

BOOK 26  
May 15, 2024

**BURLINGTON CITY COUNCIL REGULAR SESSION 5-15-2024**

City of Burlington Governing Body met in Regular Session at City Hall's address, 1013 N. 4<sup>th</sup> Street, Burlington, Kansas, at 6:00 p.m. Wednesday, May 15, 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 (By phone)  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:** Cameron Roth, Mark Kern, Jay Daugherty, Bill Michaud, Pam Scott, Jay Hale, Tyler Ellsworth, Bobby Skipper

**AGENDA:**

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

**MINUTES 5/1/2024:** Mayor Luke, "You have before you the draft minutes of our regular session of May 1, 2024. Are there any additions or corrections?" A motion was amended.

~~*Hearing no further discussion, Mayor Luke called for a vote. Council Members Curtiss, Ernst, Van Horn, and Mays voted 'Yea', and Council Member Strawder voted 'Nay'. Mayor Luke declared the motion passed, 4:1.*~~

*Hearing no further discussion, Mayor Luke called for a vote. Council Members Curtiss, Ernst, and Van Horn voted 'Yea', and Council Members Strawder and Mays voted 'Nay'. Mayor Luke declared the motion passed, 3:2.*

*Council Member Ernst, "I move to approve the draft minutes of May 1, 2024, as amended." Council Member Strawder, "Second." Motion unanimously carried, 5:0.*

**APPOINTMENT: Pam Scott – HEAL Grant**

Pam Scott, "I guess several of you know that I have the Plaza Theatre, and I'm trying to rehab it, and it's taking a long time, and I'm getting frustrated. I approached you last fall regarding the HEAL Grant, and I did not receive it at that time. I did receive, on May 1st I might add, this email. 'I hope this message finds you well. We wanted to take a moment to remind you that the deadline for the emergency HEAL Grant is swiftly approaching, with applications closing on June 3<sup>rd</sup>.' And I received this May 1st. 'We've reviewed your HEAL project submission from last fall and believe it could align well with the objectives of the emergency HEAL program, given the urgency of the current situation. We wanted to ensure you were aware of this opportunity to further advance your project. Should you have any inquiries or require additional information to facilitate your application process, please don't hesitate to reach out. Our team is here to provide any assistance you may need. Thank you for your continued interest in our program, and we look forward to the possibility of collaborating with you on this initiative.' And this was from the Kansas Department of Commerce.

"I did have numerous questions. I couldn't get to the submittable application for some reason. So, it's taken me several days to do that. Among those several days, we did a week-long trip to Nashville for our granddaughter's graduation from Vanderbilt, yay! We got her off, and we'll send her off at the end of this summer to the Royal

**BOOK 26**  
**May 15, 2024**

College of Cork in Ireland. So, we're pretty proud of her, and that took time away from this project. Prior to leaving, I did call Anne and gave her a heads up because you had approved supporting me last fall, and I was hoping to ask for that again, but as with all government agencies, things have changed. So, a private building owner must have an eligible local partnering support organization apply for the grant on their behalf. This organization will commit to supporting the project through the fiscal administration of the grant funds; meaning distributing the payments to the building owner, tracking the bi-annual financial reports, and ensuring that the building owner is on track with program deadlines. So, they've added some stipulations there for us. I again would fill out the application as I did last fall. They were kind enough to send me that one and say you can use material from here. But guess, what you can't copy and paste, and you can't do anything else. So, you have to retype everything in, and they're 16 pages.

“So, guess what I've been doing today. I'm hoping that you would be willing to do that for me as I apply for this HEAL Grant. It took us, I worked with Tim Dunn, for two years to get matching green tiles for the front of that theatre. He found some historic ones in Arkansas off of the storefront. Two years' worth of searching, but found them, sent them, and this is how they arrived, broken. All of them. So, back to square one. After that happened, I was kind of devastated and had a Kansas Historic Theater Association meeting. I attended that, and an architect that was there sat beside me, and Robert and we explained what we were doing in our projects, and I was a little down. After the meeting, he came up to me and said I think I can help you. And he had a place that has a glass called spandrel that they can match the front of mine. It's a different material, but it would match. But he also said you can't do it until you check with your rep in historical preservation.

“So, I contacted Katrina, and she said, ‘Yes, I have heard of it. We have not used it or worked with it on historical projects, but since you tried so hard and for so long, if it matches, use it.’ So, I've got to go back to the guy that told me about it and see if we can get that. So, this one, the maximum for the grant is \$100,000, and it's a one-to-one matching. So, I have to come up with a \$100,000 to match. And right now, that's not looking good because of the glass; I had to pay for that ahead of time. I'm waiting for the insurance, and I need to come back on that. So, I don't know if I'll have that to apply toward. I do need a letter of support, so if anybody in this room would like to see the theatre forge ahead and bring in more economy for our community, write that letter for me. Okay? Yeah, do you have any questions for me?”

Mayor Luke, “We've kind of went through it before.” Pam Scott, “Yeah.” Council Member Ernst, “So, right now, though, you're what you're wanting from the city is a letter of support, correct, Pam?” Pam Scott, “That and with that letter of support, since you're the applying entity for me, you would be responsible for keeping me on track, basically. I would keep all the records and everything, and I assume Anne, with her being your administrator, would be the one that would do that. I'm not sure on that.” Council Member Van Horn, “Do you think that would be a problem, Anne?” City Clerk Brown, “No, as long as we have a calendar of when you're supposed to have--.” Pam Scott, “And when I send-- get this submitted, they send me that information. They didn't send me any of that ahead of time because this came a different route.” City Clerk Brown, “This is different than what we had done the last time. That was not part of our responsibility before.” Pam Scott, “No, you just had to do the letter of support for me and use your EIN. So...”

Attorney Wright, “So, you're asking the city to administer the grant and be the applicant for the grant?” Pam Scott, “Correct, for me, on behalf of me.” Attorney Wright, “So, I think I'm going to have to review the guidelines probably prior to me being able to recommend the city to do that because this is a little bit different than what you asked the city last year.” Pam Scott, “Yeah. I know.” City Attorney Wright, “Quiet a bit different; there's a lot of obligations that place on the city. I need to take a look at that and see what the obligations are.” Pam Scott, “Okay, well, this is the only thing I have.” City Clerk Brown, “We can make a copy.” Pam Scott, “Thank you. That's about it on the application. I'm working on filling it out right now. I have the EIN because that was on the last one, and I plugged Anne's name in; I can take that out if I have to and try and find somebody else. That's where I'm at right now. Like it said, it's a short, quick notice. I wasn't prepared for this. But I'm lucky that they said I can lift anything off my old one and use it. So, I have all the pictures that I have to submit are in a folder.”

**BOOK 26**  
**May 15, 2024**

Attorney Wright, "Is there an application deadline?" Pam Scott, "June 3<sup>rd</sup>." Council Member Strawder, "Have you reached out to any other -- because it just needs to be like organization or something? What was that requirement?" Pam Scott, "It has to be ...hang on. It has to be a 501(c)(3), 501(c)(6), school, county, city, Kansas Main Street program if we belonged to that, which we don't, or Chamber of Commerce. That's who they will accept this application from." Council Member Strawder, "Have you reached out to any other entity like what you named off there? Have you reached out to any other entity or anything?" Pam Scott, "No. To try and get matching funds, I will be going to the County Commissioners and seeing if I can get some money from them to help with the matching funds. Katrina from the historical preservation did say that anything left from the Heritage Trust Fund grant that I had, anything left from that can be used as matching funds too. So, I have to contact her again and get that number."

Council Member Strawder, "The reason why I was asking was because it sounds like there's some stuff that we need to look into with the administering of such grants or actually applying for all of that. The primary concern I see at first is that our next meeting is on June 5<sup>th</sup>." Pam Scott, "I know." Council Member Strawder, "Which is just two days after that date." Pam Scott, "I know." City Clerk Brown, "And I didn't have all this information--all of that either." Pam Scott, "I didn't either. All I had was that email that I read to you that said if you want to do it, you need to get on it." Council Member Ernst, "Can we make a motion to support the letter and then the other part of it be contingent on Philip looking over the information needed for this?"

Attorney Wright, "I would suggest the city set up a prior meeting so I can look at it, and you can look at it. I don't want the yes or no authority on this program. I'll advise the city council on any concerns I have after I look at it; I don't want to be the decider. So, I think that that's probably the best way to proceed is just set up a special meeting prior to so the city council considers it." City Clerk Brown, "How much time do you think you would need to look into that so we could go ahead and set." Attorney Wright, "Are you done with the application?" Pam Scott, "No." Attorney Wright, "Well, we need the application first, right? So, this is going to be multifaceted. I don't know what's on the application. I don't know what the city is saying when they sign the application--." Pam Scott, "Do you have the copy from the last call? I left it." City Clerk Brown, "We probably have it in a folder." Administrative Assistant Mader, "I can look. Now?" City Clerk Brown, "Yes."

Pam Scott, "It's basically the same thing. It's just the process is different." Attorney Wright, "When will you have the application completed so that we can take a look at it?" Pam Scott, "Well, I'll be working on it all day tomorrow for sure, and if I don't have any technical messes, I should be able to estimate a time on Monday." City Clerk Brown, "So, we could possibly do a meeting on the 28<sup>th</sup>, that would be Tuesday, for a special meeting." Council Member Van Horn, "We're your only chance, right? I mean, if we don't do it, you're kind of sunk?" Pam Scott indicated yes. Council Member Van Horn, "Okay, so we need to make sure that we can get this done before her deadline." Attorney Wright, "Have you talked with the county about this? Because they could sponsor you too, and they have more meetings than we do." Pam Scott, "Yeah, but I'm wanting money from them. I'm hoping that you guys could work together." City Clerk Brown, "Can they not sponsor you and fund you both?" Pam Scott, "That's my fear." Attorney Wright, "I don't know why that would be an issue."

Pam Scott, "I can ask them." Council Member Ernst, "So we could possibly set up a special meeting on the 28<sup>th</sup>?" City Clerk Brown, "If that's what the council wishes." Attorney Wright, "You need to make sure there is a quorum available on the 28<sup>th</sup> so the decision can be made if that's how you want to do that."

***Council Member Ernst, "I'll make a motion to have a special meeting on May 28<sup>th</sup> at 6:00 p.m. to go over the HEAL grant application at city hall." Council Member Van Horn, "I second the motion."***

Mayor Luke, "Philip, does that meet the requirements for the meeting?" Attorney Wright, "As long as we do the notice, I think we are in pretty good shape."

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

**BOOK 26**  
**May 15, 2024**

Mayor Luke, "We will have a special session." Attorney Wright, "Please get us the application as soon as possible." Zoning Clerk Hugunin, "I did find a copy of the application online, so I can print it off." Pam Scott, "Where did you go?" Zoning Clerk Hugunin, "I did it through a Google search for HEAL grant."

**APPOINTMENT: Bill Michaud – Mark Kern – Amphitheatre**

Bill Michaud, "I'm Bill. Thanks for having me today. I have been here a couple of times before. We have, you know, as we've kind of worked through the program on this development and all the aspects of it, one of the big questions has been what about the amphitheater and about the tourism component that's together the cornerstone of the Star Bond project. So, previously, I was working with the county on that, and the biggest question was whether we were working towards the county leasing it once we constructed it, but the question has always been how is this thing going to be operated and as we work through that program all of a sudden from I don't know heaven or somewhere, comes somebody who is a professional marketing person, has a lot of ties to the music industry, is connected, has some relationships in that regard, and is interested in taking on development of the amphitheater. So, I think some of the biggest questions are answered. Mark Kern will be the owner and is working toward being the owner and operator of the amphitheater. My understanding is that this body would like some introduction and to kind of hear about Mark's vision and how that piece is going to be handled. So Mark is here this evening to tell you a little bit about his vision."

Mark Kern, "My vision. Well, I think a lot of you -- we provided you kind of with my current corporation and what I do currently. A little bit about my past is I started my career -- I've been in the media and marketing industry for 30 years. I worked nine years in Topeka with a group of radio stations. At the end of that, I was the director of sales over six radio stations. Then, after that, I went to Lawrence, where I worked for the World Company. The World Company owns, or owned, the newspaper, cable company, and then also a local TV station. So, I still have a wide network in the media side of things to where we can access and be able to promote certain acts. I think a lot of the questions, too, is what it came across is where-- I mean... We're looking at a 1,500-seat amphitheater. You know, where are there 1,500 people that can support a project like this in Burlington, Kansas?"

"So, our marketing and advertising ideas would be a 70-mile radius around Burlington; which in that radius, there is a population of 1.1 million, which we're looking at a capacity of 1,500 plus long. So, that is a fraction of the population that we need to be successful in hosting certain concerts and different shows at the venue. I also worked; I sat on the board of directors for the Prairie Band Casino. I was one of the first board of directors when they took it over from Harrah's. I sat on that board for five years, and as a part of that, after my board expired, I then handled all the advertising and marketing for the casino, which is very similar in the entertainment industry. We looked at a 70-mile radius. They had their concert lineup, but they wanted to promote, and we were very successful in promoting those and selling them out.

"Max is tentatively our director of operations. He's a musician. He also currently works as the major fundraiser for KPR in Lawrence. His band, one of his bands, has opened for Brad Paisley. So, he is very well connected and is still connected in the music industry. Then also is very knowledgeable from audio, working with the performers, and knowing their needs to make this an attraction for them to come and perform."

Mayor Luke, "He would be not only overseeing the entertainment, he would actually be overseeing the operation and maintenance of the theater as well?" Mark Kern, "Yes." Council Member Strawder, "Is this still being done as part of the Star Bond?" Bill Michaud, "Yes, we will become co-developers. So we're working on our partnership agreement on how we're going to-- on the contractual relationship between us." Council Member Strawder, "So, development-wise, the city involvement wouldn't really change any." Bill Michaud, "We are simply looking for approval for the incentive that we talked about last meeting."

Tyler Ellsworth, "And if I could jump in, but that's probably a really good segue. I haven't met Mark personally, but it's nice to see you and put a face to the name." Mark Kern, "Likewise." Tyler Ellsworth. "I know there have been a lot of efforts on Bill's behalf and Mark's behalf, behind the scenes, to figure out how this amphitheater is going to work. Part of coming tonight and making introductions and explaining Mark's

**BOOK 26**  
**May 15, 2024**

background is that the intent would be, if you all are comfortable with this, to come back at, say, your June 5<sup>th</sup> meeting and have a term sheet that outlined the incentives that we've discussed. It's not something that would be intended to be binding on you, but it would be an expression of the city's intent. Once a detailed plan for the operation of the amphitheater can be developed, that would be presented to you, and you would agree. Again, not binding future council, but you would agree and consider the incentives that we've already talked about.

“And that would be kind of a compromise to give some assurance to Bill and Mark as they go forward with the other facets of other projects and continue pursuing financing and get that capitalist fact together, but it reserves your right to say that you're not making any final decisions. Let's say we put a time frame on it, not something that's going to tie their hands, but just to say, let's say we do this for 12 months or so. If there is not progress in 12 months, we come back and revisit it, but that way, there is sort of a finite duration to it, and there's some parameters for what you're agreeing to consider and what they intend to construct, and I think is a reasonable compromise to allow them to move forward knowing that you guys have agreed to consider what has been requested.”

Attorney Wright, “You guys are still working out the details of what the amphitheater actually is, I guess, now that we've kind of got maybe somebody figured out that's going to operate and manage it. Is that correct?” Bill Michaud, “Mark is going to own it. I mean, Mark is the guy at risk. He's going to construct it, develop it, own, and operate it. I mean, it is going to be 100% owned and operated by him and his company.” Attorney Wright, “My question is more towards what is this thing going to look like. The details on that has been pretty vague at this point, right? I don't think you guys have it figured out. That's what I was wondering if, now that you have somebody that's willing to kind of step in and own it, if you will have a little bit more detail on what it's going to look like and what's it going to be?”

Bill Michaud, “We are not at the point because we don't even have a term sheet in agreement, then we don't have a project really until we get some kind of affirmation from the city and the county that what we've got is a viable program. We're working together towards the same goal. So, Mark is not spending any money on design on any of those things because we can't get to that point until we are all on the same page. Whether the amphitheater, you know, is a square or a circle, or what it physically looks like doesn't matter if we're not working towards this goal of, you know, this preliminary document is a term sheet. It's non-binding, but it says we're on the same page, and then we go to the Department of Commerce, and we say we're on the same team with the city. The Commerce initiates a feasibility study, a professional third party not contracted by Mark or by me, but by the Department of Commerce, and that's really when the rubber hits the road on real planning and design. So, after Commerce gives their approval, then we start talking about development agreement, and that's what Tyler is saying is really-- that's the opportunity when the city really becomes agreeing to the thing. And that's when the detail comes. At this point, we are not even past the term sheet phase. Like we're just kind of sitting here waiting to see if we've got a deal or if we don't have a deal.”

Tyler Ellsworth, “I think that's right, and I think part of what the term sheet would spell out is that the city's agreement to reasonably consider this request is, in addition to nonbinding it is contingent on seeing the details and reasonably being informed of what this thing looks like and how it's going to be operated, who these acts might be, I mean not specifics, but I have no background in music industry, but I understand that there are different tiers of acts, right? They cost different amounts to get them to come in and play your show, and there are different levels of support and, you know, everything that goes on behind the scenes to put on these different types of events. I think that we probably want to condition the city's agreement to consider these incentives on getting that kind of a plan. It's sort of a chicken or egg thing.”

Attorney Wright, “Right, we are all in a catch-22 here because we are trying to see what's going on, and you guys are still trying to get stuff figured out. It's kind of depending on what the city is trying to do and approval by that, so...” Bill Michaud, “And that's why the term sheet is so preliminary. It just says yes, we're on the same team working together because we can't move forward unless we're on the same team and there's some-- I had a couple of presentations, and we've talked about the general development plan. But if the city's not willing to move forward on discussions on the incentive and work towards the development agreement, then neither one of us have a project to talk about.”

**BOOK 26**  
**May 15, 2024**

Mark Kern, "So not only is part of my day job, which is owning an advertising agency, I am a developer. So I'm a general contractor, so I can assure you that this will be very visually appealing. Because not only do you want a person that buys a ticket to come there and enjoy the show, but you want them to be able to have the experience of that's a nice venue. That was a great experience. The concert was great, but the venue was a part of that as well. It will be well done. It's not going to be a gazebo. I mean, that's kind of what a lot of people think a gazebo is in a park. You know, this will be an Amphitheatre."

Bill Michaud, "The initial vision for the cost because we were trying to fit it within the specific funding parameters of the CID that we talked about the 1% CID was 1.5 - 1.7. Mark's vision is bigger than that." Mark Kern, "My preliminary numbers on a budget would be closer to 3.5. The research I've done and looked at different amphitheatres throughout the United States. I want to give it a certain theme so not only as something that comes and enjoys the show but also an experience for the entertainment that comes and plays at the show." Mayor Luke, "So there's no action that we have to take at this point?" Tyler Ellsworth, "Correct." Mayor Luke, "That was an informational thing, and at some time in the future, be coming back with the term sheet or whatever you want to call it, and at which time then we look at that and determine exactly what we want to do."

Tyler Ellsworth, "That's exactly right." Bill Michaud, "I just request that we try to expedite that as quickly as possible. Both of us have six to eight to nine months worth of pre-planning and all that stuff to go through." Mayor Luke, "How soon you come back is probably in your ballpark." Tyler Ellsworth, "That's probably in mine." Bill Michaud, "Yeah, that's in his." Mayor Luke, "Just not in our ballpark at this point in time." Attorney Wright, "When do you think we'll have that? It would be nice to have it, you know, or not 30 minutes before the meeting." Tyler Ellsworth, "Yeah, and Bill's attorney has circulated a draft to me. I will need to revise that based on kind of where we are and things that have developed since that initial draft was prepared, but I would say in the next week or two. What's today? Today's the 15th?" Mayor Luke, "Yeah." Tyler Ellsworth, "I mean, easily within ten days, we could be circulating drafts, but hopefully a lot sooner than that."

Attorney Wright, "Before that, you guys have a draft to look at; we'll try to get it with enough time to answer questions or concerns and then be able to vote on an MOU (memorandum of understanding) at the June 5 meeting." Tyler Ellsworth, "Right, assuming council's comfortable with it and we're ready to go, absolutely. I'll get that advanced opportunity to read." City Clerk Brown, "As soon as you get that to me, I'll send it out to everybody." Lila Van Horn, "No pressure." Tyler Ellsworth, "Oh, it's fine." Mark Kern, "Thank you."

**APPOINTMENT: Jay Daugherty – Annual Car Show**

Jay Daugherty, "First of all, I want to thank you, Stan, for helping us with the car show last year, great addition. We would like to block off 3<sup>rd</sup> Street again, from Neosho to Miami. That would be October 5 on a Saturday, and we have our third annual Coffey County car show."

Council Member Ernst, "And what time will you need it?" Jay Daugherty, "I'll probably need it from 7:30 in the morning till about 3:30 in the afternoon." Council Member Ernst, "Okay." Mayor Luke, "Same area as last time?" Jay Daugherty, "Yeah." Council Member Van Horn, "And when was the date? October what?" Jay Daugherty, "October 5."

***Council Member Ernst, "I move to approve Jay Daugherty's request to block 3rd Street between Neosho Street and Miami Street on October 5, 2024, from 7:30 a.m. to 3:30 p.m." Council Member Van Horn, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.***

Jay Daugherty, "One other question: the city will provide barricades for us?" Mayor Luke, "Yes. Same as before."

**PUBLIC COMMENTS: None.**

**ELECTRIC DEPARTMENT: DISTRIBUTION Update**

**BOOK 26**  
**May 15, 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.

**New Electric Service:** Superintendent Schneider, “We installed an electric service for a billboard that is going to be placed north of Bahr Tire on 75 Highway.”

**Remove Service:** Superintendent Schneider, “We did remove some old services to the trailers that were at 10th and Alleghany. We have removed that.”

**Jail Project:** Superintendent Schneider, “We did install a second temporary electric service for the jail project. We did get that installed, and they are using that.”

**Pole Change:** Superintendent Schneider, “We changed out and relocated a service poll at the donut shop. We did move it back because they are pouring driveway around there. So, we got that complete.”

**Outage:** Superintendent Schneider, “Then yesterday morning, I don't know how many people noticed, but I guess the lights flickered about 7:20ish yesterday morning. I received no phone calls of outages I did drive the line in the area where some of the street department men said they heard a boom. I didn't see any of our facilities damaged or anybody out of service. So that one was an unknown, but everything did come up on its own as it should 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.

**Reports:** Superintendent Schneider, “The men are still completing plant reports.”

**Generator Maintenance:** Superintendent Schneider, “We did do a maintenance run on generator number two the other day.”

**Cleaning:** Superintendent Schneider, “Cleaning is getting under control over there. They've actually started painting inside of the power plant, trying to get things back to normal.”

**Fuel Usage Tracking:** Superintendent Schneider, “Then we did update our spreadsheet that we document fuel usage and kilowatt hours produced. We did get that set up so we can log the new generator.”

**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.

**6<sup>th</sup> Street Waterline Project:** Superintendent Hawkins, “The 6<sup>th</sup> Street projects going very well. Two blocks of the water line are completed, and we have also put the customers on there as well. So the project's going very well, I think. Potomac to Cumberland is done. Cody is coming back and doing the disconnect of the old waterline. But everything's been bacti sampled and everything. My guys and I, we've been out there working on that, helping them.”

**Exercising Valves – Outage:** Superintendent Hawkins, “We are still working on exercising water valves with Kris Kline with the Kansas Rural Water Office. And with that said, we were at 12th and Niagara, and it was the last valve of the day, and he tried to exercise it, and it ended up broken. It was an old, old valve that was in there that needed to be replaced, evidently. So, we had a little outage that evening. I want to thank Mary, Jimmy, and Anne. They helped us with putting stuff out on the web page and Facebook for the water leak, so the public would be aware of that, too. So, thank you.”

**WATER AND WASTEWATER: Production Update**

**General:** Normal duties.

**Plant Cleaning:** Superintendent Hawkins, “We completed the clean out of the front of the plant. So, all that is done and up and ready to go, we're ready for summertime run.”

**BOOK 26**  
**May 15, 2024**

**Water Usage:** Superintendent Hawkins, “The water use is up a little bit. We've been working with Scott Jeffers with the public swimming pool, and we finished this evening with getting it full. So that's a big thing, and we've got a lot of entities in town and around the county that's been doing swimming pools as well.”

**QUESTIONS/ COMMENTS**

Council Member Van Horn, “Do we have any progress on the new—I can't think of what you call it, the new part to the water service?” Council Member Ernst, “Pre-treatment.” Superintendent Hawkins, “The clarifier?” Mayor Luke, “Yes.” Superintendent Hawkins, “We'll know more about that when Jeff comes. I believe he's coming at the next meeting to discuss that.” 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.

**Tree Trimming:** City Clerk Brown, “The Street Department is continuing their regular duties. They are trimming trees.”

**Alleys:** City Clerk Brown, “They're fixing alleys.”

**Culvert Maintenance:** City Clerk Brown, “They are preparing and replacing drive culverts as needed.”

**Road Maintenance:** City Clerk Brown, “They are fixing potholes.”

**Spraying Weeds:** City Clerk Brown, “They are spraying weeds.”

**POLICE DEPARTMENT: Update**

**General:** Chief Jones, “Normal duties.”

**Activities/ Cases:** Chief Jones, “Pretty much normal calls; arrests for DUI's.”

**Training:** Chief Jones, “We did some training with the Sheriff's Office today, with Crosswinds, which is our Mental Health Area Agency. They're developing a mobile crisis response team. Which doesn't really do anything for us on the first responder dealing with some of these in mental health crisis right now, but it does add some more resources for long term help and maybe get some of our frequent flyers, off the frequent flyer list.”

**Activities/ Cases:** Chief Jones, “We have been working on some juvenile calls, working some shoplifting calls; there was another one at the Dollar General. We have been doing some welfare checks and working for non-injury accidents.”

**Nuisance: Properties/Vehicles Update:** Chief Jones, “I am in kind of a standby mode on nuisance properties. I've got the one that we sent certified to an address in Tennessee. The other one that I'm dealing with, that property owner actually came to see me, and we visited about that one. They have plans to get that resolved as quickly as they can, preferably by selling the property. That would be on the 600 block of Saint Lawrence. The other one I'm talking about is the 1300 block of Neosho.”

**QUESTIONS/ COMMENTS**

Council Member Berryman, “I could barely hear what he said. I have a question about the properties we addressed weeks ago.” Chief Jones, “Which one?” Council Member Berryman, “The debris that was supposed to have been moved out to the street and the shed that was supposed to have been taken down for spring cleanup, what is the progress on those?” Chief Jones, “I don't know. I have not had time to get over and talk to that property owner. So, I don't know where we are at with that one.” Council Member Berryman, “Now when you talk to property owners, is it usually through a phone call or--?” Chief Jones, “I go in person; that way, there's no doubt about who they're talking to and that I'm talking to them. Otherwise, a lot of times, unless they know me well, a lot of times, I'm just a voice on the phone, and that doesn't mean anything to a lot of people. So I go talk to them in person.”

Council Member Berryman, “Might it not be advantageous, where you're fully staffed now, to have one of your officers to make a phone call or something, rather than have these properties sit stagnant month after month?”



**BOOK 26**  
**May 15, 2024**

Chief Jones, "I don't like doing phone calls on this stuff. I prefer to deal with people in person, but my officers are working nuisance properties." Council Member Berryman, "Okay, the tan trailers three blocks down. What is the status on that?" Chief Jones, "The trailers were sold. The new property owner has started clearing the property, and the previous owners have moved out of state." Council Member Berryman, "So will that property be condemned?" Chief Jones, "It doesn't need to be condemned. It's got a new owner, which means my clock has to start all over again, and he's got an action plan to deal with that property."

Council Member Berryman, "So he's going to rebuild the trailer, is what you're saying?" Chief Jones, "No, he's not going to rebuild the trailer. He's going to demolish them entirely. He's cleaning the property." Council Member Berryman, "Super, thank you. So, we are talking 45 days, starting over?" Chief Jones, "No, I can't start until everything's official as far as the ownership. He has taken possession of the property. He has already started. So as long as he is making progress, I will work with him on getting things done. I'm not going to try to hold him to a 45-day timeline when he already started making progress."

Council Member Berryman, "Okay, reasonable. The white trailer we talked about, two streets over, what is the status on that?" Chief Jones, "That would be next to where that shed was going to be torn down, right?" Council Member Berryman, "No, the shed... Can I say the name of the street?" Chief Jones, "Sure." Council Member Berryman, "It's the white one on Penobscot; it has no skirting, there's a couch outside that looks like animals have ripped into it." Chief Jones, "I'm going to have to look at it again, Maxi. I'm drawing a blank right now." Council Member Berryman, "Okay, you can't miss it. Then what is the status on the house that was used for the fire training?" Chief Jones, "I've talked to the owner. He was going to contact one of the destruction outfits that the city has used in the past and work on getting that demolished and cleared off. I haven't seen any progress yet since I talked to him, but we've also had nine inches of rain since then, too."

Council Member Berryman, "Okay. So, at some point in the hopefully not-so-distant future, something will happen?" Chief Jones, "I'm very hopeful. We know this individual. I know exactly how to get a hold of them." Council Member Berryman, "Okay, thank you."

**PARKS DEPARTMENT: Update**

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

**Mowing and Spraying:** Superintendent Boyce, "We have been very busy with mowing and spraying weeds."

**Beautification Project:** Superintendent Boyce, "On the 8th, we did get the flowers planted. Thanks to Burlington Jaynes for helping out with that."

**Arbor Day:** Superintendent Boyce, "The 9<sup>th</sup>, we had the Arbor Day celebration at Oak Park."

**Nuisance: Grass/Weeds Update:** Superintendent Boyce, "We have mowed two nuisance yards: 825 Shea and 1110 Lamoille."

**Camper Association:** Superintendent Boyce, "We had two different camper associations in Kelly Park for eight days, May 2nd through the 10th. They're fun to deal with, and they are definitely coming back. They enjoy it here."

**FINANCE: Claims Ordinance & Payroll Ordinance**

a. Claims Ordinance	2024-10	\$	<u>649,520.24</u>
b. Payroll Ordinance	2024-10	\$	<u>109,830.80</u>
	TOTAL	\$	<u>759,351.04</u>

**CLAIMS 2024-10:** Council Member Ernst moved to approve City of Burlington Claims Ordinance 2024-10 for the amount of \$649,520.24 for payment of city bills. Council Member Mays gave the second. City Clerk Brown, "The larger expenses we have tonight are Brenntag Southwest \$4,833.60, Dave's Pumping Service \$2,450.00, Kansas Power Pool \$185,394.30, Schuerman Enterprises, Inc. \$7,791.83, and U.S. Lime Company \$5,574.58." Hearing no discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, "Claims Ordinance 2024-10 passed, 5:0."

**BOOK 26**  
**May 15, 2024**

**PAYROLL 2024-10:** *Council Member Van Horn moved to approve City of Burlington Payroll Ordinance 2024-10 in the amount of \$109,830.80, as presented. Council Member Strawder gave the second. Hearing no discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, "Payroll Ordinance 2024-10 passed, 5:0."*

**PLANNING & ZONING: Update**

**General:** Zoning Clerk Hugunin, "Normal duties."

**Advantage Computer – City Hall Update:** Zoning Clerk Hugunin, "I am still working with Advantage Computer. They're still working on getting us up to date on our security here. They're taking a few more steps here, and we may do a little training with them as soon as they're done with everything."

**Permits:** Zoning Clerk Hugunin, "I have a lot of people with projects, and it's been busy in my office."

**Nuisance: Grass/Weeds Update:** Zoning Clerk Hugunin, "I've been busy with all the yards with all the rain. I've got a list of about 20 yards, and since I've been talking to people, I'm down to, I think it is 3 yards that need mowed, and that's about it. There are a couple of 10-day letters that have gone out; one is not mowed. And then, as Chief was talking earlier, four of my usual properties have sold since last year. So, they're all under new ownership, and they are mowing them and taking care of them."

**Arbor Day:** Zoning Clerk Hugunin, "Then we had Arbor Day, as Kevin said, on the 9<sup>th</sup>. I want to thank the city officials that were there and Steve Strawder. He always does a great job of showing exactly how to plant a tree. I think everybody there, but Stan, got a tree, but that was by choice."

**QUESTIONS/COMMENTS**

Council Member Strawder, "I had a question on privacy fences. What are the requirements whenever they're built in a front yard? Isn't there a height--?" Zoning Clerk Hugunin, "There is a height of four foot." Council Member Strawder, "There is one that was recently built that looks like it's in the front yard, and it's a full 6 foot higher." Zoning Clerk Hugunin, "Where at?" Council Member Strawder, "Behind the post office, it's a corner lot." Zoning Clerk Hugunin, "Yeah, she is going down so far for the vision triangle and then going to make it four foot across and then keep it shorter." Council Member Strawder, "So they're going to revise what they put up?" Zoning Clerk Hugunin, "I would have to look at--." Mayor Luke, "What's there is taller than four foot." Zoning Clerk Hugunin, "Okay, I would have to look at that again because they were going to make it more of a picket. Not so much privacy there." Council Member Strawder, "It's solid." Zoning Clerk Hugunin, "Well, and that's a weird block. So it's hard to—it's a weird one the way it lays out. We had everything worked out. I'll have to swing by there and look at that and make sure they're doing what we had talked about because she was going to make it shorter on the front." Council Member Strawder, "I just happened to notice that, and it looked a little bit odd versus, you know, a 4 foot especially at—and I understand it's sitting diagonal on a, you know, on a corner lot." Zoning Clerk Hugunin, "Yeah, it's weird the way the house lays out. So we kind of had to compromise and do some things on that, but I'll make sure they're doing exactly what I requested."

**RESOLUTION**

Mayor Luke, "We'll go to a resolution 2024-02. We've made an application for altering the 6th Street bridge. They came back and said that our application requested that we change it to just read that we were going to install a pedestrian bridge. So, we need to have a change in our resolution, therefore, we need to vote again."

***Council Member Ernst, "I moved to approve resolution 2024-02, declaring the eligibility of the city of Kansas to submit an application to the Kansas Department of Transportation for use of transportation, alternative programs funds, for the 6th St. Prefabricated Pedestrian Bridge Project." Council Member Van Horn, "I second the motion."***

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

**LEGAL DEPARTMENT: Update**

**General:** Attorney Wright, "Normal duties."

**OTHER COMMITTEE OR COUNCIL BUSINESS**

**BOOK 26**  
**May 15, 2024**

**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, “You do have a copy of the sales tax and utility revenue reports in your information there.”

**Auditors:** City Clerk Brown, “Auditors will be on site tomorrow. As in the past, they've cut it down to one day, where when I first started, it was they were here a week. A lot of stuff has gone online, so we will continue to submit information as needed.”

**Annual League Conference:** City Clerk Brown, “The Annual League Conference is scheduled for October 10th through the 12th in Wichita. They kind of have a timeline, but they didn't have any classes listed yet. But if you are interested in going, let me know. Reservations for the hotels will not open until July 1st, but I can go ahead and get you registered for the conference if you would like to do that. As I get information, I will get that to you.”

**Memorial Day:** City Clerk Brown, “All city offices will be closed for Memorial Day, which is Monday, May 27th.”

**REPORT BY CITY OFFICERS:**

**Microphone:** Council Member Berryman, “Just a suggestion: if somebody calls, you know, like I was listening in, is it possible to put a microphone in the middle? When the superintendents were giving their reports, I couldn't even catch 50% of it, and in the committee meeting today, I could only catch about 70%. It doesn't have to be anything fancy, but would that be feasible?” Mayor Luke, “We will talk with Jimmy and see what we can do.” Council Member Berryman, “Super, thank you.”

**MAYOR'S COMMENTS:**

**Trevor Starks -KS Department of Water:** Mayor Luke, “All right. There are three things I was just going to give a quick update on. We had the individual, Trevor, come in and talk to us about the mussels in the river. He's out in the river somewhere doing sampling. When he gets back in, I have requested that he supply us with the actual document that we would need so we can get it passed Philip, and then we can have it for approval or not approved. Then, when he gets back into the office, he'll take care of that.”

**Country Club Heights – Drainage – Trimble:** Mayor Luke, “The drainage issue at the Country Club Heights, basically, what we're going to do at this point in time is contact Walker and have him develop a petition to get the approval to enter into all the properties along that line so that we have legal access to get in there and do what we need to get done. That way, all the liability and everything is taken care of, and it's just a matter of putting that together and having their signature on it.”

**Abendroth's Development:** Mayor Luke, “I put Abendroth's development if anybody had any questions or concerns or anything that we needed to discuss with him or bring forth. We still got time to do that, but I mean, it was just a matter of we said if there was something that came up in the next couple of weeks, we would get it back to him.” Council Member Strawder, “It's standard development. So, hopefully, work with whatever. I know planning-wise, there was one thing I noticed on the plat to make sure that their streets line up across the street, but that's a minor change. Outside of that, I think it's straightforward development.” Mayor Luke, “Okay, I didn't have anything else. I just wanted to update people on that so they knew we weren't—not doing something.”

**FUTURE AGENDA ITEMS:**

<b>GENERAL:</b> 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.
<b>ELECTRIC DEPARTMENT:</b> Power Plant - Additional Generation <b>PARKS DEPARTMENT:</b> Events in Parks (Updates)	<i>RICE NESHAP Compliance</i>
<b>LEGAL DEPARTMENT:</b> Municipal Court Updates <b>PLANNING AND ZONING</b>	Misc. Legal - Documents, Cases, Contracts, etc. Quarterly Construction Valuation Report

**BOOK 26**  
**May 15, 2024**

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Work with Advantage Computers and City Departments to improve Cyber Security	Prepare Easements for any City-owned property without one
Nuisance Grass: Work with PD	Permits - Building/Zoning/etc.
FIRM Floodplain Map Changes – Updates	Burlington Corporate Boundary Updates on Map (Work with State)

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<b>POLICE DEPARTMENT</b> Nuisances (Work with Zoning Clerk)	Department Activities and Cases
Voice Stress Analyzer Project	

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<b>STREET DEPARTMENT:</b> Concrete St. Repairs/Free State Ct. Replacement/Repair	Street improvement Plan, Paving Gravel Streets, Crack Filling,
Pavement Management System/Asset Management System	Street Improvements 2024 Asphalt Project

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<b>WATER &amp; WASTEWATER DEPARTMENT:</b>	Sensus Water Meter Replacement	Sewer Lagoons - Analysis (KRWA/funds for dredging)
Sewer Lagoon Maintenance/	Sewer Liftstations –Flushing Rags, etc.	

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Mayor Luke declared the meeting adjourned.

Approved by the Governing Body and signed by Kerri Weltha, Deputy City Clerk