

**BOOK 26**

**April 2, 2025**

**BURLINGTON CITY COUNCIL REGULAR SESSION 4-2-2025**

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, April 2, 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)

☒ Mark Davidson (Street)

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

Also Present:

☒ Anne Brown (City Clerk)

☐

☒ Philip Wright (City Attorney)

☐ Jimmy Hugunin (Zoning/Grants Clerk)

☐ Kerri Weltha (Deputy City Clerk)

**Media Present:** Katie McMurray (Coffey County Republican)

**VISITORS:** Jay Hale

**AGENDA:** Mayor Luke, "Tonight's agenda, the only thing I have to add to it is under finance. It'll be Claims Ordinance 2025-06, \$702,187.54. Payroll Ordinance 2025-07, \$119,389.54; for a total of \$821,577.08. Are there any other additions to the agenda? Okay, now I'll accept a motion to approve the agenda as amended."

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

**MINUTES 3/19/2025:** Mayor Luke, "You have before you the draft minutes of our regular session of March 19, 2025. Are there any additions or corrections?"

*Council Member Curtiss, "I move to approve the draft minutes of March 19, 2025, as presented." Council Member Ernst, "Second." Motion unanimously carried, 5:0.*

**APPOINTMENT**

**PUBLIC COMMENTS**

**ELECTRIC DEPARTMENT: DISTRIBUTION Update**

**General:** Electric personnel have been doing many line locates, customer service requests, tree trimming, shop maintenance, preventative line maintenance, street light maintenance, and vehicle and equipment maintenance.

**Wind Storm Damage:** Superintendent Schneider, "We're doing normal line maintenance; we're changing some power poles from the wind damage that we've had."

**Fiber Companies:** Superintendent Schneider, "We've been working with one of the fiber companies wanting to deploy in Burlington—We're making good progress on that. I did have a brief conversation with the second fiber provider wanting to deploy in Burlington. I think that conversation went fairly well."

**Tree Trimming:** Superintendent Schneider, "We've started trimming a few trees in our utility right-of-ways."

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**Outage:** Superintendent Schneider, “Last Wednesday, March 26<sup>th</sup>, I don’t know, it was seven something, the town went dark. So, what happened there was that outage only affected our customers out of our power plant substation. A squirrel had gotten up in our gridwork for the circuit feeders. When it went to ground, it was close enough to our tiebreaker between us and Evergy, that it tripped that open for safety reasons. Before we got over there, we could smell the squirrel. Once we confirmed it was actually a squirrel, we were able to inspect the gridwork in the substation, and we were able to confirm there was no damage with that. We were able to close in the tie breaker and start putting our individual circuit feeders throughout town. I don’t know the actual time it was out; I was busy worrying about getting it back on. So, I didn’t put my clock on it. So, that’s what that was last Wednesday morning.”

### **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, “We are still completing plant reports from our maintenance runs that we’re doing.”

**Generators:** Superintendent Schneider, “In the last week, the power plant personnel did maintenance runs on our plant generators.”

**KMU Safety Training:** Superintendent Schneider, “We attended the KMU-sponsored safety training on Tuesday of this week.”

### **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.

**KMU Safety Training:** Superintendent Hawkins, “We attended safety training.”

**New Service:** Superintendent Hawkins, “We did get the water meter installed out on Lynx Lane. Got that one bored underneath the road and got that one installed.”

**Sewer Lagoons:** Superintendent Hawkins, “I want to thank Kevin and Mark with the Parks and Street Department. They tried to attempt to burn the lagoon, but it didn’t go as good as we hoped, but it is what it is. So, I want to thank those guys for doing that. I really appreciate that.”

**Sewer Tap:** Superintendent Hawkins, “We did complete a sewer tap over at Mohawk between 11<sup>th</sup> and 12<sup>th</sup>. We got that done.”

**Generator – Foley Equipment:** Superintendent Hawkins, “Foley Equipment did come down to the plant. They got our generator up and going. So, it is working good now. We ended up having to do general maintenance on our Lift Station # 1 on that generator as well. So, they came and did do a little maintenance on that.”

**Storm Training:** Superintendent Hawkins, “The storm that came in, we decided it would be good—I was getting a lot of questions from my men what to do in case of an emergency. We know they were calling for strong tornadoes and stuff like that. So, we pulled out our emergency preparedness plan, and we went through it as a group. We got our generators ready in case something was to happen. So, we went through it because they had a lot of good questions of what happens if something was to happen. We went through a lot of that. So that was good training; I felt like it went really well.”

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**WATER AND WASTEWATER: Production Update**

**General:** Normal duties. The plant has been running really well. Usage is normal for this time of year.

**Lime Silo:** Superintendent Hawkins, “The Acrison lime silo that we have, I had to order a new controller on it. It has some glitches on it, it’s about 20 years old almost. So, I had to order a new one of those.”

**Polymer Pump:** Superintendent Hawkins, “Also, we have a polymer pump on our west train; it went out on us, so I had to order a backup for that as well.”

**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.

**Assist Other Departments:** Superintendent Davidson “As Danny said, we assisted Parks and Water on trying to burn the sewer lagoons. Chief Roney asked if we could do some work down at the Animal Control building; the new front entry door came in this afternoon, so we’ll be working on that tomorrow.”

**KMU Safety Meeting:** Superintendent Davidson, “We attended the monthly safety meeting.”

**Street Signs:** Superintendent Davidson, “With all the moisture, we’ve been straightening up the street sign posts that are leaning.”

**2025 Street Improvement Project:** Superintendent Davidson, “I would also ask that you would approve the 2025 Street Improvement Project. City Clerk Brown and I had bid openings yesterday. I would like to ask that the bids be bona fide.”

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

Superintendent Davidson, “Then, I would like you to accept the bid of APAC out of Emporia for \$173,990.90 for this year’s chip and seal project.”

***Council Member Curtiss, “I move to award the Street Improvements Project 2025 to APAC–Kansas, Inc.: Shears Division, as presented, not to exceed \$173,990.90; as being in the best interest of the City of Burlington.” Council Member Van Horn, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.***

Mayor Luke, “And that’s to start in August, right?” Superintendent Davidson, “Yes, and that was by my request. We have some patching to do, and our new trailer-mounted distributor is supposed to arrive on the 1<sup>st</sup> of May. So, I wanted some time to get some patching done. It’s what we need to do before we get some chip seal on some streets. So that was by my request.” Mayor Luke, “Okay.”

**POLICE DEPARTMENT: Update**

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

**Activities/Cases:** Chief Roney, “Officers have been keeping busy. We’ve had multiple traffic stops, citizens assist calls, medical calls, agency assists.”

**Nuisance Properties:** Chief Roney, “In between all that, officers have been out talking with nuisance properties, handing out flyers, giving explanations. We’ll see where we’re at after clean-up, and then we’ll start doing our 10-day letters on those who didn’t take advantage of the courtesy that was given to them.”

**Animal Shelter:** Chief Roney, “Thanks to the Street Department. They did come down, and they’re helping out with the front door; it had some weather damage to it. The door frame was busted out of it and also the door

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itself. So, we had to replace the door and the doorframe. Mark brought the guys down. They also installed a window unit air conditioner that they bought a couple of years ago. They had to do some wall work for us to get it to fit in there. The Animal Shelter is a whole other topic that we'll get back to later with my police committee."

**Training:** Chief Roney, "We did do training with the water plant, we got ahold of Danny. The officers went down there—we have some new people who have never been in the water plant. We wanted them to know the rooms that they don't need to go into; if there's a red light that's on, we stay away from that building and some of the other stuff that they have down there. Very educational training for the officers and what we need to do for the community if there is a situation down there."

**Officer Applications:** Chief Roney, "We've got four applicants. As of today, I had two more applicants come in. I did start backgrounds on the two prior ones; I'm in the middle of all those backgrounds. I'm working on some testing at the end of the week on some. Backgrounds started on the two today. I'll get the information sent out to past employers just to do the background checks. And then we'll go from there, we'll reach out for interviews hopefully in the next couple of weeks."

**Vehicle Maintenance:** Chief Roney, "All vehicles are back on the road. Had repairs done to one from the body shop in Richmond, got it fixed, and it's back to the officer on the road. The windshield has been replaced. All vehicles are up to 100% right now."

### **PARKS DEPARTMENT: Update**

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

**Seasonal Restrooms:** Superintendent Boyce, "Last Friday, we started turning on water for seasonal restrooms. Hopefully, by the end of this week, we'll have them all on and open. We are battling a few leaks here and there because of dried up seals and stuff. We do have a broken toilet in the Jones Park restroom, in the men's. I'm replacing both men's and women's, because last year we had a complaint. On those stools, they mount to the wall, and water comes in the back of the stool, the sewage goes out the back of the stool. They're very hard to find. We're going to go ahead and replace both of them because the one in the women's—the seat is made to the porcelain, there is no seat that moves on it. We had a complaint on it that there was not a seat on it, so...that was the only one we could get. So, we're going to replace them both, and hopefully, they don't get broken."

**Mosquito Fogging Machine:** Superintendent Boyce, "Tomorrow, the mosquito fogging machine, I'll be taking it to Ottawa for its yearly testing and calibration, which is state-mandated."

### **PARKS DEPARTMENT: Personnel Evaluations**

Superintendent Boyce, "Kyle's evaluation..." City Clerk Brown, "We had Kyle's evaluation, and his anniversary date was actually March 11<sup>th</sup>, and it was put in with the rest of them to be approved. I think we need to make that retroactive to the 15<sup>th</sup> because he will be losing pay if we don't do that—if we make him wait. So, I would ask that the council approve to make that retroactive."

***Council Member Ernst, "I move to accept Kyle MacFadgen's personnel evaluation as presented and to grant a pay increase to \$19.15 per hour, retroactive March 15, 2025." Council Member Van Horn, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.***

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**FINANCE: Claims Ordinance & Payroll Ordinance**

a. Claims Ordinance	2025-06	\$	<u>702,187.54</u>
b. Payroll Ordinance	2025-07	\$	<u>119,389.54</u>
TOTAL		\$	<u>821,577.08</u>

**CLAIMS 2025-06:** *Council Member Curtiss moved to approve City of Burlington Claims Ordinance 2025-05 for the amount of \$702,187.54 for payment of city bills. Council Member Ernst gave the second.* City Clerk Brown, “The larger expenses we have tonight are C&B Equipment DBA Douglas Pump Service for \$7,685.47, Hawkins, Inc. for \$3,193.00, and our big one for tonight is TrustPoint Insurance for \$410,969.00. We also had to reissue a big one that was lost in the mail for Kansas Power Pool for \$191,242.92.” Mayor Luke, “Any questions?” Council Member Mays, “That one for TrustPoint, is that a one year—.” City Clerk Brown, “Our annual renewal. This is the one I talked about last time and talked about what our increases were and what we do.” Council Member Mays, “Okay.” ***Hearing no further discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, “Claims Ordinance 2025-06 passed, 5:0.”***

**PAYROLL 2025-07:** *Council Member Curtiss moved to approve City of Burlington Payroll Ordinance 2025-06 in the amount of \$119,389.54, as presented. Council Member Van Horn gave the second.* Mayor Luke, “We’re having overtime pay because we’re short people, so that’s the reason why we’re higher than normal for our salaries.” ***Hearing no further discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, “Payroll Ordinance 2025-07 passed, 5:0.”***

**PLANNING & ZONING: Update**

**General:** City Clerk Brown, “Normal duties.”

**Permits:** City Clerk Brown, “He’s been updating permits for the county.”

**Arbor Day:** City Clerk Brown, “He has been working on the Arbor Day Celebration; there is no date for that as of yet.”

**Nuisance: Grass/Weeds Update:** None.

**QUESTIONS/COMMENTS**

**Council Room Windows:** Council Member Curtiss, “Nothing on the windows?” City Clerk Brown, “Nothing on the windows yet.”

**OTHER COMMITTEE OR COUNCIL BUSINESS**

**ORDINANCE 2025-914 – PARKS LIGHTS AND POLE REPLACEMENT AGREEMENT**

Mayor Luke, “As we discussed last time, we will set up \$150,000 over a period of seven years, and this is the Ordinance that has to go into place for that to happen.”

***Council Member Ernst, “I move to approve Ordinance 2025-914 as presented as being in the best interest of the City.” Council Member Curtiss, “I second the motion.”*** Council Member Strawder, “Is there a copy of the ordinance?” City Clerk Brown, “You should...” Council Member Curtiss, “We don’t have one.” City Clerk Brown, “I’m sorry, I thought Laura copied them there at the end and gave them to us. I can get a copy of that for you. I thought she printed those out.” Mayor Luke, “Sorry about that.” City Clerk Brown, “We’re trying to adjust without Mary.” Council Member Curtiss, “Yeah, I’m lonely over here.” Superintendent Schneider, “You’re just awful lonely over there, aren’t you?” Council Member Curtiss, “I am. I’m by myself.”

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Superintendent Schneider, “Next time that 8 o’clock whistle won’t go off, why don’t you just go down there and throw a rock at it?” Council Member Ernst, “What was wrong with it?” Superintendent Schneider, “Electronics, that’s the best answer I can give.” Attorney Wright, “Squirrel. Do you guys have like squirrel traps to set all over the place to catch these guys? I swear, there has been like a million squirrels that cause problems here.” Superintendent Schneider, “So we had a citizen, and she meant well. She wanted us to throw nets over the power lines to keep the squirrels off of them. She was 100% serious.” Council Member Van Horn, “Alrighty.” Superintendent Schneider: “That won’t work.”

Mayor Luke, “Okay, you have the ordinance in front of you. Any questions with respect to that?” Council Member Curtiss, “Have we had a motion yet?” Mayor Luke, “Yes.” City Clerk Brown, “Yes.” Mayor Luke, “I thought this was in everybody’s, but it wasn’t. So, any questions on the ordinance?” **Hearing no further discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, “Ordinance 2015-914 passed, 5:0.**

### **LEGAL DEPARTMENT: Update**

**General:** Attorney Wright, “Normal duties.”

**Municipal Court:** Mayor Luke, “City court is this week—next week?” Attorney Wright, “Next Thursday.” Mayor Luke, “Next Thursday, okay.”

### **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.

**New Sewer Rates:** City Clerk Brown, “Laura has completed the new sewer rates. Because we estimated in January, it’s figured off of December, January, February, and March. Anytime we have to estimate, we do another month. Those have been completed and will be on the next billing cycle.”

**Elections:** City Clerk Brown, “I also wanted to remind you that we do have three council positions up for election this year. So, anyone that is wanting to run for council, it’s Position 2 in all three wards. So, it is Jerilyn Curtiss, Martin Ernst, and Maxi Berryman’s positions. Filing date—you need to file by June 2 is what is says.” Council Member Van Horn, “That’s what the newspaper says... That it was in June.” City Clerk Brown, “Yes, by noon. You need to file at the County Clerk’s office. There is a \$25 filing fee, or you can do it by petition, and they will tell you percentage of how many signatures you need to have for that. So, I just wanted to let you know.”

**Insurance Breakdown:** City Clerk Brown, “I’ve spent most of my time working on the insurance breakdown, coming up with that. So that’s where I spent a lot of my time.”

### **REPORT BY CITY OFFICERS:**

**Jake Braking:** Council Member Strawder, “So, I had someone reach out to me concerning about what they thought was excessive jake braking, specifically at the south end of town. They had indicated that they didn’t believe there were any signs and stuff. I was able to look up and see that the city did have an ordinance and stuff. And sent an email out, just a heads up to a couple people; that way, we could at least look. Thank you for going out looking. I saw you out there, going out to check out signs, because I was doing the same thing. We do have an ordinance that prohibits engine breaking, however you want to say it, in the city limits. There are signs, and I communicated that back, but I kind of really can sympathize with them because of my family’s property that my grandpa has had to put up with all hours of the day. And now my dad’s building, the fireworks or whatever type of thing.

“I know it’s probably limited on what the city could do because of where the city limits is, it goes up to the right of way on the East side. But kind of looking around Google Maps and stuff, it’s really maybe a unique

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situation on how that edge of town is set up because city limits extends so far on the West side of the highway and where the breakdown of the speed is. I can tell you that everyone hits their jake brakes at the top of the hill at the cemetery where that 55 mile per hour ahead sign comes up. That's every truck you can tell will ride those brakes all the way through town until about the time they get to the city limits. Which is quite a distance. What's unique about that, I just said, is the city limits is on the East side but not the West side, so it never crosses the highway there. Or it's on the West side, not the East side, so it never crosses the highway, and in addition to that, if you look at some of the other towns like Yates Center, I pulled up Independence and some of those others where you're going from 60 down to 35 or 30. Whenever the city limits sign hits, you're going actually from 65 to 55 to 50, and that's kind of the edge of the city limits where the jake brake sign is and the rest of that is elsewhere so it's kind of situational too."

Chief Roney, "So, with those signs—I don't mean to interrupt you, I apologize—the state actually changed those signs about five or six months ago. They took that 30 MPH speed limit sign and took it out to the city limits, and they dropped that to 30 instead of 45 coming in, so you're right. They come over the hill there, that's all county, like you said. They come over that hill and those speed limit signs start dropping to 50, 55 and they are all on their brakes, they are trying to shut it down before they come into town and that is where we are getting a lot of those high speeds you see in the paper, 65 and 70 MPH in the city. That's where that is happening. And the semis are a part of those."

Council Member Strawder, "So I just think though, I mean, I don't know, like I said I know it's probably limited on what the city can do, I don't know if there would be any benefit and maybe the city talking with the county and stuff because again while it's technically outside the city limits, it does affect a good portion of city limits, just by means of on highways, city limits ends right-of-ways not at the edge of the road. And even where my house is at, I'm several blocks away from the nearest city limit sign. I can hear jake brakes in my living room throughout the day. There are no signs on 12<sup>th</sup> Road coming in, or I don't remember where that is going out. Cross river bridge, is it also 12<sup>th</sup>?" Mayor Luke, "11<sup>th</sup>." Council Member Strawder, "No signs there. I know it doesn't get the traffic, but I very well know down by the golf course, even inside the city limits, people hit their jake brakes and stuff."

Chief Roney, "So that intersection is also crazy because if you look at the city limits. But that's 12<sup>th</sup> Road; we have the ditches, and actually the golf course is not city limits. Only the clubhouse and parking lot. It doesn't get back into city limits until you get out to Country Club Heights, and then again, it's only the right-of-ways that go down to Country Club Heights; none of that is city limits. The yellow house on the corner, yes, and then the next house is county. But then you come back in front of the golf course, that's county. Where the bridge is, that goes to the stop sign that's County. Going East, you go to that first bridge, all that's county. You have the right-of-ways, but that street area is county."

Council Member Strawder, "So I don't know the history of maybe the city working with the county, because the county can create ordinances to set up jake brake—sometimes even went to the extreme of banning jake-brakes unless it's an emergency type of thing. I'm not asking that but I didn't know if you guys knew of any other areas of how it's been handled, maybe another town that you're familiar with, rural areas or anything or would there be any interest from the city of maybe reaching out to the county to see if there is something. Because it is a, while it may not be a safety issue or anything like that, I mean the whole intent of that ordinance is noise pollution; it's to quite the noise." Council Member Van Horn, "Quality of life issue." Council Member Strawder, "Yeah, it's a quality of life issue, so I didn't know, as he said city limits especially around Burlington are weird, where in a lot of areas it's more defined or straight lined."

Chief Roney, "And we got to be careful about jurisdictional issues." Council Member Strawder: "I just wanted to bring it up, I didn't know if the council had any interest into maybe reaching out to the county to see if there are any common lines of communication or just going back to the individual and stating I have discussed this but it's a county issue and taking that approach but me on a personal level if they do take it to the county, I will definitely be right there too because I understand the complaint. It is quite aggravating trying to be at your shop, conducting business or whatever, and every two or three minutes, semis coming through, hitting their jake brakes, not just lightly, opening them up all the way because that's the cool thing to do so, anyways."

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Mayor Luke, “Mike, you want to just mention it to the county and see if there is anything we can jointly work with? I don’t know if there is or not; I will check with the League tomorrow at my board meeting because we have all kinds of sizes of cities that will be there.” Chief Roney, “I can actually catch up with Wade Bowie, the County Attorney, talk with him and see what they have.” Mayor Luke, “Okay, and I’ll bring back what the people at the board...” Council Member Strawder, “Otherwise, if it’s just going to the Commissioner meeting, I’ll do that as a private citizen type of thing. I know that not a city thing at that time, but like I said I just wanted to bring it up because I definitely can sympathize with this individual because we have had to put up with that type of thing for years and it seems to be just getting worse over the last couple of years, so.”

Mayor Luke, “And I think if we do it on the East and West sides of town, we’ll have to probably go to Ms. Dig or somebody before we set a post, if we have to put in a new post or something there, So. Our city limit is what, the middle of the bridge?” Chief Roney, “So from the stop signs at the golf course?” Mayor Luke: “No, on the East side of town.” Chief Roney, “East side, it is just on the other side of the bridge, I believe.” Mayor Luke, “Okay. I know on this side of the bridge it drops down to 20, so.” Council Member Strawder, “The other thing I noticed, and this really is, those signs really are unique. Everywhere you go, there is no standardized sign or anything. I will say our signs seem to have a lot of text on a little space instead of saying ‘Engine Breaking Prohibited’ or something that a lot of areas have. So, that was the only other thing. I don’t know if that’s why they thought it wasn’t labeled because it was something different, that I can’t answer.” Mayor Luke, “Okay. Aright. Anything else?”

**MAYOR’S COMMENTS:**

**Senate/House Update:** Mayor Luke, “There’s no update at the Senate and House this week; they are on recess. We’ll see how fast they move when they come back, but most of the issues that were being discussed and considered that would impact cities did not get blessing, most of them did not come out of committee, and never got to the floor for a vote. But definitely does not mean they have gone away because last year, they stuck fifteen things all in one particular piece of legislation and tried to sneak some stuff through that never had hearings or did anything. We’ll see if anything comes out of it, but we’ll know about that. They want to be out of there before the end of April, so I’ll keep you up to date if anything shakes as soon as they come back. I’ll get updated tomorrow with the League. They’re our main—that sit in on all that stuff, so if anything comes down, I’ll let you know.”

Mayor Luke declared the meeting adjourned.

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