

BOOK 26

October 16, 2024

BURLINGTON CITY COUNCIL REGULAR SESSION 10-16-2024

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, October 16, 2024. Mayor Luke called the meeting to order.

THE PLEDGE OF ALLEGIANCE

ROLL CALL: Stan Luke, Mayor

Council Members present:

Jerilyn Curtiss (President of Council)

Maxi Berryman

Cara Mays

Lila Van Horn

Nathan Strawder

Martin Ernst

Superintendents Present:

Kevin Boyce (Parks)

Alan Schneider (Electric)

Mark Davidson (Street)

Doug Jones (Chief of Police)

Danny Hawkins (Water/Wastewater)

Also Present:

Anne Brown (City Clerk)

Mary Mader (Executive Administrative Assistant)

Philip Wright (City Attorney)

Jimmy Hugunin (Zoning/Grants Clerk)

Kerri Weltha (Deputy City Clerk)

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Jay Hale, Ronda Gilbert, Greg Stice, Mike Skillman

AGENDA:

Council Member Van Horn, "I move to approve the agenda as amended." Council Member Ernst "Second." Motion unanimously carried, 6:0.

MINUTES 10/2/2024: Mayor Luke, "You have before you the draft minutes of our regular session of October 2, 2024. Are there any additions or corrections?"

Council Member Curtiss, "I move to approve the draft minutes of October 2, 2024, as presented." Council Member Ernst, "Second." Motion unanimously carried, 6:0.

APPOINTMENT – None

PUBLIC COMMENTS

Ronda Gilbert, "I did want to say thank you to the staff for all the help on Boofest. Kevin did a lot. I just really appreciate that. It was well attended and I appreciate all the help on that." Mayor Luke, "Thank you."

Jay Hale, "I'd like to complain about something but can't think of a thing."

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.

Line Locates: Superintendent Schneider, "Lots of line locates with the gas company in town doing a bunch of work."

Service Change: Superintendent Schneider, "We are in the process right now of converting an overhead electric service to underground at the customer's request."

Equipment Maintenance: Superintendent Schneider, "We're doing equipment maintenance."

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.

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Reports: Superintendent Schneider, “We are still completing plant reports.”

Equipment Maintenance: Superintendent Schneider, “We are doing normal maintenance and repairs.”

Generator Maintenance: Superintendent Schneider, “We did maintenance runs on all the generators earlier this week and last Friday. Invoice has been submitted to KPP Energy for reimbursement for that fuel consumed during that maintenance run.”

KPP Energy Conference: Superintendent Schneider, “I attended the KPP Energy Fall Planning Summit October 3rd and 4th. That conference was held in Wichita and I want to thank Mayor Luke and City Clerk Anne Brown for attending that. I believe it was a very educational opportunity to get understand what's going on within KPP Energy. I'd be happy to discuss anything, come see me, on some projects they are working on, or what they may be doing. I'd be happy to visit.”

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.

AMI Meters: Council Member Berryman, “They are still installing water meters.”

Pump Maintenance: Council Member Berryman, “They're having Douglas Pumping troubleshoot the number two pump at the number one pump station.”

Dirt Work: Council Member Berryman, “Staff has been going around and filling dirt work in areas that we have been in.”

WATER AND WASTEWATER: Production Update

General: Normal duties. The plant is running well. They are still running roughly around 600,000 gallons a day.”

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.

Equipment Maintenance: Superintendent Davidson, “Kyle Dauber finished up the welding on the truck bed. It's been reinstalled. He has done a nice job and saved the city quite a bit of money.”

Road Lines: Superintendent Davidson, “We painted some parking lines down south of the Coffey County Hospital. That was a request of the hospital.”

Boofest: Superintendent Davidson, “We put up the barricades for Boofest and the car show.”

Alley Maintenance: Superintendent Davidson, “We rocked an alley at 14th and Alleghany.”

Fall Cleanup: Superintendent Davidson, “We got the equipment ready for fall cleanup. We finished it up yesterday afternoon. We hauled 17 loads of C&D to the landfill, two loads of metal, for a total of 16.86 tons. That's down from the spring cleanup which we had 24 loads at 21.38 and the fall of 2023 we had 13.8 tons. Some piles we shouldn't have picked up. We didn't know what was in them until we got into them. A few of them had garbage, whole foods, canned goods. So, at that point we were too far into it to stop, so we went ahead and cleaned them up. We still have people putting paint and tires out.”

POLICE DEPARTMENT: Update

General: Chief Jones, “Normal duties.”

Activities/Cases: Chief Jones, “Non-injury accidents, made an arrest on a domestic, issued a notice to appear in city court for criminal damage to city property. We had a resident damage the wire plug on the water department's automatic meter reading sending units. He will be answering to Judge Campbell for that. We had welfare checks, harassment reports, and taking scam calls.”

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City Court / Nuisance: Properties/Vehicles Update Chief Jones, “We had city court last Thursday. It was a very large docket. We still got through it in a very timely fashion. We had one of the nuisance properties show up in court to report on their efforts to abate and I checked on it the morning of city court. It was a big pile of dirt and they have that all leveled out and smoothed out and it’s much better.”

PARKS DEPARTMENT: Update

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

Mowing and Spraying: Superintendent Boyce, “We are still doing a little bit of mowing and spraying weeds in gravel areas and sidewalks downtown.”

Watering: Superintendent Boyce, “Watering flowers is coming to an end. I don’t know if you have noticed but they have all disappeared. We are still watering some new trees.”

Winterization: Superintendent Boyce, “We started on winterizing the seasonal restrooms, the RV hookups, and the RV dump stations.”

QUESTIONS / COMMENTS

Council Member Van Horn, “When we were at the conference this weekend, the rather nice hotel we were staying in had big pots of flowers and I told Maxi that they need to call Kevin.”

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2024-20	\$	<u>337,274.70</u>
b. Payroll Ordinance	2024-21	\$	<u>112,979.50</u>
	TOTAL	\$	<u>450,254.20</u>

CLAIMS 2024-20: Council Member Curtiss moved to approve City of Burlington Claims Ordinance 2024-20 for the amount of \$337,274.70 for payment of city bills. Council Member Ernst gave the second. City Clerk Brown, “The larger expenses we have tonight are Daves Pumping LLC \$2,950.00, Kansas Municipal Utilities \$2,231.00, Kansas Power Pool \$222,706.45, and Van Diest Supply Company \$3,251.95.” **Hearing no discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, “Claims Ordinance 2024-20 passed, 6:0.”**

PAYROLL 2024-21: Council Member Curtiss moved to approve City of Burlington Payroll Ordinance 2024-21 in the amount of \$112,979.50, as presented. Council Member Ernst gave the second. Hearing no further discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, “Payroll Ordinance 2024-21 passed, 6:0.”

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, “Normal duties.”

Doors: Zoning Clerk Hugunin, “This door is now repaired. It works fine. It stays unlocked, it locks, when you want it to. Mary somehow, was magical, and she actually got a company to show up on these doors that I've been trying to. They showed up and it's fixed. From now on, you want something fixed have Mary schedule it.”

City Hall – Front Sign: Zoning Clerk Hugunin, “The sign out front, I believe what we're going to wind up doing is there's going to be a tech, I believe, probably going to be coming from South Dakota.” Council Member Curtiss, “Have Mary schedule it.” Zoning Clerk Hugunin, “I knew I’d have a reason to thank you. Thank you, Jerilyn. So, they think Coffelt Signs should be able to figure it out, but Coffelt is not design people. They put the sign in but they don't program it and all that.”

Permits: Zoning Clerk Hugunin, “I've done a couple of permits.”

Fall Cleanup: Zoning Clerk Hugunin, “Helped with cleanup on Monday.”

New Computers: Zoning Clerk Hugunin, “I've been doing a little bit of computer stuff out here for the girls and myself.”

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Nuisance: Grass/Weeds Update: Zoning Clerk Hugunin, “I’m still keeping an eye on yards but right now everything’s kind of dying. I still have a few ditches out there and hassling people to get them mowed.”

OTHER COMMITTEE OR COUNCIL BUSINESS

Mayor Luke, “There are a couple of communications items. COF each year, for transportation, we supply them a letter of support so they can get their funding from the organizations that they get their out-of-the-area funds. We have done this for many years. It’s a letter stating that we support COF and their process for transportation for seniors, disabled, and others.”

Mayor Luke, “There is also a proclamation in there. We have done it for several years with respect to Veterans Day, November 11th.”

RESOLUTION 2024-07 Kansas Homeland Security Region J Hazard Mitigation Plan.

Chief Jones, “We talked about it at LEPC this morning, and this is just a reoccurring thing. I don’t remember the schedule. It’s like every five years.” City Clerk Brown, “Every five years. The cities and the county need to adopt the county’s plan. So, this is just a formality of doing that again.”

Council Member Van Horn, “I move to approve Resolution 2024-07, to adopt the Kansas Homeland Security Region J Hazard Mitigation Plan.” Council Member Ernst, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

ORDINANCE 910

Council Member Strawder, “I move to adopt Ordinance 910, Repealing Resolution 2011-01 And Chapter XVI (16) Article 6 of the Code of The City of Burlington, Kansas, 2017, Which Required the Mandatory Use of a Specific Developer’s Agreement.” Council Member Mays, “I second the motion.”

Council Member Strawder, “As I’ve stated before this just removes that specific developer’s agreement being the required agreement. So, it just allows us more flexibility.” Mayor Luke, “Any other comments?” Council Member Van Horn, “We’re all wanting the same thing here, to facilitate more housing. The difference in opinion is how to go about it. I need to state the reasons why I’m voting not to abandon our builder’s agreement. The purpose of the agreement is to protect the city financially and to make perfectly clear, what is expected of the builder. I think it irresponsible to leave the city, that means you, the residents and taxpayers, without protection. When the current codes are stated clearly as it is in the current agreement, we believe it is the benefit of all parties involved. If the developer follows the steps in agreement, it can actually speed up rather than delay the process. It’s been said, we could throw it out and start over but that involves yet more time and no small amount of money since both sides would need a lawyer. My understanding is the 15% bond is the sticking point and we’ve expressed our willingness to deal with this small portion of the agreement. Therefore, throwing out the entire agreement seems more like grandstanding than progress. There are better and more effective ways to encourage development than to throw out what we have in place. In a similar vein, annexing property into the city is laid out in the code and the city has not received any of the necessary documentation. Therefore, the holdup on annexation is with the developer.”

Hearing no further discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Council Members Strawder and Mays voted ‘Yea’, and Council Members Ernst, Curtiss, Berryman, and Van Horn voted ‘Nay’. Mayor Luke declared the motion failed, 2:4.

LEGAL DEPARTMENT: Update

General: Attorney Wright, “Normal duties.”

Attorney Association Meeting: Attorney Wright, “I attended the city attorney’s association meeting on Friday. There were a couple of topics I think are relevant to this city. They talked about code enforcement. There was a section with regard to abandoning newspapers for legal publication, and have the cities use their website for publication. There was also an ethics section regarding the use of artificial intelligence and ChatGPT with regard to legal work that specifically involved in the city. So, it was an interesting session. Thank you for sending me every six months to that. I think I learn a lot.”

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Legal Review: Attorney Wright, “I’ve also been involved with quite a bit of legal review again and have been working with Anne on quite a bit of the materials that you guys now are seeing today. Then I also did the draft on Ordinance 910 as instructed.”

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.

TA Grant – Pedestrian Bridge: City Clerk Brown, “I would like to start with, I’m so excited, some of you may have seen this already in the newspaper, but we had applied for the prefabricated pedestrian bridge on 6th street. We have applied three different times. This one will move and have just a totally completely separate bridge for pedestrians, bicycles, whatever. We did receive that award fully funding that bridge \$654,256. That will not be until the fiscal year for 2026. So, there is time in between that starting and stuff, we will have to do. With that being fully funded, it also opens up for us to be able to go ahead and then after it’s completed remove the pedestrian crossing that is on the bridge now and widen it, and make it better for traffic there. So, we will have a separate bridge for pedestrians and a separate bridge for traffic.” Mayor Luke, “That will be 2026.” Superintendent Davidson, “And there will be the bridge removal of the existing sidewalk will be an added expense. That’s not covered under the grant.” City Clerk Brown, “Yes, and we will also have to move a water line; which will be at our expense, as well.”

City Codes Online: City Clerk Brown, “Then I have the online codification. You all had the quotes in comparisons in your folder for that we have been talking about doing that. I don’t know if you were all ready to vote on that now. I would recommend that we go with American Legal. They are the ones that worked on our 2017 codification, our book, so they already have a lot of our information. So, it will just be going from there forward where the others would need all of our back history. So, their initial cost is \$4,000 with the annual fee of \$595. And they all have upgrades too. So, I would like to recommend if you’re ready to vote on this to move forward with American Legal to do our online code.”

Council Member Strawder, “I have a quick question on this. This was only for the codification part?” City Clerk Brown, “Correct.” Council Member Strawder, “And changing how it’s done on the computer or what all does this include?” City Clerk Brown, “We will send them the codes as their-- we’ll send them all of the stuff that needs to be updated. They will get that updated. Timeline, it does show the timeline, they thought American Legal, thought it would take 60 days to get it up and going. So, they will put that online. They will produce a Word document that we will receive so we can print out as many copies as we need or when they update the new ones, then they’ll send us a Word document and print them off. Then they will include a logo on the website. So, they’ll do a site for us on that.” Council Member Van Horn, “I understand that that means that the citizens can get online and read the codes. Yes, which is something we’ve been asking about.” City Clerk Brown, “It has been on our website. They’re just asking for a more user-friendly version of it to look at. It will help Mary immensely here in the city hall as far as having to look up things as well. So, it’s a benefit to her as well not just the citizens so that makes it a little easier in here.” Zoning Clerk Hugunin, “And it will have a link on our website.” City Clerk Brown, “Yes.” Attorney Wright, “That’s the question I was going to ask if you just put a link on our website to theirs.” Zoning Clerk Hugunin, “Basically, just replace where the link is now when you click on and it’ll go right to that.” City Clerk Brown, “And Mary went through these with me, do you have anything else you would like to add to that?” Executive Administrative Assistant Mader, “I don’t think so.” City Clerk Brown, “Okay.” Attorney Wright, “And again the benefit of this one is they’ve already got all the back stuff because they’ve worked on before.” City Clerk Brown, “Yes.”

Council Member Ernst, “I move to use American Legal Publishing to host our code online.” Council Member Curtiss, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Gordan CPA Audit: City Clerk Brown, “It looks like I skipped Gordan CPA for the audit for 2024. I would like to recommend that we accept and sign their proposal to do our 2024 audit not to exceed \$17,885.”

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Council Member Curtiss, "I move to accept Gordan-CPA 's proposal as presented to perform City of Burlington's Financial Audit for Fiscal Years ending December 31 of 2024, at a cost not to exceed \$17,885.00." Council Member Ernst, "I second the motion."

Council Member Van Horn, "How does that compare to last year's cost?" City Clerk Brown, "They increased by \$685." Council Member Strawder, "Does this go through a bidding process?" City Clerk Brown, "It does not."

Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Online Payment Software: City Clerk Brown, "The next one I have is a PSN online billing, which I sent you the information for that. The reason there is only one of them is because PSN already works with our CIC software. They have 14 other customers already. It looked like a very user-friendly online billing, they can go in, and they can--they have up to two years history they could look at, they will go in and set up their own account so they can look at it anytime that they want. With going with PSN online, they have waived pretty much all of the fees that the city would be charged. The only fee would be for the paperless billing, which is \$0.25 per customer per cycle. "

Council Member Ernst, "So people can still get the paper bills." City Clerk Brown, "Yes." Council Member Ernst, "The only thing they can opt out of that if they choose to go online and do this." City Clerk Brown, "Correct. And they can set that up how they would like within the system. They take all forms of payment. They even take Venmo. It did look very user-friendly. I think if we go with this, the citizens, we will have more going online." Council Member Ernst, "How soon will we be able to implement this?" City Clerk Brown, "They said, they could possibly take four to six weeks to get this up and going. So, maybe by the end of the year, this could be up and running. It's going to save on postage in here, big time. We did ask about if a system is hacked and somebody's account, they are responsible. They will be responsible for that. They will take care of any fraud that may happen on that."

Mayor Luke, "Also, if you have more than one account, they will add the accounts together and you only have to have one account." Zoning Clerk Hugunin, "And it will also be accessible from our website like it is now." Council Member Curtiss, "And it charges us \$2.00 to write a check and 3.25% if you use your credit card. Okay, now I did have a question if you're on even pay—okay, my even pay is \$250 and I get to a point where I only owe like \$30 or something, but I still pay the \$250, what do they pay? What would they pay there?" City Clerk Brown, "What would PSN pay?" Council Member Curtiss, "Yeah." City Clerk Brown, "I'm not sure...." Mayor Luke, "What would they charge?" Council Member Curtiss, "No, if I sign up for this and I'm on even pay, okay, and my even pay is \$250 and I'm now to the point where I paid enough \$250 that I only have to pay like \$30 or \$40 but they still pay the \$250 because I just want to do it that way. What would they do? Would they pay the \$250 or would they pay the \$30 or \$40?"

City Clerk Brown, "They would pay the \$250. It would be just like it is now on level pay. You just start building the credit on your account." Council Member Curtiss, "Okay, but it does say on my bill, does it not that I only owe like \$30 or something?" City Clerk Brown, "Yes, you build through the winter and you use it all up through the summers." Council Member Curtiss, "Right, yeah, okay. I was just wondering. I didn't know how that would be working." Attorney Wright, "And you can correct me if I'm wrong, but we're using the same backend system that doesn't change. We're just putting a new payment front-end system and that works with the backend system. So, it really doesn't change the city's payment system." City Clerk Brown, "Yes."

Council Member Ernst, "I move to use Payment Service Network for our online payment and paperless option for utilities." Council Member Strawder, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

KPP Annual Conference: City Clerk Brown, "As Alan said I attended the KPP Annual Conference in Wichita on October 3rd and 4th. It was a good conference. I enjoyed that they had, at the end, they had three different mayors come up and talked about what had gone on in their cities and what they're getting ready for. So, it was interesting to hear what other cities were doing too."

COF Support Letter: City Clerk Brown, "We sent the annual letter out for support for COF."

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LEPC Meeting: City Clerk Brown, “I did sat in the LEPC meeting this morning at the courthouse.”

Cereal Malt Beverage License: City Clerk Brown, “The cereal malt beverage licenses and trailer court licenses will be going out this Friday with a return date to us by November 22nd so we can have them ready for Decembers council.”

REPORT BY CITY OFFICERS:

KPP Convention: Council Member Curtiss, “Thank you for sending me to the council convention. It was very worthwhile. There were a lot of good ideas.” Mayor Luke, “The more people that can take advantage of that is good. You can always pick something up each time. I've been to a bunch of them and I still pick up things. I never expected to sit in on an AI presentation when I first started this but it was a good presentation.”

Developer's Agreement: Council Member Strawder, “So, on the developer's agreement, is it done with? Or are we still looking at it?” Council Member Van Horn, “I think we're looking at tweaking it.” Mayor Luke, “What I'd like to do is, you had indicated several times that there's more than one person that's looking at it. Okay, I would like so we could get those people together to have a method of ways that we can communicate with them so we can schedule a time for them to come together with the governing body. Look at the issues that they have and see how many are common and how many are different. Then look at how much and what part we have to tweak and change. Okay? But if you could get that to Mary, we will have a document that will either, be hand delivered, emailed, electronically sent, however, so that they know that they're invited and look at a time and a date that we can sit down with them and do that.” Council Member Strawder, “Put it in like a working meeting.” Mayor Luke, “Yeah, like the work session. We can include it in the regular meeting or we can do that after the meeting or we you know; we can schedule a separate time.” Council Member Strawder, “Okay, I only hope it doesn't delay anymore.” Council Member Curtiss, “Well, we don't want to delay either. You know that.” Mayor Luke, “The biggest issue is getting the information to Mary so we can get out the document to know who to send it to.”

Council Member Mays, “So, my issue is, I think we are misunderstanding the point of we're not wanting to not have protection at the city. But what this developer's agreement is -- we want a developer's agreement. Just that one should not be mandatory. Is that how I'm understanding the ordinance that we were voting on tonight? I mean, so I spent two hours of reading this, sorry. I spent two hours reading why you had the same conversation we're having now 14 years ago, and we're still having that same conversation. That is absolutely ludicrous. And obviously, there is something wrong with that developer's agreement because of those 14 years since you had the same conversation we're sitting here having tonight and we've had over the last several months, it's not been utilized.” City Clerk Brown, “We haven't had developers so that is--.” Council Member Mays, “That is not true.” Council Member Strawder, “But if you, read through this immediately after developers' agreement, the one that's in place right now was put into place the mayor at that time was indicating a lot of the same issues and said no developer would sign it. The developer that was being worked with at that time, now granted that was a very one-off type situation. So, I don't want to have the complications with that development or whatever affect future developments. If you read through, after several months ago of going back and forth on this, the council actually voted to get rid of that developer's agreement for that development and do a one-off, and that was passed. And that's all we were trying to talk about doing and then they came back and rescinded it after that.”

Council Member Van Horn, “We only voted on it not to rescind it.” Council Member Strawder, “Correct, I'm just wanting to state though that if you read through all of this, you'll see that all the development that has ever happened in this city has happened without the use of that developer's agreement. That was indicated whenever that developer's agreement was put in place. And so, to say we don't have any developers well there's a reason for that.” Council Member Curtiss, “That person was a major factor in that development.” Council Member Strawder, “Yes, very much so.” Council Member Curtiss, “And that's--.” Council Member Mays, “But I think we need to step aside because I think sometimes, we look at that, like, through looking through here, there was a lot of individualized, because of this. And I feel like where we're at now, it got brought up again because we have another developer and we're individualizing that as well.” Council Member Berryman, “See, this is the reason why Stan wants whoever you're talking about to come because we're just going to bat this around for the next 20 years. Bring the developers in, see what their needs are, see what their recommendations are, because we're not saying anything new, we're saying stuff that's been said.” Council Member Curtiss, “That's what we want.”

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Mike Skillman, "Do you mind if I talk?" Mayor Luke, "Go ahead." Mike Skillman, "That's the reason I came tonight because I've been part of a lot of meetings and different things. There's a lot of great things coming, okay? The reason this developer's agreement is just some of the wording, some of the way it's set up it's not feasible for a developer. Can it be changed and made work? Yes, it can. But it needs some real looking at because there's just - and I'm not going to break it all down right here. But I'm just telling you as a developer and as somebody that pushes housing and somebody's going to help push housing here in the next year to 10 years. If you want growth in this community, we've got to look at that. Because a community like this is not going to get a developer out of Kansas City." Council Member Curtiss, "No." Mike Skillman, "The only thing that's going to happen in a community like this, if you find somebody that lives here, that cares enough to put their time in to make a development happen. Okay? That's just the law of the land. You know, if they're a building house in Kansas City, those guys up there and not leaving Kansas City. So, you have to make it fit for what you have here. Okay. They're not big-money people here like Kansas City. You have to work with what's here, but I promise you, there is money coming. I have been part of meetings and stuff, there is money, set aside, there's things happening because of the CHIPS and different things that are happening, okay? But if you don't have an agreement, they're going somewhere else. I can just be flat honest with you. They're going to go to where it's easiest spot for them to set up a camp and make something happen. You have the greatest opportunity, you're the biggest town in the county, you're the county seat, you have the hospital, you have the rec center, you have by far the best school system in the county because we have Wolf Creek. Thank God for Wolf Creek. Okay? If we do not take advantage of those deals New Strawn is looking real enticing and they're going to get a lot, they're going to get the first deal of it here probably right at the first of the year. I'm telling you that right now. There are already things in the works because they're ready to help make things happen. Okay? So don't just totally board this thing up and say this is the only way we're going to go because if you've had this agreement for however many years and nobody since the last one has been here to do anything because it's cumbersome, it's too demanding, you have to give a little room to breathe and let your local people try to do what they do."

Mayor Luke, "And that's what I would like to have. Whether you and whoever else who wants to develop, so we can get a full understanding of which pieces and what is cumbersome, what is the problem parts. Then at that point, then we could take that and modify--work on the modifications to make it work so we don't have to redo it 10 different times." Mike Skillman, "And that will be a blessing. I would love to sit down with all of you and just show you what works and what doesn't in my mind. Okay? I'm not saying I know it all because I don't but I've been around enough. You know, then worked in enough towns in the 60-mile radius, I've seen a few things, okay? I can tell, what usually comes first, what comes next, and so on. And if we have got to fix this, if you want to see the first thing come in and that's-- I'm just being honest with you. It's just for somebody like me to go out there and try to get somebody to put their money up, you know, to go do some of these things, they've got to know that they're not going to be hung up somewhere. Are things going to be perfect? No, they're not. I can tell you that right now. You can think you have the ironclad best developer's agreement in the world and somebody's still going to try to hose you. Okay, but if 90% of them do a good job, that's where you fall back to."

Council Member Curtiss, "Well, and we're dealing with, like you said, people in the community." Mike Skillman, "Yes." Council Member Curtiss, "And so we're not against developers' agreements. We just want one that you guys also will agree with. And I feel that, I mean, there's some things in here, I don't agree with also. So, if we work together, we don't have to reinvent the wheel. We just have to tweak this one so that it works for everybody. That's the way I feel and that's why I voted, no." Mike Skillman, "Well, and just the fact, if you're willing to sit down and let's talk about it, that's huge." Council Member Curtiss, "Definitely." Mike Skillman, "I'm just saying the way it is right now nothing's coming. Okay, but let's sit down. I'll show you where the problems are. And just give it an opportunity to make it something that's workable. That's what you really need." Council Member Van Horn, "That's exactly what we've been saying." Mike Skillman, "But I do know, you know, I work with, again I've worked with a lot of people. We just got to work on it. I'll leave it at that. You just got to work on it."

Council Member Mays, "It's going to take flexibility for one. And Maxi, you said it's going to take time, it's going to take time, it's going to take a lot of time and I feel like this is huge and we're going to have to take the time to do it." Mayor Luke, "We've got to do it right." Council Member Mays, "Right, absolutely." Mayor Luke, "And I think we can short-stop some of the time." Council Member Strawder, "I think where the disagreement has been thus far was the intent behind this ordinance was not to completely throw out and say we don't need a

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developer's agreement. It was to remove the use of the current developer's agreement being the mandatory developer's agreement. Meaning that I don't know how long it'll take to get everybody in the same room and hash out and all of that. But we have an agreement right now that for 14 years hasn't been enacted and there's no signs that it's going to be enacted. So, if it takes us, six months, that's delaying any potential development, six months until a new developer's agreement." Council Member Mays, "Because of the ordinance put in place." Council Member Strawder, "I honestly think it could take more than a year or so. So, all that it was doing was removing that burden on it." Council Member Curtiss, "I disagree. I think if we have developers in this city that want to get started, just like we do, they will come whenever they possibly can to meet with us and let us know what the problems are. I totally disagree with you on that, Nathan." Council Member Ernst, "Why can't we just schedule it for the next meeting and just knock it out and get it done within a month? I mean, if Mike's here, you know, I mean however many developers come in and they voice their option we can listen to that and make changes." Council Member Curtiss, "Work with them." Council Member Ernst., "Make changes to the current one and just be done with it."

Mike Skillman, "If I could throw something out, it can't happen in a meeting though. You need to have a separate meeting in a room, sit down there, and let's just have an open discussion This isn't the place to make – this is a place to make the final decision, hey here we go. But the decisions of day to day, this line, this line, it'll take several meetings. It's not probably going to be just a one-and-done. I can promise you that because, you know, I would want to sit down and study it again myself because I haven't read it for over a year. I'd want to study it again. You know, and be ready to have an alternative to what I have a problem with. Because I wouldn't want to come to you and say, you know, Jerilyn, you're the problem. I need to get rid of you, but I don't know who to put in your place. Does that make sense? So, I've got to have an alternative that you'll see, oh, we are protected. We're doing the same thing, basically but this is more usable. Does that make sense? You know, try to have an alternative." Council Member Curtiss, "Yes, it does." Mike Skillman, "But it will--it's not just going to be a 30-minute meeting. I can tell you that." Council Member Curtiss, "Right." Mike Skillman, "You probably talk about multiple meetings over several evenings for a minimum of 10 to 12 hours if you want to punch this thing out but it needs to happen." Council Member Curtiss, "And I think we're all willing to do that." Mike Skillman, "I'm willing to come in and be part of it. I would love to be part of it. You know, this is my community too." Council Member Curtiss, "We want you too, yes." Mike Skillman, "I grew up here just like everybody else, you know? So, it's important for me to see. It's really important for me to see everything that I've been working on for four years. Most people have no idea that we've been working on some of this CHIP stuff for four years, almost five years before anyone even knew about it, to see that stuff finally come to fruition. I look at it in my mind, it's like Wolf Creek 2.0. I was a kid when Wolf Creek come in here and Mark can vouch that New Strawn was just Wilkerson's store. Anybody remembers the Wilkerson's out there? I love telling that story because Bob and Rosie had that little bait shop and they lived in the back of it. And within what, three years of Wolf Creek being in, he quits selling bait, he went to sell liquor bought him a house, and later bought him a farm. That's coming again. But we have to have a place for the people to live. So."

Council Member Curtiss, "But we do need a developer's agreement." Mike Skillman, "Agreed 100%." Council Member Curtiss, "I guess that's why I'm saying, why can't we just work with the one we've got and make it better on your side and our side." Mike Skillman, "If you're willing to sit down, I'm sure we can make that happen." Council Member Curtiss, "Okay, because if we didn't do that, we still have to start out and make a brand new one. Right?" Council Member Strawder, "Well, we will still be able to modify the current one. It was just allowing an alternative in the interim was all that that was trying to do." Council Member Curtiss, "To come up with a different one." Council Member Strawder, "Now, this is it until it's replaced." Council Member Curtiss, "Correct." Council Member Strawder, "So that's what it is. So, as far as action items then you want a list of individuals to send stuff to?" Mayor Luke, "Yeah, we can get the people that need to be here, here." Council Member Strawder, "Okay." Mayor Luke, "Because right now, I don't know who all those are." Council Member Strawder, "And get them to Mary?" Mayor Luke, "Get them to Mary, and then we'll get the communications to them saying, hey, when can we get together and we may have to meet with some of them separate. We may be able to meet with one or two of them at the same time. But it's a direction that would make it work." Attorney Wright, "Mayor, if I might. It would be very fruitful and more productive if these developers would review the developer's agreement, and if they could even formulate a written response or, you know, at least come in and say, this is where we have problems, this is where we have hang-ups. That'll make it move faster. If they would

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be prepared for that meeting or meetings and be able to talk about what it is that they have a problem on.” Mike Skillman, “100%. So that's the only way you're going to fix it.” Council Member Curtiss, “Yeah.” Mike Skillman, “Okay, thank you guys for your time.” Council Member Curtiss, “Thank you for coming.” Mayor Luke, “We'll work on getting the biggest amount of groups together, and like we said we may have to have more than one. You may have to meet with some individuals individually because they can't meet some other time.”

MAYOR'S COMMENTS:

Mayor Luke declared the meeting adjourned.

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