

BOOK 26
November 6, 2024

BURLINGTON CITY COUNCIL REGULAR SESSION 11-6-2024

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, November 6, 2024. Mayor Luke called the meeting to order.

THE PLEDGE OF ALLEGIANCE

ROLL CALL: Stan Luke, Mayor

Council Members present:

Jerilyn Curtiss (President of Council)

Maxi Berryman

Cara Mays

Lila Van Horn

Nathan Strawder

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 (Executive Administrative Assistant)

Philip Wright (City Attorney)

Jimmy Hugunin (Zoning/Grants Clerk)

Kerri Weltha (Deputy City Clerk)

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Jay Hale, Paul Abendroth

AGENDA:

Council Member Van Horn, "I move to approve the agenda as amended." Council Member Ernst "Second." Motion unanimously carried, 5:0.

MINUTES 10/16/2024: Mayor Luke, "You have before you the draft minutes of our regular session of October 16, 2024. Are there any additions or corrections?"

Council Member Curtiss, "I move to approve the draft minutes of October 16, 2024, as presented." Council Member Ernst, "Second." Motion unanimously carried, 5:0.

APPOINTMENT – None

PUBLIC COMMENTS

Paul Abendroth, "I like to say a couple words. I understand the developer's agreement was turned down the other day. You know, I moved back here in 1984 when Wolf Creek was doing its building and everything. I expected a lot of growth to be coming into Burlington but nothing developed at all. Burlington has a second chance now with the CHIP plant coming in out here to grow. And the developers' agreements going to have to be done something with if they want it to grow very much. Because Jimmy said that there have been a lot of inquiries about housing to move into which we don't have that many decent housing to move into. The same thing goes with the water plant that you're having that addition put on. If you're going to get any benefit from that you're going to have to have this city to grow or are you just going to cost the general public three million dollars and be a waste? Enough waste has been done by this Council in the last few years, which hasn't been needed but you just keep on passing the expense onto the public. So, I would hope that you would wake up and let development grow here in Burlington."

Mayor Luke, "Okay, you haven't talked with Mike?" Paul Abendroth, "Nope." Mayor Luke, "Because we're looking at doing a special meeting next Tuesday night on just the developer's agreement. But we have to get it approved from the governing body to do it, but that's what it's tentatively scheduled for with all the interested parties." Paul Abendroth, "Well, I saw in the paper that you and Mike Skillman was here. He was talking about the developer's agreement also things being changed in it also." Mayor Luke, "Like I said that's next Tuesday night. We will start the process with the concerned parties." Paul Abendroth, "Okay."

ELECTRIC DEPARTMENT: DISTRIBUTION Update

BOOK 26
November 6, 2024

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.

Line Locates: Superintendent Schneider, “The men have been doing many line locates.”

New Service: Superintendent Schneider, “We're in the process of installing an electric service out at 16th and Neosho Street, kind of working with a builder there on what he's got going on working around his schedule.”

Tree Trimming: Superintendent Schneider, “Trimming a few trees, not many.”

Linemen Testing: Superintendent Schneider, “Apprentice linemen have taken their final test for the year. Everybody's done until we get them scooted forward another year.”

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.

Generator Maintenance: Superintendent Schneider, “We are fixing water and oil leaks in the generator pumps. We are cleaning generators.”

Painting: Superintendent Schneider, “We are painting inside the power plant now. They are complete on the outside.”

Reports: Superintendent Schneider, “We are completing plant reports.”

ELECTRIC - APPRENTICE ADVANCEMENT: Rodney Breeze Jr.

Superintendent Schneider, “The other thing I have is Rodney Breeze Jr. is ready to advance from second-year apprentice to third-year apprentice. He did really well on his final test for a second year with a score of 84%, and average testing throughout the year was at 87%.”

Council Member Ernst, “I make a motion to move Rodney Breeze from Apprentice Lineman Two to Apprentice Lineman Three at the hourly rate of \$25.91, effective November 2nd, 2024.” Council Member Van Horn, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

ELECTRIC - KPP Energy Annual Membership Voting Delegate

Superintendent Schneider, “Then we have the KPP annual membership committee meeting and we need voting delegates for that. That meeting will be December 13th.”

Council Member Ernst, “I move to appoint Alan Schneider as City of Burlington's KPP Committee Meeting Voting Delegate, and Stan Luke as Alternate Delegate.” Council Member Curtiss, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

QUESTIONS / COMMENTS

Superintendent Schneider, “The siren is on schedule for the 8:00 and noon whistle.”

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, “The guys have been doing lots of line locates for Atmos and contractors and stuff.”

Department of Agriculture Letter: Superintendent Hawkins, “We did receive a letter from the water commissioner, Nathan Westrup with the Department of Agriculture. It was regarding a minimum stream flow in the Neosho River. It was an order of diversion of water under our water rights that we cannot store excess water in ponds or lakes; which we don't have any ponds or lakes to store in. It's just an order that they do but with the

BOOK 26

November 6, 2024

rains coming and everything that's been going on. What triggered it, was the Parsons staging station that they had there. They have to have it to where after seven consecutive days it doesn't meet a certain standard of water flow it will trigger the order, but I'm sure the orders will change now that we've had the rain and the rivers flowing. Anyways we will wait and see how that plays out."

General: Superintendent Hawkins, "Again, with the rain that we've been having the men have been doing a lot of odd and end jobs in the shop. They are working on trucks, equipment, modifying equipment, working on trucks in the buildings, doing maintenance, tearing down old meters and saving the brass that we can haul off to get it sold, and preparing for winter."

WATER AND WASTEWATER: Production Update

General: Normal duties. The plant is running well. "We did slow the plant down now to 1000 gallons a minute from 1200 which is normal for this time of year. We are going into winter time so the usage is roughly down to 480,000 gallons average a day."

"We had Tom Miller come out and he helped assist us with the filters. We did filters one and two. We've got those actuators done on the bottom side of the filter. So, we had to bring the filter down to get to them. Then he will come back next Tuesday and assist us with filters three and four. So, we're getting that taken care of."

Also, we had Alexanders come and they did install our number one river pump that's been down for quite some time. They did get it up and going. We've been running it now for approximately six days and it's been running great. So, we're scheduling with them now because we wanted to make sure that the pump was running good for us So it's been doing really good. They're going to come back and rebuild the other pump that's sitting there and then we should be good for another 20-plus years. So, that's a very huge fix for us and took a lot of weight off of our shoulders."

QUESTIONS/ COMMENTS

Council Member Van Horn, "Danny, several people have asked me about the letters that they got saying that they have galvanized or something because of the lead thing. Is there going to be-- do you have any idea what the follow-up is going to be on that?" Superintendent Hawkins, "Basically, this is the beginning stage of what the EPA is considered what is lead and copper. So, we did the survey to find out what everyone's water service line is. So, if you had lead, galvanized, or anything like that we had to notify them based on KDHE. I'd like to thank Mary for that because without her help-- it was huge. She helped me with the reports and doing some of the reports on some of that. But basically, what it is there's not any mandate that they can come in and force you to change out. It's just a basic letter that the EPA gave us that we handed to them. So, if they have galvanized basically, it just gives them a guideline of what can possibly happen, but it deals with corrosiveness of water. So, it's all still stemming from Flint, Michigan. So, every year, Mary and I will send this same letter out to those the same residents until they either change it out or replace it or do something with it." Council Member Van Horn, "Okay, thank you."

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.

Curb and Gutter: Superintendent Davidson, "We have been sweeping curb and gutter due to a lot of leaves falling. We have been cleaning catch boxes."

Maintenance: Superintendent Davidson, "Doing maintenance on trucks and equipment."

Storm Damage: Superintendent Davidson, "We had a call out for a tree blocking an alley, cleaned it up. We also had a tree across the road. It was Thursday night when we had that storm coming through. We've been checking for signs down and tree limbs with the winds we've had in the last few days."

Hazardous Tree Removal: Superintendent Davidson, "We removed two hazardous trees."

BOOK 26

November 6, 2024

Road Repair: Superintendent Davidson, “We have been crack filling. We've got the north part of town taken care of filling potholes.”

KMU Training: Superintendent Davidson, “Attended the monthly safety meeting.”

Alley Blocking: Superintendent Davidson, “And we had set barricades at the alley of Third and Hudson. We had a partial collapse of a wall of building and it fell out in the alley. We barricaded it until it was cleaned up.”

STREET DEPARTMENT: Sidewalk Application

Superintendent Davidson, “I do have a sidewalk application. It is for Sandy (William) Dossett at 624 S. 9th Street. There is 230 linear foot of sidewalk. We are paying \$15 a foot so it will come to \$3,450. I ask that you approve that application.”

Council Member Curtiss, “I move to approve sidewalk cost share application 2024-03 for William Dossett at 624 S. 9th Street for \$3,450.” Council Member Van Horn, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

QUESTIONS / COMMENTS

Council Member Van Horn, “I do, though it's probably not—well I know it's not your deal but I don't know where else to start. I've had several people mention to me that with the traffic on HWY 75 that we need a stop light or crosswalk or something either at the library or on Kennebec Street. How do you go about getting something like that started?” Superintendent Davidson, “You didn't get my email then?” Council Member Van Horn, “I did not.” Superintendent Davidson, “Okay, I gave you a phone number of Ian Stringham. He's the area engineer at KDOT over in Garnett. That would be the one I would start with. I'll give you his number after Council.” Council Member Van Horn, “Thank you.”

POLICE DEPARTMENT: Update

General: Chief Jones, “Normal duties.”

Activities/Cases: Chief Jones, “We have been working some juvenile custody issues and some domestic disturbances. We had a family that got suckered into the FBI ‘we have warrants out for you’ scam. Quite a little bit of money involved.”

Parade: Chief Jones, “We did the grade school Halloween parade Thursday afternoon, and then after that, we did trunk or treat downtown. It was a perfect day for trunk or treat and it was very well attended.”

Nuisance: Properties/Vehicles Update: Chief Jones, “Officers are still working nuisance properties. One of them that Lila brought to our attention. We got the signature card back on that one in the mail yesterday. So, they have been served. Then we had another one that was served here in town 700 block of Hudson I think it was.”

POLICE DEPARTMENT: Demo 1120 Penobscot - Bid Opening

Chief Jones, “Friday, Mary and I did bid opening for the demolition of 1120 Penobscot Street and received three bids. They all meet the standards and provided their insurance, and I would request the council accept those bids as bona fide.”

Council Member Curtiss, “I move to accept the bids presented as bona fide.” Council Member Ernst, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Chief Jones, “The bid from Payer Land & Cattle came in as the low bid for \$2,500. My recommendation is to bid the award to Payer.”

Council Member Ernst, “I move to accept Payer Land & Cattle LLC’s bid of \$2,500.00 for Nuisance Structure Demolition of 1120 Penobscot., as being in the best interest for the City.” Council Member Curtiss, “I second the motion.”

Mayor Luke, “Did they have any indication of time to start?” Chief Jones, “I visited with his partner and he indicated that they would be starting rapidly and completion date would be within 30 days which is pretty well standard.” Council Member Strawder, “I have a quick question. It’s not going to change how I vote or anything.”

BOOK 26
November 6, 2024

On the bid sheet, it looked like there was another indicator they gave a total bid but said if landfill fees were waived, is that kind of standard?" Chief Jones, "We've never actually had a bid that said that before. Generally, the mayor or I go to the county commission usually with Ronda Gilbert, and get the landfill fees waived and they have been very good about doing that. This was the first time we have actually had a bid say that." Council Member Strawder, "Okay, I was just curious." Chief Jones, "Yeah, it was something new to us too."

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

Mayor Luke, "Do you want to go to the commissioners or do you want me to?" Chief Jones, "Flip a coin. They will be meeting Tuesday I believe." Mayor Luke, "Okay, I will get a hold of them and get on the agenda." Chief Jones, "I'll let you do it." Mayor Luke, "Thanks, your generosity is overwhelming."

PARKS DEPARTMENT: Update

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

Winterization: Superintendent Boyce, "We have finished up with winterizing the seasonal restrooms, RV hookups, and the sprinklers downtown."

Veterans Banners: Superintendent Boyce, "I'd like to thank Jimmy and the electric department for helping to install the Veterans Day banners."

QUESTIONS / COMMENTS

Council Member Curtiss, "Just thank you to all of you that helped put up the banners. They are much appreciated."

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2024-21	\$	<u>218,304.57</u>
b. Payroll Ordinance	2024-22	\$	<u>112,120.89</u>
c. Payroll Ordinance	2024-23	\$	<u>110,867.90</u>
	TOTAL	\$	<u>441,293.36</u>

CLAIMS 2024-21: Council Member Curtiss moved to approve City of Burlington Claims Ordinance 2024-21 for the amount of \$218,304.57 for payment of city bills. Council Member Ernst gave the second. City Clerk Brown, "The larger expenses we have tonight are Advantage Computer Jayhawk Software \$21,060.80, Border State Industry \$9,732.45, Core and Main \$25,209.19, Hawkins INC \$10,269.99, Kutak Rock \$4,515.60, and Stanion Wholesale Electric \$8,249.75." **Hearing no discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, "Claims Ordinance 2024-21 passed, 5:0."**

PAYROLL 2024-22: Council Member Curtiss moved to approve City of Burlington Payroll Ordinance 2024-22 in the amount of \$112,120.89, as presented. Council Member Van Horn gave the second. **Hearing no further discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, "Payroll Ordinance 2024-22 passed, 5:0."**

PAYROLL 2024-23: Council Member Curtiss moved to approve City of Burlington Payroll Ordinance 2024-23 in the amount of \$110,867.90, as presented. Council Member Van Horn gave the second. **Hearing no further discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, "Payroll Ordinance 2024-23 passed, 5:0."**

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, "Normal duties."

City Hall – Front Sign: Zoning Clerk Hugunin, "The sign. I made several phone calls and finally got a little higher up the ladder at the sign company, Daktronics. What they are going to do. I don't know, it sounds like there's probably going to be a truckload of parts coming. I think they're just going to show up with a bunch of parts. Parts are going to show up to Coffelt I'm sure they'll have a bunch of parts sitting there. The drawback to that is Coffelt has to pay for each part they send they'll get reimbursed when they send them back, which doesn't

BOOK 26

November 6, 2024

make sense because it's all warranty. But I talked to somebody there, I told him it's been since November of last year. The sign is still not working. And like he said, he's just going to send what he can. So, I don't know. It could be a brand-new sign by the time we're done but at least it'll be working."

Permits: Zoning Clerk Hugunin, "I've done a few permits."

City Hall – Map Room: Zoning Clerk Hugunin, "Most of my time was spent organizing the map room and going through all the plans, maps, and just everything. You guys, anytime you're up, feel free to look back there. I found some old stuff, it doesn't have a date on it, but there is an original brick paving plans for the City of Burlington for all the brick that was on Fourth and Second Street. It's back there. Swimming pool, Kelly Park, Kelly Hall, all kinds of stuff. I went through several of the maps, got them lined out to water, street, and electric and they're all on shelves, separately. There's plans I think I found gas line plans from 1909. Just different things. What I've done, I've got a pile of plans, if a building is gone, we do not have to keep plans. So, a lot of that stuff is going to go to the museum. I've talked to them. There's a few people that have interest in some of the plans because it's family members stuff like that. I'm probably going to donate to those plans to them. Lewis Oil, I gave them the original plans for the Brownstone building that was downtown. So, they're going to be framing those. Then on top of that, getting all the maps out of the garage. I've also cleaned an organized garage."

QUESTIONS / COMMENTS

City Hall – Front Sign: Council Member Curtiss, "Coffelt, I thought they weren't going to be able to fix that sign." Zoning Clerk Hugunin, "Coffelt, all they are is the installers. So, Daktronics is the sign company. They will send the parts to them and they'll come and put them in." Council Member Curtiss, "Well, I thought you said you had to get somebody from South Dakota." Zoning Clerk Hugunin, "That's where I went, that's Daktronics. There in South Dakota." Council Member Curtiss, "Oh, but they don't need to come down." Zoning Clerk Hugunin, "Yeah, that was an option I gave him was to send somebody down here and they offered to send the truckload part." Council Member Curtiss, "Okay and I did go see the map room and there's a lot of things in there, that's for sure."

Council Member Strawder, "Is there any like intent to digitize any of them or at least scan or that type of stuff with the maps or anything?" Zoning Clerk Hugunin, "I don't believe so. There's not really an abundance of stuff back there and what is back there I think could disintegrate if you tried to unroll them. Most of the stuff that we have back there, I mean some it's newer, the Walmart building, the jail stuff like that. Most of the stuff is from the 1960s or older. So, it's very, very brittle. Because we don't really keep any --like somebody comes in and gets a building permit, I don't require their house plans." Council Member Strawder, "Yeah at work we spent thousands upon thousands of dollars on scanning all the old records because we had, you know, rooms with old maps from, you know, old areas and stuff where they came through, and tried to just get everything electronic that way." Zoning Clerk Hugunin, "The stuff I had back there quite honestly, I've never had anybody come in and request to look at anything. So yeah, that's a good idea. I just don't know that'd be worth it with what's back there."

OTHER COMMITTEE OR COUNCIL BUSINESS

Mayor Luke, "You have in your packet the response to the Coffee County Transportation. It is just a typical same support letter. It's just for the fiscal year 2026 and their grant for financial support. It's all from the state of Kansas."

LEGAL DEPARTMENT: Update

General: Attorney Wright, "Normal duties."

City Court: Attorney Wright, "I've had a couple of inquiries with regard to a couple of court cases."

Kora: Attorney Wright, "I have worked on a couple of KORA issues."

Brightspeed Agreement: Attorney Wright, "I have worked on the Brightspeed contract and I believe Anne sent that to them so we are waiting for that to be approved by them. Probably next city council have that along with an ordinance to adopt that agreement."

CITY CLERK: Update

BOOK 26
November 6, 2024

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. For October, we will be sending \$1,380.78 in delinquent accounts to the Kansas set-off program for collections.

Trash Exemption: City Clerk Brown, “The trash exemption letters have been sent out already. The customers have to sign a new one every year on that. We've already had a few come back.”

Closing: City Clerk Brown, “City Hall will be closed on Monday the 11th in observance of Veterans Day. Then we will be having our annual employee appreciation lunch on Thursday, November 14th here at City Hall and all departments will be closed from 11:00 to 1:00 for that.”

Work Session: City Clerk Brown, “I have been working on getting information ready for tonight's work session.”

KPP Rate Forum: City Clerk Brown, “I attended the KPP rate forum with Alan last week.”

REPORT BY CITY OFFICERS:

MAYOR'S COMMENTS:

Developer's Agreement/Special Session: Mayor Luke, “Okay. The last meeting we determined that we were going to establish meetings with respect to the concerned parties for the developer's agreement, to go through and work out the outstanding issues. And with that, I had sent emails out to all the individuals that I have received as concerned parties and they are agreeable to have meetings. They were given a Monday, Tuesday, or Thursday and a 3:00 or a 4:00, or a 6:00 at night two-hour meeting and the prevalence was for Tuesday at either 3:00 or 4:00. So, with people that are working and most of them are working as well. I chose the 4:00 to 6:00 period to have a special meeting here. The initial one will be on the 12th. At that meeting, we will determine with all the concerned parties altogether and the governing body as to where we will go forward for meetings and the times for meetings after that. So, we need to pass a motion to authorize a special meeting of the government body. So at this time, I would accept a motion to have a special meeting on November the 12th from 4:00 to 6:00 to discuss the developer's agreement at City Hall, 1013 North 4th Street, Burlington, Kansas.” Attorney Wright, “Before we vote on that motion. It has to be done by written request. So, I'm going to pass this round, and if you wouldn't mind just signing.

Council Member Curtiss, “I move to have a special meeting on November 12th at 4:00 p.m. to 6:00 p.m. to discuss the developer's agreement at City Hall, 1013 N. 4th Street, Burlington, Kansas.” Council Member Ernst, “I second the motion.”

Council Member Strawder, “There will be more than one meeting right?” Mayor Luke, “Yes, I'm quite sure we won't get all of it in one meeting.” Attorney Wight, “I will pray and cross my fingers that you can make significant headway.”

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

Mayor Luke declared the meeting adjourned.

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