

BURLINGTON CITY COUNCIL REGULAR SESSION 1-17-2024

City of Burlington Governing Body met in Regular Session at City Hall's address, 1013 N. 4th Street, Burlington, Kansas, at 6:00 p.m. Wednesday, January 17, 2024. Mayor Luke called the meeting to order.

THE PLEDGE OF ALLEGIANCE

ROLL CALL: Stan Luke, Mayor

Council Members present:

Jerilyn Curtiss

Maxi Berryman

Lila Van Horn

Nathan Strawder

Martin Ernst

Superintendents Present:

Kevin Boyce (Parks)

Alan Schneider (Electric)

Mark Davidson (Street)

Doug Jones (Chief of Police)

Danny Hawkins (Water/Wastewater)

Also Present:

Anne Brown (City Clerk)

Mary Mader (Administrative Assistant)

Philip Wright (City Attorney)

Jimmy Hugunin (Zoning/Grants Clerk)

Kerri Weltha (Deputy City Clerk)

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Paul Abendroth, Becky Petterson, Shawn McAndrew, James Stukey, Angie Kirchner, Paul Abendroth, Steve Trendel, Jay Hale, Wade Bowie

AGENDA:

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

MINUTES 1/3/2024: Mayor Luke, "You have before you the draft minutes of our regular session of January 3, 2024. Are there any additions or corrections?"

Council Member Curtiss, "I move to approve the draft minutes of January 3, 2024, as presented." Council Member Ernst, "Second." Motion unanimously carried, 5:0.

EXECUTIVE SESSION:

Mayor Luke, "Since our attorney is delayed for a few minutes we will go into appointments and go back to that when he does arrive."

APPOINTMENT: None

PUBLIC COMMENTS: Cara Mays

Cara Mays, "For those of you who do not know me, my name is Cara Mays. I just have a few things I'd like to say. I am trying not to believe that this situation is personal but I am having a difficult time to do so; I hope today I can talk to you logically and not emotionally. The truth is the entire situation, whether you're familiar with it or not, is unfamiliar to many, and I am very sorry to those who have spent countless hours trying to navigate towards an amicable solution. I truly believe that if I was not eligible to run, I would have never put my name on the ballot. I took all the necessary steps to make sure that my eligibility was approved, and then the citizens in Ward 3 were comfortable even with my situation to elect me as their representative. There are processes in place for situations where candidate eligibility can be contested. If this was truly an issue with putting my name on the ballot, it should have been done prior to election day, not after the voter's vote. Life happens whether it's a natural disaster, unavoidable inconvenience, or, in my case, a divorce. Do life events really take away a person's right to vote or to be voted for? I do not believe a single person should have that much deciding power and the ability to take away the voice of voters. I think it's great that the City of Burlington had two people willing to represent the city. That is what the American electoral process is all about. Whatever happens, I just hope that Mayor Luke, the city council, and the city of Burlington know that citizens want to be heard, and this situation and the example that you are choosing to do so right now is taking away the voice of voters. Good luck, and thank you."

PUBLIC COMMENTS: Steve Trendel

Steve Trendel, "I am a voter in Ward 3. I am very concerned about one voice, one vote, one choice. I voted for this candidate. My voice was heard. The people should rule. We have too much election questions at the national level the way it goes let's not bring it to the county and city level. She won fair and square. We voted. We spoke."

Mayor Luke, "Anyone else?" There were no other comments.

EXECUTIVE SESSION:

Mayor Luke, "Alright, since Philip is here now, I would accept a motion to go into executive session for a period of seven minutes."

Council Member Van Horn, "I make a motion to enter a 7-minute Executive Session for consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship per K.S.A. 75-4319(b); to render legal opinion on potential vacancy for city council member ward 3 position 1; with the Governing Body, Mayor Luke, City Attorney Wright, and City Clerk Brown present." Council Member Curtiss, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Mayor Luke, "You all will vacate. Once you all are gone, we will start the seven minutes, and then we will open the doors."

Entered 6:07 p.m. Exited 6:14 p.m.

Council Member Curtiss, "I make a motion to enter a 10-minute Executive Session for consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship per K.S.A. 75-4319(b); to render legal opinion on potential vacancy for city council member ward 3 position 1; with the Governing Body, Mayor Luke, City Attorney Wright, and City Clerk Brown present." Council Member Ernst, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Entered 6:15 p.m. Exited 6:25 p.m.

Mayor Luke, "We are back in an open meeting and our city attorney will take the floor." Attorney Wright, "So, Cara and I had the opportunity to talk last week. I am not going to say anything here that we didn't talk about. She is very well aware, and I think she posted this on Facebook; there is a Kansas statute that defines residence. Residence means that place which is adopted by a person as a person's place of habitation and to which, whenever the person is absent, the person has the intention of returning. I got out the Black's Law Dictionary, for Wade's sake, and wanted to further define it to figure out what habitation means. Habitation, according to Black's Law Dictionary, is the right of a person to live in a house of another without prejudice to the property. It states it is a dwelling-house/ a homestall. I went and looked further into what a dwelling house is, and that is a house in which a man lives with his family; a residence; an abode; habitation; apartment or building; a group of buildings occupied by a family as a place of residence.

"I think it is very clear in my mind that residence, when it talks about a person's place of habitation, is talking about a place where a person is living presently. It is a place where somebody is living at presently, and when they leave that place to go to work, they intend on returning to that place. If they leave that place to go on vacation, they intend on returning to that place. What I mean by that place is that it is a specific building. It's a house. It is not a city or a general area. We are talking about a very finite home or place or building. As I understand it, Cara, correct me if I'm wrong, you did sell your house at or about the same time you did contract to build a new house in Ward 3 in the city of Burlington, as we discussed.

"However, there is not a place of habitation at that new address. You have never lived there before so you can't return there. You would have to be there to return there. It is my opinion that you are not a resident of the city of Burlington at this time. Then I refer everyone to charter ordinance #9, which requires, let me find the right section, it's section 2, the governing body of the city of Burlington shall consist of a mayor and six council members to be elected to terms as set forth herein. The mayor and city council members shall be residents and qualified electors of the city of Burlington, Kansas. So, you must be a resident and a qualified elector. That being the case you, not being a resident, you don't qualify under charter ordinance #9 and our city ordinance to be on the city council.

“I am not going to get into it, but you can review charter ordinance #9, which outlines how vacancies are filled. I believe that there is a vacancy based on the fact that Cara is no longer a resident of the city of Burlington, and that is sort of where we are at at this junction. That is where we are at. This has nothing to do with anything, but, really, I believe the city is trying to follow the city ordinances, its laws, and the laws of the state of Kansas. I think it is important to note that Cara was a resident when you got on the ballot. I think that you moved sometime after that time period lapsed to get off the ballot, so there wasn't any way to have your name removed off of the ballot. We did have an election, and my understanding is you had a tie vote with Lewis Lenard, and that tie vote was determined by basically drawing a name out of a hat, more or less, right?”

“I think the whole thing is kind of unfortunate and weird timing, but the laws, I believe, were followed. It’s just that the qualifications under the charter ordinance under the city of Burlington, our ordinance, I think clash. I shouldn’t say clash; they require current residency, which I don’t believe exists. Unless – do you reside in the city of Burlington? Do you have a home here that you sleep at?”

Cara Mays, “I have an address that my voter registration states that I have a residency.” Attorney Wright, “You have an address where I believe there is a slab of concrete, but there is not a structure that is livable.” Cara Mays, “My concern is you’re going to drive by and check where everybody is sleeping every night, correct?” Attorney Wright, “That’s not correct.” Cara Mays, “I am returning to ward 3. It's a temporary – like we said, fire takes out your house, a tornado, and you temporarily have to: I don't think the situation should matter if it's a divorce or a natural disaster. You're returning to that ward.” Attorney Wright, “And we talked about that, and I am not going --.” Cara Mays, “Right, and you've stated your—we talked about what the next step may be--.” Attorney Wright, “I think we both understand each other's positions.” Cara Mays, “Absolutely, yes, for sure.” Attorney Wright, “Very good.”

Cara Mays, “I am just going to really quickly. I do want to submit, though I do have my certificate of election and my oath for you. I guess we will be in contact about what the next steps are. Do you need the copy or the originals?” City Clerk Brown, “The copy.” Attorney Wright, “Do you need a copy because--.” Cara Mays, “No, I’ve already made copies. Thank you for listening and your time.” Steve Trendel, “Can I ask a question?” Attorney Wright, “Are we still in public comments?” Mayor Luke, “No, we are not in public comments. We went out of those when we went into executive session. At that time, nobody else wanted to say anything.” Paul Abendroth, “You went into executive session. You didn’t let us finish on the public comments.” Mayor Luke, “I asked if there was anybody else that wanted to say anything, and nobody--.” Paul Abendroth, “You went right into executive session, Stan.” Steve Trendel, “My question is based on what the attorney has shared.” Attorney Wright, “Public comments are comments. It’s not really a question-and-answer session. If you have questions, I am more than happy to visit with you one-on-one, and I’d be happy to do that after the meeting.” Steve Trendel, “I’m just concerned why I wasn’t notified that there was a problem with the candidate if she was not going to be allowed to serve. As a voter, we should have known that going into the poll.” Paul Abendroth, “This is worse than the federal.”

Mayor Luke, “We will go into departmental reports.”

ELECTRIC DEPARTMENT: Cold Snap

Superintendent Schneider, “I’ll start off with the cold snap and the snow that we had. We worked two call-outs on the 9th of January; one customer still had service, the other had partial service. We were able to restore that really quickly. We worked Saturday the 13th a little bit. We placed the digger truck on a pole at the corner of 9th and Cumberland Street to help out the water department because they were digging around the pole. So, that was there for the stability of that pole.”

ELECTRIC DEPARTMENT: Plant Operators

Superintendent Schneider, “We got called by KPP Energy. They asked us to run from 5:00 p.m. to 10:00 p.m. on Sunday the 14th. We ran on Monday the 15th from 6:00 a.m. to 10:00 a.m. We had an electric motor on a cooling tower that operated the inner cooler on generator #6. We changed that out Sunday night. The men worked the rest of the day after we got done around 10:00 a.m. on Monday we were doing everything we needed to do to secure the radiator from freezing on generator #6 due to the cold temperatures.”

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.

Christmas Lights: Superintendent Schneider, “We removed the Christmas lights and turned off the lights on the downtown buildings.”

Personnel – Training: Superintendent Schneider, “The apprentice linemen are studying.”

Traffic Controller Maintenance: Superintendent Schneider, “We worked on the traffic controller at 4th and Cross Street. We had Mid-America Signal come help us with that.”

New Service: Superintendent Schneider, “We installed a new electric service for apartments that are going in the 300 block of Neosho Street. I have been working with the electrician doing that job.”

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 completing reports.”

Weather Protection: Superintendent Schneider, “They have been busy protecting the plant from the cold weather.”

Generation: Superintendent Schneider, “Everything is back to normal and is ready to generate as needed.”

ELECTRIC DEPARTMENT: Bucket Truck

Superintendent Schneider, “Just a little bit of history. The bucket truck was authorized by the Governing Body on April 6th, 2022, after going through the bid process. So, Palfinger was the vendor that got awarded the contract for that truck and working unit. What happened—they are asking for a price increase. Ford Motor Company went to Palfinger in late 2022. They canceled all of their contracts and all of their trucks they had on order. Early 2023, in the second quarter, Ford had them rebid all of these trucks. The result of that ended up being an additional cost of \$9,906.00 to Palfinger from Ford for that cab and chassis for our working unit. All through this time, I would like to say that the city was never notified of price changes until they called me at the end of last week, stating that our truck was done and ready to go. The original bid price for that truck was, with the trade-in allotment, \$105,120.68. The price increase that they are asking for that total is \$115,026.68.

“I had discussions with the sales representative multiple times over this truck. I just asked him if they could – Palfinger held to their working chassis price; they did not inflate that any. He said that had they added their price increase onto this as well, that would have been an additional \$12,000 on top of that. We did budget \$115,000 for this truck. I’d be happy to answer anything I can. Or Anne, if I missed anything, please speak up.”

City Clerk Brown, “You pretty much hit everything.” Mayor Luke, “So what you are requesting is that we modify the price?” Superintendent Schneider, “Yes, I’m sorry.” Mayor Luke, “And have a motion to do so.” Superintendent Schneider, “Yes. I believe if we go out and rebid it, we are going to be at least 20 months out for another unit to replace our 2003 model. Most likely, with everything else, prices are going to increase again as well.” Mayor Luke, “This one is available now?” Superintendent Schneider, “It is sitting in their lot waiting to be delivered upon your decision.” Mayor Luke, “Okay.” Council Member Curtiss, “But initially, we had a contract with them for \$105,120.68?” Superintendent Schneider, “Yes, we did.” Council Member Curtiss, “Why do they not have to stick with that contract?”

City Clerk Brown, “They had it stipulated in their contract if they had a price increase anywhere, that they could pass it along to us.” Attorney Wright, “There was a provision in the contract that basically says that they can do this to you.” Council Member Curtiss, “I don’t like that.” Attorney Wright, “I don’t either. They obviously do because obviously everything is inflated, right? I think there was a time period there, especially during the pandemic and shortly thereafter where people didn’t want to enter contracts because of the rapidly increasing prices.” Council Member Curtiss, “I learned something.” Superintendent Schneider, “So, had they communicated with us back when they knew this was happening, we could have had a resolution long before now, but they did not do that. They have admitted that and apologized for that.”

Council Member Ernst, “I move to increase the original quote for the Articulated/Telescopic Bucket Truck from \$105,120.68 to \$115,026.68, as being in the best interest of the city.” Council Member Van Horn, “I second the motion.”

Council Member Strawder, “I also have concerns with this. I understand provisions and that type of stuff, but our ordinances and processes and stuff like that allow for us to do this without revisiting? They are also taking a big gamble that they are increasing the price on this. If we say no, then they are stuck with a vehicle that is a \$115,000 type of thing. I definitely have concerns on something like this especially for them not to say anything. Sorry, now give us an additional \$10,000.” Superintendent Schneider, “I agree with you on that. I don’t think they are stuck with the truck. I honestly believe within a week, it would be sold. Whatever you all want to do.” Council Member Curtiss, “You’re saying that if we vote against this and it goes down, it is going to cost us more than \$115,000?” Superintendent Schneider, “Yes, because they said their price increase based on that time that they say they are not adding to that cost an additional \$12,000. They left their price the same.” Council Member Curtiss, “So then we are talking \$127,000.” Superintendent Schneider, “Yes.” Council Member Berryman, “And waiting again for we don’t know how long.” Council Member Van Horn, “It’s poor choices, but it doesn’t seem to me like we have any other option. It is just going to cost us more in the long run if we don’t go along with it even though it stinks.” Superintendent Schneider, “It does stink, and believe me, I am not happy about it.” Council Member Curtiss, “And this is a very real necessity for the city?” Superintendent Schneider, “It absolutely is, yes.” Council Member Curtiss, “We do have a bucket truck?” Superintendent Schneider, “We have a 2003 model that is a trade-in, and they allowed \$21,500 on trade-in for that truck.” Council Member Curtiss, “To take away from the \$115,000 or --.” Superintendent Schneider, “No, the \$115,000 will be the final price.” Council Member Curtiss, “Okay.”

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

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.

Water Usage / Leaks/ Thank yous.: Superintendent Hawkins, “I’d like to say everything is normal, but it’s not with the cold blast that came down. We have been working around the clock to try to create water for the county. Then we have had water leaks as well. I just want to give a big thank you out to Mark Davidson, Harold, Daniel, and the electric department Cody. Also, Mike Skillman, we had to have him come help us at a water leak on 9th and Cumberland because we were short on staff so they have been helping us out with that. We got that done. Again, I’d like to reach out and say a big thank you to Chris Withers with Rural Water District #3, Mike Riley with #2, Bryan Isch with the City of Gridley, and Steven Dewight with the City of New Strawn. I wanted to thank the mayor for helping out, too because we have had a lot of ideas to help make water. We are pumping roughly about 800,000 plus gallons a day and we are still not getting full. We are running around the clock, trying to keep the towers full. We are trying to keep the public aware and if you have a leak, please have us come shut it off until you can fix it or do whatever it is you need to do. I know the plumbers are out working, contractors are out working, and we are working.”

WATER AND WASTEWATER: Production Update

General: Superintendent Hawkins, “Normal duties.”

Bad Lime Shipment: Superintendent Hawkins, “We have spent a lot of time in the plant. We had a bad load of lime that has come in; it is basically just Quikrete or quick mix. So, the owner of U.S. Lime is there personally at the water plant as I speak and where I’m getting ready to go back to. They are sucking it out at their expense, and they are bringing us in the correct lime to put it in there.”

Filter #4 Maintenance: Superintendent Hawkins, “We ended up hiring Tom Miller also to come down. He is our valve guy. He fixed our valve in filter #4. He has been a big help to us on that.”

Sewer Computer Replacement: Superintendent Hawkins, “Jim Morris came in also for our sewer computer. Our computer system and everything went down, and he replaced it.”

Personnel – Shifts: Superintendent Hawkins, “We are running two shifts right now: three on and three off. We are just trying to make water and get it out the door.”

QUESTIONS/COMMENTS

Council Member Ernst, “So, you say, Danny, that we are running 800,000 gallons a day. That’s where our consumption is?” Superintendent Hawkins, “Yes, our average for this time of the year is 450,000 gallons a day, so we are running double, and we still aren't getting full. We haven't seen over 130 feet in our towers in the last five days. So, we watch our telemetry or phones ding. I have been here since 5:00 this morning and probably won't go home until 8:00, 9:00, or 10:00 tonight doing the same thing. We have been running a lot of extra hours.” Council Member Van Horn, “Are you attributing all of that to leaks or most of it to leaks?” Superintendent Hawkins, “Most of it is in water treatment trying to keep the plant up and going.”

Mayor Luke, “Consumption is also based upon the fact that everybody is leaving faucets open to keep their homes or businesses from freezing up.” Council Member Van Horn, “Does the company that sold you the bad lime, did that cause extra man hours for the city?” Superintendent Hawkins, “It caused us hardship at the plant. In other words, in the water treatment, we ended up having to use different chemicals in order to stay where we needed to be in the middle of the road, but they also understood that the product wasn't what it was supposed to be doing. They didn't hydrate it correctly, so we aren't getting the right activation with it. They have brought it. It's sitting at the plant as I speak. They hired their own company, and they are vac-ing out the old and they are getting ready to put in new. After tonight, we should be able to go back to our normal chemical feeds and everything.”

Council Member Curtiss, “Will you be compensated by the lime people for the extra chemicals you had to use?” Superintendent Hawkins, “I don't know yet. I haven't even talked to him yet. That is where I am getting ready to head as soon as I am done here.” Council Member Curtiss, “Well, it's worth asking.” Superintendent Hawkins, “He has been very helpful. He has gone out of his way. He drove up himself. He is the owner of the company, so he is going to do us right.” Council Member Van Horn, “He should be because he messed up.” Superintendent Hawkins, “Yes, that is correct. That is why he brought in contractors down here vac-ing it out and putting it in and getting it in there.”

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.

Snow/Ice Removal: Superintendent Davidson, “We came in at 3:00 am Tuesday to start cleaning the downtown area and city streets. We had pretty much everything cleaned up by Tuesday afternoon.”

Equipment Maintenance: Superintendent Davidson, “We checked and cleaned the furnaces in our shop. We replaced the cutting edges on the motor grader due to hitting a manhole. It broke a section of the motor grader. We went back out and ended up replacing them again due to wearing them out on the asphalt.”

Snow/Ice Removal: Superintendent Davidson, “We went back out Monday for some slick roads. We had that little skiff of snow come in that made the roads slick.”

Water Department Assist: Superintendent Davidson, “As Danny said, we helped the water department with a leak. We were out for 6.5 to 7 hours helping them. We took our trackhoe and dump truck over and dug out a water line for them.”

Vehicle Maintenance: Superintendent Davidson, “We cleaned trucks up today. We got the salt and extra rock out of them. We found damage to our spreader box. We are going to attempt to fix that before the end of the week.”

County Jail Project - 6th and Neosho: Superintendent Davidson, “Ryan with River City contacted me last week. They want to enclose the work area around the courthouse, which encompasses their work trailer. The work trailer sits on the city right of way, and we have a public sidewalk. Their fencing will encompass that. I spoke

with Chief Jones. We are going to allow them to put up a temporary fence out on Neosho Street it will take in the parking area on the south side of Neosho. The fence is up. We put up two barriers today just to bring attention to people when they are coming up Neosho Street. We will maintain that a little more if we need to. We can put hazard lights on it. That was the only solution we could come up with. We are trying to work with the County and River City and still have access for the public to walk on the sidewalks."

QUESTIONS/COMMENTS

Council Member Van Horn, "I think you guys have been doing a bang-up job." Superintendent Davidson, "Thank you." Council Member Van Horn, "I have been other places during this cold weather, and the streets here look great. We appreciate it." Council Member Curtiss, "That's right, I second that." Superintendent Davidson, "Thank you very much. I'll pass that along to the department."

POLICE DEPARTMENT: Update

General: Chief Jones, "Normal duties."

Activities/ Cases: Chief Jones, "Weather, obviously. Quite a few motorist assists, several welfare checks, working non-injury accidents, and our normal calls still going on. We have people that like to fight and make their fights public, so we have still been dealing with that."

New Vehicle Update: Chief Jones, "Monday, I went down to Wichita, only took me a week and a half to get down there, but I signed over the paperwork for the new truck. The 2011 Chevy dog truck is turned over to them so it is off of our inventory now. I talked with Kerri, and it is off of our insurance. So, we are done with that."

City Court: Chief Jones, "City court was last Thursday it went very quickly; not an extensive docket. We got through it quickly."

Nuisance: Properties/Vehicles Update: Chief Jones, "Officers have worked a few nuisance vehicles."

QUESTIONS/ COMMENTS

New Vehicle Update: Council Member Ernst, "When will your new truck be in?" Chief Jones, "It actually should be sitting over at SERV (Superior Emergency Response Vehicles). I am hoping that Andy Seville calls me this week and says to come get it, it's ready. But it was on the lot at Davis Moore when I went down there Monday to sign the paperwork. Serve was supposed to come get it and start work on that. I didn't get a chance to talk to Andy, so I don't know if all of the equipment he had to order for it had come in yet or not. So, I am just waiting on him, but I am really hopeful." Council Member Ernst, "Thank you."

Council Member Curtiss, "What is the dog catcher using?" Chief Jones, "The old black Ford truck that I was driving. We are working on, this weekend, going to try to take the 'Police' off of each side and the tailgate because I don't really want Bonnie driving a truck that says police on it. It's going to go back to saying Animal Control and probably 'critter getter' on the back of it and all of that good stuff. Those decals have been on that truck for 13 years and they are pretty well baked on. It's going to take some work to get them off of there."

Nuisance: Properties/Vehicles Update: Council Member Berryman, "Pink toilet?" Chief Jones, "Pink toilet is still sitting there." Council Member Berryman, "It's not the weather, it's not the snow because it has been there for almost six months, Doug. When can we realistically expect that to be cleaned up?" Chief Jones, "As soon as I have time to start working on it, Maxi, I will." Council Member Berryman, "What can I do to help you?" Council Member Van Horn, "Hate mail." Council Member Curtiss, "Pick up the toilet." Chief Jones, "Actually, I had one guy offer to go with me and pick the toilet up and put it in the back of his pickup, but it is still private property. I have to go through the process." Council Member Berryman, "So since that pile has been left there for almost six months there is nothing that has been initiated towards removing the pile of rubbish and toilet?" Chief Jones, "I have talked to the guy that demolished it. He said he was working on it, and he needed time. He also indicated that he had talked to Mark about having that picked up at the next spring cleanup, and I told him that wasn't going to work. It's too far out. I just have to have time to work on it." Superintendent Davidson, "That's news to me." Chief Jones, "I figured that would be." Council Member Berryman, "He told me that you'd be there in spring cleanup with the front loader to pick it up. Thanks, Mark."

PARKS DEPARTMENT: Update

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

Tree Trimming: Superintendent Boyce, “We have been doing snow and ice removal.”

QUESTIONS/ COMMENTS

Personnel: Council Member Curtiss, “You’re still one person short?” Superintendent Boyce, “Yes.”

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2024-02	\$	<u>157,950.67</u>
b. Payroll Ordinance	2024-02	\$	<u>106,544.91</u>
	TOTAL	\$	<u>264,495.58</u>

CLAIMS 2024-02: Council Member Curtiss moved to approve City of Burlington Claims Ordinance 2024-02 for the amount of \$157,950.67 for payment of city bills. Council Member Ernst gave the second. City Clerk Brown, “The larger expenses we have tonight are Bahr Tire \$1,808.10, Douglas Pump Service \$1,834.02, Mid-American Valve \$3,476.00, Davis Moore \$41,100.00, and Kansas Municipal Utilities \$2,131.00.” **Hearing no discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. All votes were in favor. Mayor Luke declared, “Payroll Ordinance 2024-02 passed unanimously, 5:0.”**

PAYROLL 2024-02: Council Member Curtiss moved to approve City of Burlington Payroll Ordinance 2024-02 in the amount of \$106,544.91, as presented. Council Member Ernst gave the second. **Hearing no discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. All votes were in favor. Mayor Luke declared, “Payroll Ordinance 2024-02 passed unanimously, 5:0.”**

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, “Normal duties.”

Permits: Zoning Clerk Hugunin, “I have been working on permits. I have two that I have been working on. One would be for the jail, and the other would be for a lean-to out at the county shop. I am working on a house permit.”

City Hall – Computer Quotes: Zoning Clerk Hugunin, “I am still working on quotes for the computers.”

City Hall – Vehicle Bids: Zoning Clerk Hugunin, “I am also working on vehicle bids to replace one of the traverses.”

City Hall – Doors: Zoning Clerk Hugunin, “This week, I have been pretty much making sure the doors open around here because they are freezing shut.”

City Hall – Front Sign: Zoning Clerk Hugunin, “The sign out front. I have talked to them, and they are delayed by the weather. They are going to get here as quick as they can.”

QUESTIONS/ COMMENTS

Attorney Wright, “When are we going to get that door fixed, permanently?” Zoning Clerk Hugunin, “I think, did you talk with them on a quote with this door?” City Clerk Brown, “I have not.” Attorney Wright, “This door needs to be fixed. Everybody knows, but we just need to get it done.” Zoning Clerk Hugunin, “What it’s going to take for that is they have to take everything out and put a better-sized door in there. It’s a custom order. I think we had talked with him at one time about that and I don’t know if we ever got a quote back. We’ll check tomorrow.”

LEGAL DEPARTMENT: Update

General: Attorney Wright, “Normal duties.”

Potential Development Meeting: Attorney Wright, “I did want to make the council aware that I have a Zoom meeting set up with the county attorney and attorneys for potential developers with regards to potential development for the town. I want the city aware of that.”

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.

Goals and Accomplishments: City Clerk Brown, “You have in front of you tonight a copy of the goals and accomplishments. As always, Mary has done a great job in getting them ready.”

Bills: City Clerk Brown, “We are still paying 2023 bills and 2024 tonight as well.”

Annual Employee Benefits Meeting: City Clerk Brown, “I have scheduled the annual employee benefits meeting for Tuesday, February 13th at 9:00 a.m. at the Kelley Hall building. This entails that all of our benefit providers will be there to talk to the employees to review what services they provide and any changes to the benefits, if any. It is also open enrollment time for the employees to make any changes that they want. Our benefit providers that will be there are Blue Cross Blue Shield, KPERs, OFG Financial, Empower Retirement which is our KPERs 457, and our employee’s assistance program.”

Reports: City Clerk Brown, “I also have handed out to you our three-year sales tax comparison report, the monthly sales tax, and the utility revenue reports. You also have a copy of the 2023 year-end financials in front of you.”

Thank yous: City Clerk Brown, “I would like to thank the Parks Department for keeping our parking lot clean. All the snow removal, we appreciate that, and they have done a good job at keeping that clear.”

OTHER COMMITTEE OR COUNCIL BUSINESS:

REPORT BY CITY OFFICERS:

Council Member Curtiss, “I just want to say that all of our employees, and I want the superintendents to let them know, your staff, that you are all appreciated. Thank you for the work you do.” Council Member Van Horn, “Hear, hear.”

MAYOR’S COMMENTS:

Council Member Ward 3 Position 1 Vacancy: Mayor Luke, “Jimmy, tomorrow, can you put out on Facebook and the website the announcement for the vacant position and a 30-day timeline starting tonight? We will accept those at City Hall.” Zoning Clerk Hugunin, “Can it be tomorrow or tonight?” Mayor Luke, “It can be tomorrow morning.” Zoning Clerk Hugunin, “Okay.”

Weather Issues/ Thank yous: Mayor Luke, “There has been a considerable effort by all the staff with the severe weather we have been having to fulfill the obligation that we are responsible for providing safety and welfare for the residents of the city as well as in the case of the water supply for pretty much the entire county. I want to also personally thank water districts #2 and #3 and the outlying cities for their support in helping us address the issue of the cold weather and the large volumes of water that are being consumed at this unusual part of the year. It is definitely not a normal thing.”

FUTURE AGENDA ITEMS:

GENERAL: City Debt - How to fund projects Expense Tracking on Projects Budget 2024	GAAP - Infrastructure Capitalization City/County Grant Funds – Discussion on Matched Funding Council Discussions on Evaluations, Succession Planning, etc.
ELECTRIC DEPARTMENT: Power Plant - Additional Generation PARKS DEPARTMENT: Events in Parks (Updates)	<i>RICE NESHAP Compliance</i>
LEGAL DEPARTMENT: Municipal Court Updates PLANNING AND ZONING Work with Advantage Computers and City Departments to improve Cyber Security Nuisance Grass: Work with PD FIRM Floodplain Map Changes – Updates	Misc. Legal - Documents, Cases, Contracts, etc. Quarterly Construction Valuation Report Prepare Easements for any City-owned property without one Permits - Building/Zoning/etc. Burlington Corporate Boundary Updates on Map (Work with State)
POLICE DEPARTMENT Nuisances (Work with Zoning Clerk) Voice Stress Analyzer Project	Department Activities and Cases
STREET DEPARTMENT: Concrete St. Repairs/Free State Ct. Replacement/Repair Pavement Management System/Asset Management System	Street improvement Plan, Paving Gravel Streets, Crack Filling, Street Improvements 2023 Asphalt Project

Mayor Luke declared the meeting adjourned.

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