

BURLINGTON CITY COUNCIL REGULAR SESSION AUGUST 2, 2017

City of Burlington Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, August 2, 2017. Mayor Stan Luke called the meeting to order.

ROLL CALL: Stan Luke, Mayor

Council Members present:

<input checked="" 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 checked="" 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: Caleb Robrahn, Becky Richwine, Jay Hale

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

MINUTES 7-19-2017: *Council Member Curtiss moved to approve the minutes of July 19, 2017 as modified." Council Member Griffith, "Second." Motion unanimously carried, 6:0.*

PUBLIC COMMENTS:

None

APPOINTMENT 6:30 p.m.: Public Hearing on City of Burlington's 2018 City Budget

Mayor Luke, "I need a motion to start the hearing for the budget." *Council Member Lenard stated, "I move to authorize the Mayor to open the public hearing for the City Budget for 2018." Council Member Tschantz, "I second." Mayor Luke declared the Public Hearing open at 6:30 p.m.*

Mayor Luke stated, "You have before you the City Budget for 2018. It has been published in the newspaper?" City Clerk Kewley, "Yes, the 20th of July."

Mayor Luke, "Are there any comments from the public?"

Jay Hale addressed Council, "My comments are question's for verification on the budget.

1) The industrial development line is \$1,100 and last year none, and this year \$23,000. I'm not opposing industrial development, I think we ought to be doing that. It's just a huge jump and I'm just curious." City Clerk Kewley, "That's what was in 2016. The industrial amount of \$443 expensed in 2017 is the money we have to donate back - because we get rent for it (for agricultural haying), we have to receipt that back to a not-for-profit 501c3. We are budgeting 2018 to have the authority to spend the \$23,743; we may not spend it, but we need the authority."

Mayor Luke, "The funds are currently there, and are being carried over from year to year." City Clerk Kewley, "Yes; but again, we may not spend it, but we need to have the authority to if we need to spend it."

Mr. Hale, "But a budget is an expending plan - here is how we intend to use the money that is available." He added, "I'm in favor of industrial development - it's a way to reinvest ourselves." City Clerk Kewley, "We did save some money over the years, for example, the Call Center that was going to come to the county; and I think that was something the County was working on and it fell through. We've not been in contact for anything, but it could, and it's there in case we need it; that's how municipal financing works statutowise - you've got to have the authority before you can spend it." Mr. Hale, "Okay." (See council minutes of 2005, it was discussed that The Child Support Center may move to Burlington along with Kansas Payment Center. Young Williams awarded Kansas Payment Center contract.)

2) "Infrastructure money of \$857,858 compared to \$270,000 last year - that's another expense", said Mr. Hale. City Clerk Kewley explained, "That again, the expenditures that we expensed is the money we actually spent, versus the money we're setting aside for authority for spending next year." Mayor Luke, "A portion of that will be spent." City Clerk Kewley, "Yes. We have already allocated that for different projects." Mr. Hale, "So, we have a plan for that?" City Clerk Kewley, "Yes. We have plans for every one of these funds. We probably aren't going to spend it, but we need the authority to. For example, if some industrial comes in, do we have the funds available? We can say, yes we have \$23,743 that we have authority to spend. If we don't authorize it, we can't spend it."

3) On the electric utility fund, Mr. Hale said, "One thing that was a surprise - I think we're looking at generators to replace a generator at some point - I read it in the paper; and yet the electric utility number didn't go up significantly. I was just expecting the numbers to go up considerably." Mayor Luke explained, "Right now, we're in the process of completing a study. Until that's completed, we don't know what the cost is going to be, or the timeline that it will take to complete the project. At the time we get the numbers as to the actual cost, then we will have to go into the budgeting process to come up with whatever bonds, however we determine the best way to obtain the funds to do it. But right now we don't know what it's going to cost, so we can't budget for it."

(continued)

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City Clerk Kewley, "Keep in mind that when we go out for bonds, there's some exceptions on spending authority." Mayor Luke, "It may be another year or two before we actually have the expenditures." City Clerk Kewley, "And we won't have a bond payment for another full year, once we do go into the final stages of the bonding. Our Bond Counsel will guide us through that."

Mayor Luke, "Any other comments or questions?" Council Member Lenard stated, "That's good feedback. I think it's the first time we've had anybody come in." Everyone agreed and Mr. Hale was thanked for his input. **Mayor Luke, "Any questions or comments from the Council? Hearing none, I would accept a motion to close the public hearing."** *Council Member Hall stated, "I make a motion to close the public hearing." Council Member Curtiss, "I second the motion." Motion unanimously carried, 6:0. Mayor Luke declared the Public Hearing closed at 6:35 p.m.*

BUDGET ADOPTION: Mayor Luke stated, "I will accept a motion to approve the City Budget for 2018 as presented." *Council Member Lenard stated, "I move to adopt City of Burlington's Budget for 2018 as presented." Council Member Tschantz, "I second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.* City Clerk Kewley asked the Governing Body to sign all three copies of the 2018 Budget.

ELECTRIC DEPARTMENT: Distribution Updates

General: Superintendent Schneider reported, "Electric personnel have been doing line locates and customer service requests. They are still changing power poles, and stringing new conductors - getting rid of some of the old copper that's out there. They have also been trimming trees."

Assist Coffey County Fair Association: After the Fair, Electric personnel helped the Fair Board by removing banners off the stadium and outbuildings at Kelley Park, and by picking up the cable that was used for the tie-downs at the Demolition Derby.

ELECTRIC DEPARTMENT: Power Plant/Production Update

Generator #2 Maintenance: Superintendent Schneider said, "The men have been spending most of their time working on Generator #2. They've been adjusting valves. One of the air-start valves in one of the cylinders was locking up and bleeding off; they replaced and repaired that. They conducted a maintenance run on Generator #2."

Annual Generator Capability Testing: All the paperwork was filled out to KPP for the annual capacity testing.

General: Other than the generator work, the men have been doing normal power plant duties, and spraying weeds in the substations.

ELECTRIC DEPARTMENT: Recommendation to Hire First Year Apprentice Lineman

Superintendent Schneider reported that Mayor Luke, City Clerk Kewley, and he conducted interviews for a apprentice lineman on July 21st and July 24th. Our recommendation is to hire Cody Gorache as First Year Apprentice at the starting wage of \$16.59 per hour."

Council Member Tschantz moved to extend an offer of employment as First Year Apprentice Lineman to Cody Gorache at the starting hourly salary of \$16.59, with the start date to be August 21, 2017." Council Member Scothorn, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

WATER/WASTEWATER DEPARTMENT: Distribution Update

General: Water/Wastewater personnel have been reading meters, doing rereads, work orders, line locates, handling customer requests, normal business.

Chlorine Burnout of Waterlines and Hydrant Flushing: Superintendent Hawkins informed Council, "The chlorine burnout is going very well. We'll be finishing that up next Monday; so we've been flushing fire hydrants around town."

Waterline Replacement Project - Hudson Street (6th to 12th): Superintendent Hawkins reported, "The bacteria samples came back negative, so we've been putting in services. As of today, we've got nine new customers on the new waterline. We started at 6th and Hudson and will continue going on to 12th Street."

WATER DEPARTMENT: Production

New Water Valve for Water Treatment Plant - Update: Superintendent Hawkins reported, "We have Tom Miller (of Pratt Valves) coming in next week. On Tuesday, we're going to go over some more measurements on the valves at the Water Plant."

STREET DEPARTMENT: Update

General: Superintendent Mast said, "The Street Department did some Fair prep and takedown, worked on some alleys, continued with our crack filling program, cleaned ditches, started trimming trees for the Asphalt Project, and did normal duties."

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Atmos Energy - Gas Line: Council Member Griffith asked, "Doug, where they're working on the gas line in the alleys and things, are they responsible for putting that back the way it was?" Superintendent Mast, "Yes, per our regulations, they're supposed to put it back as good or better than what it was prior to them doing that."

STREET DEPARTMENT: Application for Sidewalk Replacement, Thomas Hawkins @ 921 DesMoines

Superintendent Mast, "The Sidewalk Replacement Application from Tom Hawkins is actually his mother-in-laws' place. I looked at it today, and it is very bad. My recommendation would be to go forward with it."

Council Member Curtiss stated, "I move to approve Thomas Hawkins' Application for Sidewalk Replacement No. 2017-01 for 921 DesMoines Street, on a cost-sharing basis." Council Member Hall, "I'll second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

POLICE DEPARTMENT: Update

General: Chief Jones reported, "It's been pretty much all the normal duties. We didn't have anything significant from the Fair, no major issues. The Demolition Derby was amazingly short. We had the usual types of calls, accidents. Did participate with Dean Kirchner's funeral last week. I attended the funeral and graveside - escorted them."

Municipal Court: Chief Jones said, "Court will be next Thursday, a week from tomorrow."

POLICE DEPARTMENT: Nuisances

404 Neosho, The Music Box Theatre- Update: Chief Jones reported, "I have a tiny bit of information for the Music Box nuisance. Since we haven't heard anything from Mr. Oliver, I started to do some research and making phone calls. Come to find out, small to medium size cities in Canada do not have their own police departments - you have to contact Royal Canadian Mounted Police; which we did and we sent an administrative to the computer system so they knew who we really were. They called back and had located a different address for Mr. Oliver in a different town; so we have started trying to contact him yet again. That's all I've got."

Another Nuisance Property: Chief Jones said, "Kevin (Superintendent Boyce) is helping me with another nuisance property. They started out by spraying the weeds, so we could see what's under the weeds."

PARKS DEPARTMENT: Update

General: Superintendent Boyce reported, "We have been doing normal duties, cleaning public buildings and public restrooms, mowing, weedeating, spraying weeds, and watering trees and flowers. We did attend the city's safety meeting."

Kelley Park - Fair Events: Superintendent Boyce said, "We didn't have any major issues with the Fair. The blocks are put away. We got the ground bladed back down after the Demolition Derby. We did end up with a few plastic bumpers and stuff left over, but I feel they will be cleaned up shortly."

Nuisance Mowing: Superintendent Boyce reported, "We did mow four nuisance properties on July 26th, and sprayed one yesterday."

Plants at corner of Neosho and 3rd: Council Member Tschantz, "What happened to the plants down here on the corner?" Superintendent Boyce, "We had a couple complaints of blocking the view; and those, if you trim them down, they're not going to shoot back up - they would be totally brown on top." He said that on the north side, if he decides to put flowers or something in there, he will plant them further back. On the truck parking lot side on the south, he will probably leave it like it is."

FINANCE: Claims Ordinance & Payroll Ordinance

a.	Claims Ordinance 2017-14	\$102,376.78
b.	Payroll Ordinance 2017-15	\$ 78,620.53
	TOTAL	\$180,997.31

CLAIMS 2017-14: Mayor Luke said, "We have before you Claims Ordinance 2017-14 for \$102,376.78. Do we have anything special in there, Gina?" City Clerk Kewley said, "Tonight we have Brenntag: \$6,819.78; Republic Waste Services: \$11,028.30; and Riley Equipment Contacting for the boring: \$26,300." ***Council Member Tschantz moved to approve City of Burlington pay Claims Ordinance 2017-14 in the amount of \$102,376.78 for payment of city bills, as presented. Council Member Hall said, "I'll second." Hearing no discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared Claims Ordinance 2017-14 approved by unanimous vote, 6:0.***

PAYROLL 2017-15: ***Council Member Hall made the motion to approve City of Burlington pay Payroll Ordinance 2017-15 in the amount of \$78,620.53 as presented. Council Member Scothorn, "I'll 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 2017-15 approved by unanimous vote, 6:0.***

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin reported, "I did normal duties, a permit yesterday, and a lot of catching up (from being on vacation). I had a lot of messages and I've been taking care of them."

PERMITS: Permits issued by Zoning Clerk Hugunin: None

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OTHER COMMITTEE/COUNCIL BUSINESS: LKM Annual Conference 9/16-18/17- Voting Delegates

Mayor Luke said, "The League's Annual Conference is coming up, and we will have to vote for a delegate and an alternate. Last year I was the Delegate and Jerilyn was the Alternate." Council Member Curtiss, "And you did a fine job as Delegate." City Clerk Kewley told Council that the conference is September 16 through 18 this year in Wichita. We do have four rooms reserved. They were sticklers on reserving rooms and not using them, so I went ahead and just reserved four; so let me know who wants to go. There is information in this month's Kansas Government Journal that was handed out. The deadline for reservations at the hotel is August 24th. The deadline for registering without penalty for the Conference is September 1st."

Council Member Curtiss stated, "I move to appoint Stan Luke (Mayor) as City of Burlington's League of Kansas Municipalities Voting Delegate, and Jerilyn Curtiss (Council Member) as Alternate Delegate." Council Member Hall, "I second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

LEGAL DEPARTMENT: Update

City Attorney Robrahn reported, "I reviewed some ordinances for Susan (Administrative Assistant Stroh)."

Mayor Luke asked, "Did you get a chance to look at the FERC one?" Attorney Robrahn, "I did that one, too." Mayor Luke explained, "There's an ordinance that's going to be coming through. The Kansas Power Pool has requested that the member cities authorize the Pool to be the contact point for solar farms or other qualifying generating facilities; because under the 1978 FERC (*Federal Energy Regulatory Commission*) - a federal law - if you have a utility, which we do - any qualifying facility of twenty megawatts or less, you are required by federal law to purchase the output of that electric generating facility at your voided cost. Our voided cost is considerably higher than the Pool's. The Pool, with our FERC attorneys and our legal has drafted an ordinance that will pass the authority on to the Kansas Power Pool to negotiate any and all contracts for solar farms, wind farms, and anything else under twenty megawatts that comes to us to sell as power. It will relieve us of that responsibility and passes it directly to the Pool. Our FERC attorneys will file the documents in Washington (D.C.) so that any qualifying facility knows that they are going to have to deal with the Pool instead of the individual cities."

Council Member Lenard, "But we still have authority to approve? We're not relinquishing our approval? We're giving them the authority to negotiate. I want to make sure we're not relinquishing our approval to this." Mayor Luke, "We don't have any choice. It's mandated that we buy. We're just letting the Pool buy, instead of us buying." Council Member Lenard, "We still have some approval process in this - we're not just giving everything away over to KPP to make decisions on our behalf? That's what I'm asking." Attorney Robrahn, "I think kind of we are." Mayor Luke, "We would be giving up any and all rights to that generation because the Pool would be obligated to do the purchase instead of us." Attorney Robrahn, "They're acting on our behalf." Mayor Luke, "Yes."

Council Member Griffith, "Now, if we would choose to get out of the Pool, what happens then?" Mayor Luke, "Tom (Attorney Robrahn) would go to Washington and stand in front of the FERC and negotiate a FERC contract." He added, "Tom, you didn't think that was a good idea?" Attorney Robrahn, "No, I didn't." Mayor Luke, "That will be coming down the road. We can discuss it at that time. You can read what this says; but the key thing is that it's passing the authority to do the contract negotiations to the Kansas Power Pool; and it will probably be located in Nebraska, Colorado. They can demand to sell it to us, and we will be obligated currently to buy it"

CITY CLERK: Update

General: City Hall Staff 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 August, we will be sending \$970.81 in delinquent utility accounts for collection through the Kansas Set-off Program."

Interviews - Electric Vacancy: City Clerk Kewley participated in the July 21st and 24th interviews for Apprentice Lineman position.

League of Kansas Municipalities Conference: City Clerk Kewley said, "I talked to you earlier about the League Conference. Just let me know if you want to attend. I need to know by August 24th, and it is September 16th through the 18th at Wichita." Council Member Curtiss told Gina she will attend the convention.

KPP Fall Retreat: City Clerk Kewley reminded everyone that the Kansas Power Pool Fall Retreat is September 29th and 30th in Wichita at the Convention Center. Mayor Luke, "It's in Old Towne?" City Clerk Kewley, "Yes, at the Old Town Hotel across the street from the Convention Center. I believe, from the KPP Lightning Round, they will cover three members and their spouses." Mayor Luke, "So if somebody wants to go, let Gina know." He added that last year they were generous and paid for all four of us because some other were not there and it was in their budget."

Budget 2018: City Clerk Kewley reported, "Finished the 2018 Budget for tonight's Public Hearing, which is in about ten minutes."

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

COMMENT OF CITY OFFICERS: Suggestion: Superintendents to provide weekly reports to Committees

Council Member Lenard said, "I've got a request of the Council. Over the years, I've been getting a very good weekly update from Doug (Chief Jones,) on what goes on in the Department (Police); and I feel we need to consider having all the Department Heads submit weekly reports to the committees so we can stay informed about what's going on in the community. We seem to have gaps from time to time of what's going on; and I think if we just stay informed of what is going on, it will be very helpful to the committees. I mean, the committees are there to help the Department Heads. Every committee's function is different, and I think this would draw some standardization to our communications and help with everybody being informed with what's going on. Sometimes we catch things, and it's been very helpful. I think we should consider making that a standard."

Council Member Curtiss, "It doesn't have to be a whole lot." Council Member Lenard, "No. You can look at Doug's historically was pretty short. It just covers those gaps of things that are going on. If we kind of knowing what's going on, maybe we can head some stuff off. Likewise, when Gina (City Clerk Kewley) sees it - maybe that's an HR thing; or if Tom (City Attorney Robrahn) sees it - maybe I ought to provide some input. Keep in mind, nothing personnel related or anything like that; but this is just to keep us informed of what's going on."

Mayor Luke, "Remember also, that whatever is in writing is now subject to the Open Meetings (Records) Act. So don't put anything in writing/print that you don't want public because it can be made public."

Council Member Lenard, "Doug and I use it. I think it's a good tool; doesn't have to take a lot of time. If a Department Head wants to delegate it to somebody else in the organization, so be it. I think it's a great tool."

City Clerk Kewley, "So the, the Department Heads are going to send it to all the Council Members and Tom Robrahn, and myself?" Council Member Lenard, "I was thinking, just the committees." He added, "You and Tom, as well." He added that sometimes it may need passed on to someone else it will impact."

Superintendent Mast pointed out that a lot of things are just normal routine/normal call and wouldn't have been included in an update/weekly report. He explained that the Department Heads get thousands of calls they handle themselves - it's their job. He stated, "You don't want every call that we get - that's what we do in our job. If we're to give an update of everything that goes on - every communication we have with everybody in the city, you're going to have an awfully long list." Chief Jones agreed, saying there are a lot of things he would not send an email out on." Council Member Lenard, "I don't think we're looking for everything." Council Member Curtiss, "Something unusual." Chief Jones, "Yes, something major, something significant." He cited examples he reports: expenditures, his schedule for the week - pretty basic.

Mayor Luke, "We'll see how it works out."

FUTURE AGENDA ITEMS:

GENERAL City Debt – How to fund projects City Code Recodification (LKM and American Legal Publishing) Service/Allied Waste Agreement Renewal Water Rate Study for 2018 rates / increase for 2018 Actuaries – GASB-45 Budget 2018	Financial Program Software (CIC) - updates MT Wireless - Fiberoptics to City Buildings GAAP – Infrastructure Capitalization Audit 2016 Mohawk Street (14ht - 15th) Assessments per Ord. 848	
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 Kelley Park - Christian Motorcyclists Assoc. 9/2017 Community Thanksgiving Dinner at 4-H Bldg 11/22-23 (reserved/Vicki VanKooten)	Taste of Fall Festival 10/2017 Ultimate Horsemanship Challenge 10/2017	
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 Vacate Portion of Alley/Reduce Right-of-Way to 20ft. (13th St. between Juniatta & Miami)	Quarterly Construction Valuation Report Prepare Easements for any City-owned property without one City Hall - Awning Replacement (switch to metal)	
POLICE DEPARTMENT Nuisance Updates		
STREET DEPARTMENT: Heather Street - Concrete Panels Sidewalk Repairs on City Rights-of-Way APWA Conference in Florida (August 2017) 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: Southwest Sewer Project 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 Taste/Odor SCADA System-updates Water Meter installations John Redmond Reservoir – Dredging Plumbing Violations / Grease Traps Middle School Water Meter Replacement	Water Plant Improvements–Efficiency Testing/Chemical Updates 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