

**BOOK 26**

**September 18, 2024**

**BURLINGTON CITY COUNCIL REGULAR SESSION 9-18-2024**

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, September 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:** Paul Abendroth, Jay Hale, Jeff Shamburg, John Terry

**AGENDA:**

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

**MINUTES 9/4/2024:** Mayor Luke, "You have before you the draft minutes of our regular session of September 4, 2024. Are there any additions or corrections?"

*Council Member Curtiss, "I move to approve the draft minutes of September 4, 2024, as presented." Council Member Ernst, "Second." Motion unanimously carried, 6:0.*

**APPOINTMENT – John Terry – Kwikom Pole Attachment**

John Terry, "Thank you council. I'm here with a pole attachment agreement that Kwikom has been working with the city on with Anne and Philip. We have gone through several different versions of the draft. We have come to a draft that Philip agreed to and that our council agreed to. So, I am here to ask for council approval to execute the pole attachment agreement. We did sign our portion of it. This would be to permit the attachment of fiber optic internet lines to the city utility poles." Mayor Luke, "Any questions?" Council Member Ernst, "And this is going to come in later?" Attorney Wright, "This is Ordinance 909." Mayor Luke, "We will go ahead with 909 now but I wanted any questions out that anybody might have. Philp, anything that we need to..." Attorney Wright, "I don't think so. You guys have the ordinance, which has the agreement in it."

**ORDINANCE 909**

*Council Member Ernst, "I move to adopt Ordinance 909, granting JMZ corporation, a Kansas corporation, doing business as Kwikom, a non-exclusive license authorizing Kwikom to attach its network facilities to City facilities for a period of five years subject to renewal to maximum term of twenty years regulating the same and providing for compensation to the city." Council Member Curtiss, "I second the motion." Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, "Ordinance 909 passed, 6:0."*

**PUBLIC COMMENTS**

Jay Hale, "You skipped over me last time, but like a bad penny, I came back. I'd like to make a recommendation. I'm not a big PR kind of person, but I think that you can make some money with the city, with the population of the city. Not literally money but make some goodwill. Back, I don't know which meeting this was, August 7<sup>th</sup>, you approved two ordinances. 907 and 908. Both of them were just updating some public offense code and traffic ordinances and they need to update sometimes, it happens. But I think what could happen because

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Paul and I are typically the only guys in here, it might be good if the mayor or the city clerk or someone like that, these things are happening. Just you might want to read 907 or 908 for yourself at the City Hall, or at URL whatever, just let the people know, summary, these things updated, the traffic code, not details, because we don't want to create legal things, but to say where you can go find and read these because frankly, I wouldn't know where to go if I wanted to read these ordinances. And it just might make some public goodwill to kind of be an information hub on some things like that.”

Mayor Luke, “I think that's easy to do.” Attorney Wright, “Just for your information, those ordinances are rather short and they just adopt kind of a standard ordinance and there's copies of those standard ordinances for the public to come in and see at any point in time if they want to come in and review those in here.” Jay Hale, “In here?” Attorney Wright, “Yes, here.” Council Member Van Horn, “Okay, is that one of those things that if we get a city portal or whatever you call it, that it would be available?” Attorney Wright, “Let me answer that one. The actual uniform code that we're using we would have to buy an additional license agreement in order to publish that online because it's copyrighted material. So, we could. We'd have to look into see how much that kind of license agreement would cost. Right now, we're just purchasing the paper copies of those standard ordinances. Does that answer your question?” Council Member Van Horn, “Yes.” Attorney Wright, “Okay.” Jay Hale, “I only recommend that because Anne told us last week that she wasn't busy enough up here and I just thought...” City Clerk Brown, “Thank you for that, 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.

**Tree Trimming:** Superintendent Schneider, “Our main focus, as I said last council, we're still doing tree trimming. They are really making progress on that.”

**Line Maintenance:** Superintendent Schneider, “The men are doing some normal line maintenance.”

**Line Locates:** Superintendent Schneider, “As always, plenty of line locates.”

**Callout:** Superintendent Schneider, “I don't have any outages to report since last council, but did work one call in the 700 block of Neosho. It turned out the customer's equipment on their side of the meter was faulty. It was a short call out and we communicated with the customer and they took it from there.”

### **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, “Cleaning and painting. That's The main activity going on.”

**KPP Energy Task Force:** Superintendent Schneider, “Denny Noonan did attend the monthly KPP Energy generation task force meeting at the KPP Energy offices in Wichita, last Friday. They're doing a lot of good things.”

**Public Power Week Proclamation:** Superintendent Schneider, “Public Power Week is coming up. We have done some things in the past for the public. I am not sure what we are going to do this year for Public Power Week. Anne and I have not sat down and visited about how involved we want to be this year.” Mayor Luke, “Alright, everybody has a copy of the proclamation in their packet. We will get it out to the public.”

### **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.

**Sewer Line Maintenance:** Superintendent Hawkins, “The men went down and cleaned tree debris off of the sewer lines down in the bottom of the Rock Creek. They went down and chainsawed.”

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**Lead and Copper Surveys:** Superintendent Hawkins, “We’ve been spending a tremendous amount of time going around and collecting pamphlets and doing lead and copper. I want to thank the public and Mary again for all of her help. So that’s drawing to the end of it right now.”

**AMI Meters:** Superintendent Hawkins, “And in between doing that, we’ve been out doing water meter installs.”

**Pre-treatment Clarifier:** Superintendent Hawkins, “I’m glad to see Chris here tonight. I don’t know if you all met Chris. I’m sure you have. He is the foreman at the water plant, but he keeps that thing going really well. And I want to thank him for that and the plant has been really well. I know that he’s here also to see if we can move forward with the plant as well. He’s just as excited as I am. So, with that said, I’m going to give Jeff his three hours of speech.”

Jeff Shamburg, “I guess since Danny didn’t sit up here with me tonight, I’m really in the hot seat. I really don’t have a presentation for tonight. I’m here to answer any questions you guys have about the agreement that we left with you a couple cycles ago. Any questions about the project? We met with the water committee on Monday and we kind of went through a lot of it. Addressed some of the questions and concerns they had. By and large, I mean where we’re at in the project right now we’ve continued to kind of chip away at things and be as involved as we can without, honestly, without extending too much risk for our firm without having an agreement in place, but trying to keep things moving along. We don’t want to be the reason why things drag. So, we’ve continued to have conversations relative to the chip facility and understand where that plays into this. Kind of work through some of the early brainstorming, kind of things, as much as far as we can push things really without getting surveyors on the ground and getting a lot of CAV work and line work going those sorts of things. So, we’re pretty much about to the end of that rope. But that’s, I don’t know, that’s not necessarily a threat or anything like that. It’s really just letting you know where we’re at on things. If we get going here and we’re still looking for a 30% design. I told the committee somewhere around Thanksgiving I think we’d have something close to 30%. 30% is a milestone. It’s important because that’s where we start to take a step back and look at the project and say how do we want to divide this project up and conquer it in different pieces? How do we want to contract it going forward? It’s an opportunity for us to step off into a design-build partnership versus a design-bid-build arrangement. Those things we can talk about at a later date, but 30% is kind of that first milestone where you guys start to get some good cost estimating and a good representation with what the project is going to look like. But we haven’t gone so far that we can’t unwind a few things. From there we’ll work through the winter time. I would expect we’re going to split this project into a couple pieces at least. Kind of a maintenance piece and then the new improvements at least. So, we’d move into that phase of things. Then over the winter make sure we’re checking off the boxes for permitting and all those necessary things so we can make some improvements coming out of the winter to help Danny and the guys get the plant moving along better. Then coming out later on in the year, the timeline kind of starts to get a little hazy but it would be towards the end of summer we would be moving into the permitting process for the new improvements and trying to finish up with KDHE so we can bid that thing by the end of next year.

“Those are kind of loose times. We can schedule it out better as we get our feet under us. One thing we did break to the committee I guess is that we are looking at two winters potentially, probably likely, two winters before we would have the pre-treatment option or this new clarification processes in place and up and running. So, a lot of what we’re going to be doing in that other piece is making sure to make the painful part the least painful as possible during that time. And all of this if you want to tie it back to the prospect of facilities with the CHIP facility kind of looming out there. These are all necessary improvements that we’ve talked about with you guys for a number of years but I think we have to do this all – we have kind of come up with a way we can do all of this without really cutting our legs out from under us, if that plant happens or expending a bunch of unnecessary improvements, if it doesn’t. So, I think we’re in a pretty good spot to be able to move through where we’re at with or without that thing. It’s not like, we’re ignoring it, it’s in the back of our minds. But honestly, there’s enough work that needs to be done right now that it’s not stopping us. So, I guess my three hours. I can answer anything you guys have for questions.”

Council Member Curtiss, “I apologize for not being able to be there on Monday. I already had an appointment in Kansas City, so I apologize for not being able to be there.” Jeff Shamburg, “You missed like 50 minutes of me rambling on.” Council Member Van Horn, “So when you said permitting at the end of summer, you’re talking

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about the end of next summer.” Jeff Shamburg, “Yeah.” Council Member Van Horn, “And do I understand right that this would probably be two years before this project would be finished?” Jeff Shamburg, “Yeah, somewhere in that neighborhood. There’s a pretty solid nine months of design to get us through everything we need to do. There’s opportunities to speed that up a little bit, but in my experience, this tends to be that long of a process. Then construction of something like this, even with it just being kind of a pre-treatment, is going to be every bit of another nine-plus months.” Council Member Ernst, “So, are we thinking that if we went through built everything, are we thinking that it’s going to be the end of 2027 when it would be completed?” Jeff Shamburg, “No, I don’t think so.” Council Member Ernst, “Or are we thinking the end of 2026?” Jeff Shamburg, “Yeah, it’d be the end of next calendar year towards the beginning of 2026.” Council Member Ernst, “Okay, so we would go through the winter of 2025 and then probably or 2024.” Mayor Luke, “2024 and 2025.” Jeff Shamburg, “Yeah, and I used to be able to be a lot more definite about all these sorts of things. I hate to blame the COVID still with this many years past, but our process with KDHE looks different than it did before COVID. And part of it is because of the influx of infrastructure money that has completely kind of changed the industry we work in. Part of it’s also just the way KDHE has operated since. I don’t know if it coincided with that or not but things look different with them than it used to and it makes it a little fuzzier for us to estimate that timeline. Once we get into the actual construction, we feel pretty good about those timelines, most of the time nothing else besides supply chain here and there hiccup. But for the most part, things start to get a little more stable once we get on KDHE’s docket and kind of work through it.”

Council Member Strawder, “So, on this agreement, this is to get up to 30% completion or 80% completion on design.” Jeff Shamburg, “Yeah, I should have brought a copy of it with me tonight and I didn’t. I’d have to look back at it again. (A copy was given) You’d think I’ve memorized these things by now.” Council Member Strawder, “I think on page nine.” Jeff Shamburg, “Yeah this takes us all the way through design. This definitely does and then it also outlines for parts C and D that gets us into the bidding process and then provides a... I guess it’s a not-to-exceed or an anticipated not-to-exceed number.” Council Member Curtiss, “So, are you wanting this agreement signed tonight?” City Clerk Brown, “Yes, if that’s what the governing body--.” Mayor Luke, “Yes, because Philip has gone through it and he has talked back with Schwab Eaton. They have hashed out all of the inequities that they have found. So, we either bring the water plant up to where it’s supposed to be or we don’t.” Council Member Curtiss, “Yeah.” Council Member Van Horn, “Are you ready for a motion then?” Mayor Luke, “If you’re ready to make one.”

***Council Member Van Horn, “I move to authorize Mayor Stan Luke to sign the Schwab-Eaton Agreement for the water plant.” Council Member Curtiss, “I second the motion.”***

Council Member Strawder, “This refers to an attachment. Basically, a pre-structure or something that I don’t see in our packet.” Jeff Shamburg, “Probably an hour rate sheet that didn’t get attached.” Council Member Strawder, “So signing this will mean that we’re paying the \$429,000 right now?” Jeff Shamburg, “Not right now, no. It’s a lump sum that we would bill out as we make progress. So, we typically would invoice monthly based off of our progress.” Council Member Strawder, “But not to exceed the \$429,000?” Jeff Shamburg, “It’ll be a fixed fee for that design element. As long as we complete that scope that we agree upon. If we make a change in the scope, at some point during the project, we would have to, it works like any other contract, there would be a change order to address that or we would move away from this contract and move into a different one if we completely destroyed the scope for instance.”

Council Member Strawder, “Okay, that’s just for the design aspect because then the administration, construction, observation, and that stuff, is not to be more than \$200,000. I guess my only other hesitation or question is, because how this is related with the CHIP plant or which plant we are talking about? Are we talking about the one just north of the airport or the one up at Beto? And also, relationship to how or what the county has been working on. I know that the county has been working with water departments on that Beto CHIP plant. I mean, honestly, that’s a huge hesitation. If we do this while, yes, we might need improvements and all of that, and everything, and it would be enough to fulfill the needs or a good portion of the needs at the same time, that’s an awful lot of movement to not have any type of agreement or anything in place with the potential plant. I mean, quite honestly this point hesitation I have. I think if the county hadn’t been working on it to the length and to the strength that they have been I’d probably be more, you know, okay with it.”

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Council Member Curtiss, “I think this is something that is really needed, the update of the water plant.” Council Member Strawder, “Yeah. I’m not disagreeing that there’s not updates and stuff that’s needed. That’s not it at all. That it’s been referred to a couple times with the CHIP plant and aspect in it. At the end of this if the CHIP plant uses another water provider are we then going to have a lot bigger of a water treatment facility than what we need for the foreseeable future, type of thing. Because I know they’re talking just a ton of water out there that is what that would take. The plant, north of the airport is proposed to need a ton of water.” Jeff Shamburg, “Those are great questions. I think by and large what we are proposing to improve in the plant right now are the same things that we’ve proposed with when I worked for another firm back in the 2012 or 2010 era, somewhere in there. It’s improvements to the plant that really probably impact three different things. One of them right now is your guys’ overtime from the operations staff of those callbacks to come back and fix things, the sensitivity of the plant itself, those are obviously related. Then the third thing is when that plant was constructed in the early 2000s, there would have been a population analysis done there that projected a 40-year lifespan for the facility. That’s what we design these sorts of facilities for. That’s what would have driven the sizing of that plant. It’s a three-million-gallon-a-day treatment plant, more or less. This restores that capacity because over the last 15 years or so what we’ve done to make this thing, what Danny has done to make this thing work, it’s basically derated in place. And so, this really, even though we’ve stayed consistent in population here contrary to the population estimates in the crystal ball that was used back. This restores that capacity and enables you to grow into the plant like it was projected. So those are really the objectives with this. Without trying to get too deep into speculation about chip plant, no chip plant, those sorts of things, we’re being told right now that there’s probably a better definition coming later this fall. Coincidentally, we’re at 30% later this fall and so I think that there’s going to be a jumping-off point there that maybe just happens to coincide, it wasn’t intentional. It’s kind of the way the schedule works out to where the city is able to look at what’s going on with the county and that thing and what’s going on with your guys’ project you’re doing and make some big decisions moving forward. You guys will have a sunk cost at that point, that’ll just be whatever it took to get me to the 30% design. And I would guess that you guys would incorporate that in any kind of discussions you have with that facility.” Mayor Luke, “Any other questions?”

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

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

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

### **STREET DEPARTMENT: Update**

**General:** Personnel have been doing the normal duties: cleaning ditches, sweeping curb and gutter, fixing potholes and ruts, blading rock roads, repairing and re-rocking alleys, tree trimming, fixing and replacing street signs, and truck and equipment maintenance.

**Rock Hauling:** Superintendent Davidson, “We have been hauling in rock from the quarry.”

**Curb Maintenance:** Superintendent Davidson, “Repaired some broken curb and gutter down in the downtown area.”

**Road Maintenance:** Superintendent Davidson, “We have done some cold patching.”

**Tree Trimming:** Superintendent Davidson, “We have done some tree trimming.”

**Equipment Maintenance:** Superintendent Davidson, “We repaired a hydraulic cylinder in-house on the motor grader.”

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

**Vehicle Maintenance/ Thank you:** Superintendent Davidson, “I want to say thank you to Alan, R.J. Breeze, and Bill Cole. They brought their digger truck over. We had a dump truck bed starting to rust out on the underside. So, we had taken the bed off the truck. Kyle Dauber is in the process of rebuilding that deck for us. I had priced a new one back in the spring and we were looking at about \$40,000 to \$50,000 for a truck bed. So, we are going to rebuild this one. We should be able to do it under a couple thousand dollars.”

**Pavement Maintenance:** Superintendent Davidson, “We have been pavement patching.”

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**Culverts:** Superintendent Davidson, “We have been changing out parts on the street sweeper. Worked on roller head brake issues.”

**Maintenance:** Superintendent Davidson, “Checking signs and culverts. Sweeping curb and gutter.”

**POLICE DEPARTMENT: Update**

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

**Activities/ Cases:** Chief Jones, “Last, Thursday was definitely a psycho Thursday again. Officers doing a follow up on a case and wound up doing a search warrant on a house for a felon in possession of a firearm, and seized 19 firearms and four homemade silencers.”

**City Court:** Chief Jones, “We had city court. We had a ton of people here for city court and ran through them very quickly.”

**Activities/Cases:** Chief Jones, “Then we had a juvenile, middle school student, that decided it was going to be humorous to round up people and get them to agree to help him shoot up a school. He was introduced to the juvenile justice system that evening. So, that was a very long day.”

**OK Kids:** Chief Jones, “We had some of our people out at OK Kids. They said it was an absolutely perfect weekend and OK Kids went well. Out at the main gate, Julie Bull gave out she said 503 bags to kids, early teens and younger. So, we had a good weekend there.”

**Nuisance: Properties/Vehicles Update:** Chief Jones, “We did have some of our nuisance property citations on the docket for last Thursday and quite frankly I lost track between everybody we had running through. I think we had either three or four and I believe they all pled no contest. So, at least those have been addressed and have actually been abated. So, making progress.”

**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, “There has been a little bit of mowing and still spraying weeds in gravel areas and sidewalks downtown.”

**Watering:** Superintendent Boyce, “We are still watering flowers and trees.”

**Hazard Tree Removal:** Superintendent Boyce, “The only other thing I have is the hazard tree removal. I have two quotes for the removal of 27 trees. Basically, they will take the tree down, haul it off, grind the stump out, and put the stump grindings back in the hole. We will go back through the winter and clean that out and get enough grass seed to put grass on it. There are two trees that have quite a bit of dead in the tree tops at the city dam that we can’t reach so they will be removing that. Then we have three stumps that the street department has already removed the trees and we will just have the stumps ground out. My recommendation would be Trenary’s Tree Care for \$24,625.00. They are the ones that have had the quote pretty much ever since 2010. I think there was only one year that they didn’t get it.”

***Council Member Curtiss, “I move to accept the quote from Trenary’s Tree Care for removal of 27 hazard trees, grinding out 3 stumps, and trimming 2 trees, not to exceed \$24,625.00, as being in the best interest of the city.” Council Member Ernst, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.***

**FINANCE: Claims Ordinance & Payroll Ordinance**

a. Claims Ordinance	2024-18	\$	<u>387,076.04</u>
b. Payroll Ordinance	2024-19	\$	<u>115,227.92</u>
	TOTAL	\$	<u>502,303.96</u>

**CLAIMS 2024-18:** *Council Member Curtiss moved to approve City of Burlington Claims Ordinance 2024-18 for the amount of \$387,076.04 for payment of city bills. Council Member Ernst gave the second.* City Clerk Brown, “The larger expenses we have tonight are Brenntag Southwest \$7,015.78, Daves Pumping \$5,000.00,

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Gordan's CPA \$8,600.00, Kansas Power Pool \$240,188.47, and US Lime Company St. Clair \$5,888.14." **Hearing no discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, "Claims Ordinance 2024-18 passed, 6:0."**

**PAYROLL 2024-19: Council Member Curtiss moved to approve City of Burlington Payroll Ordinance 2024-19 in the amount of \$115,227.92, as presented. Council Member Ernst gave the second.**

Council Member Curtiss, "Why all of the overtime in the Police Department?" Chief Jones, "Mainly because of the Fair which should be on that. But I don't have that list, I haven't seen it. What's the dates?" Council Member Curtiss, "The end date is September 6<sup>th</sup>." City Clerk Brown, "They were probably involved with the OK Kids as well." Council Member Curtiss, "Well, we have Kyle Black, Donald Anderson for \$468.75, Richard Messerly for \$426.00, Michael Roney for \$471.37." City Clerk Brown, "Did we have a holiday in there too?" Chief Jones, "Yes, we had Labor Day in there. Holidays count as overtime. It's budgeted separately." Council Member Curtiss, "Yeah. Okay, I was just wondering. I haven't seen that much overtime lately. I was just wondering."

Council Member Van Horn, "I don't have a question but I do have a comment. Every time we have a meeting and we approve our salaries for our city employees, I am just so grateful for the good employees that we have and that we are pretty well staffed." City Clerk Brown, "I appreciate hearing that, too."

**Hearing no further discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. Mayor Luke declared, "Payroll Ordinance 2024-19 passed, 6:0."**

### **2025 BUDGET**

**Council Member Van Horn, "I move to adopt the City Budget for 2025 as presented." Council Member Curtiss, "I second the motion."**

Council Member Strawder, "Can there be a little bit of a review of the changes that occurred and stuff because there are definite revisions from the previous budgets that we've seen." City Clerk Brown, "To reduce the general fund, I did changes through several of the transfers to bring the budget down. I increased, for the utilities, increased what was being transferred into the general. Then I also cut the transfers to the equipment reserve. Those are the major changes to bring that down." Mayor Luke, "And for those of you out there, the new millage level is set at the revenue rate from last year so that's 34.335." City Clerk Brown, "Actually, it's 34.334 due to rounding is where it was set. 34.335 was the county's estimate but due to some rounding on our budget sheet it came out to 34.334." Council Member Ernst, "So, we are below it." City Clerk Brown, "Basically the same thing." Council Member Ernst, "Hey, I think it's great from where we came from. To me, it sounds like we did well overall."

Council Member Strawder, "So, on the resources available, I noticed there's a couple of them that were significantly revised. Resources available like January 1, so like on page six, it's \$55,332.00 from the previous versions of the budget." City Clerk Brown, "And what numbers are you looking at?" Council Member Strawder, "Oh sorry, the unincumbered cash balance January 1. The number now is \$311,397.00 where the previous two versions that we were handed, that amount was \$256,065.00." City Clerk Brown, "So, part of that is due to the cut for the transfer into the equipment reserve. Then also I increased the transfers for this year so that upped that amount that's being carried over." Council Member Strawder, "Okay, so that's just based on the transfers." City Clerk Brown, "Yes." Council Member Mays, "And you said you've raised the electric utility? You put more in there?" City Clerk Brown, "They are usually transferring \$95,000 every year. I upped up to \$125,000. I also increased the sewer and that was it for this time."

Council Member Strawder, "On the electric fund, the cash balance was increased by \$5,059. Was that same thing on transfers?" City Clerk Brown, "Yes." Council Member Strawder, "Estimating on total receipts it goes down by \$103,000?" City Clerk Brown, "On the general?" Council Member Strawder, "No, on the electric utility fund from what was previously presented." Council Member Curtiss, "Total receipts." Council Member Strawder, "Yeah, on total receipts." Council Member Curtiss, "It was 49.81 and now it's 48.78." Council Member Strawder, "Yeah. So, it's a difference of just over \$110,000." City Clerk Brown, "And that's just due to moving the receipts around as to what we think we will bring in and also what we were paying out through the departments. So yes, it does change those numbers." Mayor Luke, "And that will change again." City Clerk Brown, "Yes, because the governing body of the Kansas Power Pool will not approve the rates for 2025 until November and December. It's

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anticipated that it's going to be lower than this year, which was 15% lower than the previous year. So, we just don't know where it sets until rates has been put in place.”

Council Member Strawder, “So then just kind of in general, because this is significantly lower and the with the mil levy rate and the stuff we have been talking about and everything, with these revisions what are we no longer going to be able to do this upcoming year or services we provide.” City Clerk Brown, “Mainly, what this is doing is because we increased the transfers, it was putting more money into the general which lowers the tax levy, so we just don't have to tax levy as much. Didn't cut a lot of the services. I did cut a little bit in general but not a lot because I didn't want to cut those services. So the increases in the transfers made it possible to lower that rate and not have to cut a lot of the services that we provide.” Mayor Luke, “We will very closely if we're looking at adding any services as to what that cost is and how we are going to come out.” Council Member Strawder, “So while there may not be any current services being cut, services that may have been estimated to go into effect with the higher budget is now questionable.” Mayor Luke, “They are not necessarily eliminated but it is questionable as to if we will have funds down the road because we don't know what sales tax will be. We don't know what other sources of revenue that we have that are not based on tax and what that's going to be.” Council Member Strawder, “Okay,”

Mayor Luke, “Any other questions?” Council Member Strawder, “The only other comment I have is I mean I think it's very unfortunate circumstance that we are into. There were lots of questions leading into this and even more questions that I have now that we were able to make this type of a change relatively quickly and easily that it goes back to some of what I was trying to say, I'm sure it wasn't very clear last time, of how much extra and buffer is actually built into our funds or our budget that we are able to make this type of a drastic change. It wasn't planned to make this drastic of a change. This is something we don't have an option; we get to follow the same mil levy that was set for us. I think that is very --. To me, anyways, it raises a lot of questions. Hopefully, over this next year with future budgets as a council we can be more understanding of some of this to make sure that we are doing justice towards the citizens and the funds that we collect and make sure that we are not just stockpiling a bunch of money so that we just spend money and we won't spend more than we have so it's all good. We need to be justifying what we are collecting.”

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

### **PLANNING & ZONING: Update**

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

**Nuisance: Grass/Weeds Update:** Zoning Clerk Hugunin, “I've been busy with yards. I sent out eight letters. And so far, six of those have been rectified, two of the letters, I have not received a copy of the receipt back yet, so there's still on the clock but the others have been taken care of.”

**Permits:** Zoning Clerk Hugunin, “I have been busy this week with building permits. I think somewhere, I have to get them up to the county, somewhere around \$980,000 but that's all in the extraterritorial area. So, the county gets a good benefit from that.”

**Zoning:** Zoning Clerk Hugunin, “Then had a conference call with Stan about some property here in town.”

**Tree City U.S.A.:** Zoning Clerk Hugunin, “I am still working on the Tree City U.S.A. application.”

### **QUESTIONS / COMMENTS**

**City Hall – Front Sign:** Council Member Curtiss, “And the sign, you don't have a code yet?” Zoning Clerk Hugunin, “The sign we have a code. That is fine. I have just found out that the City of Leroy is having the same issue we are. Where we keep losing communication. So, I have been talking with Coffelt Signs, which they're just the installers, but the owner there is really helping me deal with Daktronics who are the actual people that do the sign. So, obviously, we're having an issue. Leroy has an issue. There's something wrong on the software side. So we're hoping to have that rectified hopefully next week.” Council Member Curtiss, “Thank you.”

### **OTHER COMMITTEE OR COUNCIL BUSINESS**

Mayor Luke, “The League of Kansas Municipalities annual meeting is in October and the City of Burlington needs to provide a voting delegate for their business meeting, which will be on Saturday afternoon.”

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**Council Member Curtiss, "I move to appoint Stan Luke as City of Burlington's League of Kansas Municipalities Voting Delegate, and Jerilyn Curtiss as Alternate Delegate. " Council Member Mays, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.**

Mayor Luke, "I will say as sitting on the board, I would have to be there anyway." Council Member Curtiss, "That's right, so I don't have to worry about it." Mayor Luke, "There are some changes being made. 2026 there is going to be a slight change in how dues are calculated. They run through on the draft on that for the City of Burlington there is going to be a slight reduction. The increase will be in the larger cities, the Dodge City's, the Garden City's, Wichita's, those size. The smaller cities will get a minor reduction. We will be going through and I can provide to you after the annual conference because they won't be approved until then. The issues that we see coming down on the legislative side and what would be potentially impacting the city in whatever they come up with. Last year they had 2,075 different resolutions brought for the legislature of which 37 of them impacted the City of Burlington. So, all of the League testimony will come basically through and request for testimony will be coming through the league. So, that's where that sits."

### **LEGAL DEPARTMENT: Update**

**General:** Attorney Wright, "Normal duties. The city has kept me busy for the past few weeks with various issues. I have been rendering advice, looking at agreements, and doing a few ordinances."

**Court:** Attorney Wright, "We did have municipal court and it went really well last week."

### **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.

**Billing Software:** City Clerk Brown, "Laura and I did have a Zoom meeting on software for billing online. We'll go back with that and I'll have updates on that later as to what we can do there."

**Level Pay:** City Clerk Brown, "The new level pay contracts have been sent out. We've been getting them back already. They are due here by October 20<sup>th</sup>. They will be effective on the October billing which will be due November 10<sup>th</sup>."

**2025 Budget:** City Clerk Brown, "I have been working hard on the budget trying to get it finalized. That is what I have been spending most of my time on."

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

**Work Session:** Council Member Strawder, "I don't know the best way to do this because I don't know if it is a need to go into in the executive session or discuss in the open, but I'd really like some more information on some of the changes on the budget. Kind of what some of the actions that were to take place to see if there's a way to try to improve and not run into the same type of situation. But yet, I also want to be respectful of everything. I mean, it's more just for understanding of what happened and that type of stuff. So, I guess does that need to go into executive session?"

City Clerk Brown, "Would you be comfortable with just coming into the office and talking with me about it and I can go through it in a little more detail?" Mayor Luke, "And then if there are things that we need to bring forth to everybody that's easy enough to do." Council Member Strawder, "I mean I just thought it would be beneficial." Council Member Mays, "I'd like to do the same thing." Council Member Strawder, "For the council to get a good understanding instead of us coming individually and doing it." Council Member Curtiss, "Would that be something that could be done in a work session?" Mayor Luke, "Yeah, that's what I was trying to figure out." Council Member Curtiss, "That's what I'm trying to think of right now. I think that's the route we ought to go is set up a work session and just go through item by item and talk about it and how it's changed and what we can do to better improve the budget." Council Member Strawder, "Yeah, I mean, the actual line items in the budget and stuff isn't what I'm referring to here." Council Member Mays, "But I have some questions." Council Member Curtiss, "Yeah, but you wanted to talk about the budget and stuff."

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Discussion on schedules and dates took place. It was decided to have the work session on the budget November 6<sup>th</sup> following the regularly scheduled council meeting.

***Council Member Curtiss, “I move to have a work session to discuss the 2025 budget, following the November 6<sup>th</sup> regularly scheduled council meeting, not to exceed one hour.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.***

**MAYOR’S COMMENTS:**

***Council Member Ernst, “I make a motion to enter a 5-minute Executive Session for Non-Elected Personnel Matters, per K.S.A. 75-4319(b); with the Governing Body, Mayor Luke, Attorney Wright, Chief Jones, and Personnel Officer Brown present.” Council Member Curtiss, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.***

No action was taken. Entered 7:02 p.m.

Exited 7:07 p.m.

Mayor Luke declared the meeting adjourned.

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