

BURLINGTON CITY COUNCIL REGULAR SESSION SEPTEMBER 20, 2017

City of Burlington Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, September 20, 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: Mark Chesney (Kansas Power Pool)

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

MINUTES 9-6-2017: *Council Member Curtiss, "I move to approve the minutes of September 6, 2017 as amended." Council Member Scothorn, "Second." Motion unanimously carried, 5:0.*

APPOINTMENT: Mark Chesney (KPP), FERC's Public Utility Regulatory Policies Act (PURPA) update

Mark Chesney, CEO of Kansas Power Pool, addressed Council, "Mr. Mayor, Council Members, it's good to see you again. I'm not sure when I was here last (May 17, 2017), but I wanted to come tonight and talk to you a bit about the Public Utility Regulatory Policies Act (passed in 11/1978 as part of the National Energy Act), and also the Federal Energy Regulatory Commission (FERC, created 10/1/1977). You've heard us talk about FERC a time or two. You might have read a letter a month or two ago from me; you might have read a newsletter article."

"If there's anybody who doesn't know what I'm talking about, I'll take a minute and lay this out. It is old. It's federal legislation from several years ago. When it was passed it was pretty obvious that it was intended to encourage the legislation of electricity producing facilities, but not using traditional fossil fuel. Congress put FERC in charge of the projects as the governing body."

"A couple of people asked me, 'Why are we talking about this all of a sudden?' Well, we're talking about it all of a sudden because in the last year or so, there have been some media reports - mostly in trade journals - that some merchant developers of these kind of projects have been a little heavy-handed with the incumbent utilities. Now, I'll tell you what I mean. Among other things, PURPA says that if a merchant developer were to roll into the service territory of an electric utility and build what the law refers to as a 'qualifying facility' (bio-mass, waste coal, renewable energy), that incumbent utility must purchase the energy from that facility. Now, underline the word must; forget about the fact that the utility doesn't need the energy or doesn't want the energy - that's irrelevant - the utility will purchase the energy."

"I was in Washington D.C. last week; and I know that as of last week, two House of Representative committees formally considered this thing we're talking about, PURPA. Hearings, listening to people vote for and against; some people feel like the law ought to be modernized, and one thing that ought to happen is that it ought to do away with this mandatory purchase obligation. There is some testimony to the effect that there have been developers that have abused this law."

"I don't know what's going to happen - I have my doubts that Congress is going to do anything any time really soon; but whether they do or they don't, I'm going to suggest to you that's probably irrelevant to our conversation tonight because PURPA itself provides for an exemption of this purchase obligation - a waiver. The ordinance we (KPP) provided to you (to consider tonight) asks FERC to give a waiver with this in mind. If the day ever came that a project were developed in Burlington, FERC would allow the purchase obligation to be moved away from the City of Burlington and onto the Kansas Power Pool. Would you agree with me that it's pretty unlikely that FERC is going to cause the purchase obligation to just disappear into thin air simply because somebody asks for it. This ordinance says, 'Let's move the purchase obligation away from the city, and let's don't do away with it into thin air - but let's move it over to Kansas Power Pool.'"

"Tonight, I think twenty of our twenty-four members have adopted this ordinance. We think there are some good reasons why. I don't want this to be tedious; and if you've got some good questions, I do want to listen. Let me point out a couple of things to you. If a project was developed, the Kansas Power Pool Operating Agreement that all the KPP members have signed, says that (the new) resource would then become a Pool resource; and it would be handled the way our other resources in the portfolio are handled - meaning the cost of the project would be socialized and would be proportionally spread to all of the KPP members. If that's the case that all the members are taking on the obligation, we would rather the Kansas Power Pool negotiate that contract with the developer rather than any city."

"Here's something else to think about, and I'm speaking absent a waiver - absent an exemption. If a developer were to develop - and I don't think it's likely at all; I don't think it's going to happen; it could happen, but if it did

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happen and without a waiver - well, the parties to that purchase agreement would be the developer and the City of Burlington; and it would probably be fifteen years, maybe twenty years, or maybe more. If there were ever a dispute about the contract, the arguer of that dispute is the Federal Energy Regulatory Commission; and so the City of Burlington would hire a FERC lawyer to represent Burlington, Kansas in Washington D.C. I don't think you want that. We think that you want us to do that."

"I'm very certain that the waiver would be granted." He asked if there were questions; and said, "We obviously are asking you if you politely will adopt the ordinance tonight, but I certainly want to listen to you if you have something on your mind." Council Member Lenard asked, "Is there a time constraint? I mean, is there something driving this timewise?" Mr. Chesney, "From Kansas Power Pool's point of view?" Council Member Lenard, "I mean anything with FERC or anything driving the cities - a deadline?" Mr. Chesney, "No, there's no deadline. We just know there's some things going on."

"I'll just tell you about an investor on utilities right now in the state of Montana - this very thing is under dispute. I don't know if it was wind or if it was solar - I'm not sure. The project developer has gone to the IOU Northwest Energy in Montana; and they want the utility to buy the energy at the utility's avoided cost; and by the way, that's what the law says - at the avoided cost. Northwest Energy has said, 'Well, our avoided cost is published at the state commission; but it's obsolete, we've never given it any attention, it ought to be lower'; and so here the parties go to the Corporation Commission - or Montana's version of what we would call the Corporation Commission, asking that to be revised. The Commission has said, 'Look, you need to take this matter to FERC'; and here they go to FERC. FERC says, 'You - you the utility, absolutely have an obligation to purchase the energy under this law; but establishing what the avoided cost is, that's a state matter - you need to go back to the state.' That's been going on for eighteen months, and it hasn't been resolved yet." He gave another example, "Just about eighteen months ago, there was an electric cooperative in the state of New Mexico. Kit Carson Electric Cooperative, Taos, New Mexico got wrapped into this; and is now buying energy under PURPA."

Mr. Chesney continued, "Lewis (Council Member Lenard), to be sure the Power Pool is not saying we don't want these projects, because it's the law. What we are saying is we don't want any of our members paying any more for the energy than what they're obligated to under the law. Our feeling is that if the day ever came that somebody came to the city saying, 'We've got a project, we want to sit down right now and we want to talk about your costs, and we want to start contract negotiations'; we (KPP) think as a staff and as a Board - our Board has approved this, that the city would have already wanted to adopt an ordinance that allows the city to say, 'You need to go talk to Kansas Power Pool about this'. We think that if they showed up at your doorstep, it's too late. That has a different set of optics than doing it now in anticipation. So in answer to your question of a timeline, there is no timeline - there's no deadline. This is old legislation, and we think it's wiser to dispose of this now rather than when it's in your face, if that day ever came. I'm still doubtful that it ever would. That's a long answer to your question, but does it address your question?" Council Member Lenard, "That's good."

Council Member Lenard asked, "Is the City under the jurisdiction of the PURPA, or not - municipal?" Mr. Chesney, "Yes, notwithstanding the fact that you have signed a full requirement contract with Kansas Power Pool; this is federal law that supersedes that. That would go right out the window. Every now and then - rarely, you've heard us talk about the Oklahoma Municipal Power Authority (OMPA). They are a KPP look-a-like in Oklahoma. They have forty-seven members. Every one of their members have adopted this ordinance, and every one of them have been granted the waiver by FERC. We know that because OMPA's FERC Counsel is KPP's FERC Counsel; so we've got a very high level of confidence that we can do this. I don't think anybody is knocking on the door anywhere in Oklahoma. I feel the same way about that state that I feel about here. It's kind of a rare thing, but it could happen and we just want to get ready for it in the event it ever did happen - that's really the long and the short of it."

Council Member Griffith, "Stan, I have a quick question. We had an individual that wanted to put up solar or something - how's that? Is that different? There's no relationship?" Mayor Luke, "That's an individual. That's totally separate." Council Member Tschantz, "The only relationship I see in that is if somebody put a wind generator in their back yard that would produce enough electricity to sell." City Attorney Robrahn, "There is an ordinance on that." [Ordinance 841 is the City of Burlington Parallel Generation Policy (Net Metering/Renewable Energy)] Council Member Tschantz, "I know that, but some municipalities probably don't have that." Superintendent Alan Schneider, "We're protected from that." Mayor Luke, "If the City wanted 'on our south substation to put a wind turbine down there', is that under the jurisdiction of the Kansas Power Pool if we utilize this ordinance?" Mr. Chesney, "Yes. Resources that are installed are pooled resources. Yes, because of our theory - it precedes me - is that resources are pooled for the benefit of all the members and the costs are distributed proportionately." Council Member Griffith, "Will that take us out of them having to pay for their excess - say if they would do the solar and now we're suppose to buy back what they....?" Mr. Chesney, "No." Council Member Griffith, "It doesn't affect that at all?" Mr. Chesney, "No, it doesn't." He added, "On the one hand, the parallel generation statute that Stan and Alan are talking about, states that if something that goes up for the retail customer's own use the excess energy would be purchased at a rate - a certain percentage up to a certain amount. That's right."

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Mr. Chesney, "This we're talking about tonight is not something for a retail customer's own use. It is a private installation specifically for the purpose of selling energy that would eventually go onto the grid. It's a different set of laws. It's a good question because that's about the sixth time that a council member has asked us that question."

Council Member Lenard, "I'm going to go back to last year when you had your two legal counsels there and we were trying to match up the different agreements. We used to have two different sets. In Section 4, it (the proposed ordinance) talks about the KPP rules for compliance. Now, does that document change any? If anything changes, does it come back to the City Council as in Section 5 - is it just for executing this ordinance or is it for future revisions of the KPP rules of compliance? Will that be a living document?"

Mr. Chesney explained, "The KPP rules for compliance referenced there would simply be the procedure that would be needed to comply with this law; so the interaction, if the waiver is granted, the FERC action gives the waiver, then the compliance process would be between KPP and the developer; and a purchase energy contract would be negotiated accordingly." He added, "That does not have any reference to the KPP Operating Agreement and the Power Purchase Contract; those you are already a party to. I think you're referencing last year when you referenced the power purchase contract meeting - the revision to get everybody aligned. That doesn't speak to that; that simply speaks only to the PURPA Act." Attorney Robrahn, "So, this ordinance does not amend that KPP Operating Agreement?" Mr. Chesney, "No, not at all. It doesn't touch it."

Council Member Lenard, "If somebody came in, the KPP would negotiate on behalf of the City. Would the City ever have any input to that final decision?" Mr. Chesney, "You certainly would - in the same that you have input on any project undertaking that KPP has. However, Lewis, it's going to be pretty straight forward because the law says it's going to be purchased at the avoided cost. We think we can establish that. You know the old saying that anybody can sue anybody over anything. Some of the stuff that is going on in this country is the utility is saying to the developer, 'Here's my avoided cost', and the developer is saying, 'Oh no that's not your avoided cost'; and boom now you're in litigation. So barring that, the establishing of avoided cost is not going to be less than avoided cost. So yes, we're going to listen to your input, but the negotiating terms we hope are going to be pretty straight forward, barring litigation." Mayor Luke, "We would have input through the KPP Board with Kingman or Augusta or Clay Center or any of those that have the same situation if the developer came to them and said, 'You've got to buy from us', we would have the same input there as they would have if the developer were going to come here. So, it's a larger impact than just the City of Burlington."

Council Member Lenard, "Is there going to be more dialog on this do you think at your conference?" Mr. Chesney, "I think the council may just give a report. That's next week. I think the City of Waterville doesn't even have this on their agenda until the 9th of October, and Clay Center. I'm going to answer your question. Clay Center is kind of a different animal because KPP's contract is with the Clay Center Public Utilities Commission and not the City of Clay Center; however, the Utilities Commission cannot adopt an ordinance, only the City could do that. So in the sense that there are a couple of cities that have not acted, there may be something very briefly said about PURPA; but I don't anticipate a lot of discussion because like I said, nearly everybody has already put it to bed."

Mayor Luke, "Any other questions for Mark?" There were none. Mayor Luke, "Are we at a point to make a decision or do we still want to have it on the agenda for next week?" Council Member Lenard said he would like to have more time, and others agreed. **Mayor Luke instructed Deputy City Clerk Brown to put this item back on the council agenda for discussion at the October 4th meeting.**

PUBLIC COMMENTS: None

ELECTRIC DEPARTMENT: Distribution Updates

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

ELECTRIC DEPARTMENT: Power Plant/Production Update

General: On the Production side everything is routine: power plant maintenance and generator maintenance.

Power Outage: Superintendent Schneider reported, "On Saturday, September 16th when the storm came through, we did have lightning come through the area. We had basically the circuit for the downtown area and north and east of the Water Treatment Plant down for a little over an hour - until we ran the trouble and changed some equipment out that was damaged by lightning."

WATER/WASTEWATER DEPARTMENT: Distribution Update

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

Cleanup/seed worked areas: Superintendent Hawkins reported, "For a few more weeks, we will continue going around town leveling and seeding areas where we've done work. We have a lot more of that to do, not just on Hudson Street but all over town."

Removing Meters: Water/Wastewater personnel have been disconnecting a few water meters in town where there were some demolitions in town.

Sewer Lift Station Maintenance: Personnel have been doing general maintenance at lift stations - degreasers and normal maintenance.

WATER DEPARTMENT: Production

General: Superintendent Hawkins reported the Water Treatment Plant has been running fine, and they are getting ready for the project coming up this fall.

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Cleanup in Plant: overtime needed: Superintendent Hawkins said, "We are getting ready for some seasonal changes. We'll be cleaning out our reactors and clarifiers, so we'll be scheduling a little bit of overtime soon. We'll just do normal cleanout of the basins - removing the sludge from them."

WATER DEPARTMENT: Water Treatment Plant - Fencing Quotes

Superintendent Hawkins presented three quotes for the Water Treatment Plant Fencing Project and stated, "It would be my recommendation that we award the contract to Kansas Fencing, Inc., with the low quote of \$21,000."

Challenger Fence Co. & Supply, Basehor, KS	\$27,900.00
Kansas Fencing, Inc.; Topeka, KS	\$21,000.00
Midland Fence Co.; Emporia, KS	\$21,550.00

Council Member Scothorn asked, "What all is getting fenced?" Superintendent Hawkins explained they will be fencing off from the southeast side of the Water Plant and go towards the river; and on the north side of the Water Plant where the existing fence is that lies next to the property on the west side of the Water Treatment Plant, we will go from there over to the corner of Miami and then all the way back to the river. This has been budgeted and is ready for us.

Council Member Tschantz stated, "I move to accept the quote from Kansas Fencing, Inc. for the Water Treatment Plant Fencing Project, not to exceed \$21,000, as being in the best interest of the City of Burlington." Council Member Griffith, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

WATER DEPARTMENT: USD #244 Middle School Water Meter Replacement

Mayor Luke said, "We have met with the school several times commencing in June of 2017 with respect to the water meter between the Middle School and the High School that serves their complex. It is currently owned by the school and was installed in 1978; and according to the school's records, Cook's Plumbing replaced the meter that was installed in 1978 approximately twenty years ago and have no record of having touched the meter since that time."

Mayor Luke explained that the City had talked with the School Superintendent about various options:

- The School District would purchase the new meter for about \$5,000; and the City would install the meter at no charge for the installation or the labor, with the installation taking place over spring break of 2018. The School Board rejected that offer.
- City of Burlington offered to have our certified company come to certify the accuracy of their meter, if they would pay a nominal expense for that. The School Board rejected that offer also.
- It was determined that although our City Codes give us the possibility of discontinuing the service if we do not have accurate metering, no action in respect to that would take place as the Water/Wastewater Superintendent and the Mayor have been working on a solution.
- One of the potential options is that under Kansas State Statutes, KDHE, and our ordinances, any and all metering must be certified and specially installed and owned by the City, calibrated within a plus or minus two-percent on a specific schedule, and meters must be in our easements and rights-of-way. The meter in question does not meet any of those criteria.

Mayor Luke stated, "We are looking at and are talking to the School Board with respect to installing a meter on the south side of Cross Street where the tap was initially installed in 1978 to provide a dedicated line to a single customer at that time. The meter would potentially be installed during Spring Break of next year when the schools would be inactive as identified by the principals; and would require less than an eight-hour shutdown to install the meter. Upon completion of that particular project, the School District would be responsible for the waterline to the meter throughout their complex, including the line south of Cross Street, also, under the roadway. The meter cannot be installed on the north side as the line at that point is over twelve feet deep due to the drainage ditch they installed at the time they built the school."

He continued, "The Governing Body in 1978 determined the School District should be required to pay for the meter and installation. That was their policy at that time. That is not our policy today; therefore, the expense of installing the meter will be at the expense of the city."

Council Member Scothorn, "Is that the only meter in town that the City does not own?" Mayor Luke, "Yes, that's correct; and that was done in 1978. We will find a solution that will work for everybody."

Mayor Luke explained that the City cannot install a meter on private property. All meters have to be in a city easement or right-of-way because we need to have access to them. Every time we read their meter we go into private property, and we have had permission from the school to go onto their property to read the meter, but we can't do anything else with it.

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Council Member Scothorn, "Do we think the meter they have now is giving free water?" Mayor Luke, "The key thing is there is a high and a low pass on the meter. Without having a fire, I don't think the high pass has ever operated. We don't know if it will; they don't know if it will." He explained that if their meter is running too fast, they are paying more than what they should. If it's running too slow, they are getting water they are not being charged for and the losses are figured in our water rates. Whichever way, all the taxpayers/consumers are paying for that water. Council Member Griffith asked, "Any water meters have to be put in by us?" Mayor Luke, "Yes - installed, owned, maintained, and operated by the City of Burlington."

Council Member Scothorn asked, "How often do we calibrate the meters - the big users?" Mayor Luke, "About every million gallons, and the school uses over a million gallons a year." Superintendent Hawkins, "Even at the Water Treatment Plant, that's done on an annual basis. We want to keep the calibrations, and that's why we're being proactive with removing meters that are at a million gallons or five years - whichever comes first; because we want to generate accurate revenue." He added, "When we do the installation of the water meter, we will put a bypass on there so there will never be an interruption again. So, if we go in to calibrate, work on it, remove and replace it, there won't be any interruptions in water supply to the school."

Council Member Griffith, "What about the elementary school?" Mayor Luke, "It's totally separate. It's correct."

Council Member Lenard, "So, are we seeing a trend in the delta of everything we document through sales?" Superintendent Hawkins, "Basically since the AMI (Automated Metering Infrastructure) came online several years ago when we went through the entire city and did documentation on it from small meters to larger meters; we've been real aggressive with trying to get everything up to date - remove and replace. This particular meter, the intent was to make sure it is calibrated, working, functioning properly. We're not treating anybody any differently; but it's just that we know that meter has been in the ground a tremendous amount of time - many millions of gallons too long."

STREET DEPARTMENT: Update

Council Member Curtiss provided Superintendent Mast's report.

Street Rebuilds: They are still doing rebuilds on the streets.

2017 Street Improvements - Asphalt: The Street Department worked with the Killough Construction on the Asphalt Project two days last week. The company finished a job and had two days before they went to another one, and it is unsure when they will be back to Burlington.

POLICE DEPARTMENT: Update

General: Chief Jones reported, "They have been keeping us busy - pretty much normal calls."

OK Kids: Chief Jones, "OK Kids was a week and a half ago. We had an absolutely perfect weekend for OK Kids. It was a really good turnout - we had over 600 tee shirts to hand out to the kids, and all of those tee shirts were handed out by two o'clock Saturday afternoon."

Municipal Court: City court last Thursday evening went well. Officers got good training out of it. Making arrests on warrants, welfare checks, and dealing with juveniles.

Training: Chief Jones will be in Overland Park the first three days of next week for training. It is the Fall Conference for Police Officers Association and Chiefs Association.

Halloween Parade: Chief Jones reported, "I got a message from Darla at the grade school. They want to do their Halloween Parade on October 31st, Halloween day. They will start lining up about 2:00 and start the parade at about 2:15; and it will be the same route - from the school, down to the stoplight, and back."

POLICE DEPARTMENT: Nuisance Update:

The Police Department has been working some nuisances as their schedule permits, and there are a few to be followed up on.

POLICE DEPARTMENT: Personnel Evaluation - Officer Blake Hanson

Chief Jones stated, "Blake Hanson has completed his second year with us, and it's a good solid evaluation. I am pleased with his progress and the work he's been doing. I'm recommending a 2.5% merit."

Council Member Lenard stated, "I move to accept Blake Hanson's personnel evaluation as presented, and to grant a pay increase from \$17.17 to \$17.60 per hour, effective September 20, 2017." Council Member Scothorn, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

PARKS DEPARTMENT: Update

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

Christian Motorcycle Association: Superintendent Boyce reminded the Council that on January 18 of this year, Council voted to waive the 90-day reservation timeframe and allow Mike Bright, Christian Motorcyclists Association, to reserve the 4-H Building from the evening of September 7th through September 10th, 2017. He said, "They had their rides September 8th and 9th. Four people camped at Kelley Park. Four people stayed at the motel. There were ten riders on Friday, seventeen on Saturday. They were impressed with the facilities, and they are already rescheduled to come here again; so he will probably be coming again to ask in advance for the building and stuff."

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Hazard Tree Removal (update): Superintendent Boyce said, "Welnitz Tree Care is scheduled to be here September 27th-28th to do the tree removals, if they have no setbacks between now and then. He does have four guys in Florida working the hurricane."

PARKS DEPARTMENT: Personnel - Heath Birk's Resignation / Advertise to fill position

Superintendent Boyce stated, "I got a resignation from Heath Birk on September 11th. It will be effective Friday, September 22nd which will be his last day. With that, I ask to advertise for a Parks Maintenance Worker until the position is filled."

Council Member Scothorn made the motion to authorize Parks Superintendent Boyce to advertise for a Parks Maintenance Worker until the position is filled. Council Member Curtiss, "I second it." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0. Council Member Curtiss, "Hate to see him go." Superintendent Boyce, "Yes, he was definitely a benefit."

FINANCE: Claims Ordinance & Payroll Ordinance

a.	Claims Ordinance	2017-17	<u>\$342,710.14</u>
b.	Payroll Ordinance	2017-18	<u>\$ 83,920.69</u>
	TOTAL		\$426,630.83

CLAIMS 2017-17: Council Member Lenard moved to approve City of Burlington pay Claims Ordinance 2017-17 in the amount of \$342,710.14 for payment of city bills, as presented. Council Member Griffith said, "I'll second." Mayor Luke called for discussion. Deputy City Clerk Brown said, "The largest expense is the Kansas Power Pool for \$238,180.20." Hearing no additional discussion, Mayor Luke instructed Deputy City Clerk Brown to poll Council for a vote. All votes were in favor. Mayor Luke declared Claims Ordinance 2017-17 approved by unanimous vote, 5:0.

PAYROLL 2017-18: Council Member Lenard made the motion to approve City of Burlington Payroll Ordinance 2017-18 in the amount of \$83,920.69 as presented. Council Member Griffith, "Second." Mayor Luke called for discussion. Council Member Scothorn, "I have one question on the overtime on the Police Department, did we have something going on?" Deputy City Clerk Brown, "Holiday - that would have been for Labor Day." Chief Jones, "That was Labor Day weekend." Hearing no additional discussion, Mayor Luke instructed Deputy City Clerk Brown to poll Council for a vote. All votes were in favor. Mayor Luke declared Payroll Ordinance 2017-18 approved by unanimous vote, 5:0.

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin has been doing normal duties, including doing some backup and computer maintenance for the last couple of days. He thanked Superintendent Boyce for helping him clean the area outside the front entrance of City Hall in preparation for the Office Staff to do their fall decorating. He also did some permits, which will be on the October 4th agenda.

PLANNING & ZONING: Planning Commission/BZA Variance for 915 S. 6th (Vernon Hess' Garage)

Zoning Clerk Hugunin reported, "The Planning Commission had their meeting and hearing on Vernon Hess' garage. He wanted a variance for a larger garage/shop than what is allowed. The determination of the Planning Commission (which also acts as the Board of Zoning Appeals) was to grant the variance based on the fact that the property is going to be used partially for his plumbing business, which is similar to what Calvin Freeman has. They passed Resolution on Case No. BZA-V-2017-01."

Council Member Griffith asked where it is and if there were already a business there. Zoning Clerk Hugunin explained, "It is at 916 S. 6th Street. It is not going to be a business. It will be for his personal storage and also for his plumbing equipment because he does plumbing out of his home." Council Member Griffith, "I've just been curious. It seems like some of our buildings are getting bigger and bigger." Zoning Clerk Hugunin, "That's why they ask for a variance, and it is either approved or rejected." Council Member Griffith, "How much bigger is it?" Zoning Clerk Hugunin, "It's going to be roughly twenty feet bigger than what we have in town now. Standard size is up to 40' by 60', and this one will be 40' by 80'." (This type of PC/BZA resolution does not need city council approval, however Council voted on it.)

Mayor Luke, "What is Council's pleasure?" Council Member Scothorn made a motion to approve Resolution on Case No. BZA-V-2017-01 concerning a variance for Vernon Hess for a garage at 915 S. 6th Street in Burlington. Council Member Curtiss, "I'll second." Mayor Luke called for discussion. Council Member Scothorn asked, "Did the neighbors around there say anything?" Zoning Clerk Hugunin, "None of them had anything to say." Council Member Griffith, "Were they given notice?" There being no additional discussion, Mayor Luke called for a vote. Motion unanimously carried. (Note: This type of PC/BZA resolution does not need city council approval.)

PERMITS: Permits issued by Zoning Clerk Hugunin: None

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LEGAL DEPARTMENT: Update

APAC - 2015 Street Improvement Project, repairs: City Attorney Robrahn stated, "We received news from APAC - an email from APAC's Dallas, Texas attorney; and APAC has agreed to our timeline to get the chip and seal project for next summer."

Training: City Attorney Robrahn said, "The Assistant City Attorney (Philip Wright) and I attended the League of Kansas Municipalities meeting for City Attorneys last Friday in Wichita; and as always, we learned more. Thanks for letting us go."

CITY CLERK: Update by Deputy City Clerk Brown

General: City Hall personnel have been busy preparing meter readings for utility billing. 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: "September we will be sending \$1,192.34 in delinquent utility accounts for collection to the Kansas Set-off Program."

Special Assessments for Nuisances and for Street Oiling: Special Assessments in the amount of \$4,500 for mowing and weed clearing nuisances have been submitted to the County Clerk to be assessed against the property. There were four different properties. Special Assessments for the 2015 Street Oiling Project on Mohawk Street between 14th Street and 15th Street have also been submitted to the County Clerk to be assessed against the property taxes.

Financial Audit of 2016: Sean Gordon of Mize Houser & Company, will be at our October 4th meeting of Council to present Burlington's 2016 Audit.

Water Rate Study - update: The Water Committee, Mayor Luke, Superintendent Hawkins, and City Clerk Kewley had a scheduled meeting with Phillip Fishburn from Midwest Assistance Program on September 14th in regards to the Water Rate Study.

LKM Conference: City Clerk Kewley attended the Annual League of Kansas Municipalities Conference in Wichita last weekend, September 16th through 18th.

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

City Hall - Front Cleanup: Deputy City Clerk Brown, "I, too, would like to thank the Parks Department and Jimmy (Zoning Clerk) for the area outside the front entrance. It looks really nice. Carol (Billing Supervisor Mahon) has been the one doing the decorating, so far." Council Member Curtiss, "It looks very nice."

COMMENT OF CITY OFFICERS: LKM Conference

Council Member Curtiss, "Thank you for sending me to the conference. It was good."

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	Financial Program Software (CIC) - updates MT Wireless - Fiberoptics to City Buildings GAAP – Infrastructure Capitalization Audit 2016	
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 (AMID)-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) Hazard Tree Removal	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 Anne C. Brown, Deputy City Clerk