BURLINGTON CITY COUNCIL REGULAR SESSION 8-18-2021

City of Burlington Governing Body met in Regular Session at City Hall's address, 1013 N. 4th Street, Burlington, Kansas, at 6:00 p.m. Wednesday, August 18, 2021. Mayor Stan Luke called the meeting to order.

THE PLEDGE OF ALLEGIANO	CE			
ROLL CALL: X Stan Luke, Ma	yor			
Council Members present:				
☐ Jerilyn Curtiss	☐ Dallas Scothorn	Lewis Lenard (President of Council)		
☑ J.J. Jasper	Thomas P. Tschantz	Sharon Hall		
Superintendents Present:				
Kevin Boyce (Parks)	X Alan Schneider (Electric)			
□ Doug Jones (Chief of Police)	☐ Danny Hawkins (Water/Wastewater)			
Also Present:				
Anne Brown (City Clerk)	Mary Mader (Ac	dministrative Assistant)		
Philip Wright (City Attorney)	☐ Jimmy Hugunin (Zoning/Grants Clerk)			
☐ Kerri Weltha (Deputy City Cler	rk)			
Media Present: Mark Petterson (Coffey County Republican)			
VISITORS: Wayne Drogemuller	Wade Rowie			

<u>VISITORS</u>: Wayne Drogemuller, Wade Bowie

AGENDA:

Council Member Lenard, "I move to approve the agenda as modified." Council Member Hall, "Second." Motion unanimously carried, 5:0.

MINUTES 8/4/2021: Mayor Luke, "You have before you the draft minutes of our regular session of August 4, 2021. Are there any additions or corrections?"

Council Member Curtiss, "I move to approve the draft minutes of August 4, 2021, as modified." Council Member Tschantz, "Second." Motion unanimously carried, 5:0.

PUBLIC COMMENTS:

ELECTRIC DEPARTMENT: DISTRIBUTION Update

General: Electric personnel have been doing many line locates, customer service requests, tree trimming, shop maintenance, preventative line maintenance, street light maintenance, and vehicle and equipment maintenance.

<u>Line Maintenance</u>: Superintendent Schneider, "The men are out doing preventative line maintenance and straightening a three-phase power pole."

System Mapping: Superintendent Schneider, "We have been working on updating our system mapping. We are trying to make it a little easier for some of the newer guys to read the mapping."

<u>Added Service</u>: Superintendent Schneider, "We did add a permanent service to a new structure on Yuba Street. We also added a new service to a customer on a storage building."

Tree Trimming: Superintendent Schneider, "The men are still doing some tree trimming."

ELECTRIC DEPARTMENT: PRODUCTION Update

<u>General</u>: Power personnel have been performing normal power plant and equipment maintenance, over current relay maintenance, plant reports, DC power supply, and substation maintenance.

<u>Generator Maintenance</u>: Superintendent Schneider, "The catalysts for the generators are back from cleaning and are reinstalled and are ready for testing when it comes to that date."

<u>Reports:</u> Superintendent Schneider, "We are still completing plant reports and KDHE reports. We submitted some requested generation data to them."

WATER AND WASTEWATER: Distribution Update

General: Personnel have been doing the normal duties: line locates, work orders, reading meters, meter rereads, cleaning sewer lift stations, maintenance on trucks and equipment, customer call-outs, and concerns.

<u>Water Meter Installs - AMI:</u> Superintendent Hawkins, "We have been installing new meters in town. We also have been installing new meter pits, risers, and setters as well."

<u>Flushing Lines:</u> Superintendent Hawkins, "The men have also been out flushing dead ends on fire hydrants to keep the water quality up."

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<u>Water Leak:</u> Superintendent Hawkins, "We contacted Tony Kimmi with the Kansas Rural Water Association. He has a listener that can help us find water leaks. We had him try to find what we thought was a leak in front of the library and he found a very small one. We have scheduled next Monday to go in and get that fixed. We wanted to know as precisely as we could so we do the least amount of damage. We have a good idea of where to punch through the concrete to fix that leak."

WATER AND WASTEWATER: Production Update

General: Superintendent Hawkins, "The plant is running very well."

Fan Replacement: Superintendent Hawkins, "We replaced an exhaust fan on the river intake."

Pump Maintenance: Superintendent Hawkins, "We installed new packings in the river pumps."

<u>Filter Maintenance:</u> Superintendent Hawkins, "We had a transducer on our filters that went out on us. We got a hold of Equova and we are working with them. Dave Mielke is doing the calibration on that to get that back in order for the filters."

<u>KDHE Lab Reports- THM's:</u> Superintendent Hawkins, "For the month of July our THM's were out of compliance. The maximum was 80 and we had 91. Our HAA5's were in compliance. That is disinfection byproducts off of the chlorine. We have done the proper steps to fix that internally within the plant. July is always our achilleas tendon with the hot weather and everything. We will get that back in control. That still means that we are in compliance with the yearly quarterly of 58. We are well within it."

QUESTIONS/COMMENTS

Council Member Lenard, "Are there any strategies in the future where we could get ahead of that in those hot months." Superintendent Hawkins, "Yes, we have sat down and we have a battle plan of what we are going to do for the future. Operational procedures and what to do to prepare for those times. It is just a tough time. July has always been a really hard time, unfortunately. It is a hot time. Our water quality coming in was not the greatest. That is when we were getting a lot of the taste and the odor. We were adding a tremendous amount of chemicals but it wasn't enough to keep it under the threshold."

Council Member Lenard, "Okay, the second question I had was on this new technology for helping find the leak. Is there going to be a cost-benefit to that that saved us from excavating in time that we could quantify?" Superintendent Hawkins, "Since we are members of the Kansas Rural Water Association, they allow us to call them and they will come and assist us at no charge at all. That is what we wanted to do. Especially in front of the library. There is so much concrete in there, we didn't want to chase it assuming where it was. Tony could come in and he could almost stand on top of it. He was the one that found the one that was out in the middle of Highway 75 in front of the donut shop. We just want to have the least amount of impact. Especially with school starting and we want to make sure we work with the library as well. We are trying to isolate it as much as we can and make our time there the least impacted on the public."

STREET DEPARTMENT: Update

<u>General</u>: Personnel have been doing the normal duties: cleaning ditches, sweeping curb and gutter, fixing potholes and ruts, blading rock roads, repairing and re-rocking alleys, fixing and replacing street signs, and truck and equipment maintenance.

<u>Bind Weed Spraying:</u> Superintendent Davidson, "Daniel Meyers passed his noxious weed test. We are waiting on the certificate back from the state. We started equipping the side by side with hazard lights. We picked up a 65-gallon spray tank; it is installed. We are ready to go. All we need is chemicals and the license then we can start spraying."

<u>Sheep Foot Roller – Burlingwood Court:</u> Superintendent Davidson, "We picked up a sheep foot roller in Topeka to start on Burlingwood Court. We have every intention of starting that Monday. We are going to take the concrete off, take it down 10 inches, put the base rock back, and then it will be ready for asphalt. We should be able to save \$60,000-\$80,000 instead of having the contractor do it and hauling in the base rock."

<u>Training:</u> Superintendent Davidson, "Today the guys went to Neosho County to watch a demonstration of an asphalt zipper. It is a grinder that goes on the front of a wheel loader. We had looked at one several years ago. I think it is really out of our budget. They got some good information. They received good pointers on patching soft areas in the road."

QUESTIONS/COMMENTS

Mayor Luke, "Is this the time of year to do the spraying?" Superintendent Davidson, "What we have been told is that as long as it is still in bloom, we can go ahead and spray the bindweed."

POLICE DEPARTMENT: Update

General: Normal Duties. Chief Jones, "We have been staying very busy."

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<u>City Court</u>: Chief Jones, "We had city court last Thursday. We ran a number of cases through court. We had basically one sentencing. Jimmy Talley for 48 hours in the county jail at the end of this month. The judge went down the checklist that he and his attorney and prosecutor had arrived at, and he had failed to abate most of it. So, the judge gave him 48 hours in jail and orders to have it done by the next court. We will see what happens and how much time he gets next court."

School: Chief Jones, "School starts tomorrow."

<u>City Court:</u> Chief Jones, "Richard Messerly had his final at the academy and scored a 93% on his final. He will graduate Friday. Some of us are going to head out there for the graduation."

<u>Cases</u>: Chief Jones, "We had an incident last night. The county had a suicidal subject with a gun that was threatening to kill himself and there were three other people in the house that they believed was in danger as well. My duty officer was the closest. The deputy that was on duty was clear on the north end of the county. So, they asked him to go out there to just get an eye on things. As he was going down 12th road past Jason Street, he had a car start to turn right in front of him. He had a crease and a little scrape down the passenger side door of the car. I sent photographs of those over to the body shop that we use to get an estimate or quote for what we would be looking at. I was visiting Anne early today about it. We will wait to see numbers come back as to whether we will do an insurance claim or just repair it. It is more cosmetic than it is anything. Nobody was hurt. The Sheriff's office is actually working that one because it was out in the county and it involved one of our cars. We don't work our own accidents."

QUESTIONS/COMMENTS

Council Member Lenard, "Any updates on nuisances?" Chief Jones, "I visited with Edith Smith about 509 N. 1st. Her husband was at work but I visited with her and her college-aged son with the request that her husband gets ahold of me. They have plans. I asked and told them that I specifically need to know what we are looking at, what kind of a timeline we are looking at, and that we are getting quite a few comments and concerns and pressure to get something accomplished with this. It has been since March 24, 2020, that it burned. I have to get something done with it. I will see if he contacts me and if we get some kind of action plan out of this or whether I come in with a report to request a resolution to condemn."

Council Member Curtiss, "Is there a timeline that you have to wait for him to contact you?" Chief Jones, "I am going to give him until September 1st which is the next council meeting day. If he has not contacted me prior to the September 1st council meeting then you will have my report and pictures on the table asking to start the proceedings on condemnation." Council Member Curtiss, "Well, it is pretty bad that the place is not boarded up at all or anything. It's a hazard." Chief Jones, "Broken windows. It is what they call an attractive nuisance. I understand that he has some financial issues but we can't continue to wait on his ability to get it taken care of."

PARKS DEPARTMENT: Update

<u>General</u>: Personnel have been doing the normal duties: cleaning public restrooms and buildings, building and equipment maintenance, spraying weeds, watering flowers and trees, and mowing.

<u>Hazardous Tree List</u>: Superintendent Boyce, "I am working on a hazardous tree list. I am hoping to have quotes for the next council meeting to have them removed by a contractor."

Johnson Grass: Superintendent Boyce, "We got the Johnson grass treated in the industrial park."

<u>Nuisance Mowing:</u> Superintendent Boyce, "We mowed seven nuisance properties since the last meeting. I hope some of them get sold before the next mowing season." Chief Jones, "I hope they actually have that tax sale that they have been saying that they are going to." Mayor Luke, "As of last Monday when I talked with the county attorney, it was still scheduled for September."

QUESTIONS/COMMENTS

Mayor Luke, "Are we still spraying for mosquitoes?" Superintendent Boyce, "Once a week." Council Member Lenard, "I haven't seen any for a while. I'm guessing it's working." Superintendent Boyce, "Working and it has dried out." Council Member Lenard, "It wasn't as bad as it was earlier when Kevin went to twice a week."

FINANCE: Claims Ordinance & Payroll Ordinance

a.	Claims Ordinance	2021-16	\$ 801,956.40
b.	Payroll Ordinance	2021-17	\$ 88,573.66
		TOTAL	\$ 890 530 06

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<u>CLAIMS 2021-16</u>: Council Member Lenard moved to approve City of Burlington Claims Ordinance 2021-16 for the amount of \$801,956.40 for payment of city bills. Council Member Tschantz gave the second. City Clerk Brown, "The larger expenses we have tonight are Brenntagg \$8,691.14, Kansas Power Pool \$307,754.86, Victor L Phillips Company \$4,745, and Kansas State Treasurer \$377,173.75." Hearing no additional discussion, Mayor Luke instructed City Clerk Brown to poll Council. All votes were in favor. Mayor Luke declared, "Claims Ordinance 2021-16 passed unanimously, 5:0."

PAYROLL 2021-17: Council Member Tschantz moved to approve City of Burlington Payroll Ordinance 2021-17 in the amount of \$88,573.66, as presented. Council Member Hall gave the second. Hearing no discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. All votes were in favor. Mayor Luke declared, "Payroll Ordinance 2021-17 passed unanimously, 5:0."

AUTHORIZATION TO PUBLISH THE NOTICE OF REVENUE NEUTRAL RATE HEARING

Mayor Luke, "With Senate Bill 13 we have several things that we have to go through with respect to the public hearing. We had supplied to the county that we would do a revenue-neutral hearing on our budget. I would like motion to schedule it to be published in the August 26th newspaper for the hearing which will be at 6:20 p.m. on September the 15th."

Council Member Lenard, "I move to authorize publication of the Notice of Public Hearing for City of Burlington's Revenue Neutral Rate, which will be held during the City Council meeting on September 15, 2021, at 6:20 p.m. at 1013 N. 4th Street, Burlington, Kansas." Council Member Curtiss, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

AUTHORIZATION TO PUBLISH THE NOTICE OF BUDGET HEARING

Mayor Luke, "We also will be publishing on the 26th the notice of hearing for our 2022 budget which will follow the revenue-neutral hearing and be held at 6:30 p.m. on September 15th, 2021.

Council Member Lenard, "I move to authorize publication of the Notice of Public Hearing for City of Burlington's 2022 Budget, which will be held during the City Council meeting on September 15, 2021, at 6:30 p.m. at 1013 N. 4th Street, Burlington, Kansas." Council Member Hall, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, "Normal duties."

<u>Permits:</u> Zoning Clerk Hugunin, "I have been updating permits and getting those sent up to the courthouse."

<u>Kelley Park Deed Information:</u> Zoning Clerk Hugunin, "Mary and I have been researching a lot about the Kelley Park deeds and what is allowed down there. I know Warren Bell was at the commissioner's meeting Monday talking about how the only things that can be in there are fair-related activities. We found a supplemental deed from 1914. It essentially says that it has to be used for activities and the fair but there is a clause that says we as the city can do other restrictions for other activities or allow things to go on in the park for a long period of time by resolution. So, if we wanted to have an office down there then we make a resolution stating that we allow the county or anything to be down there. You (Attorney Wright) might want to look at this too."

Attorney Wright, "If you're asking me, I need to see the deeds." Zoning Clerk Hugunin, "We just found this today at 4:00 p.m. or something like that." Attorney Wright, "I'll take a look at it. There was a deed from 1944 or something too, right?" Zoning Clerk Hugunin, "Well, the original deed was from 1908, then this supplemental deed would be October 13, 1914." Mayor Luke, "There was ordinance 242 in 1931." Attorney Wright, "Well, just send that over to me and I'll take a look at it." Zoning Clerk Hugunin, "We will get you a copy of that."

<u>Coffey County Option to Purchase – Industrial Park Use:</u> Zoning Clerk Hugunin, "I talked with Tom Johnson on the phone about what is allowed in the industrial park and how a special use permit works. It would have to be a special use permit. If it was approved and then it has to go to the planning board and we have to have a hearing on that. Planning Board would make a decision and then our recommendation would come to you guys and ultimately you would make the decision from there. There are two ways to do it. You can apply for special use or you can apply to have it rezoned to commercial."

OTHER COMMITTEE OR COUNCIL BUSINESS:

LEGAL DEPARTMENT: Update

<u>Coffey County Option to Purchase – Industrial Park Use:</u> Attorney Wright, "Jimmy just addressed some of this. I know there has been a lot of interest in it. The city has a lot of options really that they could do with this. One of them is to just ignore it. At some point, if the county wants the property, they are going to be able to get it through eminent domain or other legal processes. I think if they want it then they are going to get it. If the city wants to be able to be involved in that process and have some guidance or some say in that. It would be better to have a contractual relationship with the county with regard to that particular piece of real estate. I think that is something for everybody to think about."

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Council Member Jasper, "Does imminent domain come into factor if the county already owns property to do what they want to do on?" Attorney Wright, "All imminent domain does is a government entity or quasi-governmental entity takes property from somebody to do something with. There is a legal process they have to go through. Supposedly whoever is getting the property taken away from them will receive market value for whatever that property is worth at that time. I don't know if that answers your question." Council Member Jasper, "No."

Council Member Curtiss, "Is that a long process or a short process." Attorney Wright, "The wheels of justice always turn very slowly." Council Member Curtiss, "I know that." Council Member Jasper, "So, if they already own property--." Attorney Wright, "If they already own property then it goes through the zoning process or they are going to have to ask for a special use permit to make that happen. Does that answer the question?" Mayor Luke, "If they own 10 acres somewhere in the county and then they go after our property in imminent domain...." Attorney Wright, "It doesn't matter if they own property somewhere else, right?" Mayor Luke, "Okay. That was the question." Attorney Wright, "If they want to take away property. That is part of the core process and the wheels of justice that turn very slowly. I am sure if there is a contingency of folks that just really don't want it to happen in a specific location then they will probably throw a wrench in the works. But eventually, I think the county is going to be able to put it where they want to put it."

Council Member Curtiss, "Even if the planning board wouldn't be for changing it from industrial to commercial?" Attorney Wright, "Yeah, so it has to go through that process first, right?" Council Member Curtiss, "Right, so if they said no, they don't think it's a good idea, can they still do imminent domain?" Attorney Wright, "They can still take the property. There is a big difference between owning the property and being able to build a building on the property, right? If they weren't going to be able to build on the property--." Council Member Curtiss, "Why take it." Zoning Clerk Hugunin, "There are ways that they can appeal too. There is an appeal process in our books. If the planning board said no, they can appeal it and then keep going." Council Member Jasper, "If it gets to the planning board and zoning, it's going to pass. We are talking about a government entity getting what it wants through another government entity. It would sure be a shame if we had to go through the domain process and have taxpayer money battling over property."

Council Member Lenard, "I think you guys are going to a place that won't happen. Hopefully not." Attorney Wright, "Another option, the city can really sit back and do nothing, but the city could hold a public meeting and let people come in and people can talk about pro and cons, put a motion on the table and at that point make a decision. You could choose to not decide at that point too, you could table it at any moment in time. I will say a couple of things about this. The county needs a new jail facility. I don't care where it is put or whatever. They need something there. I think that the county and the city have a very good relationship, especially on the law enforcement side. I don't want that to be harmed in this process. For example, when we send our defendants over and they get convicted, the county doesn't charge the city for us to have people in custody in the county jail, right now. I don't know how far back that goes. Chief maybe you know more about it."

Chief Jones, "It was in place when I got here." Attorney Wright, "There are kind of some things that are useful or helpful to the city to be involved in this process a little bit. I haven't had a chance to talk with anybody individually. I don't know where everybody is at with it. I know there is a contingency of people. We call them NIMBY's, right, not in my backyard. They were here at the end of the July council meeting. I think there are some kind of misunderstandings with regards as to what this thing is. Another way, I think this is something that the mayor came up with, is that you could have a special work session just to talk and see what you want to do with it. It would be open to the public but they wouldn't be able to have any input. So, you would be able to talk and work things through. Is there anything else, Mayor?" Mayor Luke, "I think that was it."

Attorney Wright, "I think that is kind of the main stuff. Some of the discussion, in my opinion, that has happened in the city council meeting is really not appropriate for the city council. It should be happening over at the county. There were a lot of questions regarding the finance of it and all of that kind of stuff. That has nothing to do with us. Those people need to go over to the county commissioner's meeting and get their stuff there. Really this is just that the city happens to own a piece of real estate that is probably a good location for this with everything there and it would be cost-effective. I don't know if anybody has any questions. I can't predict the future. There are just so many cogs in this machine. Anybody that says this is going to go exactly this one way, they are lying to you, right? Because nobody can determine that."

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Council Member Jasper, "So we as a council, we had roughly 24 to 36 hours to think about the option to buy. My question I guess, right here right now, is how long have we known about it, other than the council?" Attorney Wright, "I can't answer that question. I didn't know about it until shortly before that meeting as well. If your complaint is about communication and that sort of thing, that's fine and I get that. That is a two-way street. The council needs to be able to talk with each other and with the mayor. That is not my job. My job is to give legal advice to the city council. Certainly, there are avenues and opportunities to discuss this now. I really think the best way to discuss is for you guys to individually talk to each other outside of quorum so it's not a public meeting. Also, talk with some of the players in this, talk with some at the county if you have information that you are concerned about and want to get clarified. That is what I would recommend that you do."

Attorney Wright, "I guess what the big picture here is the building of this facility is really not the city's decision, we just happen to have a piece of real-estate. Most of the common questions that were presented were better off designed.... So, some people are trying to use this as a way to crash the project here instead of really where it should be. If people in the community really have a problem, they need to be talking to the county commissioners and those folks, right? They are the ones that need to find out how to finance it and where to put it and what it's going to be. Is it going to be a jail or justice center? We are not deciding that here."

Council Member Tschantz, "Yet in retrospect, we still own the property." Attorney Wright, "Sure. We have one little cog in the wheel of a big machine. Personally, I think it's a good thing. It is a good thing from a law enforcement standpoint and it keeps our officers safer than they are now. I think it is a good thing. I am all for it. That is my personal feelings on it. I am here to do what you guys want to do on it. I am here to review things legally and advise you from that standpoint. I am pretty much an open door if anyone has any questions."

<u>Kansas Open Meetings Act:</u> Attorney Wright, "We really need to be careful with regards to the Kansas Open Meetings Act in emails. We had a near miss incident I think in the last week or two that that could have happened. Mary, when you send emails out, blind copy. That way it eliminates the temptation to reply all. If you blind copy everybody, if you reply all, it only goes back to you. Okay? I think that's just a technical thing. We are good. There have been a couple of times that it has made me really nervous. We don't want to have any of those types of violations."

CITY CLERK: Update

General: City Hall Staff have been busy with customers paying utility bills, many calls and inquiries, preparing work orders, vouchers for bill paying, payroll, and council meeting minutes.

2020 Audit: City Clerk Brown. "I received the draft audit for 2020 from Sean to review before he sends the final one. That is getting close on that."

<u>City Hall Renovations - Awning:</u> City Clerk Brown. "I had Shawn Sharp come up with Sharp Painting to look at the front awning here because it looks really bad and to give a quote on power washing it and re-painting that and around the windows here. That just falls under repair and it was less than \$3,000. He is going to try to fit us in before the end of the year. He couldn't give me a time frame because he is really busy. We want to go ahead and get that done so that looks better. We will look at painting the rest of the building that looks bad in the back next year."

<u>Capital Improvement Plan - County:</u> City Clerk Brown. "I handed out a copy of the Capital Improvement Plan from Jim Schussler. He wanted me to give that to you all to start looking through. He is going to be here at the next council meeting to go through that."

<u>Work Session</u>: City Clerk Brown. "Also, a reminder if you have any topics for the work session that is coming up then it needs to be on the agenda, that is next Monday."

REPORT BY CITY OFFICERS:

Communication / Meetings: Council Member Lenard, "I want to kind of follow up on Phil. I get what you are saying on the KOMA. One of the items that I kind of had marked for our work session was communication. I know it is an open meeting but I strongly feel that it would be nice for the council and the mayor to be able to sit down and chew the fat and get things done. I know that we are probably limited by that. I feel that is vital to our working together and all that. We continually have communication issues. We need to figure out something to make it work. I don't know how we can navigate around that. I wish we had a silver bullet that we could." Attorney Wright, "The silver bullet is to have special work sessions. Notify the public that you're having it then sit down and talk. Unless it is something that would come under an executive session exemption. Or like I said, nothing stops any of you guys from calling each other and visiting with each other or whatever, as long as you don't have a quorum present in those conversations."

Chief Jones, "What about serial meetings? There have been entities that have gotten hammered for it." Attorney Wright, "That's why the best way to do it is to have special meetings, right? Get together and talk. When there is some of this stuff going on I don't see why it would violate KOMA to talk with each other, especially on a one-on-one basis, right?" Council Member Jasper, "Didn't the state change that or they changed the number--." Mayor Luke, "You just can't have a quorum, which is four in our case." Attorney Wright, "You just can't have enough people there to make a decision." Council Member Jasper, "So, Jerilyn, myself, and Lewis could have a meeting."

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Attorney Wright, "Like a committee meeting." Council Member Curtiss, "But we would still have to notify here that we are having a meeting at my house?" City Clerk Brown, "No, because it is not actually a committee meeting." Council Member Lenard, "That's coffee and donuts." Council Member Curtiss, "You're buying."

Council Member Jasper, "It still takes a majority to vote." Mayor Luke, "You cannot make a motion or a decision. All you can talk is in generalities and put together a game plan." Council Member Curtiss, "So, I can't have a party at my house and invite everyone." Attorney Wright, "You can, you just can't talk about city business. I'll give you an example and I don't remember all the nitty-gritty details on it. Some council member somewhere, it wasn't in Kansas, got into trouble because they Facebooked something and then several council people commented on the Facebook post. Enough of the other council members that could make a quorum commented. That ended up being a two-way communication among the quorum and it ended up being an open meetings violation. It was in another state but that is how sensitive some of this stuff is getting. My position is that the city should be open anyway and be candid with people."

Attorney Wright, "If you have the right mindset that we aren't really trying to hide anything but we do have a communication problem. We need to be able to communicate and those laws make it difficult to do that sometimes. Sometimes you can't get anything done unless everybody is together. It works against itself a little bit in the name of keeping transparency. In the olden day's people could just go in the back and make out all of these deals and that wasn't really right. There is a reason why we are here. I think you have to understand that part of it. I have been coming down to Burlington for 9 years now doing municipal court and I have been involved in a few things that have happened over the years. I don't know all of you guys all that well individually and I don't know what your relationships are like with each other."

Council Member Lenard, "I know KOMA is a rule but I feel like we hide behind it sometimes to prevent proactive communication on issues like the option on the land." Attorney Wright, "I think sometimes people tend to feel a little bit squishy or queasy discussing certain things out in the open. It's like if you're buying a house or something. When most people do that, it is a private thing. There are a lot of things if it is your personal business you tend to hold it tight and we are dealing with similar issues with the City and it's a natural reaction to want to hold it tight."

Council Member Curtiss, "If you wanted to do new street lights and we are going to vote on this at the next meeting and we have information on that. As far as communicating to let us know that this is something that we are going to vote on. Could we have a blind carbon copy go to every council member to say --?" Attorney Wright, "If a council member wanted to send something out to everybody about street lights, they could do that. The risk is someone replying back." Council Member Curtiss, "Right, but if it was a notification so that everybody was aware as far as this is going to be discussed and voted on, that could be done?"

Attorney Wright, "This is what I would suggest and it's a lot of work. Usually, those types of recommendations come from a result of a committee meeting, they decide they want to take some kind of action. At that point whoever leads up that committee, if I were that person, I would individually call everybody and say this is what we came up with. This is what we would like to do. Do you have any thoughts? At the next council meeting, we would like to bring something to a vote. Then you would get some input. Someone doesn't like this or that part than by the time you get to the city council then you have it fleshed out for the most part to present it. If there are last-minute things then you are able to talk that out in the open meeting together. There are some issues that are complicated enough that that is what needs to happen. That would be my suggestion."

MAYOR'S COMMENTS:

FUTURE AGENDA ITEMS:

COURT AGENDATIENTS.			
GENERAL: City Debt - How to fund projects	GAAP - Infrastructure Capitalization		
Expense Tracking on Projects	City/County Grant Funds – Discussion on Matched Funding		
Budget 2022	Council Discussions on Evaluations, Succession Planning, etc.		
Flooding 5-2019 – Updates	Plan Council Work Session		
ELECTRIC DEPARTMENT: Power Plant - Additional Generation	RICE NESHAP Compliance		
PARKS DEPARTMENT: Events in Parks (Updates)	Kelley Park Light Poles - Repair/Replace (also see Legal)		
City Dam - West Wall Repair - Engineering Services Proposals	Girl Scout Rock Garden - Updates		
LEGAL DEPARTMENT: Municipal Court Updates	Misc. Legal - Documents, Cases, Contracts, etc.		
PLANNING AND ZONING	Quarterly Construction Valuation Report		
Work with Advantage Computers and City Departments to improve Cyber Security	Prepare Easements for any City-owned property without one		
Nuisance Structure & Properties: Work with PD	Addition Nuisance Structures for Possible Condemn/Demolish		
FIRM Floodplain Map Changes – Updates	Permits - Building/Zoning/etc.		
Burlington Corporate Boundary Updates on Map (Work with State)			
POLICE DEPARTMENT Nuisances (Work with Zoning Clerk)	Department Activities and Cases		
Voice Stress Analyzer Project			
STREET DEPARTMENT: Concrete St. Repairs/Free State Ct. Replacement/Repair	Street improvement Plan, Paving Gravel Streets, Crack Filling,		
Pavement Management System/Asset Management System	Street Improvements 2020 6th & Alleghany Project		
	Street Improvements 2020 Asphalt Project		
WATER & WASTEWATER DEPARTMENT: Sensus Water Meter Replacen	nent Sewer Lagoons - Analysis (KRWA/funds for dredging		
Sewer Lagoon Maintenance/ Updates Storage Building for Dirt	-Construction Sewer Liftstations –Flushing Rags, etc.		

Mayor Luke declared the meeting adjourned.