

BOOK 27
October 1, 2025

BURLINGTON CITY COUNCIL REGULAR SESSION 10-1-2025

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, October 1, 2025. 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)

Kyle Dauber (Street)

Mike Roney (Chief of Police) Danny Hawkins (Water/Wastewater)

Also Present:

Anne Brown (City Clerk)

Shayla Befort (Administrative Assistant)

Philip Wright (City Attorney)

Jimmy Hugunin (Zoning/Grants Clerk)

Kerri Weltha (Deputy City Clerk)

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Shana Rains, Rob McDonald, Tawny Johnson, Brett Waggoner, Cameron Roth, Mike Abendroth, and Dan Stack (by phone)

AGENDA: Mayor Luke, "At this time, we need to approve the agenda for this evening. The only thing that I have to add to the agenda is under finance. Claims Ordinance #2025-18, \$98,655.13, and Payroll Ordinance #2025-20, \$112,660.10 for a total of \$211,315.23. Are there any additions to the agenda? If not, I would accept a motion to approve the agenda as amended."

Council Member Ernst, "I move to approve the agenda as amended." Council Member Curtiss, "I second the motion." Motion unanimously carried, 6:0.

MINUTES 9/17/2025: Mayor Luke, "You have before you the draft minutes for our regular session of September 17, 2025. Are there any additions or corrections for those draft minutes? Hearing none, I would accept a motion to accept the draft minutes as presented."

Council Member Curtiss, "I move to approve the draft minutes of September 17, 2025, as presented." Council Member Ernst, "I second the motion." Motion unanimously carried, 6:0.

Mayor Luke, "We have a public hearing coming in at 6:15; therefore, we will go past that for now and go on to our other appointments."

APPOINTMENT – Tawny Johnson – Trunk or Treat

Tawny Johnson, "I am here on behalf of Burlington Methodist Church to request barricades for our annual trunk or treat event. I misspoke in your agenda, it says it's going to be on the 25th, it's actually going to be held October 26th from 5:30 to 7, and we're just requesting that we have barricades for that area right directly in front of the church since we'll be holding it in the front yard this year." Council Member Curtiss, "So, what time block do you want for the barricades?" Tawny Johnson, "4 p.m. because it would be a little before, to 8 p.m., and a little bit after."

Council Member Curtiss, "I move to allow the Methodist Church to block 6th Street between Niagara and Des Moines from 4 p.m. to 8 p.m. on Saturday, October 26, 2025, to handle their trunk or treat."

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City Clerk Brown, “Actually—sorry, it actually will be Sunday.” Council Member Curtiss, “Sunday...” City Clerk Brown, “Sunday the 26th, she changed it.” Council Member Curtiss, “Okay.” Mayor Luke, “Okay, we have a motion, do we have a second?”

Council Member Ernst, “I second the motion.”

Mayor Luke, “Any discussion?” Council Member Curtiss, “Kyle, you get the block?” Superintendent Dauber, “Yeah, we will probably drop them off the Thursday before and then you guys can place them where you’d like them.” Tawny Johnson, “Okay. Thank you.” Council Member Curtiss, “Thank you, Kyle.” Tawny Johnson, “Thank you.” Mayor Luke, “Any other questions? We have to vote yet, Tawny.” Tawny Johnson, “I always run away before you vote.” Mayor Luke, “You wanted us to call you?”

Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Council Member Curtiss, “Bye, Tawny.” Tawny Johnson, “Thank you.”

APPOINTMENT – MT Networks – Rob McDonald, Shana Rains

Mayor Luke, “Rob, is it you or Shana going to speak?” Rob McDonald, “Rob, MT Networks (Madison Telephone), just wanted to come this evening and visit with the council about an opportunity for MT Networks to possibly utilize an aerial pole attachment for some fiber internet construction, basically, in the part of town that we haven’t built yet. And if there’s dialogue or what does that look like as far as applying for a pole attachment agreement and trying to move forward with the plan...” Mayor Luke, “Do we have a pole attachment with them at this time?” City Clerk Brown, “We do. Alan (Superintendent Schneider) will address it.”

Superintendent Schneider, “So, we are a little bit further down the road than what we had planned; we got another vendor that is wanting to come to town. They have paid for all their engineering and I’m not saying no, so let me finish, don’t get mad at me. So, they have paid an engineering firm to do a study in Burlington. I don’t know what that cost them. They were supposed to have been done the very first part of September; they have not. I have had some conversations with Philip. They were sent a 30-day letter, and that 30-day letter is just up. I have heard no response. I am going to make an attempt tomorrow to talk to somebody in that other company’s office to give me an answer on what they are going to do. I didn’t feel it was right, but we were moving along really good there, getting all the plans and everything all together, so I wasn’t too nervous. I have been trying to give them every opportunity, and I think we have gone above and beyond with the other company and being patient. So, where we are at now is we are going to get an answer one way or another as soon as I can reach their main headquarters, and I believe the people I have been dealing with are out of Wichita. At that point, I don’t know what the right wordage is, revoke their pole attachment agreement, but MT Networks is next in line. I didn’t feel it was right to go stepping on their feet. I wanted to be as fair as I could to everybody that is involved in this, so that’s why we haven’t done anything with MT Networks at this time.”

Council Member Ernst, “What kind of timeframe do you think, Alan (Superintendent Schneider)? I know you said you would attempt to call them tomorrow, but then after that, how long do you feel like...” City Attorney Wright, “Could I address that?” Council Member Ernst, “Absolutely.” City Attorney Wright, “So I think what’s going to happen depends on if and what they communicate to him (Superintendent Schneider), so we can’t really answer that question, but if they are not going to commit to something that’s soon, like immediate, then I think we are going to just allow the people to move.” Council Member Curtiss, “Can’t you just say, ‘Give me a yes or a no answer?’” City Attorney Wright, “I just don’t know because I think that’s what’s going to happen.” Council Member Curtiss, “Tomorrow?” City Attorney Wright, “Yeah, we need to know what’s happening; yes or no via build?” Council Member Van Horn, “I think

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we've been pretty patient pretty long, and I think we need to have a—like—if we haven't heard from them in a certain number of days." Council Member Curtiss, "I'd just say tomorrow."

Superintendent Schneider, "Yeah, there would surely be somebody in their office area, even if it's a receptionist or someone of that nature. I'll make sure I'll get somebody who will give me a straight answer." City Attorney Wright, "I just don't know if like who you emailed it to is no longer working there, or they didn't get the letter you sent. So, we just need to make sure they got the communication that we sent them thirty days ago, almost." Council Member Curtiss, "But there has to be somebody that took over for that person." City Attorney Wright, "You would think." Council Member Curtiss, "We can't wait forever, and we can't hold MT Networks off either. I mean, they have done wonders for our city." Superintendent Schneider, "I agree." City Attorney Wright, "So anyway, we will hopefully have some better direction tomorrow, and we need to look at what agreement we do have with the other vendor, also. I just want to make sure that we are not opening the City up to liability, obviously."

Rob McDonald, "So, for what it's worth, we engaged with an engineering firm, we have a design engineer, a practicing engineer to put their P.E. stamp on it, we secured local funding from a local lending establishment, and have a contract ready to go to work. I don't know since tariffs and things have happened what the supply chain on getting material looks like since we had initially designed the project, but we would be ready to move quickly if we could work out what that looks like for a pole attachment agreement and working with the city on what the design looks like and what we are able to do as far as on utilizing pole space on this thing." Mayor Luke, "Alan, do you have the means of communications with Rob?" Superintendent Schneider, "Yeah, I have his number and email." Mayor Luke, "Okay. We will keep you up to date, and hopefully we will have an answer by the end of the week." Rob McDonald, "That would be great." Superintendent Schneider, "Before I do anything, of course, I am going to visit with Philip and Anne, but yeah, I think that's a fair amount of timeframe for where we are at in this situation."

Mayor Luke, "We have four minutes...Any public comments? Hearing none, we will start with Alan, and we will stop at 6:15."

PUBLIC COMMENTS: None

ELECTRIC DEPARTMENT: DISTRIBUTION Update

General: Electric personnel have been doing normal duties: line maintenance, tree trimming, line locates, putting up temporary electric services.

Tree Trimming: Superintendent Schneider, "The men are out doing some line maintenance. I am hoping they are about done with their tree trimming. They are still doing some of that."

Line Locates: Superintendent Schneider, "Lots of line locates."

Temporary Service: Superintendent Schneider, "We have been putting up temporary electric services for the structure that is going to be built."

Outage: Superintendent Schneider, "I think this was after last council, what we call circuit one, which is the northwest part of Burlington, Country Club Heights. Friday before last, that circuit went down, and we looked for it and we looked for it and we looked for it and we couldn't find it. We turned that circuit back on. I knew that all the lines were back up in the air, so I knew nobody was going to get into a power line laying on the ground. So, we had looked for that for about forty-five minutes. I had just locked the gate to go home, and my phone rang. So, a mile west of town on 12th Road in the Rural Water District (RWD #2) out there, that little blue building, there was a bird that got on the incoming side of the line fuse, and we got stands that stand out that hold the switch and the lightning arrester. I went back out there and looked

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some more. A bird had gotten up in there and it got hit, probably twice, with 7,200 volts. It was pretty much nothing. I had just seen a feather hanging up there and a burner jumper wire or two that feeds the power into our transformer. Once we found that we had it fixed in another twenty minutes, and we went home for the weekend, but that is the only outage that we had.”

ELECTRIC DEPARTMENT: PRODUCTION Update

General: Power plant personnel have been performing normal power plant maintenance.

Generator #6: Superintendent Schneider, “They got the generator that has been down since August up and going. We got our capacity testing done and ready to turn in, which will set our capacity payments for next year. They got it up and they got it going. I mean, it is running good, really good. We got lucky. I don’t remember; we may have replaced a total of three pistons and one cylinder liner. I haven’t seen the bill on that yet. Actually, Larry himself came down to help his boy put it back together. They knew what kind of time crunch we were in, and while we had it up and going, we just went ahead and did our capacity test for the year and we will get all of that stuff turned in to KPP (Kansas Power Pool). We were a little shy of the temperature that they wanted us to be at, so we will see how that goes. One of our test runs last year was actually our capacity test, but it was filled out on the operability test, which are two different brands of capacity. If we have to, Mike over at KPP, we’ll have him just change that document to show that it was a capacity test, then we’re going to be okay for our capacity payments for #6 Generator this year. We have a couple of ways to go about it, and I think we are going to be okay. I have had some discussion with KPP staff about that. That’s all I have.” Mayor Luke, “Okay.” Superintendent Schneider, “Oh, and thank you to the street department; they helped us out at the power plant.”

APPOINTMENT – 6:15 p.m. – KDHE Public Hearing

Mayor Luke, “We will go to a public hearing. At this time, I would accept a motion to open the KDHE (Kansas Department of Health and Environment) public hearing.”

Council Member Van Horn, “I move to authorize the mayor to open the KDHE public hearing.”
Council Member Ernst, “I second the motion.” Motion unanimously carried, 6:0.

Mayor Luke, “Let the record show that we went into a public hearing at 6:15 p.m. on October 1, 2025. At this time, we are open for any comments from the public.” City Clerk Brown, “I think we need to go ahead and read that.” Mayor Luke, “I have never had to do this before. So, the hearing notice: Notice is hereby given that the City Council, the Governing Body of the City of Burlington, Kansas, will conduct a Public Hearing on Wednesday, October 1 at 6:15 p.m. at the following location: Burlington City Hall, 1013 N. 4th Street, Burlington, Kansas, 66839, regarding a proposed loan in an amount not to exceed \$7,000,000.00 to be taken by the City from the Kansas Public Water Supply Loan Fund administered by the Kansas Department of Health and Environment pursuant to K.S.A. 65-163c et seq. The city has made preliminary application to KDHE for the loan, the proceeds of which will be used by the city to finance certain modifications and improvements to the City’s water supply and distribution system, and to pay interest during construction of the project. Further information regarding the nature and scope of the project, the source of revenues pledged to secure, the City’s financial information, the City’s water conservation plan, environmental impact information which could qualify for a categorical exclusion, the proposed loan documents, and the schedule of rates proposed by the Governing Body to enable the City to meet its financial obligations for the loan are available for public inspection and copying at any time during normal business hours at the address set forth below. The Governing Body will not adopt a resolution authorizing the completion of the loan application and the execution and delivery of the loan documents until after the conclusion of the public hearing described in this Notice. All persons having an interest in this matter will

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be given the opportunity to speak and be heard at the time and place therein specified, and that is today at 6:15 at City Hall. Any comments from the public?"

Mike Abendroth, "What is the intent of using the \$7,000,000 or up to? What are we upgrading?" Mayor Luke, "Go right ahead (Brett Waggoner)." Brett Waggoner, "Sure. My name is Brett Waggoner. I am with Governmental Assistant Services. Our company's role is to help the City apply for the loan and then make sure that they are in compliance with the loan regulations once the loan is in place. So, I'm not the engineer, but I do know what the engineer's plan is, not specifically, but with enough detail. It is mostly improvements to the water treatment plant, improvements to the waste stream from the water treatment plant, and the addition of some lagoons, or a lagoon, to help facilitate the waste stream that is going to come out of the water treatment plant. So, while the public notice did say up to \$7,000,000, that was what was in the pre-application. That estimate was almost two years ago, or a year and a half ago, and the engineer has determined that it's actually more in the 8.1-to-8.2-million-dollar range. We talked with representatives of KDHE today to let them know that we—the city, on behalf of the city—we would likely be applying for the 8.2 million dollars, and they indicated that they would allow that. They actually indicated that in their pre-application letter that they sent out. So, the public notice does say \$7,000,000, the resolution that will be up for a vote here a little bit later on will be for the full project amount."

Mike Abendroth, "Does this project consist of the City of Burlington producing any more water output?" Mayor Luke, "Danny, do you want to answer that?" Superintendent Hawkins, "The output will not exceed already what the plant is designed for 3.1 million-gallons-a-day plant, so the plant will not exceed any more output." Mike Abendroth, "Are you limited on the capacity that you're allowed to pull out of the Neosho River basin right now as far as water?" Superintendent Hawkins, "Are we limited?" Mike Abendroth, "Are you about maxed out on capacity that the state allows you to pull out?" Superintendent Hawkins, "No, we are not. Our water rights are 326 million per year. Roughly, we pull between 180-200 million gallons of water. In fact, we just sent off the water rights this afternoon as well to extend it for another five years. That application process will only extend until 2040. After that, the entire county and the city will have to make up their minds on what that water right would be. Any development that's done has to be within that water right."

Mike Abendroth, "So, if your \$8,000,000 bond is approved by KDHE..." Mayor Luke, "It's not a bond, it's a loan." Mike Abendroth, "Okay. Do you have any determined interest rates on that loan? Time frame? Amortization schedules?" Brett Waggoner, "It will be once the loan is approved. The interest rate varies from month to month. It is basically the lowest interest rate you can get. KDHE does have a formula where it's prime plus a certain percentage. I can't remember exactly what that percentage is. It changes from year to year. The pre-application letter that was sent requesting the city submit a full application. They did indicate, but not commit to, a potential principal forgiveness portion, which I believe was about 2.25 million. Does that sound right?" Mayor Luke, "Yeah." Brett Waggoner, "While there is not a commitment to that, it depends on who else applies and what kind of money is available. There is a very good possibility that the entire principal won't be something that they'll have to make payments on. It will be reduced by an amount, hopefully, around \$2.25 million."

Mike Abendroth, "Whatever they feel appropriate to give away.... I guess the ultimate question is, do you anticipate water rate increases if this is to happen? To everybody that the system serves? Water district, City of Burlington, City of New Strawn, whoever is on Burlington's?" Brett Waggoner, "My company does the application and loan compliance. I don't decide." Mike Abendroth, "That's okay." Brett Waggoner, "I am sure that has been discussed at some point leading up to this." Mike Abendroth, "Does the council have any idea if water rates will be increasing?" Mayor Luke, "I am going to give you an answer. Yes, they will be. Do we know the exact amount? No, because we don't know exactly how much money we are going to end up with as far as the loan is concerned, and what the take back from them will be. At that time, the rates will be set and they will be distributed throughout the entire service territory of the city's water system." Brett Waggoner, "To Mayor Luke's point, while this is a loan application for a certain amount of money,

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which will be in the resolution tonight, once the loan is awarded, then the engineers go to work on actual design and plans and specifications, and the work has to be bid out. So, at that point, then we'll know at least sort of what the target is. Of course, if you are familiar with construction projects, there could be change orders, there could be more than what they are asking for, there could be less than what they are asking for. We won't know until we get a lot further down the road."

Mike Abendroth, "How about a potential site for this pre-treatment facility? Do we have any locations picked out which are being considered for placement?" Mayor Luke, "It goes right next to the existing water plant on property we currently own." Mike Abendroth, "Will this affect the city's current industrial park planning in any way, out South of town?" Mayor Luke, "The lagoons are being proposed to utilize a portion of that industrial park." Mike Abendroth, "That's all I have for now." Mayor Luke, "Okay." Mike Abendroth, "Thank you." Mayor Luke, "You're welcome. Any other comments or concerns from the public? At this time, I would accept a motion to close the public hearing."

Council Member Van Horn, "I move to close the public hearing." Council Member Ernst, "I second the motion." Motion unanimously carried, 6:0.

Mayor Luke, "Let the record show that we ended the hearing at 6:25 p.m. on October 1, 2025. At this time, we will look at the resolution and other documents. I would accept a motion at this time for authorization and completion of an application to the KDHE regarding a loan from the Kansas Public Water Supply Loan Fund and authorizing the Mayor and City Clerk to sign and submit such an application."

Council Member Curtiss, "I move to adopt Resolution 2025-04 authorizing the completion of an application to the Kansas Department of Health and Environment, regarding a loan from the Kansas Public Water Supply Loan Fund and authorizing the Mayor and City Clerk to sign and submit such an application." Council Member Van Horn, "I second the motion."

Mayor Luke, "Any discussion?" Council Member Strawder, "Yeah, I have some questions. So, the application is this right here, right?" Mayor Luke, "Yeah." Council Member Strawder, "Okay, so basically this is the council approving whatever project base, correct? Okay. I think there has been some new information that has been laid out tonight that maybe wasn't previously realized. I think I have seen a common trend with a lot of this not being full pictures until we get to the meeting or stuff comes out. Number one, the pre-loan amount is definitely higher than what was previously been indicated. I believe it was kind of indicated that seven million, we weren't even going to be touching that \$7,000,000, now we are way exceeding \$7,000,000. Then, I know there was discussions on possible site locations for the lagoons and stuff. I thought that the council was kind of in a common consensus on approach, and now something different is being proposed from what was discussed then. I think there is information that we need to hash out on the project. Specifically, the amount. Specifically, the location of the lagoons and maybe some of the areas in here before we just vote to approve the application, which includes it all, which makes a factor which approves the project. To me, that kind of seems backward, so if that is the approach being taken, then I am very much not in favor of approving the application at that time until we can get a clear picture, an accurate picture, on what is being proposed and stuff like that."

Council Member Curtiss, "I do know that we haven't gotten any information on the lagoons surveyed that they were going to do. I mean, they were supposed to visit with two or three landowners?" Mayor Luke, "Yeah." Council Member Mays, "Which they haven't..." Mayor Luke, "No, we have not. The issue there was the fact that we had the land, and it was determined that it would probably be the best choice to go with instead of spending money and..." Council Member Mays, "As a council, we were never at a consensus this is what we were going to do. I don't think it's appropriate just for that decision to be made without speaking to a council as a whole. Mayor Luke, "My understanding was that the council authorized someone to communicate and find out what would be the best way to place the lagoons, and then that would work for the Governing Body; maybe I misinterpreted what he meant." Council Member Mays, "I thought

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we were getting the bigger picture and there was going to be more information provided, and it doesn't seem like that's happening."

Council Member Strawder, "I was under the impression the permission was to be able to reach out to individuals on possible purchase, not to unilaterally make a decision, which I might be incorrect in saying, but to me, during what seems like what needs to happen. If the industrial park is now being taken for the possibility of a lagoon, I understand only possibly a portion or whatever, but that completely kills any possibility of full utilization of the industrial park, or else, in the city, do we have an industrial location for industrial stuff like that? So, not only we are talking about, in my mind, this thing where something promising like where it came in and now is being turned into property, a lagoon. If something were to happen on that location, we're losing tax dollars or losing all kinds of stuff. I mean, to me, I know there was a tight deadline on stuff, especially associated with the lagoon. I have asked a couple of times on phases that have been indicated, and there is primarily like three main phases to this, and we are trying to do them all together. I think we probably ought to look at the reality that just because of the tight deadline, the answer is not known on where the lagoon is or any of that stuff. Maybe for the sake—for the remainder of one or both other phases—we look at maybe the timing isn't right, right now, to move forward with that phase of the project. It seems like we are pushing through. Our decisions are getting made, not necessarily by the council, and we are potentially now taking land out of what could be developed and could produce revenue for the city is now not going to be."

Council Member Curtiss, "Is the spot that you have proposed for the lagoon the only spot in the industrial area that we have that we could use? I mean, I don't know. What do we have down there?" Mayor Luke, "The spot that is being proposed to be utilized is the Southwest corner of the property. That takes everything from the transmission line or the distribution circuit that runs through the middle, and east is still open space, except for the front four lots that we have already sold. Where the electric substation is..." Council Member Curtiss, "Yeah." Mayor Luke, "...South of there." Council Member Curtiss, "There are landowners around there... Have you visited with them?" Mayor Luke, "Ray Hudson and Dick Townsend are the adjoining property owners."

Council Member Mays, "I understand that we already own it so we wouldn't be spending any money, but I felt like we had talked about a couple of other locations and I—you know—just in passing, had talked to one of those landowners and they haven't even been spoken to and I felt like that was the property that we were most interested in. We had talked about reaching out to them and at least seeing if they were interested." Council Member Curtiss, "Right." Council Member Mays, "I thought that was kind of a consensus, and as of yesterday, we hadn't done that, and I felt like that was kind of what we had agreed on. Didn't we?" Council Member Van Horn, "That was also what I understood." Council Member Mays, "And I do know for a fact that they are interested, and they did say that they would want to talk, but if you didn't want to do that."

Council Member Van Horn, "I guess the question is, can we go ahead with this without having a solid answer on where the lagoons are going to be, or is it already in black and white?" Brett Waggoner, "Can I answer that?" Mayor Luke, "Go ahead." Brett Waggoner, "So, this happens quite a bit with these types of applications and especially with projects of this size. The way KDHE is set up, their pre-application and application process is set up is that they have this certain amount of money, and all of these communities put in their pre-applications. They use a scoring matrix to decide who is going to get funded; there is a line that has to be drawn based on the money they get from the EPA every year, and then once they draw that up, they shoot these letters out and they say 'Go. You told us that you wanted to do a project and now define it a little bit better, but also publish a 30-day notice, get a public hearing in, get your application done, get the environmental review done, the waste stream study'; all those different things. So, you all are doing exactly what you should do as elected officials: question the process, what needs to be done, is it in the right location, are we choosing the right project from the preliminary engineering report?"

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“So, with the deadline being October 15, to have a public hearing at a regular council meeting, this is where we ended up with was October 1, but what you are applying for, you are just applying for a loan. You are not committing to a design. You are not necessarily committing to a specific location. We want to list the possible locations, and the engineer will give you that in the preliminary engineering report, but the project will be designed, fine-tuned after the loan is awarded. So, you are applying for a loan. The application is going to go in. I am going to deliver that to Topeka. They are going to review it. If they ask you to submit an application, then it is almost certain that they will fund your application. Then, when that happens, the loan documents come back to you. You decide whether or not to accept the loan, and, in the meantime, you visit with your engineering staff and make sure that you are getting things refined the way that you want. You are not committed to this exact project in this exact location, but I will say, and I know that nobody likes to be told that they need to do something now and not put any thought into it, but the money is available now. It’s available if you submit your application before October 15, but if that application doesn’t go in by October 15, then they start looking under the line and then they invite communities that weren’t able to apply the first time; they invite them to apply. Could you apply again next year? Probably so. Maybe even the year after that. I would say federal funding; this money does come down from the EPA to the State, then the State divides it up amongst the communities. I would say there has never been, maybe, a more anxious time to be involved in federal funding right now because you don’t know what’s around the corner each year, but this program has been continuously funded for several decades, not just years, so it’s likely the funding would still be there if you wanted it at some other point.”

Council Member Curtiss, “But you would not state in this application where this lagoon was to be built?” Brett Waggoner, “We have to list the locations in the environmental review that way anybody that’s in a neighboring property, not necessarily the property owners, but the state agencies: Wildlife and Parks, Kansas Department of Health and Environment, and all their other different subdepartments within there; letters go out to them indicating where the project might be constructed.” Council Member Mays, “Can there be multiple?” Brett Waggoner, “Yes.” Mayor Luke, “You have to submit multiple.” Council Member Mays, “Multiple. Okay.”

Council Member Curtiss, “So when we submit that, what are we submitting as far as where this lagoon is located?” Mayor Luke, “Whatever locations we want to. The ones on the other side of the river, the ones by the industrial park, they’ll all be listed.” Council Member Curtiss, “They all will be? The ones that we talked about?” Mayor Luke, “But we don’t know whether or not we are going to get approval. We don’t know which location the engineer will say would be the best one because it hasn’t been done yet. Then, engineering is not complete. We don’t know which property may or may not qualify for a lagoon space until we get down the road; we don’t know all that.” Council Member Curtiss, “But before our next meeting...” Mayor Luke, “It may be months before we do the engineering.” Council Member Curtiss, “Would you and Daniel—Danny—talk to these other people that we discussed to find out if they would be interested?” Mayor Luke, “We would talk with them if the application gets approved.” Council Member Curtiss, “So not until after the 15th of October, and then how long does it take for us to get approval?” Brett Waggoner, “I’m not sure. It would probably be a few months, but I am a middleman. I don’t work for the city or KDHE. I mean, if the city signed me up to do the application, but I can’t answer for the state agency. It’s typically a few months.” Superintendent Hawkins, “That’s the same thing that Daniel Stack told us. It may take three, four, or five months. We don’t know.” Council Member Van Horn, “Well, I don’t have a problem with signing it if it’s not set in stone what we didn’t decide, but as long as there are possibilities, then...” Council Member Curtiss, “As long as those are listed, I don’t have a problem with it.”

Council Member Strawder, “But wasn’t it indicated last meeting that a decision had to be made before October 15 and that even if we were purchasing property that the purchase had to take place before then?” Council Member Curtiss, “I thought so too.” Council Member Mays, “We had to have something.” Council Member Curtiss, “But now we can list...” City Attorney Wright, “We didn’t have to have a purchase; we had to have at least an option to purchase because we had to be able to put on the application that these are

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potential sites that we can build on.” Council Member Curtiss, “Potential sites...” City Attorney Wright, “That’s right.” Council Member Curtiss, “...without having even discussed it with the landowners?” Council Member Van Horn, “Well, if we have an option...” City Attorney Wright, “What I am saying is that we had to say we have a piece of ground right now, we can do this on.” Council Member Curtiss, “Okay.” City Attorney Wright, “Which means we had some kind of an option. I think what happened was we didn’t know if the industrial park was available because of other issues and so that was an easy, sort of, ‘Well we have ground that we can put that on for sure, because the city owns it’, but that doesn’t mean that we can’t explore all of the other things that we discussed and I think that that needs to be explored and it doesn’t have to be pinned down now because it will just be in the application. Quite honestly, the engineers will decide what the best locations are anyway, and I am not an engineer. They could come back and say the industrial park isn’t going to work.” Council Member Curtiss, “Okay.”

City Attorney Wright, “But the idea is that we have got to get the application in; otherwise, we go to the bottom of the list.” Council Member Curtiss, “And that I understand.” City Attorney Wright, “Right, so, we were under some huge time constraints that quite honestly weren’t realistic as far as being able to really ideally acquire or have an option to purchase on some of the other properties that the city had discussed. I mean, just realistically, that wasn’t going to happen, so I think this will work to get us through the application process, and if the city council wants to explore these others, depending on what engineering says, because engineering may say that some of these other places aren’t going to work.” Council Member Curtiss, “But we would still have to discuss with those other landowners before the engineer could say...” City Attorney Wright, “On that, we didn’t have to because we had a finite place that the city could say for sure that we could put the lagoon.” Council Member Curtiss, “Right. I know.” City Attorney Wright, “Does that make sense?” Council Member Curtiss, “Yes.” City Attorney Wright, “But now we can wait to see if the application is approved, and then we can get the engineers to decide what the best place is going to be, and we can kind of pin it down a little bit better from there, and then we don’t have to approach so many people. Especially, if it is a site that isn’t going to work.” Council Member Curtiss, “But we would still have to discuss with the landowners before the engineers could go look at that to see if it would...”

City Attorney Wright, “Well, I don’t know. I think some of the sites could be just excluded without having specific testing done, but yeah, I mean, at some point, we are going to make sure that the engineers are going to have to be able to have permission from the landowners.” Council Member Curtiss, “Right.” City Attorney Wright, “I think that’s right.” Council Member Curtiss, “So, I think, sooner or later, we need to visit with these three landowners that were discussed?” City Attorney Wright, “I agree. I think that needs to happen for sure, but now we have got a few months to get that figured out instead of three weeks.” Council Member Curtiss, “Right. Okay.” City Attorney Wright, “And I agree with that too. I think everybody is thinking that loud and clear at this point. I agree that’s what needs to happen. Maybe some of the sites that we were looking at, maybe they are not feasible...” Council Member Curtiss, “Correct.” City Attorney Wright, “...and the other sites might come in, and we can always sort of, I think we can fudge it, and you know, make it work, but for application purposes, at least we’ve got the application in. This is not saying this is the project; this is like we are applying for a loan, and this is what the proposal is, knowing that stuff might change.”

Council Member Curtiss, “So, on the application, one more time...do you say that this lagoon location is proposed to be in the industrial park for Burlington, Kansas?” Brett Waggoner, “That’s what we’re doing right now. That site, as well as the water treatment plant site, because there are some improvements there too.” Council Member Curtiss, “No, the lagoon site. I’m just talking about the lagoon site. You do not mention any other properties in that?” Brett Waggoner, “No, not at this time.” Council Member Curtiss, “But okay. What happens if the engineer comes and this site over here is better than our lagoon site? Can we use that?” Brett Waggoner, “I can tell you exactly what happens because I am going through this in another community right now in the almost exact same situation. We proposed a lagoon site because it was adjacent to their existing lagoons and it turned out that soil conditions weren’t going to allow it, so the

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engineer moved on down the road and they had to run some pipe and they found a more suitable site with better soil and all we had to do—I say all we had to do—was send out new environmental clearance letters to the agencies, allow them thirty days to comment, bring that all together, send that to KDHE, and they say ‘You have done what you needed to do, nobody has any problems with this’, then you can go ahead and change it to the new site and we actually did that on a project that involved KDHE, the Kansas Water Office Grant, the Community Development of Water Grant, the USDA Rural Development Funding. All four of those agencies have different environmental processes that we had to go through, and we were able to navigate all of that and switch the lagoon site from what was proposed in the application to what the construction was actually going to be on. So yes, it is possible and it is permissible.” Council Member Curtiss, “Okay.”

Brett Waggoner, “That’s just the nature of these applications. You could hire an engineer and pay them cash out of your own pocket without any sort of loans or funding to completely design a project and answer these questions up front, but if you want to use funding to pay for the engineering design then you just submit something that is preliminary in nature with locations that are preliminary in nature and you are allowed to change that if you need to.” Council Member Curtiss, “I understand that. Okay.” Brett Waggoner, “As long as we follow the environmental process when we change sites, if we change sites.”

Council Member Strawder, “What my concern is that I understand that it is property owned by the city, but I think by including it on the application, it indicates that it is a viable option. I guess my stance is that I am not viewing it as a viable option. I mean, it is no different than any other parcel that is not the right parcel for a lagoon. The industrial park being changed into a lagoon, in my opinion, is not the right approach. It doesn’t matter if that is the best location or not. By including it on the application, I mean, it seems like it could be setting some type of precedent. I understand that the application can change and all that, but at the end of the day it’s already been indicated that ‘this is an intent’ and that’s what my concern is by how other stuff has gone on with this project is it’s going to come back to ‘Well we didn’t find another viable option, we checked out one or two other places.’”

Council Member Curtiss, “Okay, but if we visit with these landowners, we find out how much they would charge us, and it’s still up to the council, is it not?” Council Member Van Horn, “To decide.” Council Member Curtiss, “To decide where we are going to put this lagoon?” Council Member Strawder, “But I concede the response isn’t the coming back. What I mean by that, yes, I think that would be the case, but the approach being taken of this was the property that was discussed, but the other options won’t be given viable consideration.” Council Member Curtiss, “I understand that...” Council Member Berryman, “But you are making an assumption that might not be realistic with that.” Council Member Strawder, “That’s very possible.” Council Member Berryman, “Possible but impossible too.” Council Member Strawder, “That’s the same way with everything.” Council Member Curtiss, “But we’ve got to have an engineer that comes and looks at that property anyway down there. So, if we think that what we want is a better property, that engineer can go look at that property, can’t they?” Mayor Luke, “If that property owner will allow them on it, yeah.” Council Member Curtiss, “Yes.” Mayor Luke, “Yes.”

Council Member Strawder, “So, lagoon size, I believe it was indicated whenever that it was within a certain acreage. What size is the lagoon supposed to be?” Superintendent Hawkins, “Fifteen acres.” Council Member Strawder, “Fifteen acres. How many acres is the industrial park?” Zoning Clerk Hugunin, “Roughly fifteen is what we thought.” Council Member Strawder, “Roughly fifteen?” Zoning Clerk Hugunin, “Each lot in there is like 1.1 to 1.5 or 1.4 or something like that.” Council Member Strawder, “So essentially, what is left? Like, so minus the four whatever lots... I think everything else is being dedicated.” Zoning Clerk Hugunin, “I think it was like 17 or 18 acres in there before the gentleman that purchased the four. And I could be wrong. It could have been 20, but I think it was 18 or 19.” Council Member Strawder, “Regardless, it’s a large portion.” Zoning Clerk Hugunin, “And I will say, I was just reading because I hadn’t heard anything about this in the industrial park. For any public building or city use, if that’s where you want to put it, it has to go through the planning board to have a special use hearing, so the city would

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have to apply for a special use permit on that also.” Council Member Mays, “Well, and for platted areas, we are going to have to do some vacating.” Zoning Clerk Hugunin, “Yeah, there will be some variances and special uses.” Council Member Mays, “I think what you are saying, though, is that just because it’s on the application, I understand we are using it to get through the application process, but I really don’t believe that is where...and that is something that I really want to discuss and make sure that it’s discussed, and it’s not just pushed through, and this is what we put on the application. I want to look at other areas.” Council Member Curtiss, “Yeah.” Council Member Mays, “I think that’s what you’re...” Council Member Van Horn, “And that’s what we all decided.”

Council Member Mays, “I thought so, yeah. I have a question, can you clarify a little bit on the money part of it, then? The seven million was the original number, and now we are going up to the eighty-one-eighty because that’s what you now feel like?” Brett Waggoner, “Not me. So, I am just doing the application. That’s the engineers.” Council Member Mays, “The engineers, okay. Because there was then that little difference—you know—that we were then maybe going to be able to, the extra money that we were going to be able to break?” Council Member Curtiss, “To knock off...” Council Member Mays, “To knock off...” Council Member Curtiss, “To a point.” Council Member Mays, “Are we going to have available funds to be able to purchase now with this increase?” Mayor Luke, “We don’t know. Because there will be something in there, in the 8.2, that we won’t have to do, but it’s basically included. We may not have to do a liner. If we don’t have to do a liner, that part comes out. If we don’t have to do this, that price comes out, and that brings the total dollars down. Once site is determined that may dictate what we end up with.” Council Member Mays, “I don’t know if I want to approve something then if we don’t have that option of available funds to potentially buy a piece of property somewhere.” City Clerk Brown, “That is part of the increase because the lagoons were not in the original amount, so that is part of the increase.” Council Member Mays, “Okay, that is what I was asking.” Brett Waggoner, “Provisions.” City Clerk Brown, “In whatever we would need, yes.” Brett Waggoner, “Those acquisitional costs. Whatever it costs to buy the land, the appraisals, those things, those are eligible expenses under the loan.” Council Member Mays, “Perfect. That is what I was wondering.”

Council Member Strawder, “So then on the agreement with your guys’ company, the \$38,520. The max amount it’s a per dollar, not to exceed, like per dollar per hour, not to exceed?” Brett Waggoner, “That is correct.” Council Member Strawder, “So what does that look like, though, if the project changes drastically and only two or three million dollars is used instead of eight?” Brett Waggoner, “Sure. So, when I put our proposal together—I used to be an engineer—first of all, I am not a licensed engineer anymore, so I am not giving anybody engineering advice. I want to get that clear. I can see your attorney is chuckling about that.” City Attorney Wright, “The CYA, he is good at it.” Brett Waggoner, “My methodology is just like it was when I was an engineer. You have a certain list of tasks that need to be done, and you need to assign a man-hour calculation to each task, so based on all of the other projects that we have done, and the complexity of this project. Treatment plants are pretty complex or treatment plant improvements are more complex than a road project or just a straight water line project, so I look at the approximate length of the project, the complexity of the project, and I come up with what I think we are going to spend as far as hours on our staff for the length of the project so that’s why the contract is structured in that way where it says our hourly rate is \$130 per hour, billed monthly not to exceed \$38,520 over the life of the project; that starts when KDHE awards the project because we don’t know when that is because there is nothing for me to do. Once this is submitted, they may ask me some questions—phone calls, emails, you won’t get billed for that, but once the loan is awarded and we jump into place and make sure that everything is getting done that needs to be done, and everything turned in. We work between you and the engineers on every progress meeting, design, all those different things. I would say a lot of projects do turn out where we maybe overestimate a little bit, and we maybe don’t turn in as many hours as what we thought we might. Where that usually comes out is the number of contractors and subcontractors involved. A lot of hourly costs at our company is refueling all of the certified payrolls every month that come in from the contractors and subcontractors, but if the project does go longer or if something is added to the project there is, I guess I would call it, risk,

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of paying more than that \$38,520, then that is why there is that clause in there that says that if the project goes past where we said we thought it was going to be then we just would continue to bill monthly at that same hourly rate that way we are covered and we are not losing money by spending more time on a project than we thought we would.”

Council Member Strawder, “And then, this may not be something that you can answer.” Brett Waggoner, “Sure.” Council Member Strawder, “Along with the—I mean—there is some of the price breakdown, but not completely. So, there are only seven line-items included in the project scope. How many of those line items include with the lagoons? Is that just the top line item? The construction of treatment or treatment residuals processed, replaced? Is that the lagoons? Which portion is the lagoons versus not? How much in the breakdown of the overall cost part of the lagoons is it? I guess what I am getting after is that the lagoons are the hold up. That is a big issue that we have been talking about. How much cost is associated with the lagoons, and if the lagoons don’t go in, then what else can’t go in because there is other stuff here, like the SCADA (Supervisory Control and Data Acquisition) system? I mean, there is no reason that—maybe right now the timing is or isn’t right for the lagoons or whatever else is associated with that, but that doesn’t mean that the SCADA system or the backwash we pull out of any of that other stuff can’t be considered also. Truly, I do agree there is work that needs to be done. I just worry about all the scopes.”

Brett Waggoner, “I think I see where you are going there. So, let’s get down the road—we have submitted the application, the application has been awarded, you give the engineer notice to proceed on the design, they start doing the design, they visit with the governing body and city staff to make decisions on things that need to be done. Along the way, they are estimating costs and keeping an eye on what construction costs are doing in the area or on similar projects that they might be working on, and you get to a point where you are ready to go out for bids. At that point, the engineer would list all the things that need to be done, and then you, as a governing body along with your city staff, would make decisions on some things that can be listed as alternates when it goes out for bids, like the SCADA system, maybe. I am not really familiar with this whole concept and design because I haven’t dove into it yet. Maybe the lagoons are so vital to the project that they can’t be left out. I really don’t know; I’m not sure. I’ll be bluntly honest with you about the estimate that the engineer did today. I was in meetings all day. I haven’t looked at the details of it. My only concern was the final cost, making sure that final cost was put into the resolution and Anne and I talked at 3:30 this afternoon, I think it was, about an hour before I left to come here so I am not sure in his estimate or in their estimate I’m not sure what items are legitimated and what aren’t so I am not prepared to answer that.”

Council Member Strawder, “And again, that makes sense with what you are looking at. As I said, as it’s been explained that I think the number is there’s three, I believe the number is three, major phases or three separate projects being combined together, and that is kind of, I don’t know if Danny would know what all is tied to the lagoons or not in here for phases?” Superintendent Hawkins, “Basically, your clarification system, carbon system—that would be the first along with the valve replacement in the pits for the filtration and then we would have to have some form of filtration plan to have to come in to where we can bypass what we’ve got and hire a diving crew to come in and plug up the transfer wells area in order to go in on the SCADA system, your clarification system, which we haven’t even gotten to that one yet. We are getting ready to go out and look at clarifying systems for that, and then your sludge, so then, depending on which step works out will determine who can come in.”

Brett Waggoner, “I think, another thing that I usually tell cities and counties before they apply for a loan or a grant, and this is just a fact and is not meant to influence your decision one way or another, I only want to do what you want me to do. This project is quite likely not going to be cheaper next year or the year after that. I know you guys have been involved in other construction projects, so I am sure you realize that, and interest rates, the way they are heading, are quite likely not going to be less next year than they are

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today, although I can't predict that either. Just food for thought. Again, not trying to talk you into doing anything, just things to keep in mind."

Mayor Luke, "Any more discussion?" Council Member Curtiss, "Okay, what are you going to sign as far as the resolution...and I was looking at it again, it says seven million and now it's 8.2, right?" Mayor Luke, "Yes." Council Member Curtiss, "So what you (Mayor Luke) will sign is one that has 8.2 on it?" Mayor Luke, "Yes." City Clerk Brown, "And I'm pretty sure that Shayla gave you a updated copy too, but that may not have...okay...I thought I gave you..." Council Member Curtiss, "Yours did?" Council Member Strawder, "The loan application was the top page. I was looking to see if there were any other ones." Administrative Assistant Befort, "That's it." Council Member Curtiss, "Okay. Alright. I'm just thinking, okay, we already voted on that one, and it says seven, but I didn't see that. It was all under my other stuff. Sorry about that." Council Member Berryman, "I didn't get that one..." Council Member Curtiss, "You didn't get this one?" Administrative Assistant Befort, "You didn't, Maxi, because you didn't pick yours up yet. The people who had already picked theirs up had already received one that hadn't been updated yet, so that's why you have a full copy and they have their original and then the additions too." Council Member Berryman, "Okay." Council Member Curtiss, "See, because I never had any of this in mine." Council Member Berryman, "Oh okay." Council Member Berryman, "Okay." Mayor Luke, "Okay." Council Member Curtiss, "Alright." Council Member Berryman, "Thank you."

Council Member Strawder, "I guess I would just say I am very much be proceeding with caution because there has been a lot of stuff. We have been talking about the possibility of this project for..." Council Member Curtiss, "...A long time." Council Member Strawder, "...An extended period of time and it seems like we have been getting up into a hurry-up-hurry-up-hurry-up type of situation, and new information rolls out. It's still in my head, the first time that we met—I don't remember who it was in in the committee meeting, where it was indicated by the engineer at that time that the easiest way to explain it is 360 days a year the plant works good. This is one of those remainder days, and to me, that just sticks with me that I am not saying there is no work that needs to be done; I just don't know if the extent of work that is being proposed needs to be done. I understand the approach of including it all on the application to get all the funding that way because there is a lot of unknowns on the design and all that stuff. I am very well aware of that, but I guess based on just how other stuff seems to have gone with this as decisions get made and by including it means that one potential location is what is being proposed now even though it can change is we are going to run into a situation where it is going to just keep going and that, and I mean that alone, unless there is a way to revise this and we try to do the lagoons as a separate project even if the rates are different in the future year, even if not. We are getting back down, hopefully, to that \$7,000,000 mark that we should have initially been discussing, not the 8.1 or whatever it is now, and I just would feel a lot more comfortable with that. But again, I don't know what all of those seven line-items are associated with the lagoons, so for me, if it's an all or nothing, I am sorry, I am going to say I am not in favor of all or nothing. I am in favor of two-thirds of it, is I think, where I am coming from."

Council Member Curtiss, "Well, I disagree with you on some points there. First of all, our water plant has been outdated from the time it was built, and it's requiring a lot of man-hours to do a lot of extra work at times, so I think it's important that we go ahead with this to do this for the water plant so it gets back to where it needs to be. Now I also want, and you know that I have said this many times already, I want those three people to be visited with on the lagoon side and then wait for, I don't know, an engineer, somebody, to tell us which is the most favorable site for this lagoon. That I do agree with. That needs to be done, but I think we cannot wait any longer. This application has to be in by the 15th, and I don't see putting it off for another year, another two years. I can't see doing that." Council Member Van Horn, "Well, I think it's probably been two years since we started talking about doing this in the first place." Council Member Curtiss, "I think so. I think so, and that's why we have an increase from seven million to 8.1, or whatever it is. So, I think we need to go ahead with what we decided we were going to do in the first place, and if the lagoon at the industrial park is the most favorable one, then go with it. If it's not, then we will go with the

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one that is the most favorable, but we don't need to have that down completely as the industrial park." Brett Waggoner, "That's right." Council Member Curtiss, "Okay. So, I am going to vote for it." Council Member Strawder, "Okay, but in that approach, if it is included as part of the project application and an interested developer comes in or if a possibility comes in to replace something at the industrial park, it's now off the table." Council Member Curtiss, "I don't think it is off the table because I think we are looking at four or five months, maybe to get okayed?" Superintendent Hawkins, "Yeah, we are going to have time because we still have to bring in tech, core sample it. There's a lot of things that still got to go through the process first."

Council Member Curtiss, "I mean, if that individual knows that, that maybe four or five months from now, that lagoon site is going to be there. I don't know. I can't see, I don't know, if that's going to cause a problem for that individual that wants to purchase it or not, I don't know. That's the only thing, but I think as part of we're always wanting to do what's best for the city. So, that I think is what I'm saying is best for the city. So, that's all I have to say. I'm done talking." Mayor Luke, "Are we a consensus ready to vote?" Council Member Curtiss, "I am." Mayor Luke, "Alright, we have a motion on the floor and we have a second. It's a resolution, we normally don't have to do this, but we are going to do a roll call vote." Council Member Mays, "So this is to sign the resolution..." Mayor Luke, "Yes." Council Member Mays, "...To submit the application?" Mayor Luke, "Yep."

Hearing no further discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, "Resolution 2025-04 passed, 5:1."

- ***Council Member Mays voted yes.***
- ***Council Member Curtiss voted yes.***
- ***Council Member Van Horn voted yes.***
- ***Council Member Strawder voted nay.***
- ***Council Member Ernst voted yes.***
- ***Council Member Berryman voted yes.***

Mayor Luke, "With that, then we need to do the contract from G.A.S. (Governmental Assistance Services) for the remaining balance. I would accept a motion to authorize the signature of the contract for the KDHE loan administrative services with Western Consultants dba G.A.S. for the remaining balance of \$38,520.00."

Council Member Curtiss, "I move to authorize the signature of the contract for the KDHE Loan Administrative Services with Western Consultants dba G.A.S for the remaining balance of \$38,520.00." Council Member Ernst, "I second the motion." Motion unanimously carried, 6:0.

Council Member Strawder, "There is no discussion there? We just go from second to vote?" Mayor Luke, "With that, I'll withdraw the vote and open it for discussion." Council Member Strawder, "So then, on that \$38,520..." City Attorney Wright, "You can't withdraw a vote that has already been decided on, but you can still discuss it." Council Member Strawder, "So I guess a point of clarification then, on that \$38,520, after that's said, I believe it's indicated in there that if the length of the contract during the length of the project extends, then it's a set dollar amount per hour, but there is no cap at that point... Or how does that work?" Brett Waggoner, "No, there is no cap, but all of the contracts that we ever present have a clause where you can void the contract for cause or convenience, either one, if you feel like we are not providing the service that we need to be providing, and that maybe somebody else can do it. Then our contract could be terminated. I have been involved in projects that have gone two years past their deadline, and that clause is in there just to protect our company from losing money on a guess that we made, although it's an educated guess, and we've got a lot of history with these types of projects. That is just to protect us from losing money on that job. We haven't worked with you before, and we appreciate the opportunity to do that. I think if you visited with other clients that we have worked for on KDHE projects, CDBG (Community Development Block Grant) projects, we don't abuse that privilege if it does go into extension. In fact, at

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our monthly staff meetings, there are a lot of times we might say, ‘We only spent four hours on that project this month; we don’t need to invoice them.’ We are very lenient on that. We don’t want to cause taxpayer money to be wasted on something that doesn’t need to be done.” City Attorney Wright, “Will you guys communicate when—can we call it the retainer—when it’s gone?” Brett Waggoner, “Definitely, yes.” City Attorney Wright, “So we will know when the money is gone, and you guys will be charging straight hourly...” Brett Waggoner, “Yes. I will be the project manager on this one. There are four people at our company, and every time those monthly invoices go out, we are checking against the contract amount just to see where we are at, and we will keep everybody updated on where we are at.” Council Member Strawder, “I was just curious because, like I said, after a certain time, then it’s per dollar hour. I didn’t know if it got to a certain point what the project looked like at that time, if it was kind of another one of those not to exceed what was negotiated, or if it just continued.” Brett Waggoner, “On a recent project that went into extension, a water treatment project, that was a much bigger one, it did go quite a bit past. I think it went eight months past, so once we got to that contract amount, which actually ended up being a little longer than what we thought it would be we negotiated with the city, or I wouldn’t say negotiated, but we estimated what was left and signed an amendment to the contract and we would be happy to do that too if that’s something you would all want to do.” Council Member Strawder, “Just curious.” Brett Waggoner, “Sure.” Council Member Curtiss, “Thank you very much.” Brett Waggoner, “Yes. Thank you for letting me be a part of the discussion.”

Mayor Luke, “Alright, we will go back to departmental reports.” Superintendent Hawkins, “Did we really want to go back to my departmental reports?” Council Member Van Horn, “We never left it.” Superintendent Hawkins, “I want to add to the end of that because I have been talking with Daniel Stack and the engineer as well, and I’ll be having a conversation with him tonight, too, but we are still in communication with them on the plan and the purpose and all that as well. After this meeting, I’ll revisit with you a little bit.”

WATER AND WASTEWATER: Distribution Update

General: Personnel have been doing the normal duties: line locates, work orders, customer calls, concerns, and meter re-reads.

Training: Superintendent Hawkins, “Happy to announce that Cody Cowan and Tim Nuessen did pass their wastewater exams, so they are now certified, along with Tyrell, so that is three now in a month. They are moving on now to their water examinations, and as soon as they get that, they will all have their certifications.”

Flushing Hydrants: Superintendent Hawkins, “We’ve been going around and we have gotten every fire hydrant in town flushed and we’ve got that completed.”

Sewer Cleaning: Superintendent Hawkins, “We’re still cleaning sewers; that’s going well. There’s been a few hiccups in and around town, but we have been working with them as we go.”

Water Leak: Superintendent Hawkins, “We did fix a water leak over between 7th and 8th on Neosho Street. I want to thank Kyle for letting us use his cutter on the street.”

WATER AND WASTEWATER: Production Update

General: Normal duties.

Water Usage: Superintendent Hawkins, “Again, like I said, we are still working with the engineer and the water plant. We have been spending a lot of time on the application process and talking about the water plant. The plant has been running really well, so I don’t have anything else.”

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Chlorine Burnout: Superintendent Hawkins, “We are completed now with the chlorine burnout, so your water will start tasting better. Other than we get calls that it tastes like swimming pool water, so that’s done.

QUESTIONS/COMMENTS:

Council Member Van Horn, “Danny, have you made any more progress on the sewer up by Navarro?” Superintendent Hawkins, “Right now, we are still in discussion. That’s where we’re at.” Council Member Van Horn, “In other words, we don’t know anything?” City Attorney Wright, “I would be happy to discuss that in executive session or privately. That would be legal advice from your lawyer.” Council Member Van Horn, “Okay.” Superintendent Hawkins, “Yeah, you can come talk to me.” City Attorney Wright, “Yeah, I would be happy to discuss that with anybody, or if the city council as a whole wants to discuss it, I would be happy to do an executive session really quick and tell you where I think we are at because we have been working on it pretty diligently.”

STREET DEPARTMENT: Update

General: Personnel have been doing the normal duties: vehicle maintenance, equipment maintenance, filling potholes on gravel roads and alleys, tree trimming, and repairing the parking lot in the wash bay.

Culverts: Superintendent Dauber, “We put an extension on a tube at 1115 Cumberland on Monday, and then we cleaned that ditch from the tube extension all the way to 11th street, so that was a rollercoaster there. We put an extension on the culvert behind the power plant, between the power plant also and the electric shop, for an easier spot for Alan to get his trucks in when they do maintenance on the power plant. We have been out straightening culverts that have been crushed, the ends of them that have been crushed by traffic. We’ve got guys out there straightening some of them up.”

QUESTIONS/COMMENTS

POLICE DEPARTMENT: Update

General: Normal duties.

Activities/Cases: Chief Roney, “Officers have been busy working with suspicious person calls, medical assists, found several open doors after hours, and traffic stops. Agency assist had one last night out of Yates Center, a vehicle pursuit that ended just outside of Kelley Park. It went through Kelley Park. Officers have been working on a couple of injury accidents. We had a hit and run at 4th and Neosho. They’ve been doing follow-up on some major crime cases that we had several weeks ago.”

Nuisance Properties: Chief Roney, “Officers began working on some of the old nuisance properties, and they’ve picked up several new nuisance properties that they have started the process on.”

KLETC Graduation: Chief Roney, “Friday at 1 p.m. Dustin graduates from KLETC (Kansas Law Enforcement Training Center), and then I’ll be out there for that. Sunday, this Sunday the 5th, at Kelley Hall, correction, the 4-H building, there will be a meet and greet from 5 p.m. to 7 p.m. with Mark and Dustin if you would like to come down and congratulate them on their achievements on their KLETC. We’ll have the doors open when I get down there, and that’s all I’ve got.” Council Member Curtiss, “What were those times?” Council Member Mays, “Yeah, repeat that.” Chief Roney, “5 p.m. to 7 p.m. on Sunday.” Mayor Luke, “October the 5th?” Chief Roney, “Yes.” Council Member Mays, “And you said Kelley Hall?” Chief Roney, “It’s the 4-H building.” Mayor Luke, “Any questions for Mike?”

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QUESTIONS/COMMENTS:

Council Member Van Horn, “So Mark is on the street now, right?” Chief Roney, “Mark is out. He is in FTO right now with another officer, and they are doing well.” Council Member Van Horn, “Good to hear.” Mayor Luke, “So we’ll go to Parks.”

PARKS DEPARTMENT: Update

General: Superintendent Boyce, “Normal duties. Cleaning public buildings and restrooms, building and equipment maintenance, mowing, spraying grass and weeds.”

Watering: Superintendent Boyce, “We will be doing it hopefully into next week; adding some dirt and grass seeds and some fertilizing in some areas, mostly Kelley Park. We have started on some winterizing projects.”

Kelley Park: Superintendent Boyce, “I hope that on the Kansas Campers Association, I think most of them will be leaving out of Kelley Park tomorrow. So, they had come in the end of last week, and then I think they will be back next fall. That’s all I have.”

Mayor Luke, “Any questions for Kevin? Let’s go to finance.”

QUESTIONS/COMMENTS:

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2025-18	\$	<u>98,655.13</u>
b. Payroll Ordinance	2025-20	\$	<u>112,660.10</u>
	TOTAL	\$	<u>211,315.23</u>

CLAIMS 2025-18: *Council Member Curtiss moved to approve City of Burlington Claims Ordinance 2025-18 for the amount of \$98,655.13. Council Member Strawder gave the second.* Council Member Ernst, “Do you have some highlights?” City Clerk Brown, “Who seconded that?” Council Member Strawder, “I did.” City Clerk Brown, “Okay. I wasn’t sure. Sorry about that. Yes, we have Core and Main for \$2,002.95, Dave’s Pumping, LLC for \$6,200.00, Gordan CPA LLC for \$8,885.00, Hawkins Incorporated for \$3,168.00, and US Lime Company - St. Clair for \$7,004.51.” ***Hearing no further discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, “Claims Ordinance 2025-18 passed unanimously, 6:0.”***

PAYROLL 2025-20: *Council Member Curtiss moved to approve City of Burlington Payroll Ordinance 2025-20 in the amount of \$112,660.10.” Council Member Van Horn gave the second. Hearing no further discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, “Payroll Ordinance 2025-20 passed unanimously, 6:0.”*

PLANNING & ZONING: Update

Training: Zoning Clerk Hugunin, “I went to training two weeks ago. I wasn’t here much last week, but I did get a lot of messages on my desk about yards that needed mowed, and as of Monday, they have all been mowed. We’ve got a few ditches out there that we are still working with people to get them done.”

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QUESTIONS/COMMENTS:

LEGAL DEPARTMENT:

General: City Attorney Wright, “You guys have kept me busy. Whoever wants to talk about specifics can come and talk to me.”

QUESTIONS/COMMENTS:

CITY CLERK: Update

General: City Clerk Brown, “City Hall staff has been busy with normal duties. I don’t have my notes in front of me, I forgot to print them out, but with bill paying and utility bills, readings, printing out vouchers for payroll, and for council meetings.”

Kansas Set-off Program: City Clerk Brown, “We will be sending \$4,817.31 to Kansas Set-off for delinquent utility accounts.”

City Hall Closed: City Clerk Brown, “Also, I wanted to let you know that we have the employee’s appreciation luncheon set for October 7. We usually do from 11 to 1, and so the office will be closed, and we will start serving at noon, so you all are invited to come to that.”

Personnel: City Clerk Brown, “I would like to introduce to you our newest member to City Hall, which is Shayla Befort, our administrative assistant. She started on Monday, so she was thrown in hard.” Council Member Van Horn, “She is up for it.” City Clerk Brown, “She is doing fabulous.” Mayor Luke, “She is still here.” City Clerk Brown, “Yes.” City Attorney Wright, “We’ll see if she shows up in the morning.” Council Member Curtiss, “After this meeting, she may not want to stay.” City Clerk Brown, “I am very pleased with her, so I appreciate that. I can’t remember if I had anything else on there, so I guess I’ll just end with that.”

Calls/Inquiries: City Clerk Brown, “Normal calls.”

REPORT BY CITY OFFICERS:

Mayor Luke, “Anything the Governing Body wants to bring before us?” Council Member Strawder, “I guess I do have a question. Do you want to see about going into an executive session to follow up on those items that were indicated?” Council Member Van Horn, “I would like to, yeah.” Council Member Strawder, “I mean, I don’t have a motion in front of me to be able to follow K.S.A and all of that sort of stuff.” City Clerk Brown, “I don’t have the book in front of me, but I could go get it real quick.” City Attorney Wright, “We don’t need a specific statute to put it to—the motion could be to go into executive session for attorney-client for 5 minutes in order to discuss a matter with the city attorney and a matter that would be deemed attorney-client privileged with regard to the sewer issue.”

Council Member Van Horn, “I make a motion to enter into 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)2; to render the legal opinion concerning sewer connections within city limits, with the Governing Body, Mayor Luke, City Attorney Wright, City Clerk Brown.” Council Member Strawder, “I second the motion.” Mayor Luke called for a vote. Motion unanimously carried, 6:0.

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Entered at 7:27 p.m. and exited at 7:32 p.m.

Action Taken: none

MAYOR'S COMMENTS:

Annual League Conference: Mayor Luke, "The Annual League Conference is scheduled for October 9-11 in Overland Park."

Mayor Luke declared the meeting adjourned.

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