

BOOK 26
April 19, 2023

BURLINGTON CITY COUNCIL REGULAR SESSION 4-19-2023

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, April 19, 2023. Mayor Luke called the meeting to order.

THE PLEDGE OF ALLEGIANCE

ROLL CALL: Stan Luke, Mayor

Council Members present:

Jerilyn Curtiss

Maxi Berryman

Lewis Lenard (President of Council)

Lila Van Horn

Thomas P. Tschantz

Martin Ernst

Superintendents Present:

Kevin Boyce (Parks)

Alan Schneider (Electric)

Mark Davidson (Street)

Doug Jones (Chief of Police)

Danny Hawkins (Water/Wastewater)

Also Present:

Anne Brown (City Clerk)

Mary Mader (Administrative Assistant)

Philip Wright (City Attorney)

Jimmy Hugunin (Zoning/Grants Clerk)

Greg Holmquist (Assistant City Attorney)

Kerri Weltha (Deputy City Clerk)

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Robert Skipper, Joe Seymour, Jay Hale, Paul Abendroth, Wade Bowie, Tom Johnson, Tom Hugunin

AGENDA:

Council Member Lenard, "I move to approve the agenda as modified." Council Member Ernst, "Second." Motion unanimously carried, 6:0.

MINUTES 4/5/2023: Mayor Luke, "You have before you the draft minutes of our regular session of April 5, 2023. Are there any additions or corrections?"

Council Member Curtiss, "I move to approve the draft minutes of April 5, 2023, as modified." Council Member Ernst, "Second." Motion unanimously carried, 6:0.

APPOINTMENT: Terry Woodring – State Jewelry Treasury

City Clerk Brown, "He is actually out of state, so I am giving what they are wanting. He is wanting to buy gold and silver and use of the 4-H Building. They don't sell anything; they are just purchasing only. They advertise through flyers through USPS. People will come in, and they make an offer; if they agree, they pay them cash for whatever they are bringing in that they want to sell to them. So, he is wanting to use the 4-H Building from 9:00 a.m. to 5:00 p.m.; the doors will open at 10:00 a.m. for purchases."

Council Member Lenard, "So, the name of the business is State Jewelry Treasury, not affiliated with the State of Kansas." City Clerk Brown, "No, and this is out of Springhill, Kansas, but the guy coming in is out of Oklahoma." Chief Jones, "What day is that, Anne?" City Clerk Brown, "June 7th." Council Member Ernst, "And they would just rent it like anybody else?" City Clerk Brown, "Yes." Council Member Curtiss, "And they buy gold and silver?" Mayor Luke, "Yes." City Clerk Brown, "So, if the council is willing to approve that, we need a motion." Council Member Lenard, "And they have asked for no other support?" City Clerk Brown, "No."

Council Member Van Horn, "I move to approve Terry Woodring's request to use the 4-H Building on June 7th from 9:00 a.m. to 5:00 p.m. to purchase items." Council Member Tschantz, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

APPOINTMENT: Kansas Water Office – Neosho Regional Advisory Committee

City Clerk Brown, "The next appointment we have is Angela Anderson. She is with the Neosho Regional Advisory Committee for the use of Kelley Hall. She was gone at a conference these two days, so she couldn't be here tonight either. She is with the Kansas Water Office. They are a planning, policy, and marketing agency for the water supply in Kansas. The Kansas Water Authority is a group of Governor-appointed water representatives that make recommendations to the Governor and Legislature regarding Kansas water. Fourteen regional planning

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areas were established in December 2014 by the Kansas Water Authority in conjunction with the Long-Term Vision for the Future of Water Supply in Kansas. In August of 2015, Regional Advisory Committee members were approved for each of these 14 planning areas and began to establish priority goals for their region. These committees established their priority regional goals and began development of Regional Goal Action Plans. In September - October 2016, all regional goal action plans were presented to the Kansas Water Authority and approved. These Regional Goal Action Plans can be found on the Water Vision web page.

“The Kansas Water Office formulates a comprehensive state water plan for the management, conservation, and development of the water resources of the state. The Kansas Water Plan includes sections corresponding with water planning areas which are determined by the Kansas Water Office K.S.A. 82a-903. Water planning is achieved by addressing issues in the regional areas of the state. The Neosho Regional Advisory Committee (RAC) is one of those 14. They meet quarterly to discuss water issues in the Neosho Basin and discuss possible messages to send to the Kansas Water Authority. They are requesting the use of Kelley Hall for April 25th from 1:00 p.m. to 3:00 p.m. They are a volunteer group, so they do not have funds to rent, so they are also asking that we waive the fee for that.”

Council Member Lenard, “I move to approve the Neosho Regional Advisory committee to use Kelley Hall on April 25th from 12:30 p.m. to 3:00 p.m. with all fees waived.” Council Member Curtiss, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

APPOINTMENT: Tom Hugunin – Court House Parking Discussion

Tom Hugunin, “I came in because there may be some questions on the parking facilities for the courthouse as the new jail is going up. There wasn’t a whole lot of answers I could have given until the final drawings were available. I know that I have been speaking with Mark, your highly competent street superintendent, involving him along the way in the process and design. With me tonight, I brought Joe Seymour. He is our construction manager from the jail as well as the parking lot. He can probably answer any scheduling or design questions or anything like that you may have.”

Mayor Luke, “I think the main thing is where the church was – it was egress, regress, what type of timeline we were looking at, what are we going to have interference wise with traffic, would we need to supply barriers to provide protection for the public?” Tom Hugunin, “I believe that’s, and Joe might be able to answer that better, but I believe the contractor that is going to be selected will provide its own traffic control. Is that correct?” Joe Seymour, “Yes.” Tom Hugunin, “With any construction project near or around a street, there are going to be some issues that require some. I know the parking lot at the church, the entrance, and the exit come in off of 6th Street. Then there is angle parking on Neosho, south of that parking area. I have been giving Mark drawings as they come to me.”

Mayor Luke, “But now it has been bid, and you have the final stuff, and you know how you are going to move forward. Am I correct on that?” Joe Seymour, “That is correct. We are going to make a letter of recommendation to the county on Monday. If that gets approved, we will write a contract to the low-apparent bidder. It will take roughly about four weeks to order material and get it on site. But in the meantime, what we would like to do is wait until after school gets out to really start the majority of the work around that area. We would really start mobilizing around the middle of May and start the curb and sidewalks all around Neosho and South 6th Street. Then obviously, as material shows up, which is the deep storm sewer material pipe and we would be looking at doing that work around the June time frame.”

Mayor Luke, “Is that like a month time period or...?” Joe Seymour, “We are hoping to have everything complete at the end of July.” Mayor Luke, “And that’s just the parking lot?” Joe Seymour, “That’s the whole project.” Tom Hugunin, “The entire project.” Mayor Luke, “The one on Neosho or 6th or just the--.” Joe Seymour, “Everything.” Mayor Luke, “Okay. How many parking spots did you gain on Neosho and 6th by going to angle parking?” Tom Johnson, “I think 41.” Tom Hugunin, “Of course, we are going clear down to 8th Street now and all the way around Neosho, up 6th to Des Moines, and on the east side of 6th back down to Neosho.” Council Member Curtiss, “The parking lot is that for the employees of the courthouse?” Tom Hugunin, “Nobody has really said that they have to park here, and you have to there. It is the assumption that the employees will.” Council Member Curtiss, “They will park there and the angle parking --.” Tom Hugunin, “Will be for the general public, yes.” Council Member Curtiss, “Okay.”

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Council Member Ernst, “Is it specifically going to say that though on a sign or something like that, or is it pretty much open parking.” Tom Hugunin, “Which one?” Council Member Ernst, “Like in the church parking lot.” Tom Hugunin, “Most of the employees I’ve spoken to have assumed that is where they are going to have to park. Have we sent out a memo saying that is where everyone has to park? No, we have not as of yet.” Council Member Ernst, “People doing business in the courthouse will also--.” Tom Hugunin, “Will have that angle parking on 6th and Neosho as well. The assumption also is when the new facility, the jail, goes up, that the north parking lot that’s existing now, most of those are going to go away except for the far north one. So, it is the assumption that the Sheriff’s Office, visitors of the jail, and the attorney’s office will be using that area. We haven’t set down and designated anything as of yet.”

Mayor Luke, “We talked with the Chief; we are looking at 8th Street East instead of running that as 20mph during certain times during school and setting that as a 20mph speed zone all the time.” Tom Hugunin, “Permanent, that wouldn’t hurt.” Mayor Luke, “Because with the angle parking, especially if you have pickup trucks, campers, or something like SUVs, somebody whipping down there at 30 mph isn’t going to see that. So, we are looking at doing that.” Tom Hugunin, “Right, that wouldn’t hurt.”

Tom Hugunin, “We are getting new sidewalks around the courthouse as well because of the unevenness and trying to control some of the grade, in my opinion. Then we are doing handicap ramps on the corners of the church area as well as the northeast corner of the courthouse. Some of them are kind of dilapidated and really not up to standards anymore.” Mayor Luke, “They’re narrow.” Tom Hugunin, “Some of them are wide enough, but they are still broken up, and they don’t have the truncated domes and stuff like that. We want them up to standards.”

Council Member Lenard, “Did we get all of the drainage issues taken care of, Mark? Are you satisfied with everything?” Superintendent Davidson, “The best I can tell. I am still waiting to see pipe size from the south side of Neosho down to Hudson. I think I’ve figured out it must be about an 18-inch pipe, but I am not sure.” Tom Hugunin, “Is that in the detail, Joe? I thought it was.” Superintendent Davidson, “We had talked when this first came about, we were going to maybe take it all the way to the creek, but at this point, it sounds like it’s going to be stopped at Hudson Street. It will be the city’s responsibility to go from Hudson onto the creek with new culvert; drive culvert, sidewalk culvert, and then an alley culvert to get to the creek. We can do that.”

Joe Seymour and Superintendent Davidson discussed pipe sizes briefly. Tom Hugunin, “And that was on that other drawing I gave you unless I didn’t print you off enough pages.” Joe Seymour, “Obviously, once we have the contractor on board, then we will have a coordination meeting with everybody onsite before we even break ground or start any work.” Tom Hugunin, “We will make sure Mark is involved in that as well.” Superintendent Davidson, “Also, when we had spoken when all of this came about, I had indicated that we were looking to put in a pedestrian crossing signal. It would be just east of the lumber yard, but there isn’t a sidewalk from what I can tell there. So, they will have to cross at the intersection of 6th and Neosho. I understand everyone is going to be coming in through the front doors instead of one of the side doors.”

Tom Hugunin, “The employees can come in through the west doors when all of this is said and done. The public comes in through the east, yes.” Superintendent Davidson, “I guess we will discuss at that time if there is no sidewalk or crosswalk. I don’t see a need to put up a crossing signal unless we determine one needs to be put there.” Tom Hugunin, “Well, again, you know we spoke, and we can address anything that we may see with an addendum or change order.” Superintendent Davidson, “At that point, it was going to be on the city to provide that signal.” Tom Hugunin, “Okay, but if we need a sidewalk on the west end of the church parking lot to get to the courthouse.” Superintendent Davidson, “That would still put you into the new angle parking. So, I don’t understand the—we will just have to --.” Tom Hugunin, “I’m assuming we can adjust that--.” Superintendent Davidson, “Yeah, we will just wait and see.” Tom Hugunin, “What I like about the design is like on the east side of the courthouse there is more handicap parking than there ever was. I was by that courthouse a couple of times today. I don’t know what exactly was going on up there, but it had been pretty congested parking-wise on 6th Street. This is going to be a win-win, especially when they start having jury trials and this that and the other.”

Joe Seymour, “We will have eight handicap spots.” Mayor Luke, “We have what two now?” Tom Hugunin, “Pretty much.” Mayor Luke, “Any other questions?” Superintendent Boyce, “My question would be on the trees along Neosho where the angle parking is going; if we are bringing any concrete inside the drip range of the tree, the tree should probably be removed.” Tom Hugunin, “It’s my understanding the parking lot itself will be asphalt.”

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The only concrete would be the sidewalk.” Superintendent Boyce, “Any hard surface inside the drip range of the tree, the tree should probably be removed.” Tom Hugunin, “You mean sidewalks and all?” Superintendent Boyce, “If the asphalt comes all the way to the sidewalk, then yes. A prime example would be Kelley Park when we did that concrete. So, we left four trees; I have one left. That has been 20 years.” Tom Hugunin, “Our ground maintenance lady is kind of particular about her trees. There are some large trees there on the corner that she would like to keep. Could we work really hard to do that for her?” Joe Seymour, “So, everything along Neosho is outside of that drip line.”

Mayor Luke, “Anything else? Now is your chance.” Joe Seymour, “We can provide all of the electronic drawings and specifications as well for this project.” Mayor Luke, “At this point, I think the utility people might need it for their areas where their equipment is so they are aware where everything is going to be and if there are any issues. I know we have water lines, electric lines, and other stuff buried in there, especially along Neosho Street, so that everything is kept to where we have access to them easily and can make repairs if we need to.” Superintendent Schneider, “And I have been in contact with somebody from your firm.” Mayor Luke, “And I don’t know if there are any communications or anything that is not ours, that I don’t know.” Tom Hugunin, “Locates are going to be called, and I don’t remember myself either.”

Joe Seymour, “There is nothing that we will be relocating.” Mayor Luke, “Alright, well, we appreciate the update. As we move forward with the jail, just keep us informed as to what you’re finding or where we have to be careful with transportation through the area. I know some is going to be involved when school starts because that is not going to get done in a summer.” Tom Hugunin, “We are waiting until after school.” Mayor Luke, “I mean the jail.” Tom Hugunin, “Oh, the jail. That would be the reason for the extra parking from eight to seven. It’s going to help curb some of that.” Mayor Luke, “Is that parking going to be now?” Joe Seymour, “Yes, that is the part that is going to be started first.” Mayor Luke, “Okay, like I said, we appreciate the update, and if we have any more questions, then we will holler.” Tom Hugunin, “And we will do our best to keep Mark, Alan, and whoever needs to be informed, informed. You have a big competent team here, your department heads.”

The council thanked them for coming.

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.

KPP- LED Bulb Program: Superintendent Schneider, “So, at last council, we talked about the KPP Energy LED Program. I have talked with KPP Energy, Brooke, and they are not offering any sort of LED bulb program, and they haven’t for a few years.”

Tree Trimming: Superintendent Schneider, “We have done a little bit of tree trimming in the right of ways, and mainly on Kennebec, we got some of those creek trees cut down. That way, they won’t be a hazard.”

Scrap Metal: Superintendent Schneider, “We hauled scrap metal off to La Harpe for recycling. We separate that material based on the metals as we pull it out of the field. By separating that, it gives us a better price per pound on the equipment. It had been a long time. I think that check was somewhere around \$1,400. It was a good trip for that.”

CDL Training: Superintendent Schneider, “I don’t remember if I announced this last council or not. RJ Breeze has successfully completed the CDL program that we all got signed up with to do in-house training. Those stung a little bit at first, but I think we have the kinks worked out of it, so we shouldn’t have issues in the future, I hope. RJ does have his class A.”

New Service: Superintendent Schneider, “We installed an electric service in the 700 block of Franklin Street over here. The house has been purchased, and it is going to be a complete remodel. So, we did install a new service to that home.”

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Pole Maintenance: Superintendent Schneider, “We replaced a three-phase line pole, and then men did another one yesterday.”

Personnel Training: Superintendent Schneider, “The men are studying between jobs for their apprenticeship program.”

ELECTRIC DEPARTMENT: PRODUCTION Update

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

Reports: Superintendent Schneider, “We are still completing reports. We are caught up for now with our state and federal reports. We will have a few more mid-summer, but right now, we are in good shape there.”

Drainage System: Superintendent Schneider, “The men have been working on the rain water drainage system at the plant.”

Personnel Training: Superintendent Schneider, “We have been working with the new hires.”

Generation Project: Superintendent Schneider, “The men are still fitting and welding pipe. They are just about complete with the cooling water system. They will get that filled up, verify there are no leaks that would be in the piping or any gasket or internal part on the generator. Once we can confirm there are no water leaks, engine oil will be added into the motor of the generator itself. They are scooting along. They doubled the crew size the last couple of weeks and have really made a lot of progress.”

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, attending safety meetings, customer call-outs, and concerns.

New Service: Superintendent Hawkins, “We did do a completion on a new water service at 611 N. 3rd. We got that done.”

Clean Up – Brush: Superintendent Hawkins, “We did start today with brush clean up. The reason that we started early is because we have RW Vaught coming in next Monday. He is going to be here all week-long next week. We started picking up brush this afternoon. We told everybody to just keep putting brush out and that we would be back at the end of next week. We are just doing it because I may need my whole crew for next week. The way it sounds, we might be running the plant in manual. That means the guys are going to have to be out there writing down stuff for state stuff. I don’t know how long that is going to be. I am just being proactive. I’d rather get started early and finish it up next week. We are doing a little of that. Depending on how the rains come in tonight will depend on how far we get with it.”

WATER AND WASTEWATER: Production Update

General: Superintendent Hawkins, “The plant is running well.”

Equipment Maintenance: Superintendent Hawkins, “We also had Krayton Cox come in, and he did replace the controller on the lime silo, which is great. That is helping us a lot.”

“A huge thank you to Mike Douglas with Douglas Pumping. He came in and thought that we could get this job done on the gearbox in two or three hours. It turned into a six-hour fiasco of different couplings that we had to do. I am grateful that he was there because he was able to help us get it in. That is a much-needed thing that needed to be done on that reactor. That is completed.”

“We are starting to receive parts for the Evoqua sludge project. It’s going to be coming in next month, so we are starting to get the parts and pieces. While that is going on we are going to have Shane Newland rebuild our chlorinators at the water treatment plant. He is going to be putting in new yokes for doing upkeep for the year on the chlorinators. While we are down, we are going to try to kill as many birds with one stone.”

Personnel - Training: Superintendent Hawkins, “We are still training the new hires.”

STREET DEPARTMENT: Update

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General: 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, tree trimming, fixing and replacing street signs, and truck and equipment maintenance.

City Wide Clean Up – Large Item: Superintendent Davidson, “We had our trash clean up last week. We hauled 19.35 tons of metal and solid waste with 18 loads to the landfill. Compared to last fall, we had 13 loads at 12.48 tons. So, we were up just a little bit. We worked clean up Monday then we had the three-inch rain, so we were cleaning gutters and doing traffic control on the highway. Monday evening, we cleaned culvert ends and storm boxes. Tuesday, we picked up back on the trash clean up. Wednesday, we were done by noon. Then we cleaned the equipment up.”

Mount Hope Cemetery: Superintendent Davidson, “We got down to Mount Hope cemetery. I reported last meeting that we had some tree damage down there from the winds. We still have two trees to remove.”

Road & Alley Maintenance: Superintendent Davidson, “We are also doing some ditch cleaning. We rocked and bladed several alleys.”

STREET DEPARTMENT: 2023 Street Improvement Projects

Superintendent Davidson, “We had three bids Killough Construction, Bettis Asphalt, and APAC. I’d like those recognized as bona fide bids.”

CONTRACTOR	ASPHALT			MILLING			TOTAL BID
	Per Ton	Total Tonnage	Bid for Asphalt	Per Yard	Sq. Bid for Milling		
Killough Construction, Inc. (Ottawa)	\$105.00	3,179	\$333,795.00	\$3.34	\$28,316.52		\$362,111.52
Bettis Asphalt & Construction, Inc; Se-Kan Asphalt Division (Topeka)	\$114.00	3,065	\$349,410.00	\$4.65	\$39,422.70		\$388,832.70
APAC-Kansas, Inc.; Shears Division (Emporia)	\$132.36	3,064	\$405,551.04	\$4.99	\$42,315.20		\$447,866.24

Council Member Curtiss, “I move to accept the bids as bona fide.” Council Member Ernst, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Superintendent Davidson, “Thanks to Mary for putting those all together for me. I would like to ask that you accept the bid of \$362,111.52 from Killough Construction as the best bid.” Council Member Curtiss, “And that is what we have used in the past a lot of the time, right?” Superintendent Davidson, “Yes, we have a really good working relationship with them. Actually, he called me yesterday because they are ready to come down and start next week. Unfortunately, we are not ready for them; we have some patching to do. They were going to be in the Wolf Creek area. We will try to work out a time. I think his projected start date was June 12th.” Council Member Lenard, “Are they also doing the work for the county?” Superintendent Davidson, “Yes, they are. They have several miles, but I don’t know exactly how many.”

Council Member Curtiss, “I move to award the Street Improvements Project 2023 to Killough Construction as presented, not to exceed \$362,111.52; as being in the best interest of the City of Burlington.” Council Member Ernst, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

STREET DEPARTMENT: 2003 Case International Tractor

Superintendent Davidson, “I would like to ask council's permission to buy a used utility tractor. I was going to budget one next year, but this one became available. It belonged to Lonny Jasper; it’s being sold to settle his estate. I went online prior to this getting ready for budget, and I was looking at a 24 to 30-horse tractor; this happens to be a 25-horse. John Deere was running close to \$35,000; the Kabota was \$25,000 - \$26,000. I was looking for a front wheel assist, rotor, rotary tiller, and a box blade. This one from Jasper has all of that plus four other attachments, two rotary mowers, carry-all, and a cultipacker. I can buy the whole unit from the estate for

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\$15,000. It is not budgeted. I spoke with Anne, and she thought maybe we could take it out of the equipment fund. We have \$240--." City Clerk Brown, "\$239,000." Superintendent Davidson, "\$239,000 in equipment funds. I know this is probably not proper, but I feel this is a good purchase. We are saving approximately \$20,000 by doing this."

Council Member Tschantz, "I move to approve the purchase of the 2003 Case International Tractor, not to exceed \$15,000, as being in the best interest of the city." Council Member Ernst, "I second the motion."

Mayor Luke, "Do we need to include the accessories that are coming with it? I'm not sure how to word that." Attorney Wright, "There is a motion on the table." Council Member Tschantz, "To include accessories that come with it." Attorney Wright, "The easiest way is to take a vote on it, say no, and then we will start over."

Hearing no further discussion, Mayor Luke called for a vote. Council Members Tschantz and Berryman voted 'Yea', and Council Members Van Horn, Lenard, Curtiss, and Ernst voted 'Nay'. Mayor Luke declared the motion failed, 2:4

Mayor Luke, "Okay, so let's start over. We need to approve the 2003 Case tractor and..." Council Member Van Horn, "Attachments." Council Member Lenard, "You said there was four?" Superintendent Davidson, "Yes, there will be a box blade, tiller, cultipacker, carry-all, rotary mower, and a belly mower." Attorney Wright, "Alright, I suggest that somebody make a motion to approve the purchase of the 2003 Case International Tractor not to exceed \$15,000 to include a box blade, tiller, cultipacker, carry-all, rotary mower, and an under-mount belly mower."

Council Member Ernst, "I move to approve the purchase of the 2003 Case International Tractor, not to exceed \$15,000; to include a box blade, tiller, cultipacker, carryall, rotary mower, and an under-mount belly mower." Council Member Lenard, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Superintendent Davidson, "Thank you very much."

POLICE DEPARTMENT: Update

General: Chief Jones, "Normal duties."

Activities/ Cases: Chief Jones, "We have been busy. Last weekend we arrested a young man known to us for making threats and brandishing a knife at a juvenile. Judge Wine was less than impressed and put a \$25,000 cash or surety bond on. We had a vehicle parked at the State Farm office, where we thought we had a theft from the vehicle there. They live out west of town, and the Sheriff's Office has been working a number of thefts from out west of town. It's starting to sound like the theft was discovered here in town, but the theft probably occurred out in the county. It's probably still our same persons of interest and suspects."

New Police Vehicle: Chief Jones, "We took the 2013 Dodge Charger down to Andover Monday and turned it over to them to have the equipment removed. We went over to Davis Moore to sign all of the paperwork to begin that process. We should see the 2023 Dodge Charger. I'm estimating a week and a half to two weeks."

Personnel – Interviews: Chief Jones, "I visited with the Police Committee briefly. We have one person that is at the interview point for employment purposes. I have another that sounds like a good possibility, so we will see what happens with that."

Animal Shelter – Garage Door: Chief Jones, "We replaced the garage door at the animal shelter, the one on the north side of the building. Since it was a replacement, we went with a local vendor. It was about \$2,700.00 for that. They did a very good job, and we have a very solid, well-done door. That will really help with climate control inside the shelter."

Nuisance: Properties/Vehicles Update: Chief Jones, "We have been working some nuisance properties as call load permits. I briefly put a bug in Jimmy's ear that I want to try to start doing something with the restaurant where the old Dairy Queen used to be at the south end of town."

County New Parking Lot – 6th and Neosho – Speed Limit Change: Chief Jones, "Listening to the discussion on the parking, I have a thought that it might be in the city's best interest to look at changing the speed limit all

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around that two-block area of the courthouse and the grade school. I will be visiting with Mark and the superintendents and committees on that and see if that is something that is feasible. We would take the time zones off and just make it a permanent 20 mph for those two blocks in each direction. Then probably the block going north on 6th street up to Hudson. When we do get to the point where we do want to put radar signs in that area, that will simplify that project quite a bit because we wouldn't have to worry about timing or programming or anything like that. It is something to consider."

Personnel Training: Chief Jones, "We have been doing some training this week as well. The Sheriff's Office had two of their canine officers come over and do a course on working with a deployed canine yesterday. Then we did two hours at the range this afternoon. Any day at the range is a good day."

PARKS DEPARTMENT: Update

General: Personnel have been doing the normal duties: cleaning public restrooms and buildings, and building and equipment maintenance.

Seasonal Bathrooms – Open: Superintendent Boyce, "We are still opening seasonal restrooms. The weather forecast is not cooperating really well. They are talking down in the 30s and upper 20s this weekend. So, we still have a few things turned off. I've checked with other departments that use that stuff, and they are fine with it being off. We will look at it next week."

Mowing: Superintendent Boyce, "We are mowing and spraying."

Hazardous Tree List: Superintendent Boyce, "I am working on putting a list of hazard trees together for contract removal. We have been doing some small trees that I deem a hazard. We had nine small ones, and then we had a bigger one in Kelley Park. There was nothing around that one, so it was easy to take care of. We took care of that pretty quickly."

Banners: Superintendent Boyce, "I don't know if any of you have noticed, but there are a bunch of banners down on 75 Hwy and downtown. Apparently, we had a bad batch of zip ties. When I get time, we will go through and put the banners back up, put new zip ties on them, and replace the zip ties on the banners that are still up at that time. I think I have like 14 banners on my desk."

QUESTIONS/COMMENTS

Beautification Project: Council Member Curtiss, "When did you say that you were planting?" Superintendent Boyce, "May 10th at 4:00 p.m." Council Member Curtiss, "Okay."

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2023-08	\$	<u>303,477.83</u>
b. Payroll Ordinance	2023-08	\$	<u>92,269.18</u>
	TOTAL	\$	395,747.01

CLAIMS 2023-08: Council Member Lenard moved to approve City of Burlington Claims Ordinance 2023-08 for the amount of \$303,477.83 for payment of city bills. Council Member Curtiss gave the second. City Clerk Brown, "The larger expenses we have tonight are Brenntag Southwest \$3,609.00, Davis – Moore \$33,660.55, Harshman Construction \$3,893.50, Kansas Power Pool \$139,060.50, Moridge Manufacturing \$13,719.64, and U.S. Lime Company \$5,299.45." **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 2023-08 passed unanimously, 6:0."**

PAYROLL 2023-08: Council Member Lenard moved to approve City of Burlington Payroll Ordinance 2023-08 in the amount of \$92,269.18, as presented. Council Member Ernst 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 2023-08 passed unanimously, 6:0."**

PLANNING & ZONING: Update

General: City Clerk Brown, "Normal duties."

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Arbor Day: City Clerk Brown, “He has been working on Arbor Day, which has been scheduled for April 26th at 5:30 p.m. at Eagle Park. That is at 6th and Neosho; it’s across from the courthouse.” Mayor Luke, “Southeast corner of that intersection.”

Sewer Lagoon: City Clerk Brown, “He has been doing a lot of research on easements at the old city lagoons.”

Training: City Clerk Brown, “He is attending training in Mulvane this week.”

OTHER COMMITTEE OR COUNCIL BUSINESS

LEGAL DEPARTMENT: Update

General: Attorney Wright, “Normal duties.”

Personnel Policy Handbook Update: Attorney Wright, “I have been in touch with Jennifer Hill. She’s the lawyer that the city is considering having help with the personnel manual update project. I have four dates in May that she will be available to do that. There are four dates left of the seven that she gave me last week. So, I just want you to keep that in mind as your thinking about these dates. Wednesday, May 10, Tuesday, May 16, Thursday May 18, and Monday, May 22. I would encourage the council to consider those dates at this time and maybe pick one of those. What would happen is that we would have to call a special meeting to have this meeting. It would be by Zoom, so you would not have to be present at City Hall. You would have to have somebody here at City Hall with a computer with that Zoom call on it and for the public to be able to come in and watch it if they so desired.”

Mayor Luke, “Any particular time?” Attorney Wright, “They are all at 6:00 p.m. I’m sorry, I should have mentioned that.” Council Member Curtiss, “What were the dates again?” Attorney Wright, “Wednesday, May 10, Tuesday, May 16, Thursday, May 18, and Monday, May 22.” Mayor Luke, “Any of those better or worse for anybody?” Council Member Van Horn, “Maybe we should take the first available one.” Mayor Luke, “Well, those four are available right now.” Council Member Van Horn, “I mean, like the 10th because if something goes up, then we have alternatives.” Mayor Luke, “The 10th at 6:00 p.m., is that good for everybody?” Everyone agreed.

Attorney Wright, “I will let her know. We need to go ahead and move to have a special meeting on Wednesday, May 10th at 6:00 p.m. to discuss with the council, Jennifer Hill, the employee manual update project, we could call it.”

Council Member Curtiss, “I move to have a special meeting on Wednesday, May 10th at 6:00 p.m. to discuss the personnel policies and guidelines update project.” Council Member Lenard, “I second the motion.”

Council Member Lenard, “She doesn’t have anything at this point, then?” Attorney Wright, “Material from us? She has kind of a brief update from me, just kind of broad about simple things about the city. I can provide more information to her. This is going to be; I think, a quick informal conversation about what she can do. I anticipate she will probably talk about cost and what she would need from everybody. I believe she said that this would be gratis. She will provide a Zoom link. I will either give her all of your email addresses, or I will forward the Zoom link to Mary to forward to everybody.”

City Clerk Brown, “Would she like us to go ahead and send her a copy of our personnel policy?” Attorney Wright, “It probably wouldn’t hurt. Why don’t you send that to me electronically, and I will forward that to her? What I would do is just be prepared to talk about specific concerns you might have. If there are any updates that you’d like addressed, then come prepared to talk about that.” Council Member Lenard, “Some of the discussions if we are doing this by Zoom does it reach confidentially for personnel; if we keep to the policy itself, then we are okay here.” Attorney Wright, “Okay, if I understand your question, you’re concerned about revealing what might be confidential employee information, and we will not go there. We are just going to talk big picture. This is not about specific individuals.”

Council Member Lenard, “Then do we have to have a quorum for that? That’s just an info working session.” Mayor Luke, “A working session there are no requirements for quorum.” Attorney Wright, “Let’s put it this way. We are asking for a special session meaning the city could take action, which means we would need a quorum to do that.” Mayor Luke, “If we took action.” Attorney Wright, “And you may want to take certain action with regards to maybe retaining her at that meeting. It would not have to take place at that time either; we could do it

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later.” Mayor Luke, “We could do it at the next regular meeting.” Council Member Curtiss, “Would it be to our advantage to be here if we can?” Attorney Wright, “I am going to participate by Zoom from my home that night. I don’t see an advantage to coming here. We do have to, to maintain this as an open public meeting, we either have to give the Zoom link out to everybody, or we could just have somebody here with a computer so the public could come in and do that. I recommend that is how we do it.”

Mayor Luke, “I will not be personally present, but I will be on Zoom.” Council Member Lenard, “I will probably be the same.” Council Member Curtiss, “I can be here.” Attorney Wright, “I would encourage everyone to participate, even if you don’t want to participate, at least Zoom in so you can hear what is going on. I would hope that each one of you have some input. Especially since each one of you have responsibilities with your committees over certain employees, and each department in the city has their own special things that ought to be addressed. I think everybody here should bring something here to that party.”

Council Member Lenard, “You have the TVs and a camera?” Mayor Luke, “Yes.”

Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Executive Session: Non-Elected Personnel Evaluations

Attorney Wright, “The only other matter I would have is if the city council would like to enter into an executive session with regards to a question that came up at the last council meeting that I was not at. I don’t think it’s going to take very long; I would consider the conversation I’m going to have with you a matter concerning attorney-client privilege communication. I don’t think it would take longer than five minutes unless you have extensive questions about it, which I don’t think that you will.”

Council Member Lenard, “I make a motion to enter a 5-minute Executive Session for consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship per K.S.A. 75-4319(b); with the Governing Body, Mayor Luke, City Clerk Brown, and Attorney Wright present.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Council entered Executive Session at 6:55 p.m. and exited at 7:00 p.m. No action was taken.

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.

Tholen HVAC: City Clerk Brown, “Tholen HVAC was here to do their annual service call.”

Reports: City Clerk Brown, “I handed out the first quarter financials to you all.”

Water Quality Reports: City Clerk Brown, “We will be including the water quality report this month with bills.”

LEPC Meeting: City Clerk Brown, “I attended the LEPC meeting last Wednesday, the 12th.”

New Athletic Field: City Clerk Brown, “While I was at the LEPC meeting, Craig Marshall, they are having a grand opening for their baseball fields. That is going to be April 20th, the ceremony will be at 4:20 p.m., the games will be at 4:30 p.m., and they will be having BBQ at 5:30 p.m. for anybody that wants to go.”

Everbridge Notification: City Clerk Brown, “We have been looking into other forms of notification for the city. Most everything has a fee with it, and we found out, which I wasn’t aware of, we can go through the county. They have their emergency notification with Everbridge, and it won’t cost us anything. We can email it to them, and they will put it out, but you have to sign up for it. You can sign up to get it as a text or email. There is a whole bunch of things you can sign up for, but if you want city notifications, you have to sign up for City of Burlington only. As we have things, we will put that out. I had a call into her to ask some other questions this afternoon. She was not able to get back with me. I just thought this was another form because a lot of people don’t have Facebook, and this will go directly towards the person. Right now, they have 1289 people subscribed to the city alerts, but only 749 of those are residents, but it could be people that are in and out of Burlington or that have lived here.”

Council Member Curtiss, “How are they going to let people know about this?” City Clerk Brown, “They have to sign up for it. We will put it on Facebook also to encourage them to go to their website to sign up if they want

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notifications.” Mayor Luke, “You will get a text.” City Clerk Brown, “You will get a text, email, or your home phone. But you have to sign up on how you want to receive it.” Council Member Curtiss, “Then you have to check all the things you want?” Mayor Luke, “Yes.” City Clerk Brown, “Yes.” Council Member Lenard, “Tropical Storm.” Council Member Curtiss, “All of the above.” City Clerk Brown, “Your phone would be blowing up. They have a website listed on there that you can sign up for emergency notifications.” Council Member Van Horn, “Is it possible to get a line in the monthly bill that says that?” City Clerk Brown, “Yes, we could.” Council Member Van Horn, “I think that would be more effective than Facebook.” City Clerk Brown, “Yes, we will put it out where we can. We can put it on the bottom of the bill depending on what else is going out with it. We will put it on our website and Facebook.”

REPORT BY CITY OFFICERS:

Mayor’s Conference: Council Member Curtiss, “We attended the Mayor’s conference. Maxi and I had an interesting lunch on the way. It was all her fault. We went to a biker’s bar and grill. She got online. It was a leadership summit Kansas Mayor’s Conference in Hays, Kansas. Going that far, we were determined to do the right thing. Jackie Stiles was the main speaker, and I was kind of iffy at the point of what does she have to say to us. It was very, very informational, and she does have Stiles Staples, and I wrote them out for you.

- **SELFLESS:** If you want to be good, focus on making yourself better. If you want to be great, focus on making those around you better.
- **TOUGH:** 1000 makes a day! (This referred to her making 1000 shots each day. She now works out usually at least 3 hours a day.) The key is to work hard at what you do each day. You build confidence by being tough.
- **INSPIRATION:** You have a cause bigger than yourself.
- **LOVE:** Choose love over fear.
- **ENTHUSIASM:** Be more enthusiastic about other people’s success than you are on your own.
- **SERVICE:** Do one act of kindness a day.

Council Member Curtiss, “That is her Stiles Staples, and I thought they were good and could be applied to anything.”

“They mentioned our Governing Handbook. They said some city councils go and discuss like a chapter in the handbook at a meeting. I am not suggesting that. I really do suggest that you become familiar with this. It is a good reference for you.

“Stan received recognition at the dinner on Friday evening for completing level three of the municipal training institute. One person was recognized for completing level one. The only other one was Stan for completing level three, which is the final level. Thank you for sending me. It was enjoyable, and the food was good.”

Arbor Day: Superintendent Boyce, “Back on the Arbor Day celebration. That tree will not be planted in our park, but I will get with Steve and plant two or three other trees somewhere in our parks.”

MAYOR’S COMMENTS

House and Senate: Mayor Luke, “The House and Senate are not in action yet; they are on their three-week break. There have been several items placed before the governor for her signature. She has been a little reluctant to sign several of them. There will be some veto power. There are three specific water issues that are there. There are several on taxes. They wrap a lot of different ones into senate bill six, which is all forms of moderation and changes in state tax to a flat tax to raising the deductible on the state taxes per family, changing the amount of property in your home that is exempt from the school millage 20 mil rates, looking at ending state tax on social security, and raising another one of their levels from \$75,000 to \$100,000 to make the first \$100,000 tax exempt. None of those have been signed by the governor as of yet. They will be back next week in the House and Senate for a week to look at what they call their last-ditch efforts. They only anticipate being there a week, but who knows. Most budget stuff has already been taken care of. It’s whatever they decide to do. We can’t confirm anything. We do know that the removal of the local sales tax from food was a dead deal this year. The state may go to zero, but they cannot touch the cities’ taxes as of right now. We had several wins and several losses. I

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consider it a win right now that it's deferred to at least next year. It gives more time to address the issues with all of the people.”

FUTURE AGENDA ITEMS:

GENERAL: City Debt - How to fund projects Expense Tracking on Projects Budget 2023	GAAP - Infrastructure Capitalization City/County Grant Funds – Discussion on Matched Funding Council Discussions on Evaluations, Succession Planning, etc.
ELECTRIC DEPARTMENT: Power Plant - Additional Generation	<i>RICE NESHAP Compliance</i>
PARKS DEPARTMENT: Events in Parks (Updates)	
LEGAL DEPARTMENT: Municipal Court Updates	Misc. Legal - Documents, Cases, Contracts, etc.
PLANNING AND ZONING Work with Advantage Computers and City Departments to improve Cyber Security Nuisance Grass: Work with PD FIRM Floodplain Map Changes – Updates	Quarterly Construction Valuation Report Prepare Easements for any City-owned property without one Permits - Building/Zoning/etc. Burlington Corporate Boundary Updates on Map (Work with State)
POLICE DEPARTMENT Nuisances (Work with Zoning Clerk) Voice Stress Analyzer Project	Department Activities and Cases
STREET DEPARTMENT: Concrete St. Repairs/Free State Ct. Replacement/Repair Pavement Management System/Asset Management System	Street improvement Plan, Paving Gravel Streets, Crack Filling, Street Improvements 2023 Asphalt Project
WATER & WASTEWATER DEPARTMENT: Sewer Lagoon Maintenance/	Sensus Water Meter Replacement Sewer Liftstations –Flushing Rags, etc. Sewer Lagoons - Analysis (KRWA/funds for dredging)

Mayor Luke declared the meeting adjourned.

Approved by Governing Body and signed by Anne C. Brown, City Clerk