

BOOK 26
July 19, 2023

BURLINGTON CITY COUNCIL REGULAR SESSION 7-19-2023

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

THE PLEDGE OF ALLEGIANCE

ROLL CALL: Stan Luke, Mayor

Council Members present:

<input checked="" type="checkbox"/> Jerilyn Curtiss	<input checked="" type="checkbox"/> Maxi Berryman	<input checked="" type="checkbox"/> Lewis Lenard (President of Council)
<input checked="" type="checkbox"/> Lila Van Horn	<input checked="" type="checkbox"/> Thomas P. Tschantz	<input type="checkbox"/> Martin Ernst

Superintendents Present:

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

Also Present:

<input checked="" type="checkbox"/> Anne Brown (City Clerk)	<input checked="" type="checkbox"/> Mary Mader (Administrative Assistant)
<input checked="" type="checkbox"/> Philip Wright (City Attorney)	<input checked="" type="checkbox"/> Jimmy Hugunin (Zoning/Grants Clerk)
<input type="checkbox"/> Greg Holmquist (Assistant City Attorney)	<input type="checkbox"/> Kerri Weltha (Deputy City Clerk)

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: John Kuhlmann, Paul Abendroth, Becky Petterson, Blake Thomsen, Paul Abendroth, Sherri O'Keefe, Carla Hoch

AGENDA:

Ordinances that were to be discussed were removed from the agenda.

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

MINUTES 7/5/2023: Mayor Luke, "You have before you the draft minutes of our regular session of July 5, 2023. Are there any additions or corrections?"

Council Member Curtiss, "I move to approve the draft minutes of July 5, 2023, as presented." Council Member Tschantz, "Second." Motion unanimously carried, 5:0.

APPOINTMENT: John Kuhlmann – Fireworks

Mayor Luke, "My question to you is this repeat information or is this new information?" John Kuhlmann, "This is actually new information, and this is the video of 2022 which is my claim you guys still have not even felt the need to reach out to me privately about. So, I am going to share the video of the finale of 2022, which is the bulk of my claim. I am also going to show you pictures of damage from 2021 which is also in my claim, two years of it. I am going to show you a verbal admission from Steven Gifford that his show affected my property, recorded with his permission on July 9th of, 2022. Then I am going to give a little information." Mayor Luke, "That will all be within your ten-minute timeline?" John Kuhlmann, "Absolutely, yes." Mayor Luke, "Okay."

John Kuhlmann, "So, this is the 2022 setup from Steven Gifford. Clearly, this is not just consumer fireworks being lit off one by one. This is a massively planned show, and it was publicly advertised until I pointed it out last year that it was publicly advertised and should have required the public fireworks display permit, which you guys purposefully worded this year to make this completely okay without a permit, without fire response, without insurance. This is 2021 damage. Damage, as in you can see the chalk impact right there; you can see the litter, that's my glass table, that's my children's slide taken the morning right after, nothing touched, just the pictures. And now I will play for you the approximately five-minute finale that is compressed down to two and a half."

A video was shown of fireworks. John Kuhlmann, "That video was taken from the same spot as this year's video at the very back corner of my property as far as I can get back from there without being on the opposite side. This is a five-minute clip of the front side because that was a camera that was on its own, and this is me on the front side. Almost an entire block away, and they are exploding over the top of my house. And now I will play

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Steven Gifford. It is a bit quiet, so I do apologize.” A video of a conversation between John Kuhlmann and Steve Gifford was shown.

Mayor Luke, “Was that this year?” John Kuhlmann, “That was last year. That was him recorded last year admitting to it, and I have the originals with all of the time stamps. As you just watched the full last year's finale at 2x speed, and you heard Steven Gifford's acknowledgment of affecting 825 Niagara with his negligent fireworks discharging. Why have I not heard a single update on my claim submitted on May 26th? Why have you not terminated Philip Wright based on the evidence shown in my claim and the statute that he violated? Every court case he touched can be called into question because of this; because of his lack of ethics, morals, and the legal liability, he has put on the City of Burlington because he was ineligible and therefore illegal in that capacity until he corrected it in October of 2022. That does not make anything that he did prior to that legal. Meaning everything single case he touched, if people wanted to come and make a big scene, they could come, and they could make a big scene, and they could dispute anything from a traffic ticket beyond.

“Anything he has prosecuted as city prosecutor is in question because of his ineligibility and now the continuing of him holding this office after the fraudulent and malicious activity that he expressed towards my family last year in his illegal capacity when he was ineligible and he instructed me that I had no legal action against the city. Which he was incorrect. My claim is the very beginning of the lawsuit. It's not a threat. The lawsuit is already in progress, and Philip Wright has failed to bring this seriousness to your guys' light. Once a decision is made in 120 days, be it you guys accept my claim as is, we come to a mutual agreement, which is what I would hope to come to. I don't expect a blanket acceptance of my claim. I expect to have a one-on-one conversation with you guys about it. But this gentleman right here, he needs to be gone immediately before he causes the city more financial damage than what is already been caused by him.

“Our roofs were adjusted yesterday for this year's event. I have 100 marks of damage, including burn marks consistent with firework damage and with the adjuster's opinion unbiased, not with mine, given my physical evidence I presented him, the garbage I presented you guys, and then the video evidence, the picture evidence, of where he shot his fireworks from, he concluded that it was with the direct trajectory of the Gifford's fireworks. What are we going to do about this? Why am I still waiting for an answer? Why are we allowing a man who committed fraud continue to hold this office and continue to create additional liabilities for the city? This is a very serious issue. It needs to be resolved sooner rather than later for all parties involved, including the residents of Burlington, who will ultimately have to pay for this in the end because it is our tax dollars that fund the city.”

Mayor Luke, “Thank you for your comments. I think you have been informed before, but I won't swear to this, the--.” John Kuhlmann, “I was informed on the 19th of last month that you guys had submitted this to insurance. It is now the 19th of the following month. Kansas law requires an answer from insurance companies on a claim within 30 days. So, I'm having an understanding that you guys probably received unsatisfactory results from them because I have not heard a single thing from anybody.” Mayor Luke, “We haven't heard anything from them either.” John Kuhlmann, “Then you guys need to be contacting them because 30 days is the legal limit for an insurance reply. I contacted my insurance; they got back to me very promptly.” Mayor Luke, “Alright, we will continue with the process and figure out what the deal is with that. Right now, we have not heard from them.”

John Kuhlmann, "Okay, and your inactions on the meeting on June 19th (or) 17th, before the fireworks display, when I asked you were you going to go ahead and permit more damage given the evidence I had already provided and you told me in your own words nothing is in stone yet, there was still time, and I explained to you how there was not another meeting before the fireworks display, and you advised me there was going to be something taken under advisement and you guys refused to do that. You failed to do that. You allowed my property again after having sufficient evidence of where it came from; you allowed it to happen a second year in a row under the liability of the city now.”

Mayor Luke, “Your ten minutes is up. We will continue with the meeting.”

APPOINTMENT: Carla Hoch – Cancer Support Group

Carla Hoch, “I'm Carla Hoch with the Coffey County Cancer Support group, and I have with me, Sherri O'Keefe. On behalf of the group, we would like to say thank you for your support in the past and going forward.

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Thank you for allowing us to put our storage shed out here on your back lot; it's been very convenient for us to have all of our items in one place.

"We are getting ready for our 9th annual golf classic. It is going to be August 19th at the Country Club. Same spiel that I always give. We are accepting donations. We are also selling tribute signs for friends and family of people who have battled the disease or who are battling the disease. They are \$25 each. So, if any of you guys would like to purchase one or if you know somebody that maybe has family that would be interested in purchasing one, we have put that information out on Facebook. So, get ahold of us. What I wanted to do a little bit more tonight, and I wanted to do it quickly, is pass out these pamphlets to you guys.

"I'm going to tell you a little bit more about what we do with the money that gets brought into our group by donations, memorials, and our fundraisers. Individuals who fill out an application for us that are undergoing cancer treatments, we pay them \$700 gas and expense money every three months, and they can receive \$1000 towards bills of their choice, medical, utility, or whatever that they may need help with, twice a year. That is where our money goes to. Since 2008 we have contributed or paid out over \$525,000.00 to individuals going through cancer. We do appreciate the support we get from you guys and from the community. We couldn't do it without you. We love doing what we do. We just feel bad for why we have to do it. Does anybody have any questions for me?"

Mayor Luke, "I think everyone understands what you do." Council Member Curtiss, "And we appreciate what you do." Carla Hoch, "Thank you for allowing me time."

Council Member Curtiss, "I move to approve the city to donate \$500 to the Coffey County Cancer Support group." Council Member Lenard, "I second the motion."

Council Member Curtiss, "That is the same as what we donated last year." Mayor Luke, "Yes."

Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Carla Hoch, "Yes, and I missed telling Jim thank you for your help." Mayor Luke, "Remind me before your soup dinner; I have an autographed jersey and memorabilia from Jackie Stiles. She spoke at a conference and we talked about the cancer support stuff. She has had cancer, and she gave me this to utilize and give to you for the soup dinner, and you can auction it off." Carla Hoch, "Thank you."

APPOINTMENT: Blake Thomsen – Industrial Park #4

Blake Thomsen, "I am Blake Thomsen. Some of you know me, and some probably don't. I am trying to purchase the remaining industrial lots that are down south of town here. My business is growing tremendously. I am running out of room in my own house. We have been open for five years now, and I am just looking to expand. I am wanting to for sure put a mechanic shop in and probably a tire shop in with it to go hand in hand. Maybe eventually, if it gets big enough to put in a truck center or even a fuel station on the south end of town. I know some people have mentioned that would be nice, or maybe not. I know Walmart did not do very well with that, but whatever."

Mayor Luke, "I knew you had been looking at this, and the question is the price that you have there, is that a price that you are giving us, or is that something that has been discussed with somebody?" Blake Thomsen, "That was discussed with Jimmy." Zoning Clerk Hugunin, "That would be based off of the same half of the appraised value as we did with Tex from the four he bought." Mayor Luke, "From the other part. Okay." Zoning Clerk Hugunin, "Yes, so what's left there, it comes out to that value. I know it is what it is. I didn't make that rule." Mayor Luke, "Understand. Will you be relocating what you have at your house out on... whatever that is?" Blake Thomsen, "Out on Shetland Road? Yes." Mayor Luke, "What type of, I'm going to use the word, security, etc., would you propose? The reason I'm asking is I know what machine shops and everything looks like and all of the stuff that is sitting around." Blake Thomsen, "As far as like privacy?" Mayor Luke, "Yeah, because it's going to be the first thing people would see coming into Burlington."

Blake Thomsen, "Right, it's – you know, there is a lot of stuff that is sitting around, but they are tagged vehicles. I have some of my personal stuff there, also. That would all stay there. Sometimes a privacy fence doesn't look the greatest either, you know. It truly doesn't. I could do something. I don't really have a plan for that, no. I haven't honestly thought about it." Council Member Curtiss, "That was a concern that I have as far as seeing all of this when you come to town." Blake Thomsen, "I totally understand." Mayor Luke, "What I would recommend

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is that the governing body has the opportunity to discuss it amongst ourselves between now and the next meeting and come back with some form of a recommendation at that point in time.” Blake Thomsen, “In the form of?” Mayor Luke, “Whatever, this is what we can do, this is what we can’t do, this is what we want done, you know. That would be the first Wednesday of next month.” Blake Thomsen, “Okay.” City Clerk Brown, “August 2nd.”

Council Member Curtiss, “You don’t have a plan as far as what type of a building you’re going to construct?” Blake Thomsen, “I do. It would be a 100 by 100 building.” Mayor Luke, “Sheet metal?” Blake Thomsen, “Yes.” Council Member Lenard, “We had met as a smaller group at one time and talked about a business plan. There are roads and infrastructure, and sewage. I admire Blake for taking this on, but there are a lot of business implications to this.” Council Member Curtiss, “We will have to look into all of that before we can even address it.” Blake Thomsen, “I know we did talk about the sewer that a lagoon could be done out there. That would be behind everything to where you couldn’t see it from the road. We did talk about that in our meeting. This would save a tremendous amount because the sewer, it was clear up by Thorp’s there, I believe. That would be a long way to do.”

Council Member Curtiss, “Is what we are looking at the purple on here?” Zoning Clerk Hugunin, “Yes, the purple on here is what is left.” Council Member Curtiss, “And there is no road? There is a road right here.” Zoning Clerk Hugunin, “To our substation and what we looked at even with Tex was going here. We talked about different scenarios of vacating this road and this road, and that would give us a way to move this over and extend Batdorf Lane down, leaving this road unvacated. That would still be a turnaround point. Somebody could come down and turn around. Right on that mark, it would be easier to do the road there than it would be to come around this way. That would be the most feasible way to do it would be to move this alleyway over and make it an 80-foot roadway. Essentially what that would do is move everybody over on their lots so their lots stay the same size. It would just move the alleyway.”

Council Member Curtiss, “Who’s place is that south?” Zoning Clerk Hugunin, “Dick Townsend.” Council Member Curtiss, “Okay.” Zoning Clerk Hugunin, “Like we talked at that meeting, there would be a lagoon in this area that could be expanded if anything else expanded down here. If Tex was doing something, then he could do something, but it’s almost easier for Tex if he needed sewer; he could get a shorter distance.” Council Member Curtiss, “Thank you.” Mayor Luke, “So, we have some questions. Between now and the next meeting, we will discuss and let you know, maybe invite you to the meeting. We will get a response back.” Blake Thomsen, “I appreciate it.” Mayor Luke, “Take care.”

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.

Tree Trimming: Superintendent Schneider, “Our main activity has been tree trimming in the utility right of ways.”

Coffey County Fair: Superintendent Schneider, “We have been at Kelly Park this week and last Friday preparing for the Coffey County Fair. We were checking RV spots, the receptacles throughout the park, and lights. Then we did hang banners for the Fair Board in Kelley Park that we do every year.”

Personnel Training: Superintendent Schneider, “The apprentice linemen are studying in the time that they have.”

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.

Personnel Training: Superintendent Schneider, “We are doing some training with the new guys.”

Reports: Superintendent Schneider, “We are completing the in-house plant reports and completing KDHE reports. We did submit one of those last week as well.”

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Generation Project: Superintendent Schneider, “Crews are on site working; assembling, and welding. They are making progress.”

Service Interruption: Superintendent Schneider, “I think it was the 5th or the 6th of July, mid-day; we had a momentary circuit interruption on what would be the downtown circuit. A squirrel had gotten ahead of our fuse, which caused the lights to flicker on that circuit downtown. It didn’t take it all the way out of service. Everybody stayed in power. We changed a lightning arrester that was damaged in it. We did not have anybody out of power because of it.”

QUESTIONS/COMMENTS

Generation Project: Council Member Curtiss, “Any idea when generation is going to be completed?” Superintendent Schneider, “They are still saying fall. That is the best they are giving me. I will tell you they have an extra welder in there. It looks like a small piece of the water coolant line and one valve needs put in. They have assembled the natural gas line over to where it is ready to exit the building to tie into the gas compressor. They have their oil cooling lines – everything is just so close. We are waiting for it to fall into place. They have been working Saturday and Sunday. They are busy. The plant smells like a welding shop.” Council Member Curtiss, “Thank you.”

Council Member Lenard, “I would say that we set up milestone payments, so we are good there. Correct me if I’m wrong, but with the KPP, there was really nothing we can do with them until next year anyway. So, it’s not like we are in a bad situation. Unfortunately, it’s schedule, but financially we are whole.” Superintendent Schneider, “Yes, I would rather them be a little delayed and come out with the product right in the beginning than have to call them back.” Council Member Curtiss, “Definitely.” Superintendent Schneider, “They are doing that; they are just being a little cautious. Lewis is right; if they can be ready in September, we could still possibly capacity test that generator for our 2024 KPP annual payments. We are not hurt yet. Everything looks okay.” Council Member Lenard, “The risk thing that we did cover was with the bond if something happens as long as they are still here on site, we are good with that.”

Superintendent Schneider, “When anybody has time, if you want to come out and take a fresh tour.” Council Member Curtiss, “Not until it’s done.” Superintendent Schneider, “I remember you telling me that, but anybody is welcome anytime.” Mayor Luke, “Air it out and have no weld smell.” Superintendent Schneider, “Right.”

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.

Line Locates: Superintendent Hawkins, “Lots of line locates for Atmos and the others.”

Water Leaks/ Thank you’s: Superintendent Hawkins, “We completed the 6th Street and Neosho water leak repair. I want to thank personally Mark and every one of his guys for coming out because, without them guys, there is no way we would have gotten that done in a day. That was a huge feat, and I am so grateful for them. I want to thank Alan, he helped us get in there and helped us set the fire hydrant. I want to thank Doug Jones and Mike Roney. Mike came out and helped move a few vehicles for us so we weren’t running into them. It went very well. I was very pleased with how it went. That is complete.

“We had another water leak at 16th and Merrimac. That is fixed. I want to thank Mark again. We had one at 16th and Hudson that went down to the bottom of Rock Creek. We didn’t find anything. Mark dug the whole line out for us, and we didn’t find anything in there. So, we don’t know if it was just seepage from the ground that came up. I want to thank him again for his time to come help us.

“We fixed another water leak today at 1021 Niagara Street. We put a four-inch wrap-around on that as well today. We got that completed. We have been going around seeding and grassing places that we have dug, trying to follow up behind our messes and make it look nice for our customers as well.

WATER AND WASTEWATER: Production Update

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

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Water Usage: Superintendent Hawkins, “We are pumping a lot of water right now. There is a lot of usage out there with the farmers watering cattle and stuff like that. Usage is up tremendously right now.”

Backwash Holding Basin Maintenance: Superintendent Hawkins, “We went in our backwash holding basin, and we did get the new motor installed in, and it’s running really well right now.”

STREET DEPARTMENT: Update

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.

Water Department Assist: Superintendent Davidson, “As Danny just mentioned, we helped him with the Neosho Street project.”

County New Parking Lot – 6th and Neosho – Jail Project: Superintendent Davidson, “Killough Construction will be in Friday to do the crossings on 6th and Neosho, and then where they cross the new culverts, they will be in Friday to do that and finish up the three parking areas on the east side of the court house and then the one at the new parking area at the old church.”

“We spent a day hauling in some rock for the 6th Street projects and wash rocks so we could line the pipe. We did that project over on the northeast corner of 6th and Neosho. We had to tear out some curbs and sidewalks. We've hired Burlington Construction to come back and reconstruct that corner. We are going to pull out some more curb and sidewalk and make it more ADA-compliant and try to tie in the rest of that corner.

“We have been hauling waste to the landfill. Also, put-up signage that was taken down in the parking areas. We had those put back up, I believe, Monday.”

Drain Box Repair: Superintendent Davidson, “We got a call from Atmos Energy yesterday. They were in the alley behind the Mexican restaurant. We have some underground drainage. It’s concrete blocks, actually. They were digging and broke into the top of the box. That is something that we will have to address next week. They will finish putting in their gas line. I think we are going to try to put some metal culvert in there. The box itself was damaged by them, but it also has age, and the floor has started to heave on it. It needs to come back out, and we will replace all of it.”

County New Parking Lot – 6th and Neosho – Jail Project: Superintendent Davidson, “Today we went up and ground off the parking stripes at 6th and Neosho. We took out a crosswalk, and they put the new sidewalks in. They are off-set a little bit down there, so we need new lines. We ground off the parallel lines to the crosswalk. We will try to get that painted in a couple of weeks before school. I think school starts on the 17th or somewhere around there. They will paint all the crosswalks, and we will address that at that time.”

Coffey County Fair: Superintendent Davidson, “We got our signs cleaned up and checked for the fair parade and will be putting up barricades tomorrow.”

QUESTIONS/COMMENTS

County New Parking Lot – 6th and Neosho – Jail Project: Mayor Luke, “The marking and striping will be done after Killough gets all the work done on 6th and Neosho?” Superintendent Davidson, “Yes, all we will have to do is the new sidewalks. My understanding after talking to Tom Hugunin today, I don’t know if the county or Killough will be doing the striping for the courthouse and their new parking. All we will be doing is the crosswalks.

“Also, Killough has moved their dirt crew out. They are 90% complete. We are going to go back and do some finish grading and some seeding. There is one drain box that’s north of Hudson in the alley that sets too low. They have a foot riser coming for it. It should be in sometime late this week or next week, is my understanding. They will come down and take care of that and do some more dirt work. That is pretty much all completed in that area.”

POLICE DEPARTMENT: Update

General: Chief Jones, “We have been staying busy, not quite as busy as the last council meeting.”

Activities/ Cases: Chief Jones, "Outside agency calls, non-injury accidents, two different incidents where we made arrests on domestic battery, multiple welfare checks.”

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City Court: Chief Jones, "We had city court last week."

Coffey County Fair: Chief Jones, "It's fair week, which means the parade Friday evening and the demo derby Saturday evening."

Nuisance: Properties/Vehicles Update: Chief Jones, "We have had some progress made. We have some progress that has not been made, and that will be addressed formally with a ticket to come talk to Judge Campbell about it."

"Then the lady that owns the property where the house fire was has family in from out of state. They are working with us and working with the District Court/County Attorney because she has some other stuff pending over there. They have already picked up a form from the housing authority to ask the commission to waive landfill fees for the demolition of that house. So, we are hopeful that progress is being made on that."

Council Member Curtiss, "And that's on 6th street?" Chief Jones, "Yes, ma'am."

PARKS DEPARTMENT: Update

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

Mowing: Superintendent Boyce, "We have been mowing and spraying weeds."

Watering: Superintendent Boyce, "We have been watering flowers and trees."

Tree Trimming: Superintendent Boyce, "Last week we did tree trimming in Kelley Park for where the 4-H'ers park their campers and stuff along Rock Creek and the Neosho River. Sometime later this year, we are going to go back in and do some tree trimming in Kelley Park."

Coffey County Fair: Superintendent Boyce, "We have been setting up stuff for the fair and the Fair Board."

Nuisance: Grass/Weeds: Superintendent Boyce, "We mowed one nuisance property. It was one of our normal ones at 302 S. 10th, and that was yesterday when we mowed it."

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2023-14	\$	<u>372,084.35</u>
b. Payroll Ordinance	2023-15	\$	<u>101,466.79</u>
	TOTAL	\$	473,551.14

CLAIMS 2023-14: *Council Member Lenard moved to approve City of Burlington Claims Ordinance 2023-14 for the amount of \$372,084.35 for payment of city bills. Council Member Curtiss gave the second.* City Clerk Brown, "The larger expenses we have tonight are Evoqua Water Technology \$13,103.93, Hach Company \$4,645.00, Kansas Power Pool \$229,021.28, Schwab Eaton \$8,636.00." **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 2023-14 passed unanimously, 6:0."**

PAYROLL 2023-15: *Council Member Tschantz moved to approve City of Burlington Payroll Ordinance 2023-15 in the amount of \$101,466.79, as presented. Council Member Van Horn 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 2023-15 passed unanimously, 6:0."*

FINANCE: Budget Hearing for the 2024 Budget - Permission to Publish Notice

City Clerk Brown, "We have set the budget, and we are ready to publish that. We are not going to have to exceed the RNR this year. So, we have set the budget hearing for August 2nd at 6:30 p.m. during the regular session."

Council Member Tschantz, "I move to authorize publication of the Notice of Public Hearing for City of Burlington's 2024 Budget at 6:30 p.m., which will be held during the City Council meeting on August 2, 2023, 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.

PLANNING & ZONING: Update

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General: Zoning Clerk Hugunin, “Normal duties.”

Nuisance: Grass/Weeds Update: Zoning Clerk Hugunin, “Kevin talking about mowing yards. I have two; their deadline is Friday. We could be mowing a couple more next week.”

Permits: Zoning Clerk Hugunin, “I have been doing a lot of fence permits this week.”

RV Parks: Zoning Clerk Hugunin, “I have gotten a lot of calls this week of people wanting to buy a lot with old houses on them, tear them down, and make them RV Parks. They don't like the fact that they can't do that. One guy really wanted me to bend the rules yesterday but no. So, that is getting kind of crazy.”

Nuisance: Grass/Weeds Update: Zoning Clerk Hugunin, “I am continuing to stay on the yards, and I think the majority of them are being mowed. It's hard for anything to grow right now but weeds.” Mayor Luke, “They can't say it's too wet.” Zoning Clerk Hugunin, “Exactly.”

OTHER COMMITTEE OR COUNCIL BUSINESS

LEGAL DEPARTMENT: Update

General: Attorney Wright, “Normal duties.”

Claim: Attorney Wright, “I have done a little bit of independent research on Mr. Kuhlmann's claim.”

City Court: Attorney Wright, “At city court Greg Holmquist in his capacity as a prosecutor, did his first trial. I think he did a great job. He had a tough case. He lost, but it wasn't his fault. It's because the witness changed their testimony from what they told the officer, which happens somewhat frequently. I thought he did a good job.”

Executive Session: Attorney Wright, “I would like to discuss some issues with the city council with regards to matters that would be deemed attorney-client privileged. I don't know that it's really pressing, but it might offer some guidance. I wish I could discuss these issues in an open council meeting; I just cannot do that because of the subject matter. It's in regards to potential claims or current claims against the city that would be considered legal advice, which would be protected under attorney-client privilege. It may or may not be appropriate. I will leave it to the mayor and the city council with regards to doing a brief executive session. I would say five to eight minutes so I could have a conversation with the city council.” Mayor Luke, “Could we do that at the end of the meeting?” Attorney Wright, “We could do it at the end.”

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.

Coffey County Emergency Management: City Clerk Brown, “I handed out an email that I received from Amber at the Coffey County Emergency Management. The Army Corps of Engineers is going to be holding a tabletop exercise for John Redmond for reducing flood risk. It will be on August 23rd at the New Strawn community building from 9:00 a.m. to noon. If you would like to attend, she would like to have a head count for that. So, let me know so I can send her that information if anyone is interested in going.”

Budget 2024: City Clerk Brown, “I finished up the budget and had the budget finance meeting.”

Water Rates: City Clerk Brown, “We met with rural water districts, New Strawn, and Gridley this evening over the new water rates. We will be discussing that further.”

REPORT BY CITY OFFICERS:

Council Member Lenard, “We are going to have a quick water meeting after the council meeting.” Mayor Luke, “As a result of the other meeting?” Council Member Lenard, “Yes.” Mayor Luke, “Okay.”

MAYOR'S COMMENTS

EXECUTIVE SESSION:

Council Member Lenard, “I make a motion to enter into an executive session for eight minutes on matters that would be considered privileged under the attorney-client relationship per K.S.A. 45-4319b with the

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Governing Body, City Clerk Brown, and Attorney Wright present.” Council Member Curtiss, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Attorney Wright, “I would just say, for everybody’s information, I am not asking the city council to take any action, so I don’t believe any action will be taken.” Mayor Luke, “So, if you want to leave, you can.”

Entered 6:50 p.m. Exited 6:58 p.m. No action was taken.

FUTURE AGENDA ITEMS:

GENERAL: City Debt - How to fund projects Expense Tracking on Projects Budget 2024	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