

**BOOK 26**  
**December 18, 2024**

**BURLINGTON CITY COUNCIL REGULAR SESSION 12-18-2024**

City of Burlington Governing Body met in Regular Session at City Hall's address, 1013 N. 4<sup>th</sup> Street, Burlington, Kansas, at 6:00 p.m. Wednesday, December 18, 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

**AGENDA:**

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

**MINUTES 12/4/2024:** Mayor Luke, "You have before you the draft minutes of our regular session of December 4, 2024. Are there any additions or corrections?"

*Council Member Curtiss, "I move to approve the draft minutes of December 4, 2024, as presented." Council Member Strawder, "Second." Motion unanimously carried, 5:0.*

**MINUTES 12/3/2024:** Mayor Luke, "You have before you the draft minutes of our special session of December 3, 2024. Are there any additions or corrections?"

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

**APPOINTMENT – Mark Petterson – Smoke on the River**

Mark Petterson, "We are in the planning stages for Smoke on the River BBQ contest. This is the 4<sup>th</sup> year we are going to have it. We started off as a backyard contest, they cook two meats, and then we went to masters the next year with 21 teams. Last year we had 28 teams from eight states. In addition to those teams, we had certified Kansas City BBQ Society judges. Anyway, we are planning to have it. We got the dates approved through KCBS about a month ago. We plan to do it Labor Day weekend again which is August 29, 30, 31, and then Labor Day, September 1. This year we are going to do something a little –well we keep adding to it to try to get more teams. We are going to do what's called a double this year. We are going to have one full contest on Saturday and then one on Sunday. So, we are having two different contests to try to attract more teams, especially the ones chasing points. So anyway, that's it in a nutshell. So, we would like to have use of Kelley Hall, campsites, and the 4-H Building. We haven't used the 4-H Building yet but we might actually do that this year. I'm not sure."

Mayor Luke, "So, that's what, four days?" Mark Petterson, "Four days, yes." City Clerk Brown, "The buildings are available." Mark Petterson, "Of course on Monday it's mainly just clean up." Mayor Luke, "Yeah. Kevin?" Superintendent Boyce, "I'm good." Mayor Luke, "Okay." City Clerk Brown, "They are penciled in the buildings." Mayor Luke, "Any discussion or questions for Mark?"

*Council Member Van Horn "I move to approve Mark Petterson's request to use Kelley Park, including Kelley Hall and the 4-H Building, and the camping sites on August 29, 2025, to September 1, 2025, with all*

## BOOK 26

December 18, 2024

*fees waived for the Smoke on the River BBQ." Council Member Curtiss, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion carried, 5:0.*

Mark Petterson, "Thank you very much."

### **PUBLIC COMMENTS – None**

### **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.

**Tree Trimming:** Superintendent Schneider, "We have been tree trimming where our power lines cross the creek; cleaning those out with the water down and the bugs, and the poison ivy are dormant."

**Equipment Maintenance:** Superintendent Schneider, "We have been doing line and equipment repair and maintenance at the shop on trucks and stuff."

### **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 our normal plant reports."

**Generator Maintenance:** Superintendent Schneider, "We have got our generator maintenance run. We have two units we will run tomorrow and that will get us completed for the month. Then we will get a report submitted to KPP Energy for reimbursement for fuel."

**KPP Energy Membership Meeting:** Superintendent Schneider, "I did attend the annual KPP Energy Membership meeting last Friday the 13<sup>th</sup> in McPherson."

Mayor Luke, "What do the rates look like?" Superintendent Schneider, "For 2025 they are going up a little bit. I am hoping if they are projecting, they stay right, they should go back down in the next few years."

### **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.

**Maintenance:** Superintendent Hawkins, "We did receive a letter from Nathan Westrup from the Water Division of Administration minimum desirable stream flow in the Neosho River due to Marion, Redmond, Council Grove, had enough water in them so they canceled it."

**AMI Meters & Cleanup:** Superintendent Hawkins, "We have also been going around installing new water meters as well. The places where we needed dirt like up around 6<sup>th</sup> street and other places we have been and fixing people's yards. That was much needed done. We got that completed."

**Scraps Metal Sold:** Superintendent Hawkins, "The men did go around and clean up all the stuff and hauled off a lot of the scrap off to the landfill. Then we took the brass that we had, sold it without meters and everything. We did really well with that. We made a little over \$4,200. That will go back into the water fund."

**Equipment Maintenance:** Superintendent Hawkins, "We did have C&B Equipment come down. They did finally get our two pumps done and completed with lift station #4 and lift station #7. That is back up in the line of our spares. That is much needed. They did the rebuilds on the pumps for that."

**Water Leak:** Superintendent Hawkins, "We did fix a very small, tiny, leak on 16<sup>th</sup> and St. Lawrence. It didn't take them very long to get that done."

### **WATER AND WASTEWATER: Production Update**

**BOOK 26**  
**December 18, 2024**

**General:** Normal duties. The plant is running well.

**Pump Maintenance:** Superintendent Hawkins, “We did have the Alexanders come down and they helped us work with some packings on the river pump, on the north river pump. We also got the word that the machine shop is completed now with our pump number two, the south pump. So, they will be arriving here shortly to get that completed. Then both pumps will be done and we should be good with that for the next 25 years. I’m really looking forward to that.”

**Generator Issues:** Superintendent Hawkins, “We are also having a few issues with the generator at the water plant. So, we had Foley Equipment, they have been down several times. They are going to come back again the first of January and do some more troubleshooting on it to see what’s going on.”

**Lime Silo Maintenance:** Superintendent Hawkins, “The only other thing we have is we have Charlie Wheeler that will be here tomorrow. We were having a glitch on our lime silo control panel. So, he will be here tomorrow to help with that.”

**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.

**Alley Maintenance:** Superintendent Davidson, “We have been working on alleys.”

**Hauling Waste:** Superintendent Davidson, “We have been hauling waste to the landfill.”

**Vehicle Maintenance:** Superintendent Davidson, “We replaced some running lights on our dump trucks.”

**Driveway Extension:** Superintendent Davidson, “We installed a driveway extension at Penobscot and 12<sup>th</sup>.”

**Hauling Rock:** Superintendent Davidson, “We started hauling in road rock.”

**Vehicle Maintenance:** Superintendent Davidson, “We have spent a lot of time trying to get our distributor truck back into running condition. We are going to need it next spring. It hasn’t run for quite some time. It has proven to be quite a challenge for us right now. We are starting to overcome the problems but little things keep popping up on us. Hopefully, we will have it ready for next spring.”

**POLICE DEPARTMENT: Update**

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

**Activities/Cases:** Chief Jones, “We have been staying pretty busy. We have been working some injury accidents, noninjury accidents, made some arrests on domestic violence, complaints, doing some juvenile calls again.”

**Christmas Parade:** Chief Jones, “We had a really nice night for the Christmas parade on the 7<sup>th</sup>.”

**City Court:** Chief Jones, “We had court last Thursday and it went well. We had to wait on one of the defense attorneys who did not talk to their clients until court night. So, that took a little extra time to get out of.”

**Bird Flu:** Chief Jones, “We have had quite a few calls and we dealt with a couple of snow geese; a lot of concerns about the bird flu (avian influenza). I have been talking to game wardens and the recommendation is if you see one acting weird, leave it alone. I saw on the news this morning that there are potentially 60 cases of humans that have contracted bird flu this year; apparently, those numbers aren’t all confirmed yet. In humans, it’s flu-like symptoms. One of the other reports I saw we have had two people die from bird flu over the last 30 years. It’s not even as deadly as the normal flu.”

**Nuisance: Properties/Vehicles Update:** Chief Jones, “The trailer we condemned at 1120 Penobscot is demolished and gone. Then the Dewitt property, the one that the tree fell on near the street shop, that one is gone. They took care of that without us even getting involved in it.”

**Bird Flu:** Chief Jones, “If anybody is interested, I do have a web address for more information on the bird flu. I can get that to you afterward if anyone is interested.”

**BOOK 26**  
**December 18, 2024**

**QUESTIONS / COMMENTS**

Council Member Berryman, “No questions but the properties look really good that were taken down. They did a good job cleaning up. And we still have time, Doug, before you retire that we can start on a couple more.” Chief Jones, “I have to wait until after the first of the year because the calendar starts over on the first of the year.” Council Member Berryman, “That works for me.” Council Member Curtiss, “She’ll be there on the first.” Council Member Berryman, “I’ll bring the coffee but they look good. They look very nice.”

**PARKS DEPARTMENT: Update**

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

**Mowing/Snow Removal:** Superintendent Boyce, “We have been trimming park trees yet and mulching leaves in Kelley Park still.”

**Hazardous Tree Removal Cleanup:** Superintendent Boyce, “Then I worked with Trenary’s Tree Care for the hazard tree removals. We are going around now cleaning up the stump grindings, hauling them to our compost, and hauling dirt in. Then next spring we will go back and seed those areas.”

**FINANCE: Claims Ordinance & Payroll Ordinance**

a. Claims Ordinance	2024-24	\$	<u>444,715.29</u>
b. Payroll Ordinance	2024-26	\$	<u>113,255.74</u>
	TOTAL	\$	<u>557,971.03</u>

**CLAIMS 2024-24:** Council Member Curtiss moved to approve City of Burlington Claims Ordinance 2024-24 for the amount of \$444,715.29 for payment of city bills. Council Member Strawder gave the second. City Clerk Brown, “The larger expenses we have tonight are Advantage Computer Jayhawk Software \$10,810.00, Border States Industries \$9,732.45, C&B Equipment DBA Douglass Pumping \$21,480.68, Daves Pumping \$9,631.00, Kansas Power Pool \$125,111.26, Palfinger \$8,880.35, Schwab Eaton \$107,796.70, and Trenary’s Tree Care \$26,425.00.” **Hearing no discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, “Claims Ordinance 2024-24 passed, 5:0.”**

**PAYROLL 2024-26:** Council Member Curtiss moved to approve City of Burlington Payroll Ordinance 2024-26 in the amount of \$113,255.74, as presented. Council Member Strawder gave the second. **Hearing no further discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, “Payroll Ordinance 2024-26 passed, 5:0.”**

**PLANNING & ZONING: Update**

**General:** Zoning Clerk Hugunin, “Normal duties.”

**Nuisance: Grass/Weeds Update:** Zoning Clerk Hugunin, “I am still checking yards. There are still some people mowing and weed-eating.”

**City Hall – Vehicle Maintenance:** Zoning Clerk Hugunin, “I had one city hall vehicle, the new one, had to take it down to Chevy this week. It had some warranty work that needed done, just a tire pressure sensor telling me the tire was flat even though it had 37 pounds of air in it.”

**City Hall – Ice Machine Maintenance:** Zoning Clerk Hugunin, “We had the ice machine in the back serviced and had maintenance.”

**Permits:** Zoning Clerk Hugunin, “When I have been driving around, I have been noticing I found a couple about three sheds that had recently been moved into properties without permits. So, I have been handling them. I have a few permits I am trying to finish up that aren’t done yet.”

**Inventory:** Zoning Clerk Hugunin, “Then if Mary is here tomorrow, I’ll get with her and start getting the inventory out with all the departments.”

**OTHER COMMITTEE OR COUNCIL BUSINESS**

**ORDINANCE 912 – TRASH RATES**

**BOOK 26**

**December 18, 2024**

City Clerk Brown, "This is for the trash rates. Jennifer found some errors on the commercial side so we had to redo it. So, we are reissuing this ordinance to replace the last one with the correct amounts that we need to readopt the ordinance for that. Trash rates will be effective the same, still January 13, 2025."

***Council Member Curtiss, "I move to adopt Ordinance 912, Establishing Trash Rates, to be effective January 13, 2025." Council Member Van Horn, "I second the motion."***

Mayor Luke, "If I remember correctly most of the issue was with the commercial rate?" City Clerk Brown, "Only commercial." Mayor Luke, "Which we don't do but it's part of the ordinance."

**Hearing no further discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Motion passed 5:0**

**LICENSE RENEWALS for 2025:**

Mayor Luke, "This time of year, we have to do the Cereal Malt Beverage Licenses and Trailer Court Licenses for 2025."

**LICENSE APPLICATIONS FOR 2025**

**TRAILER COURT LICENSES:**

BLB Properties      16 lots

**CEREAL MALT BEVERAGE LICENSES (6)**

Across the Borders      Casey's General Store      Dollar General      Pizza Hut      Pete's of Erie,  
Inc.      Family Dollar #33262

***Council Member Curtiss, "I move to approve the Cereal Malt Beverage Licenses and Trailer Court Licenses for 2025 as presented." Council Member Van Horn, "I second the motion."***

Council Member Curtiss, "Are these all now that come through?" City Clerk Brown, "Yes." Council Member Curtiss, "I know before we had somebody that didn't get theirs in time or something. These are all of them?" City Clerk Brown, "I think we have everybody this year." Council Member Strawder, "There is one restaurant I don't see listed on here." City Clerk Brown, "Who is that?" Council Member Strawder, "Cilantros." City Clerk Brown, "They go through the state because they have a liquor license so that covers the cereal malt as well." Council Member Strawder "Alright."

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

**LEGAL DEPARTMENT: Update**

**General:** Mayor Luke, "I spoke with Philip. He is not here this evening he is picking up his son who is coming back into the country after being on a, I guess sabbatical, I'm not sure what they call it with his church."

**Developer's Agreement -Special Session:** Mayor Luke, "Just to let you know he is working on the developer's agreement and he will have that available and hopefully a draft ready for us right around or shortly after the first of the year. We would like to schedule another special meeting for the 8<sup>th</sup> of January which is the 2<sup>nd</sup> Wednesday of the month. Is Wednesday better or is Tuesday better? Now Tuesday is in high school sports and other things."

Council Member Van Horn, "I'm going to be gone so it won't make a difference to me." Mayor Luke, "I would prefer Wednesday this time. I don't know when I will be back from my skin cancer surgery on Tuesday."

***Council Member Curtiss, "I move to have a special meeting on January 8th, 2025 from 4:00 p.m. to 6:00 p.m. to discuss the developer's agreement at City Hall, 1013 N. 4th Street, Burlington, Kansas." Council Member Strawder, "I second the motion."***

Mayor Luke, "Hopefully whatever we can resolve at that meeting we can have everything ready for the following council meeting and have it all addressed." Council Member Berryman, "Oh, New Year's is Wednesday the 1<sup>st</sup>." Mayor Luke, "Yes, there is no meeting." Council Member Berryman, "Does that mean we make it up on another day? We skip it?" Mayor Luke, "Yes." Council Member Berryman, "Thank you."

**BOOK 26  
December 18, 2024**

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

**Legal Update:** Mayor Luke, “That was the only thing I had on legal for Philip. He has several other things. Some of it is through the court.”

**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, cereal malt beverage and trailer court licenses, and council meeting minutes.

**Archiving Social Media:** City Clerk Brown, “You have in your packet a quote list with three different companies that we have visited with on social media archiving. This is something that we need to do to be compliant with the KORA requests stuff. This is like archiving our Facebook page that we have. So, if anything were to come back, we can have that information available. A lot of the times that stuff will get deleted or whatever but we will have that. I would like to recommend that we go with the CivicPlus. It is very user-friendly. They update immediately so it’s live, it’s continually updating. As soon as something is posted or is changed they do update that. They allowed us up to 12 users, which is what we need for people to administrate that. It will also include the Police Department to archive their Facebook page and the Animal Shelter’s page. That will all be covered under this same contract. As you can see on the quote there, their normal price is \$4,688 they had a discount through the 20<sup>th</sup> of this month so we are just barely getting in under that. So, their discount price is going to be that \$1,862 then their annual fee after that will go up. Then there is a 5% increase annually after that. I would like to recommend that we go with CivicPlus as being in the best interest of the city for social archiving.”

COMPANY	One-Time Start Fee ~Estimated~	Annual Fee	Comments
<b>CivicPlus</b>	Normal Total -\$4,688.00 Discount Total- \$1,862.00	\$2,723.00	12 Users 1.6k Records per month
<b>Archiveintel</b>	\$1,080.00	\$1,080.00	3 users - \$10 a month more for each additional user
<b>Brolly</b>	\$5,256.00	\$5,256.00	Unlimited Users 1000 Records per month

Council Member Curtiss, “Why that one over the one that is cheaper?” City Clerk Brown, “For one thing, if we wanted to do 12 users like it says there, they charge \$10 a month per user which is another \$960 a year. And even though it’s still a little bit less they don’t have – they don’t offer quite as nice of a package as far as what is being done and how often it’s being done. We just really like that CivicPlus.” Council Member Curtiss, “This is recommended that we go ahead and do this--.” City Clerk Brown, “Yes, coming into compliance, yes.”

**Council Member Curtiss, “I move to approve CivicPlus as our archiving agency for social media, as being in the best interest of the city.” Council Member Strawder, “I second the motion.”**

Council Member Curtiss, “When will they be able to do this?” City Clerk Brown, “It does not take them long to get it set up because when we had our meeting with them, they had it done in 15 minutes and it was up and live.” Council Member Curtiss, “Okay, good.” Council Member Van Horn, “So where—who is this available to? I mean they are archiving it so where are these records and who accesses them?” City Clerk Brown, “The administrators. Us. We will be able to access those as we need to get into them to find something. That is not just open to anybody.” Council Member Van Horn, “Okay.” Council Member Curtiss, “So in case there is something that comes up that is some kind of a problem or something they can use it, right?” City Clerk Brown, “Right. So, if someone requests an open record and they are requesting everything, sometimes they will request what’s on your Facebook page or there might be something else. We have to be able to provide that. The social media is so prominent now and it’s becoming more, there are possibly other issues with it too, so it’s important to be able to have those records and be able to produce them because if we don’t, we could get in trouble. If it became for a

**BOOK 26**  
**December 18, 2024**

lawsuit or whatever if we can't produce, they will say we know that this was out there or whatever and we --- so this way we will be able to produce it."

Council Member Van Horn, "And how much is it going up next year?" City Clerk Brown, "It will be the \$2,723 next year and then there will just be a 5% increase annually after that." Council Member Van Horn, "Okay, sorry." City Clerk Brown, "No, that's okay."

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

**Office Work:** City Clerk Brown, "I have been very busy lately. I have been working on a lot of different things. I have been working on an annual survey for the local government finances, the 6<sup>th</sup> Street pedestrian bridge grant requirements for the project, reviewing a pole attachment agreement for MT Networks, getting quotes for the social media archiving, and putting the 2025 budget into the CIC system to get ready for next year.

**Budget 2024/2025:** City Clerk Brown, "We will have the 2024 budget open to finish old business and then be able to open the 2025 budget at the same time. So, we will have two years open to handle both."

**Dog Tags:** City Clerk Brown, "Reminder that the 2025 dog tags are due again starting January 1<sup>st</sup>."

**City Hall – Closing:** City Clerk Brown, "City Hall will be closed Wednesday, December 25<sup>th</sup> and Thursday, December 26<sup>th</sup> for Christmas and Wednesday, January 1<sup>st</sup> for New Year's Day. On behalf of the city employees, I would like to thank the governing body for giving us that extra gift day at Christmas time. We appreciate that. Merry Christmas and Happy New Year's."

**REPORT BY CITY OFFICERS:**

Council Member Curtiss, "Everybody have a Merry Christmas and Happy New Year and take food home."

**MAYOR'S COMMENTS:**

Mayor Luke, "Well, in all of my years I've never issued the executive order but this year I'm going to do one and that is for all of you to have a safe and happy and Merry Christmas and a happy New Year. Let all of your families and department members know."

Council Member Curtiss, "What happens if we don't?" Mayor Luke, "I'll ask Larry." Council Member Curtiss, "Okay, depends on what I get for Christmas." Mayor Luke, "I don't have anything to do with that."

Mayor Luke declared the meeting adjourned.

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Anne C. Brown, City Clerk