

**BOOK 26**  
**August 7, 2024**

**BURLINGTON CITY COUNCIL REGULAR SESSION 8-7-2024**

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, August 7, 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 (Administrative Assistant)

Philip Wright (City Attorney)

Jimmy Hugunin (Zoning/Grants Clerk)

Kerri Weltha (Deputy City Clerk)

**Media Present:** Mark Petterson (Coffey County Republican)

**VISITORS:** Robert Skipper, Paul Abendroth, Jay Hale, Holly Myers, Sergeant Randy Stuart

**AGENDA:**

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

**MINUTES 7/17/2024:** Mayor Luke, "You have before you the draft minutes of our regular session of July 17, 2024. Are there any additions or corrections?"

*Council Member Curtiss, "I move to approve the draft minutes of July 17, 2024, as presented." Council Member Ernst, "Second." Motion unanimously carried, 5:0.*

**APPOINTMENT: Bobby Skipper – Circus**

Bobby Skipper, "Council, thank you for seeing me this evening. I hope everyone is staying cool. We were talking earlier how nice and cool it was this morning, but it's still kind of hot for big boys like me. I am here to talk about the circus. I think where we left off was the council had generally or had I ever spoke about --. No, I haven't been before you about the circus yet. So, we got approached a couple of weeks ago from the circus who was here two years ago saying that they would like to come again. I got with Kevin and asked what would be needed to do this, and Kevin got back with me and said that he is okay with it to some degree, but I'm here tonight to ask formal permission from the council to host the circus again on September 9<sup>th</sup> starting at 5:00 for the first show and 7:30 for a second show for a one-day circus at Kelley Park. Kevin hasn't elaborated where exactly he would like to have the circus set up. If the council approves tonight, I'd like to work with Kevin to figure out what he wants to do."

Council Member Ernst, "So they won't be doing like what they did like the last one where they had the school kids coming in and everything like that? It seemed like they had a preshow for the schools or something like that." Bobby Skipper, "The school actually paid for it." Council Member Ernst, "Oh, okay." Bobby Skipper, "I don't think that would be the case this time. It will be on a Monday, too; September 9<sup>th</sup> is on a Monday." Council Member Mays, "So, they could do it again." Bobby Skipper, "Yes, they could. It could be done." Mayor Luke, "I know they did all the schools in the county last time, and each of the school districts covered their tab." Bobby Skipper, "That's right." Mayor Luke, "Any concerns or questions?" Superintendent Boyce, "I touched base with the Rec Center, Saddle Club, and Fair Board, and none of them have an issue with it." Mayor Luke, "So, basically, it could kind of go in the same area as last time?" Superintendent Boyce, "Same area, but no trucks on the ballfield. The tent can be on the ballfield, but no trucks." Bobby Skipper, "Very good." Mayor Luke, "And the same type of insurance and all the other stuff as last time?" Bobby Skipper, "They went ahead and sent me proof of coverage. I emailed the clerk, Miss Anne, earlier, but they have already sent over a binder of general liability naming the

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City of Burlington as additional insured.” Council Member Ernst, “And there is nothing else going on down at the park on that specific day or anything like that?” There is nothing else going on.

***Council Member Ernst, “I move to allow the circus to be held in Kelley Park on September 9, contingent upon the execution of agreements for insurance and maintenance for indemnification for the city.” Council Member Curtiss, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.***

Bobby Skipper, “Thank you so much.”

### **APPOINTMENT: Holly Myers – Coffey County Chamber of Commerce**

Holly Myers, “Good evening, and thanks for putting me on your agenda for the evening. The Coffey County Chamber would like to rent or have the building back that we had before if that is okay with the city.”

Mayor Luke, “It’s sitting empty right now, isn’t it?” City Clerk Brown, “Right, it has been since the first part of June. We would do the same lease agreement that we did before. They would be rent-free, our membership would be covered under that, any major maintenance that needs to be done, we will take care of that, then any little beautification things that they want to do, that would be on them. There is a copy of the lease agreement in the packet.” Mayor Luke, “The same as before?” City Clerk Brown, “Yes.” Holly Myers, “And we are responsible for the utilities.” City Clerk Brown, “Right.” Mayor Luke, “And when would you be looking at taking--?” Holly Myers, “We had discussed August 1<sup>st</sup>.” Council Member Ernst, “So, very soon.” Holly Myers, “Yes, very soon, whatever is best for you.” City Clerk Brown, “Immediately.” Holly Myers, “Yeah.”

Council Member Ernst, “Is this something that this lease just expired or what--?” City Clerk Brown, “No, the Chamber kind of dissolved because Melissa moved out of state, and they didn’t have...they thought they were going a different direction than that. You can tell more on that.” Holly Myers, “So, when Melissa was here, we did not know this was going—we were going to come back with the chamber. As far as we knew, it was going to be dissolved. We are just bringing it back. We are dissolving the other chamber and coming back with a different name.” Mayor Luke, “Will it be occupied daily, Monday through Friday?” Holly Myers, “We are hiring a full-time person this time. So, yes, well, she will be working in and out of the office. Hopefully, he or she will be out finding and, you know, out doing the job. It’s an eight-to-five position, and it will be full-time.”

Council Member Ernst, “And this is just a year-to-year lease where they have to come back in, or is it something we can just—they just say that they want to renew it and it be done without having to come back?” Mayor Luke, “It’s a perpetual lease.” City Clerk Brown, “Yes, it just keeps going.”

***Council Member Curtiss, “I move to accept the Chamber of Commerce lease agreement for 305A Neosho Street as presented.” Council Member Mays, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.***

Holly Myers, “Thank you.”

### **PUBLIC COMMENTS: (1)**

Paul Abendroth, “Yes, I’ve got a couple of things. On the mill levy, they raised our appraisal value 15%; how much is that going to affect everything on the mill levy? I don’t see why the mill levy should be going up that much. You’re going to have to think about the retired people that they are going to be able to afford all of this mill levy increase with the appraisal value, right?” Mayor Luke, “There is a slight increase on the city side, yes, but it’s not that. It’s not the 15%.” Paul Abendroth, “Well, it’s something to be considered. Okay, I want to know the difference between the claim’s ordinance and the check register. Why are they different? They vary from—I have nine of them down here, and they vary \$40,000 to \$90,000 difference. That’s over half of a million dollars.” City Clerk Brown, “They should not vary.” Paul Abendroth, “That’s right, they should not vary. They should be down to the penny.” City Clerk Brown, “And they are.” Paul Abendroth, “Why is there--?” City Clerk Brown, “I am not sure what you are looking at.” Paul Abendroth, “I have one copy here.”

City Clerk Brown, “I don’t know where you came up with your totals on this. The claims ordinance takes all of the warrant ordinances and payroll, and they add it together, and they both have to match, and they do match every time, and I make sure of that.” Paul Abendroth, “You’re including the payroll in these?” City Clerk Brown, “Correct.” Paul Abendroth, “Well. The payroll is more than what is the difference on these two.” Mayor Luke,

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“Can we have a chance to compare and look at this to get you an answer? There are numbers there and dates and other things, and I can’t answer your question at the moment. I agree with Anne; they are supposed to match.” Paul Abendroth, “They are. They should. And they have not matched as long as I have been coming in here.” City Clerk Brown, “We will look at this and get back to you on it.” Mayor Luke, “Do you want us to make a copy of this?” Paul Abendroth, “You can keep that, I have a copy also.” Mayor Luke, “Okay.”

Paul Abendroth, “Also, if the mill levy is going up because of the money they have to pay these retired people, that should come out of this year’s budget, not next year. If you need more money, then you’re going to have to dip into what you have on savings and all. That should not come out – we should not have to pay that next year; that should come out of this year’s budget.” Mayor Luke, “They haven’t retired yet. You can’t pay them retirement if--.” Paul Abendroth, “Well, that’s what I’ve been hearing that that’s the reason the mill levy is going up because their money, their-- whatever you call it, the money they get when they retire.” Mayor Luke, “The mill that is being proposed is going up two mills. That represents less than \$40,000 of annual revenue for next year.” Paul Abendroth, “\$40,000 total amount?” Mayor Luke, “Total for our millage increase change. Okay? Beyond that, because it’s going from 38.86 mills to just right at 41.5 mills. That is the millage increase for the city; at least the proposed one. Each mill represents about \$21,000.” Paul Abendroth, “Which is going to affect how much for each individual?” Mayor Luke, “Well, that’s going to depend on how much your house is valued at and what other things.” Paul Abendroth, “A mill equals around \$20,000?” Mayor Luke, “Yeah, \$21,000 is one mill. It’s going from 38.8 to just over 41.”

Paul Abendroth, “I think you guys need to consider cutting back on some expenses. I have a question. I was sitting up at Hoover’s the other day. Do you guys have a soda machine in this building that you sell your soda to? Why were two carts of sodas coming out and put into a city truck? \$118 was on the following council meeting expenses for this place here. Where was the soda going?” Zoning Clerk Hugunin, “It went to the fire station because I got a call from Randall Brown to see if I could go pick it up.” Paul Abendroth, “Okay.” Zoning Clerk Hugunin, “That’s what it was.” Paul Abendroth, “So, that’s in Randall Brown’s budget, then?” Zoning Clerk Hugunin, “That’s in station #3’s budget.” Paul Abendroth, “Then why was \$118 assigned to this? Do you pay for it?” Zoning Clerk Hugunin, “What are you talking about.” Paul Abendroth, “The soda pop.” Zoning Clerk Hugunin, “We don’t do any pop here.” Paul Abendroth, “Jimmy, you had two carts --.” Zoning Clerk Hugunin, “That all went to the fire station.” Paul Abendroth, “Does the fire station pay for it then?” Zoning Clerk Hugunin, “Yes. Fire station 100% paid for that. They just asked if I’d pick it up, and I did.” Paul Abendroth, “Okay.” Zoning Clerk Hugunin, “That’s all it was.”

Paul Abendroth, “I saw \$118 in expense for this place here.” City Clerk Brown, “From Hoover’s?” Mayor Luke, “Does Bonnie buy stuff up there?” City Clerk Brown, “Everybody buys stuff up there. It could have been anything.” Paul Abendroth, “Sorry, I didn’t hear you, Anne.” City Clerk Brown, “I said everybody—are you talking Hoover’s?” Paul Abendroth, “Yes.” City Clerk Brown, “It could have been anybody. All of the departments purchase stuff up there; cleaning supplies--.” Paul Abendroth, “This was soda pop specifically. Two carts.” City Clerk Brown, “How do you know the amount that you saw was for soda pop?” Paul Abendroth, “All I saw was an expense paid out for here.” City Clerk Brown, “Okay, so it could have been anything.” Paul Abendroth, “That’s what I wanted to find out.” Mayor Luke, “It was not the soda pop.” Paul Abendroth, “So, do you councilmen check any of this stuff on the register each meeting time or not, or do you just take their word for it?” Mayor Luke, “The finance committee goes through all of the invoices. Attached to them are all of the sheets that were charged off on that particular work order for that particular job. We have every one of those.”

Paul Abendroth, “The thing is the different amounts on these on what the check register and the claim ordinance amounts to would not cover the payroll summary.” Mayor Luke, “Like I said, we will go through that and find out what everything is there so we can get you a correct answer.” Paul Abendroth, “If you have to hire somebody extra other than the city employees what they got equipment to do all this work, if you have to hire somebody else, you better get an estimate first other than saying come in and do this job and then they can charge you whatever they want to.” Mayor Luke, “Agreed.” Paul Abendroth, “Because they can screw you over in a hurry.” Mayor Luke, “Oh yeah, fully aware. We will address that and get you answers.” Paul Abendroth, “I appreciate it.”

**PUBLIC COMMENTS: (2)**

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Jay Hale, “I think that the idea that the circus has asked us to come back to town speaks well of the town. If we are open to them. I think it speaks well of the town if they called us wanting to come back. So, kudos to the town. Kevin, I’d like to say thanks. I went downtown, and all of the flowers, it was hot and dry, and everything was looking nice. That doesn’t just happen. Look at your own yard. We appreciate the effort that you and your crew are doing there. Actually, all of the department heads, I saw a crew, I don’t know which crew they were from, but they were trimming some trees. Everybody had their hard hat on; they were alert in what they were supposed to do, and that speaks well of leadership. Sometimes, you get away from the boss, you take your hat off, you want to get cool, get in the shade and stuff, and none of that was happening. For leadership in the department heads, I just want to give kudos.” The council members thanked Jay.

**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.

**Service Replacement:** Superintendent Schneider, “We replaced the electric service at one of the buildings at the street department. The old service had failed. We had to replace that.”

**Fair Assistance:** Superintendent Schneider, “We did our Coffey County Fair prep, and then we helped the Fair Board afterward as well as before, hanging and taking down the banners as we do every year.”

**Equipment Maintenance:** Superintendent Schneider, “The men have been doing some equipment maintenance.”

**Outages:** Superintendent Schneider, “I’m glad to say that we have had no outages since the last council.”

**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.

**Painting:** Superintendent Schneider, “As I said, they are still painting. They will be doing that for a while.”

**Reports:** Superintendent Schneider, “We are still completing plant reports. Right now, they are just internal plant reports.”

**KPP Energy Capability Testing:** Superintendent Schneider, “We did our annual KPP Energy capability testing on all our generators. That is complete. Just a reminder, this is used to calculate our annual capacity payments the city receives. Fuel usage has been sent to KPP Energy for reimbursement. I got something new. This is really good news for all of the KPP member cities. They have decided the fuel that is used by these generating operating cities-- they have decided to reimburse for not only our capability runs but also for our maintenance runs. Some of the reasons they decided to do that was one operability meaning that the generators are being exercised and service-ready in an emergency and upon requested generation. Also, there are so many new plant operators in our member cities that this also adds training opportunities that will not put financial strain on our communities. There are some rules and limitations to that, but that is definitely benefitting us as well. I think it’s a great thing.”

**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.

**Leak:** Superintendent Hawkins, “We repaired a small leak over on Niagara Street.”

**AMI Meters:** Superintendent Hawkins, “We have been covering up a lot of the northern part of Burlington with the new meters. We have over 200 meters now in the ground. We still have about 67 left to finish up the north side from Kennebec north, and then that entire part of the town will be completed until we get the next load

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of meters in. We have been coming in around 7:00 a.m., trying to avoid some of the heat and working through that. We've spent a lot of time doing that."

**New Service:** Superintendent Hawkins, "We put in a new water line service over on Juniatta street. We got that one completed today. That is out of our hair as well."

**Equipment Maintenance:** Superintendent Hawkins, "We also had C&B Equipment come in; they got the installation put in on the #2 pump on pump station #4, so that is up and going. They also adjusted the wear plates and everything on those. They have been running really good for us right now."

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

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

**Water Usage:** Superintendent Hawkins, "We are running lots and lots and lots of water. We are 750,000 plus. We usually pump over 800,000 gallons a day. It's just that time of the year that people are watering cattle and everything else. We pump a lot of water with that."

### **WATER AND WASTEWATER: Personnel – Cody Cowan**

Superintendent Hawkins, "The only thing I have left is the evaluation of Cody Cowan. I did an evaluation on him. I am extremely pleased with Cody; he has been very great for us as an asset there. He comes in always on time and ready to go to work. He will cover guy's shifts and has a great attitude. He has shown a lot with plasma cutting, welding, and metal fabrication, so he has saved us a lot of time and stuff with that. I would recommend that we would give him a 5% increase in his merit increase."

***Council Member Van Horn, "I move to accept Cody Cowan's personnel evaluation as presented, and to grant a pay increase to \$23.78 per hour, effective August 17, 2024." Council Member Ernst, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.***

Mayor Luke, "Tell Cody thank you for a good job." Superintendent Hawkins, "Absolutely, thank you all."

### **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.

**Cemetery Maintenance:** Superintendent Davidson, "We picked up several dead trees out at Mount Hope Cemetery."

**Coffey County Fair Parade:** Superintendent Davidson, "We set up signs and barricades for the fair parade."

**Spraying Weeds:** Superintendent Davidson, "Sprayed for bindweed."

**Culverts:** Superintendent Davidson, "We replaced two drive culverts and put in one new drive culvert."

**Road Maintenance:** Superintendent Davidson, "We dug out a soft spot at 14<sup>th</sup> and Cumberland and replaced it."

**Street Line Painting:** Superintendent Davidson, "We painted stop lines and crosswalks around and in front of the schools with the approach of the start of school."

**KMU Training:** Superintendent Davidson, "We attended the safety meeting."

**Thank you's:** Superintendent Davidson, "I wanted to say thank you to Alan and his department for helping with our electrical issues."

### **POLICE DEPARTMENT: Update**

**General:** Sergeant Stuart, "Normal duties."

**Coffey County Fair Week:** Sergeant Stuart, "We finished fair week. That was a lot of hours. I appreciate all the work that my men have done over the fair week. They put a lot of hours in."

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**Personnel Training:** Sergeant Stuart, “Mike Roney just graduated from computer voice stress analysis school. He is now a certified examiner for truth verification. We are fully intending to use everything that we can out of him. He worked hard for it; he earned it. I’m proud of him for the hard work he put in.”

**Nuisance: Properties/Vehicles Update:** Sergeant Stuart, “We have started issuing citations for nuisance properties under the health ordinance, for nuisance vehicles, and nuisance properties. We will continue to serve out NTAs (Notice to Appear) as we can get a hold of the homeowners. We are going to continue to serve paperwork to them to abate nuisances as we can get ahold of the homeowners; that is never-ending.”

**POLICE DEPARTMENT: Nuisance Structure – 1120 Penobscot – Resolution 2024-03**

Sergeant Stuart, “I do have one thing for the council, and that is the property at 1120 Penobscot. Chief is recommending that we proceed with condemnation proceedings for this property. He has already been in contact with the owner, who has requested to proceed on with the condemnation of that property. I do have photos for council members for those who would like to see.” Mayor Luke, “The same photos we have in the packet?” Sergeant Stuart, “Yes.”

***Council Member Berryman, “I move to approve Resolution 2024-03, to set the date, time, and place of a Public Hearing for 1120 Penobscot Street to determine whether structures thereon should be condemned as unsafe and unfit, and to be demolished.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.***

**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 have been mowing and spraying weeds in gravel areas and sidewalks downtown.”

**Watering:** Superintendent Boyce, “We have been watering flowers and trees. That has been most of our time.”

**Coffey County Fair:** Superintendent Boyce, “I worked with the Fair Board during the fair on parking lot set up and stuff like that.”

**Building Repairs:** Superintendent Boyce, “We did have one sewer line plugged up during the fair. It was from the fair office out to the main. It was tree roots. We got that cleared last week. In the process of my working in the building there, the A/C unit was not functioning correctly. The parts have been ordered for it; it should be in the first of next week. That will all be back up and taken care of.”

**FINANCE: Claims Ordinance & Payroll Ordinance**

a. Claims Ordinance	2024-15	\$	<u>174,262.78</u>
b. Payroll Ordinance	2024-16	\$	<u>111,269.78</u>
	TOTAL	\$	<u>285,532.56</u>

**CLAIMS 2024-15:** *Council Member Curtiss moved to approve City of Burlington Claims Ordinance 2024-15 for the amount of \$174,262.78 for payment of city bills. Council Member Ernst gave the second. City Clerk Brown, “The larger expenses we have tonight are Axon Enterprise \$4,032.00, CIC \$8,040.00, Kutak Rock \$4,957.85, Machine Shed \$5,713.18, TankSpec \$19,400.00, and US Lime Company \$5,520.99.” Hearing no discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, “Claims Ordinance 2024-15 passed, 5:0.”*

**PAYROLL 2024-16:** *Council Member Curtiss moved to approve City of Burlington Payroll Ordinance 2024-16 in the amount of \$111,269.78, as presented. Council Member Ernst gave the second. Hearing no discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, “Payroll Ordinance 2024-16 passed, 5:0.”*

**FINANCE: Authorization to Publish the Notice of Revenue Neutral Rate Hearing & Budget Hearing**

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City Clerk Brown, “We need the authorization to publish the notice for the public hearing for the RNR rate and the budget. It will be published on the 15<sup>th</sup> of August, and the hearings will be held on September 4<sup>th</sup> at 6:20 p.m.”

***Council Member Curtiss, “I move to authorize the publication of the Notice of Public Hearing for the City of Burlington's Revenue Neutral Rate at 6:20 p.m. and 2025 Budget at 6:30 p.m., which will be held during the City Council meeting on September 4, 2024, at 1013 N. 4<sup>th</sup> Street, Burlington, Kansas.” Council Member Ernst, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.***

**PLANNING & ZONING: Update**

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

**Census Report:** Zoning Clerk Hugunin, “I’ve been working on updating the census report for this month.”

**Nuisance: Grass/Weeds Update:** Zoning Clerk Hugunin, “I am still checking on yards. I have a couple of people I have been talking to. One got taken care of today.”

**Permits:** Zoning Clerk Hugunin, “I have several permits going. There are a few houses going up. There have been several here this year; Cara is one of those. I have been updating the permits to get them up to the courthouse.”

**QUESTIONS / COMMENTS**

**City Hall – Front Sign:** Council Member Curtiss, “What about our sign?” Zoning Clerk Hugunin, “The part is in. We are waiting on the crew to come back from Texas.” Council Member Curtiss, “Are we getting any reimbursement for never being able to have that in working at all?” Zoning Clerk Hugunin, “Well, they are taking care of everything under warranty, so it’s not costing us anything.” Council Member Curtiss, “Okay.”

**Ordinances Questions – Basement & Pools:** Council Member Berryman, “Jimmy, I have a question about ordinances. When a basement is being dug or an excavation is there any ordinance that says that there has to be like tape around it or – nothing cautionary?” Zoning Clerk Hugunin, “No.” Council Member Berryman, “And is there any ordinance for ladders going into pools, being left overnight?” Zoning Clerk Hugunin, “They should be folded up at night.” Council Member Berryman, “So, when they are not, should that be--.” Zoning Clerk Hugunin, “If it’s in a fenced in yard, it can be down. If it’s not in a fenced-in yard, it has to have a gate on it or be locked up. That’s on a pool above a certain height, too.” Council Member Berryman, “Do you know off hand what that height is? I’ve looked through ordinances--.” Zoning Clerk Hugunin, “I think the height is five foot if I remember correctly.” Council Member Berryman, “Do pools come with the ladders secured to the pool, or are they--.” Zoning Clerk Hugunin, “Most are just a drop in ladder.” Council Member Berryman, “Okay, “Thank you.” Zoning Clerk Hugunin, “They do make some that have gates on them, and I have been having a few people buy those so they can lock it.” Council Member Berryman, “Okay, thank you.”

**ORDINANCE 907 UPOC & 908 STO**

Mayor Luke, “Randy, do you want to talk about the ordinance for the uniform public offense code or Philip?” Attorney Wright, “I can do it. You have in the packet two ordinances, 907 & 908. We do these ordinances about every year, and essentially, what it does is the Kansas League of Municipalities publishes it approximately every year as an update to the uniform public offense code; we call it UPOC, or the standard traffic ordinance, or the STO. They are two different sorts of sets of criminal codes that we use in municipal court. That just gets updated. Kansas updates that frequently to be in conformance with changes in the law, whether that be legislative changes or sometimes there are case law changes that affect that. That is why we have this in front of you today. It is something that we have done multiple times. I don’t know if anyone has questions about that, but that is what it is.”

Council Member Curtiss, “Are there any changes to this one?” Attorney Wright, “I don’t know the specific changes that were made. I think everything has been pretty minor, to be honest with you.” Sergeant Stuart, “They were very minor.” Council Member Curtiss, “Okay.” Attorney Wright, “In fact--.” Sergeant Stuart, “I think disorderly conduct was one.” Attorney Wright, “Yeah.” Sergeant Stuart, “I just remember the disorderly conduct. Oh, one was referring to the peeping tom; we no longer report to the KBI on that, and there was another one. They

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were really minor other than the disorderly conduct.” Council Member Curtiss, “Okay.” Attorney Wright, “I would encourage you to view them if you haven’t done so to get a copy of the UPOC or the STO from Anne, and you can review that. Those are basically the criminal offenses that we are enforcing in municipal court.”

Council Member Ernst, “And that’s related to ordinance 907?” Attorney Wright, “907 actually deals with the UPOC, and 908 is the standard traffic ordinances or the STO. So, the UPOC is stuff like disorderly conduct, it’s person crimes, and the STO is traffic stuff.” Council Member Curtiss, “Thank you.”

***Council Member Ernst “I move to adopt Ordinance 907, Uniform Public Offense Code for Kansas Cities, 2024 Edition.” Council Member Curtiss, “I second the motion.” Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, “Ordinance 907 passed, 5:0.”***

***Council Member Van Horn, “I move to adopt Ordinance 908, Standard Traffic Ordinances for Kansas Cities, 2024 Edition.” Council Member Curtiss, “I second the motion.”***

Council Member Ernst, “I have a question in regard to section two of it. Is it saying now golf carts are illegal or is that incorrect?” Attorney Wright, “Let me take a look. I think I know what you’re talking about.” Council Member Ernst, “It just says unlawful operation of a golf cart.” Council Member Curtiss, “You have to get a tag and have insurance.” Mayor Luke, “You can’t drive it if you’re under a certain age; you have to have seat belts with this, --.” Council Member Ernst, “So, nothing is changing.” Mayor Luke, “It’s the same.” Council Member Ernst, “Okay.” Sergeant Stuart, “It also refers to them operating it on the highway, interstates – it sets the—so if someone is operating it down the highway, they now know that they will be getting a ticket. It won’t be a UPOC; it will be an STO.” Mayor Luke, “Nothing has changed. You can cross the highway, but you can’t go up and down it.” Council Member Ernst, “Right.”

***Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, “Ordinance 908 passed, 5:0.”***

**RESOLUTION 2024-04- Transfer of Funds**

Mayor Luke, “We have the resolution to authorize the transfer of funds from the general to the vehicle inspection budget line.”

***Council Member Curtiss, “I move to approve Resolution 2024-04, Transfer from the City’s General Fund Of \$10,551.30 Per Year for Four Years Beginning Fiscal Year 2025 To Reimburse Vehicle Inspection Funds to the Burlington Police Department.” Council Member Ernst, “I second the motion.”***

Mayor Luke, “These funds were collected and placed in the general budget and not in the police department's budget as required. So, we are transferring the funds over a four-year period of time out of the general budget and into the budget item line that it was supposed to be in. So, it’s just moving funds from line A to line B that requires that a resolution be passed to do such.”

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

**LEGAL DEPARTMENT: Update**

***General:*** Attorney Wright, “Normal duties. I have been working on a few things since I’ve been back.”

***Kwikom Pole Attachment Agreement:*** Attorney Wright, “I have been working with Kwikom on pole attachment agreements. I think as of this afternoon, we’ve got that finalized that will be presented at the next council meeting. We will get that distributed.”

***Resolution:*** Attorney Wright, “I drafted the VIN resolution that you just passed.”

***Municipal Court:*** Attorney Wright, “I had to respond to a couple of KORA requests mostly involving criminal defenses in municipal court. I have had several other municipal court inquiries.”

***Claim:*** Attorney Wright, “Reviewed and made recommendations on a small claim against the city.”

***Schwab Eaton Agreement:*** Attorney Wright, “I began review on the Schwab Eaton engineering agreement. I am not completely through that yet, but I have started that.”

***Ordinances:*** Attorney Wright, “I reviewed the ordinances, the STO and UPOC that were presented today.”



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**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. For July, we will be sending \$4,169.82 in delinquent accounts to the Kansas set-off program for collections.

**Police Department – Active Shooter Training:** City Clerk Brown, “We had the police department come up here on Monday, and they did an active shooter training in our building. I think they were very pleased to be able to come into a building and be able to do that, have that training. They said it went really well. I don’t know if you want to elaborate on that anymore, Randy.”

Sergeant Stuart, “Kyle Black put on a three-hour training for building entries. We did several moves through the building here. It was a good time. We appreciate it. Thank you very much for allowing us to use City Hall.” City Clerk Brown, “Glad to do that for you.” Sergeant Stuart, “And no one got hurt, so I’m happy about that.”

**Chamber of Commerce:** City Clerk Brown, “I have been working with the chamber to get the lease agreement for them to get things set up for that.”

**2025 Budget:** City Clerk Brown, “I have been busy on the budget.”

**Online Code/Billing Software:** City Clerk Brown, “We are looking at different codifications with Mary’s help. She has been contacting people and getting those set up so we can do Zoom meetings with them. Also, we have been contacting software companies and billing to do Zoom meetings with them, too. We have been very busy with that.”

**OTHER COMMITTEE OR COUNCIL BUSINESS**

**REPORT BY CITY OFFICERS:**

**MAYOR’S COMMENTS:**

**Developers Agreement:** Mayor Luke, “The only thing, Philip, we spoke briefly about the ordinances on the developers’ agreement. We just need some clarification on what we can and can’t do and how to make changes, turning that into a template instead of a mandatory device that has changes.” Attorney Wright, “Yeah, I think we are going to have to have more discussion on that. You know where I am.” Mayor Luke, “Yes.”

**Burn Pile – Drake Park:** Superintendent Boyce, “One thing I forgot. I did have a complaint on it today; it was my wife. Somewhere around 3:00 this morning, the city brush pile was lit. I was not out at 3:00 this morning. I did not light it. The smoke was blowing into town. Normally, when I light it, I check the weather to see and make sure it’s not going to be blowing into town. I’m sure Randy is on top of it and will probably have somebody in custody tomorrow.” Sergeant Stuart, “No.” Mayor Luke, “No pressure, Randy.” Sergeant Stuart, “We had one individual staying down here at the city dam; it was an older gentleman, staying in a tent; I don’t believe it was him. He had a bicycle, and he was basically out of here by 6:00 in the morning because I drove by there. Kyle did notice it and did not see anybody leaving it; never saw anybody. He did keep an eye on it throughout the night. Whenever I came on, he made me aware of it. Apparently, we got another call at that point about it. I looked into it. We don’t have anything. I was going to call Kevin at 6:00 a.m., but I did not want to wake the sleeping bear.” Superintendent Boyce, “I need all the beauty sleep I can get.”

Council Member Ernst, “So it didn’t cause any problems other than smoke.” Sergeant Stuart, “Yeah, it was perfectly contained.” Superintendent Boyce, “The smoke comes into town. I assume there were more complaints about it than just my wife. She’s the only one I heard.”

**Chief Jones Surgery:** Mayor Luke, “For those of you that didn’t know, the Chief had surgery on Monday. We have a get-well card here. If you would like to sign it, then we will forward it to him. I understand he is doing well.” Sergeant Stuart, “Yes, he is home and actually already started physical therapy. He is planning in three weeks having the other leg done. I wish him well. He is doing good. He said the first physical therapy went well, and he is moving right along.” Council Member Berryman, “And he said I could nag you while he’s gone.” Sergeant Stuart, “I figured he probably had.”

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Mayor Luke declared the meeting adjourned.

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