

BOOK 26
April 17, 2024

BURLINGTON CITY COUNCIL REGULAR SESSION 4-17-2024

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, April 17, 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 (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, Trevor Starks, Ronda Truelove, Wade Bowie

AGENDA:

Council Member Van Horn, "I move to approve the agenda as amended." Council Member Ernst, "Second." Motion unanimously carried, 4:0.

MINUTES 4/3/2024: Mayor Luke, "You have before you the draft minutes of our regular session of April 3, 2024. Are there any additions or corrections?"

Council Member Strawder, "I move to approve the draft minutes of April 3, 2024, as presented." Council Member Mays, "Second." Motion unanimously carried, 4:0.

PUBLIC COMMENTS:

Ronda Truelove, "I am Ronda Truelove. I am here tonight to ask you not to spray for mosquitoes this year. It's killing all of our beneficial insects. I no longer see butterflies or honeybees around here. Even though you have been spraying for the last couple of years, there are still plenty of mosquitos and wasps. That's all I have to say." Mayor Luke, "Alright, thank you."

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.

New Service: Superintendent Schneider, "We have installed a new electric line service over here off of Jarboe for a new residence."

High Wind: Superintendent Schneider, "We did work numerous calls with the wind on Tuesday that came through the area, mainly trees. We didn't have any outages to report. We just got lots of phone calls. These were all during normal hours with no overtime generated."

Tree Trimming: Superintendent Schneider, "The men have been doing some tree trimming."

6th and Allegheny Waterline Project: Superintendent Schneider, "We removed a street light and pole at 6th and Allegheny for the project going on there."

ELECTRIC DEPARTMENT: PRODUCTION Update

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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, “They are completing plant reports.”

Generator Project: Superintendent Schneider, “Plant personnel have been training on the operations of the new generator. A little update on the generator project. They're still working out some of the programming parameters on the software and communications with the generator. They thought they had everything in line. Currently, they're experiencing false overspeed on the turbocharger, which I suspect they'll have that taken care of really quickly. Like I said, only minor issues. We can just keep moving forward. We have had it online. It does run well. It's just once we get past three thousand KW that we start getting some errors in the communications on the turbo side. So, they are addressing that, and that will be fixed as well. So, we're ready, once they get that ironed out, for a full load test and for completion of that project.”

APPOINTMENT: Trevor Starks -KS Department of Water

Trevor Starks, “So I wanted to thank Mr. Luke and thank the rest of you for giving me the opportunity to talk a little bit about a new program we have going on at the Department of Wildlife and Parks. So, I'm going to give a very, very, very brief background, and they kind of hop into what the proposal is that I spoke with Mr. Luke about. So, my name is Trevor Starks. I'm the Aquatic Species Recovery Coordinator for the Kansas Department of Wildlife and Parks. So, to start off, just some quick definitions. What I'm going to be specifically talking about is species recovery today. So, that is defined as the process of restoring listed species and our ecosystems to the point where they no longer require protection under the Endangered Species Act. The two species that really get highlighted for this are the American alligator and the bald eagle. They're kind of textbook examples of how or why the Endangered Species Act was created and how it's supposed to work. To go through that kind of timeline, just using the bald eagle as an example, in the 1800s, there were predicted to be about a hundred thousand nesting pairs in the lower 48. We zoom in on the 1960s when we were using a lot of insecticides that had really bad effects on bird eggs, and also trapping, hunting, and shooting of bald eagles was legal. They were listed under the ESA in 1967, and a lot of conservation resources and work were poured into that species. Then, finally, the species was de-listed in 2007 and removed from the Endangered Species Act.

“So, a great success story that gets taught in class a lot, but the real issue is I have this bar chart that shows the number of species listed under the ESA from 1985 to 2020. So, the red bars indicate the number of species listed during a given year, and the blue are the species that are actually taken off the list. So, as you can see, when you total those up, you have about, I think, 1,600 species that have been listed during that time span and about 60 that have been taken off. So that's one of the biggest complaints of the Endangered Species Act, which is federal legislation, but also for state, Threatened and Endangered Species Acts, where we spend a lot of time listing species and not so much de-listing them.

“There are implications for listing a species that I'm going to kind of go into real quick. So, obviously, from a conservation agency standpoint, we have extinctions and range reductions and species disappearing from the state. Obviously, our mission is to conserve species for future generations of Kansans to enjoy. So, obviously, that's a problem for us. We see a loss of ecosystems, goods, and services. So those are things that Mother Nature does for us that we don't have to pay for. So, as an ex-fish biologist, I really think about water quality and filtering of water. If we have the right paring zone with intact trees and shrubs and everything that's supposed to be there, that will actually take off a lot of the nutrients and pollution out of any run-off water we may get. Some freshwater mussel species that I'm going to be talking about later actually filter bacteria out of the water. So, as we lose those species, we lose those ecosystem goods and services, and we pay more to treat our water.

“We also have cascading effects to other species. Obviously, if you have a predator species that depends on one species, that prey species disappears, and that's going to have implications for other species and, coincidentally, and ironically enough, if a species gets listed under the Federal Endangered Species Act. It actually makes it a lot more difficult for the state to work with. From a more regulatory standpoint, which is going to impact private citizens and entities and municipalities and companies, any kind of project that you may have that has federal funds and has a federal nexus is going to go through an ecological review process. That can make a construction project last longer. There are different things that you may have to only be in the water during certain times a year to avoid impacts to a listed species, which makes a lot of bureaucracy and a lot of red tape for folks.

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Also, the worst part probably is that you can have critical habitat for a species even if it's not, I mean if it's extinct from the state.

“So, we have a couple of species that no longer occur here, but the federal government has dictated that there are habitats that they think could still sustain those species. So, all of the ecological review for that species still occurs, even though that's extinct. So, obviously, there are negative implications for a species being on the list. So we want to help take species off the list. While most of the species that I'll be discussing today are under the purview of the Fish and Wildlife Service, which is a federal agency, there are a lot of states that have started to step up, Kansas included, to try to do some proactive work to keep species off the list as well as remove species from the list to avoid all of these things. So that's where the Kansas Aquatic Species Conservation Agreement comes into play. So, this was a collaborative effort between the Fish and Wildlife Service and KDWP. We are the first state in the nation to have an agreement like this. Since it was signed, North Carolina has one, and I know a couple of other state agencies are working on one as well.

“So, what it essentially does is it allows us to work with federally listed species, but it also provides legal protections to land owners who want to cooperate with the state to do species, specifically species reintroduction work. So, we have a lot of entities where a landowner may be willing to work with a state, but they have some, maybe they're worried about some of those ecological review concerns or some of the things that I talked about in a previous slide. These agreements, which I'll pass out some example agreements later for you all to look at, essentially provide protections for any of those species that you allow us to stock on the property. So, to kind of give you an idea of what each entity is getting out of this. So if you take the private landowner on the left, the private landowner is covered for incidental take of a listed species. So, if you allow us to access the property to stock animals and survey those animals, if some accident happens where some of those species are killed or lost, you're going to be covered for incidental take of a listed species. There are no additional conservation measures required and we have flexible agreement provisions. I'll kind of talk about that in the next slide.

“Essentially, what KDWP gets out of this is we get allowed access to the property to stock animals, and we get access to the property once or twice a year. Obviously, that'll be coordinated with the landowner to monitor those populations to see how and if they're surviving and if they're reproducing. So, some additional provisions that are in those agreements, the landowner is not held responsible for any kind of stochastic event. So, any kind of random thing like drought, disease, wildfire, anything that could lead to death of the species. The terms can be amended. So, the way that these work, I know it's a little different for the city, but like the first agreement we signed last year with landowners, the way they work is you list all the things in the impact area or that land parcel; that land use for the area. So, think of private land in Kansas; the big land use is going to be ranching and farming.

“So, I approach a landowner and say this looks like a great habitat for whatever species we want to work with; what land use practices do you have on the property that you want coverage for? So, the agreements we signed last year, farming, ranching, and timber harvest, were the big land use that the land donors had on the property. We sign that up on the agreement, and they were given coverage for that land use practice. So if any accident happens from their everyday land use, farming, ranching, or anything like that, they're not going to be held liable for it. The landowner can terminate at any time, but KDWP does get the opportunity to relocate some of the species that were stocked within 60 days of termination. Also, something Mr. Luke brought up is that some landowners that we signed on last year had issues with liability coverage. So, we have biologists that work on private land all over the place, and the landowners are covered under this statute that I've listed here, and Mr. Luke has a copy of that statute. Basically, if you allow the state on your property to do scientific work, you're not going to be held liable for any accidents that occur arising from that work.

“So, the proposal that I'm coming to you with today, the initial proposal that I spoke with Mr. Luke about, was working with alligator snapping turtles. The university that we are working with for that project, which would be a reintroduction in tracking project, is actually wanting to focus on the much lower reaches of the Neosho River. So, the species that I want to propose today are the Neosho Mucket and the Ouachita Kidneyshell, which are both freshwater mussel species. The Neosho Mucket is a federally endangered species. The Ouachita Kidneyshell is a state-threatened species, not federally listed, and we're trying to de-list it from the state list and also prevent it from being listed under the federal act. The map shown here, those green lines show areas where we still maintain good populations. Those red lines are areas where the species used to occur and no longer does.

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“So, to hop into why these species disappeared. We all, obviously, before the Clean Water Act, as well as the Surface Mining Reclamation Act, we had a lot of water pollution in the area, which led to population collapses. Pair that with having had a really healthy commercial shell harvest industry in Southeast Kansas, where folks were taking hundreds of thousands of tons of mussels out of the water and using their shells for buttons, jewelry, knife handles, and things like that. Obviously, with the invention of plastic, that's not really in demand anymore, and we no longer have a shell harvest industry. So, we have all these populations that have disappeared, and we've constructed low-head dams and a lot of reservoirs in the meantime. Obviously, a freshwater mussel is not very mobile, and they're not going to be able to repopulate segments of the river without human intervention.

“So, this map kind of gives you an idea. All those black squares represent areas where we've built low-head dams, and obviously, the reservoirs are there in blue. You're not going to be able to hop-skip all of these to re-establish new populations without moving things around. So, the proposal that I want to put forth before you all today, is this spot right here at your ball field area, which is owned by the city. It's a unique property, because most of the Neosho River, the property line splits right down the middle. So, you need to have permission from both sides, which we do, and a couple of other sites. But you guys own both sides of the river, and I went and looked at it actually today. I got here a little early, and you've got a really nice riffle here and a really nice riffle here. Then, another one on this back side that looked like a really great mussel habitat.

“Also, coincidentally, while low-head dams aren't the greatest for aquatic species, they also aerate the water pretty well. So, it makes it a pretty great habitat area for stocking mussels. So, what I would want to do is propose to sign the City of Burlington on with an agreement. The City of Burlington would be the first city we paired with. We've got a couple of private landowners, one private company, but the City of Burlington is the first city that we've kind of proposed this to, aside from the City of Wichita, who has kind of indicated they'd be interested in working with some other species. So, this would add to some other agreements. So, we've got some private landowners that we've got signed on with the program farther downstream where we want to do some species stocking, specifically for the Ouachita Kidneyshell and the Neosho Mucket, with a final goal of de-listing those species from the ESA.

“As far as what this timetable would look like, Neosho Muckets, as I said, are federally endangered species, so to raise them at our hatchery facility in Farlington, we need a special permit. We've applied for that permit, but we haven't been given it yet. So probably the earliest we would even have animals in-house would be 2025. We do have Ouachita Kidneyshells that we've recently propagated at that facility. The little ones are just starting to drop off. So probably the earliest would be fall of 2025, is when we'd want to stock. So, with that, I know that's probably a lot of information I just threw out really quickly, but if you have any specific questions, I'd be happy to take them. But essentially, these agreements are to give peace of mind to any landowners who are worried about allowing stocking of a listed species on their property, is essentially what they are.”

Mayor Luke, “How do you monitor to find out that they are still there?” Trevor Starks, “So what we do for mussels, fish are a little different, but for mussels, we would go back--. So, we did a stocking of Neosho; that's what this picture is from, near Erie, Kansas, a little farther downstream. But we stock animals in the fall. We'll go back in the spring to do a quick qualitative survey, so we'll go start digging around. I don't know if you can see those pictures, but they're each individually engraved here, so we can tell what animal it was. We'll go back and see if we have any alive. If we have any alive, we back out, and then later in the fall, we go back into a much more thorough quantitative survey to look at how many survived, how fast they're growing, and if they're reproducing. So, for mussels, it's usually going to be around one or two surveys per year. Fish, it would probably be more like two surveys per year, but obviously, we're not proposing to stock any fish at the property.”

Mayor Luke, “So it would only be down at Kelley Park and not at the low-head dam?” Trever Starks, “Probably not. I haven't looked at the area. It's kind of one of those things where I have another gentleman that we're getting signed up this year, who's got five different properties on the river. Each one's just going to have to go get checked out to see what kind of habitat it is. If it looks good, like I said, the property at Kelley Park, we would go in and do a pre-survey just to see what mussel species are there just to see, you know, if you have species that are closely related, that are already surviving there, that's a really good indication that this species we're putting there would survive.

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“What's interesting is this is really new work, especially for mussels in this part of the country. So, we're not really going to know if this is going to work until we put them there. And obviously, if we go back in, none of them survived, we're not going to use the site, and we'll probably just back, you know, cancel the agreement and try to find a different stretch of river where conditions maybe a little better. So, both of these species are largely gone from most of the Neosho, and the goal is to focus on the Neosho River and get it stocked. Then start working on upper reaches in the fall, Cottonwood River as well, farther down the line.” Council Member Strawder, “So, if there's private property owner that has access on the river type of thing that would be interested -- is that something you seek out?” Trevor Starks, “Absolutely. So, it's kind of a two-pronged approach. We try to do some social media posts and get on podcasts and kind of get the word out that this is a program and that there's an opportunity there. But, obviously, anybody, I've had a couple of folks that contacted us and kind of the other way around where I'm looking at satellite images of the river or maybe some areas that I've worked on on the river that looked great for mussels, and I contact the landowner and ask if they're interested. So it kind of works both ways.”

Council Member Strawder, “And you're really focused on just the river and not the tributaries?” Trevor Starks, “For these species, they're mostly main, like big water bodies species, but there might be some other, I guess, fish species in other parts of the state where we'd work on smaller water bodies but not for these two species. Obviously, I'm not pressing for any kind of answer right now. I just wanted to put this in front of you all and give you a chance to look over. I'll give you examples of the agreements, and I can put you in contact with a couple of landowners that we've signed on to this last year if you want to gauge to see how the other side of things went, how they feel about the program, and any questions you may have from them that you may not feel comfortable asking me.”

Mayor Luke, “So, have any of those particular spots had the mussels implanted there?” Trevor Starks, “Yes, so this site here, close to Erie, Kansas, was actually stocked. So these are Neosho Mucklets that we got from a federal hatchery in Missouri. These are H2 Neosho Mucklets, and these are H10s. We stocked about 1,300 there last year. We're going to do another stocking this year in the fall and then monitor those annually going forward. So the specific de-listing criteria for all these species. So, you know, for both species, there are specific documents that say we need to re-establish populations in this area, this area, this area, and this area, and if that's the case, we can take it off the endangered species list. So that's kind of why we're kind of hop-skipping around on the Neosho to get those populations established in different sections of the river.”

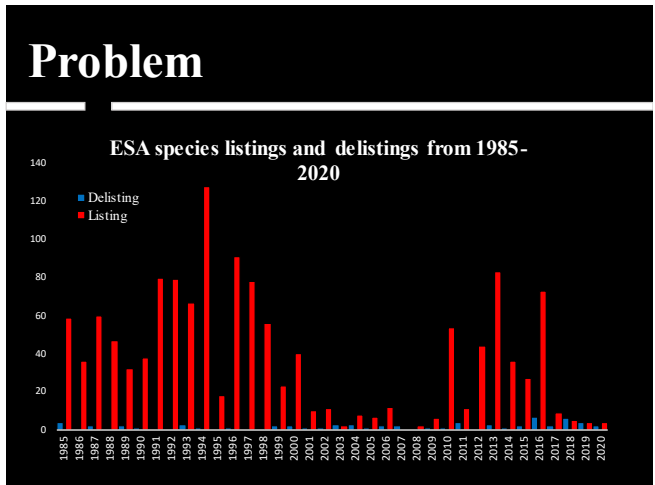
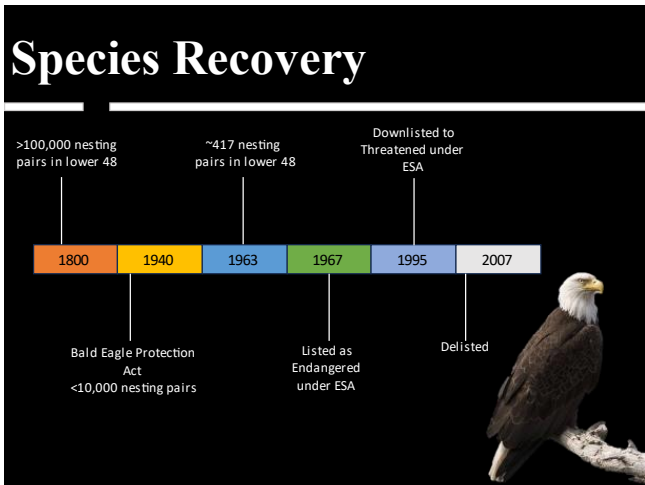
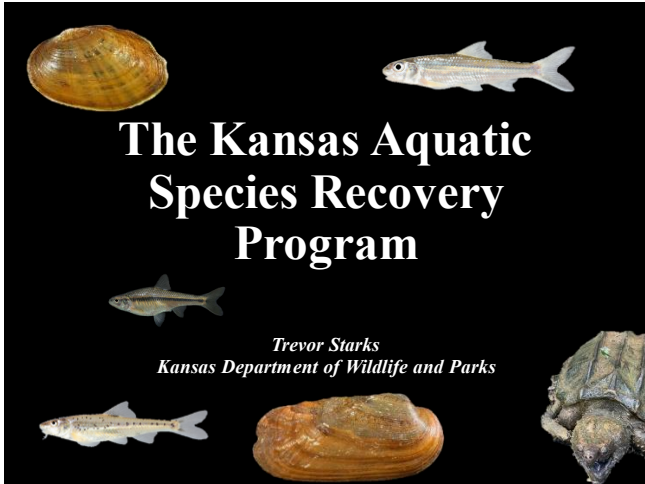
Mayor Luke, “I imagine these are delicacies for the raccoons and everything else.” Trevor Starks, “The low water has not been kind. I went back after our last stocking, and I found probably 20 to 30 marked mucklets that had been predated on by raccoons. The goal is-- If you go to a survey, there are still thousands of mussels in the water. So it's just kind of the numbers game; some of them are going to get eaten, and you're hoping some of them make it to the next year. Hopefully, we get some more rain; it's not going to be as big of an issue because, obviously, shallow water, the raccoons can get to these guys a lot easier.” Council Member Van Horn, “I'm just curious what kind of conditions these mussels thrive in?” Trevor Starks, “So the big mussel beds are going to be kind of ankle to knee deep riffles. But they can survive in deeper pools as well. But these are kind of the hot spots where conditions were well-oxygenated water and then lower ammonia levels, and there are other heavy metals that are toxic to these animals. But, obviously, Clean Water Acts, we've got some good data from the Kansas Department of Health and Environment that's shown that water is really a lot cleaner than what it was back in the 1960s and 1950s when we started building all of these dams and losing a lot of the species. So the hope is the conditions are there for these populations to come back.”

Superintendent Boyce, “Did you state at Kelley Park that we own both sides of the river?” Trevor Sparks, “Yeah. So all I have to work on is Onyx and plat maps that are on there. So the property line shows that it encompasses this entire island. I don't know if that's a point of contention or not.” Superintendent Boyce, “I would be in question about that.” Trevor Starks, “Okay. You think the property line is probably more down the center?” Superintendent Boyce, “Yeah.” Trevor Starks, “Okay, so, in that case, that would be a case where I would contact the property owners. We have another property like this, where the property owner had both sides or has both sides, and you've got this line that's kind of close to the opposing bank -- I would still talk to the neighbor because we do have a neighboring landowner agreement that essentially gives the same protections. If they don't want us on the property but don't mind us doing the work on the neighbor's property, we can do a landowner agreement

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with that. It's a separate type of agreement, but it essentially gives them the same protections. We just don't have to access the property. That would be a case where I would talk to the neighbor.”

Superintendent Boyce, “I would say the line used to be-- you can tell there's an island there. I would say the line used to be on the west side of that island, but then the Rock Creek that comes in blew it out to the east.” Trevor Starks, “That's the other problem with this. The rivers always move, and so you may have shifting property lines anyway, but yeah, that's definitely a case where I would talk to them. But whoever gets back to you first. Let's see if you go talk to you first because if you guys say no, I'm not even going to bother.” Council Member Mays, “We can look at it. I'm the GIS Coordinator for the county.” Trevor Starks, “Okay, great. Awesome. Okay, so I'll just hop out of here. I'll pass out a couple of example agreements. Thanks for your time. I really appreciate it.



Implications of listing

Conservation

- Range reduction/extinction
- Loss of ecosystem goods and services
- Cascading effects to other species
- More difficult to work with species for KDWP

Regulatory

- Ecological reviews/permitting
- Take considerations
- Critical habitat for species even if it no longer occurs there

Kansas Aquatic Species Conservation Agreement



Allows KDWP to work with federally listed species

Provides legal protections to landowners

First document of its kind

Kansas Aquatic Species Conservation Agreement



- Covered for incidental take of listed species
- No additional conservation measures required
- Flexible agreement provisions
- Stock animals
- Monitor reintroduced populations

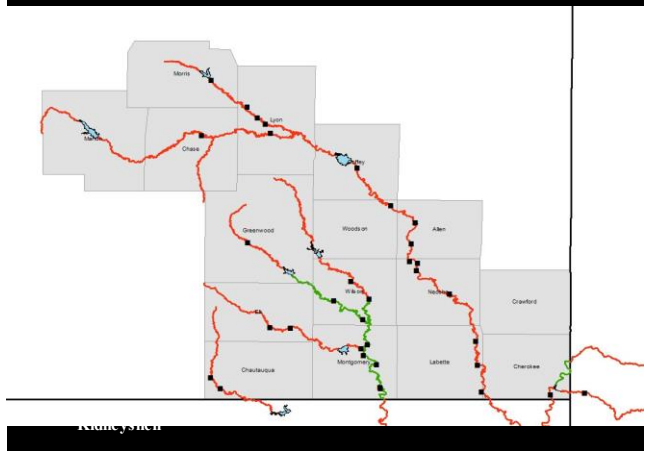
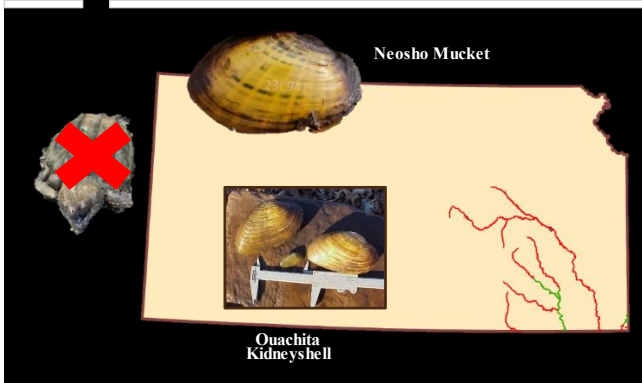
Kansas Aquatic Species Conservation Agreement

Additional Provisions

- Landowner not held responsible for stochastic events (e.g. drought, disease, natural disasters)
- Terms can be amended (e.g. land use, scheduling, species)
- Can terminate at any time but provide KDWP the opportunity to relocate stocked species (within 60 days)
- Liability coverage under KSA 58 - 3202



Proposal



Proposal



Goals

- Pursue landowner agreement with City of Burlington
- This would add to other agreements in this area
- Stock Ouachita Kidneyshell and Neosho Mucket
- De-list species from state and federal ESAs



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.

Pump Maintenance: Superintendent Hawkins, “We did have C&B out of Olathe come back and finished up the general maintenance on the rest of the pump stations. They got that completed.”

6th Street Waterline Project: Superintendent Hawkins, “Probably many of you are seeing that we've started on the 6th Street project over there. So we've been slowly working with contractors in there. So, just the very beginning stages, we've been doing some potholes for the contractor along the 6th Street.”

Valve Exercising: Superintendent Hawkins, “Started in with Chris from the Kansas Rural Water Association. He came in and is helping us with exercising every water valve in town, which is huge for us. So, we're starting on the north end. We ended up getting 49 valves done today. So, they help us suck out the valve boxes and then exercise the valve and make sure that it is functioning properly.”

Fire Hydrant Replacement: Superintendent Hawkins, “Over on 7th and Neosho, you probably saw that we dug over there; the fire hydrant across the street, to the north, is a 1952 fire hydrant. It's needing replaced. So, obviously, it was leaking. Then we found out that the line is attached to the service right there on the corner as well. So that's slowed us to a screeching halt. So, we got to come back. We are waiting on parts for the fire hydrant; then, we're going to reroute the service. We don't want anybody out of water. So, we're going to reroute it back across the road. Then, we're going to move the fire hydrant from the north side over to the south side. So, it'll be closer to the new jail on that side.”

WATER AND WASTEWATER: Production Update

General: Normal duties.

Equipment Replacement/Maintenance: Superintendent Hawkins, “We have the chemical company named Hawkins. No, they're not related to me in any way. That's just the name of the company out of Garnett. They're coming in to do our initial installation of our new bottle vacuum system for the chlorinators for the 150-pound cylinders. So they're coming back the first of next week. They started on it, but they're coming back to finish up, so they're working around our schedule of run times as well. One night, we were down, we installed the new mixer blades in our lime feeder. While we were in there, we went ahead and cleaned up the boxes and did the general maintenance on the mixers and stuff. Got that done.”

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Water Tower Inspection: Superintendent Hawkins, “Then next week Nathan Gray and his men are coming in to do the tower inspection of the gray water tower over here by the water treatment plant.”

QUESTIONS/COMMENTS

Council Member Strawder, “On the waterline break, was it determined what led to that? Was it a utility marking or--?” Superintendent Hawkins, “There was no tracer wire with the main. There are two valves, one clear down by Crow Moddie, and the other one was clear up on Potomac Street. So, the gentleman that worked for us tried his best to locate it, but he was off his mark.” Council Member Strawder, “And as a city, we do the locates for the water?” Superintendent Hawkins, “We do the locates.”

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.

Tree Trimming: Superintendent Davidson, “We have been doing street tree trimming. We've removed three dead trees.”

Rock Supply: Superintendent Davidson, “We have been hauling in rock from the quarry.”

Equipment Maintenance: Superintendent Davidson, “We had one truck that needed some maintenance. The main rear seal in the engine transmission area was leaking. We took that to Emporia for repair.”

6th and Alleghany Projects: Superintendent Davidson, “They've already taken my thunder on telling you about the 6th and Alleghany projects.”

High Wind: Superintendent Davidson, “Then, yesterday, we picked up limbs and a few signs after the high winds.”

POLICE DEPARTMENT: Update

General: Chief Jones, “Normal duties.”

Activities/ Cases: Chief Jones, “We have been working some domestics, several welfare checks, non-injury accidents. The Parks Department has been finding bicycles for us over at Kelley Park and different places. We have returned one of them that they turned over to us, we found the owner for one of them.”

Personnel Training: Chief Jones, “We got some training done in Emporia last week. I went to Emporia three days in a row. I've got 23.5 hours done, and I'm down to just about five hours left on my yearly. So, everybody has to have 40 hours of continuing education. That's always an ongoing issue.”

City Court: Chief Jones, “I got back in time Thursday evening to attend city court, which was actually very quick. We didn't have a whole lot going on.”

QUESTIONS/COMMENTS

Open Position: Council Member Ernst, “Have we had very many applications for the opening?” Chief Jones, “I've got two possible interests but have not received any applications yet. I am supposed to be getting answers from two of them, hopefully by this weekend, the first part of next week. So, we'll see what happens.” Council Member Ernst, “Thank you.”

PARKS DEPARTMENT: Update

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

Tree Trimming: Superintendent Boyce, “With the winds, we've been busy cleaning up tree limbs in the park.”

Mowing: Superintendent Boyce, “We have been mowing and spraying weeds in gravel areas. Mowing has been keeping us busy.”

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Sprinklers: Superintendent Boyce, “The only thing we have left to turn on water-wise will be Veterans Park and Caboose Park.”

PARKS DEPARTMENT: Standing Agreements - Boofest

City Clerk Brown, “They were here the last council to ask about Kelley Park. I did talk with Ronda, and I said we had a standing agreement before when they had like the Taste of Fall there. She was agreeable, and I've talked with Kevin, so we would like to make a motion to have a standing agreement with Burlington Promotions and the Rotary Club because they do the eating contest at the same time. As long as they're keeping in contact with us, and the parks are available and the buildings. We would like to just do a standing agreement so they don't have to come back every year and waive the fees of the buildings.” Council Member Ernst, “That's Kelley Park, Kelley Hall, and the 4-H building?” City Clerk Brown, “Correct. So, if someone would like to make that motion.”

Council Member Strawder, “I have a question, in knowing that we've already approved it for this year type of thing. One thing that I've noticed just in a short period of time I have been on council is we get a lot of people coming in to request this type of thing. Is this the type of thing that maybe we could look at developing some type of process where people don't have to come into the city council meeting to set up? So, for example, the library, if you go down to rent the room at the library, they have kind of some guidelines, and if you hit the guidelines, then the fees are waived. It's just kind of a standing, you know, everybody follows the same set of guidelines and whatever, and if you don't hit that, then you do know there's a fee associated with that. Would there be any benefit towards doing that? And maybe saving some of these groups from coming in constantly asking or whatever and just making the process a little bit smoother. Then for Burlington Promotions or Rotary Club, if they have this one-time, this one event per year, but additional events, it just kind of streamlines that process.” City Clerk Brown, “That would be a council decision.”

Council Member Mays, “Yeah, because then you're not picking and choosing. What are the library guidelines?” Council Member Strawder, “Basically, it's if you're a non-profit, not collecting money.” Mayor Luke, “Basically what we do too.” Council Member Strawder, “Yeah, so it's just there they are able to, when you request it, grant it. Where here, it seems like there's that additional step of coming to the city council and making a motion, just wondering if there isn't --.” City Clerk Brown, “I think part of that is also to keep you informed of what's going on in the parks. That's part of it too; not saying we can't do that if that's what the council would like to do. We can look into those guidelines of what the library has.” Council Member Strawder, “As I said, I'm not opposed to the motion or anything. I'm just wondering if there isn't something else to look into. And since we have already approved it for this timeline, we've got some time to work on that then, hopefully, instead of approving something right now.” Council Member Mays, “I agree.” City Clerk Brown, “But can we go ahead and approve this one now?” Mayor Luke, “The Boofest has already been approved.” City Clerk Brown, “Oh, that's right. Sorry, I wasn't here.” Mayor Luke, “That's already set for this year.” Council Member Strawder, “If it hadn't been approved, then yeah, you know, but since it has for this year and we have another year.” Mayor Luke, “Okay, we can delay that.”

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2024-08	\$	<u>734,631.18</u>
b. Payroll Ordinance	2024-08	\$	<u>107,096.06</u>
	TOTAL	\$	<u>841,727.24</u>

CLAIMS 2024-08: Council Member Ernst moved to approve City of Burlington Claims Ordinance 2024-08 for the amount of \$734,631.18 for payment of city bills. Council Member Strawder gave the second. City Clerk Brown, “The larger expenses we have tonight are Boomershine Consulting Group \$3,557.50, C&B Equipment DBA Douglass Pumping \$9,086.18, Kansas Power Pool \$179,171.92, Kutak Rock \$9,698.01, TrustPoint Insurance \$373,797.00 and Victory Excavation for \$19,743.80.” **Hearing no discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, “Claims Ordinance 2024-08 passed, 4:0.”**

PAYROLL 2024-08: Council Member Ernst moved to approve City of Burlington Payroll Ordinance 2024-08 in the amount of \$107,096.06, as presented. Council Member Van Horn gave the second. **Hearing**

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no discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. *Mayor Luke declared, "Payroll Ordinance 2024-08 passed, 4:0."*

PLANNING & ZONING: Update

General: City Clerk Brown, "He has been busy with normal duties."

Permits: City Clerk Brown, "He has been busy with building permits."

Research: City Clerk Brown, "A lot of his time has been spent on researching questions on some things from past years concerning building along HWY 75."

Security System: City Clerk Brown, "He has been working with Advantage Computers on the camera system and a new daily management reporting system."

Map Room: City Clerk Brown, "He's been working on the map room trying to get new shelves installed in that closet so we can get all the maps put in there."

Permits: City Clerk Brown, "He has started watching the un-mowed yards and nuisance properties."

Arbor Day: City Clerk Brown, "Arbor Day will be at Oak Park on April 24th at 5:30 p.m." Council Member Van Horn, "Do we have flyers made for that yet?" City Clerk Brown, "Not yet."

Nuisance: Grass/Weeds Update: Superintendent Boyce, "I have one that has been on our normal rotation year after year. We will probably hit it next week. It is at 11th Street and Lamoille Street. I believe it will go on the sheriff's sale this year. So hopefully, that's one we'll get rid of."

OTHER COMMITTEE OR COUNCIL BUSINESS

LEGAL DEPARTMENT: Update

General: Attorney Wright, "Normal duties. I just have what will be discussed in the executive session. We can do that at the end; there will be no action 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.

Reports: City Clerk Brown, "I have handed out to you the first quarter's financial revenue and expense with cash report."

Sewer Averages: City Clerk Brown, "Laura has the new sewer rates figured, and they will be on this month's bill for the year."

Insurance Policy: City Clerk Brown, "I have been busy working the breakdown for the 2024-2025 annual insurance policy."

Surveys: City Clerk Brown, "I have been filling out lots of other surveys that are due this time of year."

MAYOR'S COMMENTS:

REPORT BY CITY OFFICERS:

FUTURE AGENDA ITEMS:

Mayor Luke, "We'll put on the standing agreement on Kelley Park, and since it's no longer the snapping turtles, we'll do it for the mussels in the river. We will make sure those get on the agenda down the road."

EXECUTIVE SESSION:

Council Member Ernst, "*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); to render legal opinion on Mays pending litigation, with the Governing Body, Mayor Luke, City Attorney Wright, and City Clerk Brown present.*" Council Member Strawder, "*I second the motion.*"

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Council Member Strawder, “I always have a quick question because that’ll drop us down to three council members. Is that okay?” Mayor Luke, “There is no decision being made.” Council Member Strawder, “Okay, that was the only thing.” Attorney Wright, “No decision can be made in executive session anyway. Any action of the governing body must be made in an open session.” Council Member Strawder, “I was just making sure.” Mayor Luke, “Yes, I already checked that.”

Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 3:0.

Entered 6:45 p.m. Exited 6:50 p.m. No action 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 2024 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 the Governing Body and signed by Anne C. Brown, City Clerk