.67</u>
	TOTAL		\$182,350.42

**CLAIMS 2017-20:** Council Member Tschantz moved to approve City of Burlington pay Claims Ordinance 2017-20 in the amount of \$104,086.75 for payment of city bills, as presented. Council Member Hall said, "I'll second." Mayor Luke called for discussion. City Clerk Kewley said, "Tonight we have Brenntag for \$5,010.20; Knightland & Knightland Trucking for a total of \$21,461.19; and Midwest States Energy for \$12,000." 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 2017-20 approved by unanimous vote, 5:0.

**PAYROLL 2017-22:** Council Member Hall moved to approve City of Burlington Payroll Ordinance 2017-22 in the amount of \$78,263.67 as presented. Council Member Griffith "Second." Mayor Luke called for discussion.

Council Member Curtiss, "What holiday did we have? Pay period 'September 1 through 30.'" Chief Jones, "Labor Day." Council Member Scothorn, "What'd we have two weeks ago, then?" City Clerk Kewley, "None." Council Member Scothorn, "Let me ask this then. Does the Police Department have the overtime pay, and the rest of them have to take comp hours? Is that how it works?" City Clerk Kewley, "They have a choice." Council Member Scothorn, "Does the Police Department have a choice then, too?" City Clerk Kewley, "Yes. If they get booking quite a lot, then we want them to start taking it." Council Member Scothorn, "Okay."

Council Member Griffith wondered if the time the Police Department worked funerals was overtime. Chief Jones, "Training, mostly; but funerals we do with officers that are on duty; but when we send people to training

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obviously they're not on duty - not all the time anyway. I just sent Blake Hanson to a forty hour class at Junction City for the Special Response Team, the SWAT Team; and out of the forty-plus hours, seventeen is going to end up on the overtime side."

Council Member Curtiss asked, "Is it a forty-hour week?" Chief Jones, "We work actually forty-three hours. That's our base." Council Member Curtiss, "So, this one with ten regular OT, that would be fifty-three hours he worked that week?" Chief Jones said, "That's for this entire month of September. That includes court; that includes training." Council Member Curtiss, "Okay."

**Hearing no additional discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote on the motion which was: Council Member Hall moved to approve City of Burlington Payroll Ordinance 2017-22 in the amount of \$78,263.67 as presented. Council Member Griffith "Second." All votes were in favor. Mayor Luke declared Payroll Ordinance 2017-22 approved by unanimous vote, 5:0.**

**PLANNING & ZONING: Update**

**General:** Zoning Clerk Hugunin has been doing normal duties and updating permits.

**Permits:** Zoning Clerk Hugunin reported, "I've been pretty busy in the office with a couple business owners on a project they want to do and figure out how they can do it, when they can do it, and where."

**Neosho River Headwaters Meeting (Floodplain):** Zoning Clerk Hugunin said, "I've got a meeting in Emporia tomorrow on the Neosho Headwaters, which is basically a preliminary meeting for the early stages of updating the floodplain map. It could take two to three years, and I'm sure at one point the Council Members will be involved in that also."

**OTHER COUNCIL BUSINESS: Planning Commission/BZA Appointment of Angela Stevenson**

Zoning Clerk Hugunin stated, "Ken Caudell has moved out of the county, so he resigned from the Planning Board. Angel Stevenson said she would like to be on the Planning Board and I think she would be a good asset to it. She works at Wolf Creek. They've been around Burlington for a long time, and she sounds pretty interested in helping out."

**Council Member Tschantz stated, "I move to ratify the Mayor's recommendation to appoint Angela Stevenson to the Burlington Planning Commission/Board of Zoning Appeals." Council Member Hall, "I'll second." Hearing no additional discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.**

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

**LEGAL DEPARTMENT: Update:**

Attorney Robrahn said, "I assisted Sue (Administrative Assistant Stroh) with preparing and reviewing Ordinance 854. Next week we have our Municipal Court."

**CITY CLERK: Update**

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

**Ordinance 854 - Water Rates:** City Clerk Kewley said, "I worked in-depth with Sue getting the ordinance ready for the water rate increase."

**Delinquent Utility Accounts - Kansas Set-Off:** City Clerk Kewley reported, "For November, we will be sending \$1,822.69 worth of delinquent utility accounts for collection through the Kansas Set-off Program."

**Annual License Renewals:** City Clerk Kewley reported, "Last week, we sent out renewal reminders in regards to the Cereal Malt Beverage Licenses, Amusement Licenses, and Trailer Court Licenses for 2018."

**Trash Exemptions:** City Hall is in the process of mailing out reminders the annual Trash Exemptions.

**Interviews:** On October 19th, City Clerk Kewley participated in the interviews for Non-certified Water/Wastewater Operators.

**Water Committee Meeting on Water Rates:** City Clerk Kewley, "I attended the Water Committee meeting to finalize the water rates study to and prepare to present the new water rates tonight."

**Leadership Training:** City Clerk Kewley, "I attended training last week at the Leadership Training Center in Wichita for three days last week. That was very good training. I really took away a lot from that training."

**Kansas Power Pool Forum:** Tomorrow, City Clerk Kewley will be attending the KPP rate forum in Wichita.

**Closing for KMU Safety Training:** Next Tuesday, November 7th, City Hall will be closed for an hour (9 a.m. to 10 a.m.) so the Staff can attend the Kansas Municipal Utilities Safety Training.

**Closing for Veterans Day:** Next Friday, November 10th, City offices will be closed in observance of Veterans Day, which falls on Saturday this year.

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

**CITY CLERK: Audit of 2017 - Contract**

City Clerk Kewley stated, "In your packets, you have the contract for Mize Houser & Company to prepare the city's audit for 2017, so they can start on that, I need a motion to approve to pay the contract amount of \$13,125.00."

**Council Member Tschantz stated, "I move to accept Mize Houser & Company's proposal as presented to perform City of Burlington's Financial Audit for Fiscal Years ending December 31 of 2017, at a cost not to exceed \$13,125.00." Council Member Scothorn, "Second." Mayor Luke asked, "Is this basically the same price as last year?" City Clerk Kewley, "It's up about \$500." Hearing no additional discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.**

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**COMMENT OF CITY OFFICERS: None**

**FUTURE AGENDA ITEMS:**

<b>GENERAL</b> City Debt – How to fund projects Service/Allied Waste Agreement Renewal Water Rate Study for 2018 rates / increase effective 1-15-2018 Actuaries – GASB-45	Financial Program Software (CIC) - updates MT Wireless - Fiberoptics to City Buildings GAAP – Infrastructure Capitalization
<b>ELECTRIC DEPARTMENT:</b> 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) Generator #2 - Repairs	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
<b>PARKS DEPARTMENT:</b> Riverbank Fill Permit - Application for new site/update Community Thanksgiving Dinner, 4-H Bldg 11/22-23/17(reserved/Vicki VanKooten) Happy Tails Dog Park - Scooping - Keep Park open or close it?	Veterans Banners and Brackets for Utility Poles Vacant Position - John Hegg's transfer from W/W Dept.
<b>LEGAL DEPARTMENT:</b> Municipal Court	Misc. Legal - Documents, Cases, Contracts, etc.
<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 Crow-Moddie Detail/Wash Building - Permit updates	Quarterly Construction Valuation Report Prepare Easements for any City-owned property without one City Hall - Awning Replacement (switch to metal) Floodplain Maps - updating
<b>POLICE DEPARTMENT</b> Nuisance Updates Parvovirus - update	Department Activities/Cases/etc.
<b>STREET DEPARTMENT:</b> Heather Street - Concrete Panels Sidewalk Repairs on City Rights-of-Way Street Improvements: 2017 Asphalt Project Sinkhole at Garrettson and HWY 75	Pavement Management System/Asset Management System Street Project Testing by PSI - updates 2015 Asphalt Project - APAC used Faulty Materials Sinkholes under highway - Check into liners for culverts
<b>WATER &amp; WASTEWATER DEPARTMENT:</b> 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) Bulk Water Station - Building Project 2017	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**