**BURLINGTON CITY COUNCIL REGULAR SESSION 10-7-2026**

City of Burlington Governing Body met in Regular Session at City Hall's address, 1013 N. 4th Street, Burlington, Kansas, at 6:00 p.m., Wednesday, October 7, 2026. 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 ☒ George Shove

Superintendents Present:

☒ Kevin Boyce (Parks) ☒ Alan Schneider (Electric) ☒ Kyle Dauber (Street)
☒ Mike Roney (Chief of Police) ☒ Danny Hawkins (Water/Wastewater)

Also Present:

☐ Michael Fruit (City Clerk) ☒ Shayla Befort (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:** Roger Shoemaker, Bill Conroy, Tawny Johnson, Becky Studebaker, Sean Gordon, Keith Finney, Jay Jale, and Amy Robertson

**AGENDA:** Mayor Luke, "At this time, the only thing that I have to add to the agenda is under finance. We have Claims Ordinance #2026-19, $217,254.16. And we have two payrolls tonight: Payroll Ordinance #2026-20, $128,548.32, and Payroll Ordinance #2026-21, $152,358.15, for a total of $498,160.63. Are there any other additions to the agenda? Hearing none, I would accept a motion to approve the agenda for this evening's meeting as amended."

***Council Member Strawder, "I move to approve the agenda as amended." Council Member Shove, "I second the motion."*** **Motion carried, 5:0.**

**MINUTES 9/16/2026:** Mayor Luke, "You have before you the draft minutes for our regular session of September 16, 2026. Are there any additions or corrections to those minutes?" Council Member Curtiss, "No, sir."

***Council Member Curtiss, "I move to approve the draft minutes of September 16, 2026, as presented." Council Member Van Horn, "I second the motion."*** **Motion carried, 5:0.**

**APPOINTMENT – Tawny Johnson – Trunk or Treat**

Mayor Luke, "Tawny?" Tawny Johnson, "Yes. Hello, I am Tawny Johnson, and I'm here on behalf of the Burlington Methodist Church to request blockades for our trunk-or-treat event that will be held October 25th, Sunday, from 5:30 p.m. to 7:00 p.m., and we're asking for the blockades to be the section of 6th Street immediately in front of the church so that the kids can trick-or-treat at the cars."

***Council Member Curtiss, "I move to allow the Methodist Church to block 6th Street between Niagara and Des Moines from 4:00 p.m. to 8:00 p.m. on Sunday, October 25, 2026." Council Member Berryman, "I second the motion."***

Mayor Luke, "Any discussion? Kyle (Superintendent Dauber), you'll have the blockades there on Friday?" Superintendent Dauber, "Yep." Tawny Johnson, "They always do. Thank you." Superintendent Dauber, "We'll actually set them up Thursday. We're still on 4-10s, so we'll set them up Thursday before we leave." Mayor Luke, "Oh, okay." Tawny Johnson, "Alright, thank you." Superintendent Dauber, "No problem. We'll pick them up Monday." Council Member Curtiss, "Alright." Mayor Luke, "Any other discussion?"

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

Mayor Luke, "I like chocolate ones." Council Member Curtiss, "She's ignoring you."

**APPOINTMENT – Bill Conroy – Burlington Senior Center**

Mayor Luke, "Okay. Our public hearing starts at 6:10, so we've got a couple of minutes yet, so Bill…"

Bill Conroy, "First of all, thank you for allowing us to address you. My name is Bill Conroy; I'm here with Becky Studebaker. We're representing the Senior Center of Burlington. Our purpose today is to apprise you of what's been going on and see if we can't get some relief for a bad situation. The history of it: I was asked to help with some of the minor accounting two or three years ago, and I did, and was not real involved with what was happening, but it was determined that a senior center with no wheelchair ramp was not a good thing, so it was put into the budget to get a wheelchair ramp. A contract was let, a sizable down payment was made, then there were some problems, and all the officers were gone, except me. So, I had to come up to speed kind of quickly as to what was happening. The contractor assured me that everything would be done according to city code; it'd be ADA compliant, all of this. Construction started in September of 2025. September of 2026, it's still not complete; it's not usable. Some of you probably noticed driving by; it's kind of a disaster. That is the reason we're asking for some help. The city has the authority and expertise to kind of take charge and fix it. I was thinking it was 90-some percent complete. Some people have told me that may not be quite right, but there is an awful lot done on it; it just needs some finishing so that people can use it.

"The reason I'm asking this–this is not a private enterprise; nobody owns it; it's a public building open to the public. We say senior citizens, but if someone was 25 years old, we would never run them off; they're welcome to. It's a not-for-profit; in fact, all of us who work there work free of charge. We have no compensation for what we've done; we're strictly volunteers. I don't know what percent of the citizens of Burlington are 50 and older, but I assume it's a pretty high percent, so it's a large part of our constituency that is affected by this.

"Some of the things we do, we sponsor events with the health department; we house Meals on Wheels; we have to keep everything up to speed for them, the kitchen, the water lines, everything. We have had some issues this year keeping the building up to speed for Meals on Wheels. We've also been helping deliver the Meals on Wheels, and we have a variety of social events for people: a monthly potluck, we have bingo, we have card games, people can rent it for birthdays or other events like that. So, I think it's really for the public good, and like I say, it's not for profit; no person is gaining from this except our senior citizens. That is really about all I have. Did anybody have any questions?"

Council Member Van Horn, "So, what happened with the contractor?" Bill Conroy, "A lot of things. I don't know how much I'm at liberty to say. Wade Bowie (Coffey County Attorney) knows more about it than I do, and I defer to Wade Bowie on that. There are things pending on that part of it."

Council Member Curtiss, "So, what needs to be done to get it usable?" Bill Conroy, "I'm going to say about three feet of it needs to be completed, but now some people have said that would be a problem with a sidewalk or drain. And I'm a number cruncher; I'm not a contracting type, so they're probably right. I don't think it's a whole lot of work, and I don't think it'd be a tremendous expense, but there again, to get an exact number on that, you'd probably need a construction person, but I know you've got very good construction people here on City staff."

Council Member Strawder, "Bill, have you reached out to any other local contractors or whatever on what the recommendations are? I know you and I have talked a couple of times about it, not on the city council front, but on, you know, just trying to look at it and come up with possible solutions. Have you reached out? I know you've talked possibly about, you know, you guys trying to find another company to get their input on what they felt could be done?" Bill Conroy, "We are, and Becky (Studebaker) has been doing most of that, but a couple of places did not have money for it. Rotary is supposed to have us address them, I believe, next week. So, we're going to talk to them about it too.

"My thinking, though, the City has the authority. If the City does it, it's done right. There's no 'way you should have done this or should have done that.' If the City does it, that's the authority."

Council Member Van Horn, "So, are you wanting the City to finish it or contribute money to it, or what?" Bill Conroy, "Yes, please."

Council Member Curtiss, "Well, we need to know what needs to be done." Bill Conroy, "The ramp is complete except for about the last three feet, and it's got to hop over a curb."

Mayor Luke, "We need to stop the discussion at this time. By statute, we have to start our hearing. We'll come back to you as soon as the hearing is over." Bill Conroy, "Okay, okay, good."

**APPOINTMENT – Public Hearing for 619 Hudson**

Mayor Luke, "At this time, I would accept a motion to open the public hearing for 619 Hudson Street to determine whether the structure should be condemned as dangerous or unfit."

***Council Member Curtiss, "I move to open the public hearing for 619 Hudson Street to determine whether the structure(s) should be condemned as dangerous and unfit." Council Member Van Horn, "I second the motion."*** **Hearing no discussion, Mayor Luke called for a vote. Motion carried, 5:0.**

Mayor Luke, "At this time, Chief (Mike Roney)." Chief Roney, "So, we're here on this hearing for 619 Hudson, Burlington, Kansas. What we have here is a very significant disrepair of a property. The roof is sagging; the trusses are broken on the inside; the fascia is rotted off; critters are getting in and out of the roof areas of the house; the foundation is an old rock stone foundation that has broken and sunken down.

“The house is, like I said, in disrepair. At this time, the front door, or what I would call the front door, that faces north, is not even on the house, or it wasn't earlier when I drove by. Inside, the wood floors are heaved. At some points, they've had animals in there, and the floors are covered—and they've tried to clean it up, but they're covered in animal feces. Windows are broken. We had to—law enforcement was called there, and we got covered in fleas; there are fleas in there, and there are roaches in there.

“I've had multiple, multiple calls from multiple neighbors in the neighborhood complaining about the house and the way it looks. And when there are people living there, law enforcement has been there approximately 42 times and made multiple arrests there for multiple reasons: warrants, drugs, fighting. The grass has been overgrown multiple times. Jimmy (Zoning Clerk Hugunin) is not here, but Jimmy has sent letters, multiple letters, to get the grass mowed. This is an ongoing issue, and this is where we're at tonight to hopefully fix this situation.”

City Attorney Wright, “Chief, can I ask just a couple questions, please?” Chief Roney, “Yes, sir.” City Attorney Wright, “Okay. You've inspected the structure a few times.” Chief Roney, “I have.” City Attorney Wright, “Do you recall the dates that you inspected the structure?” Chief Roney, “Today was the last time that I was there. I've been over there multiple times. Probably, I'd say, once a month in the last six months.” City Attorney Wright, “Okay. And then today was the last time you were out there?” Chief Roney, “Yes, sir.”

City Attorney Wright, “The property, it's a single-family dwelling?” Chief Roney, “It is.” City Attorney Wright, “Okay. And I know you briefly mentioned a couple of things with regard to the building itself. I'm going to go down just a couple of items and just ask you to comment on why, you know, that portion of the structure has a problem, okay? So, let's talk about the roof and the roof structure. Are there issues with the roof and the roof structure?” Chief Roney, “Yes, sir.” City Attorney Wright, “And what would that be?” Chief Roney, “So, there are places where it appears that the trusses have broken. The shingles are in bad condition. The trusses are broken in some places or are heaved due to the foundation, so the roof is not level; there are gaps in it. There are gaps between two points where the valleys are. The soffits have rotted off of it. There are places where the foundation has sagged, which has pulled that ceiling down and pulled that roof down.”

City Attorney Wright, “Okay, now Chief (Mike Roney), you've talked about the foundation a couple of times, so specifically with the foundation, it's settling, and you said it was rock, one of the old rock foundations?” Chief Roney, “It's an old stone foundation, and it's busted off, and it's broken, and so it’s causing—there’s sagging down in some areas that's causing it to sink down. Some places it's firm. Other places it's starting to heave up the other parts of the floor.”

City Attorney Wright, “Okay. Talk about the exterior walls, the siding, windows, and doors. I know you mentioned that the front door was nonexistent.” Chief Roney, “Yeah, the front door is laying on the floor in the entryway.” City Attorney Wright, “Okay.” Chief Roney, “They took it off the hinges; it's laying there. The porch, the porch is heaved. The porch is rotten. The porch is not safe to walk up on. It also has a stone kind of foundation where the pillars are sitting on it. The posts are rotted away in some areas; the floor of the porch is rotted away. The siding is an old Masonic siding—” City Attorney Wright, “Masonite?” Chief Roney, “—the Masonite siding is broken in multiple places. There's siding missing to where the black tarp

papers are showing through; windows are broken, and the shifting of the house has caused some of those windows to shift and pop off. The storm windows are sagging away from the building."

City Attorney Wright, "You've already mentioned about some of the openings and security of the building, but the building itself is not secure because it doesn't even have an operating door." Chief Roney, "It doesn't even have a door."

City Attorney Wright, "Okay. Did you notice any issues with regard to utilities? Like, are there any issues with water or power?" Chief Roney, "So, I don't know anything about the power; I don't know anything about the water." City Attorney Wright, "You said that there were some sanitation issues regarding the interior, though?" Chief Roney, "Yes. So, the last tenants that were there, they had animals. When they moved or left or whatever they chose to do, they left their animals there. The dogs had full access of the house, and they defecated all through the house, so there are defecation marks. Somebody at some point has come in and scraped up areas of it, but it still left remnants of it throughout the house."

City Attorney Wright, "Do you believe that it's a fire hazard?" Chief Roney, "I do believe it's a fire hazard." City Attorney Wright, "Why?" Chief Roney, "Because it's just the deterioration of it. Again, I don't know anything about the wiring of it, but the way that the house is starting to settle and starting to pull down, at some point those electric wires are probably going to start pulling apart, and we could have a fire issue." City Attorney Wright, "Are there any other hazards that could pose opportunity for accidents in the house?" Chief Roney, "The floor is giving way. Like I said, they're heaving now, and there are probably some places, just by looking at it, that the floor has weakened, and as you walk through there, there's a chance you could possibly fall through the floor."

City Attorney Wright, "Okay. Can you think of any other conditions that are present that we haven't already talked about?" Chief Roney, "Fleas and insects and critters throughout the house." City Attorney Wright, "Okay." Chief Roney, "The fleas are so bad that you can walk in there and then you're covered in them. The yard is full of them. The neighbors are complaining because they're now going to their house. So, insects…"

City Attorney Wright, "I'll just reference the City Council to the binder; we're going to mark this as Exhibit A to the ordinance. In there, there's a lot of information with regard to the house. Some of it's just notice and stuff like that, but if you get in there, there's the June 11, 2026 letter. There are some photos on page five of the interior of the house, and the exterior, it looks like. There's also, I think, some emails there from neighbors talking about the house, and then finally on the last tab is the real estate tax assessment showing that the appraisal for tax purposes, anyway, was $41,420.00. So, I just wanted to reference that as you're making your decision.

"Chief, I guess—I think I've got maybe one more question for you. Do you believe that it's reasonably feasible to repair the structure?" Chief Roney, "It's going to cost more to repair that than the house is worth." City Attorney Wright, "Okay. And that's just based on…" Chief Roney, "On today's prices of everything." City Attorney Wright, "Okay. Your understanding of what you think it would cost to fix it?" Chief Roney, "That is correct."

City Attorney Wright, "Alright. I will also note that we have the owner of the house here. I talked to Mr. Shoemaker briefly." Roger Shoemaker, "Yes." City Attorney Wright, "So, do you have anything that

you want to tell the City Council? Any evidence with regard to this situation?" Roger Shoemaker, "Well, it is—there's no doubt it's not very good, and I've been contemplating what to do with it, too. But most of it, I think, some of the things have been remedied. I don't think—I was in there and walked through it and showed a guy who was considering buying it and remodeling it, and I saw no fleas, no bugs, no insects. It was after a rain, and the roof doesn't leak inside anyway. There, on the porch, is a bad place, and I'm sure it does leak. But I don't know if it's worth trying to fix up or not. I think that's probably the way I'll go; see how long you give me to tear it down. That sounds like, from what you're saying, if you have the way you want it fixed, it's going to cost too much to fix it up.

"But I will say that there are people, and I know there's a house that's right next to another one of my houses that's been there for years, and it looks worse. Now, what's the situation there?" City Attorney Wright, "So, I guess you can talk with Chief (Mike Roney) or me about that after, but that's not a subject of this hearing." Roger Shoemaker, "Okay, well, I think the thing to do is see how much time you give me to tear it down. I think that's the thing that it looks like."

City Attorney Wright, "Can I ask you just a couple of questions?" Roger Shoemaker, "Yes." City Attorney Wright, "Did you receive notice of this hearing?" Roger Shoemaker, "Well, I didn't realize it for a long time until lately. We had some problems, I guess, when we first got the notices and everything." City Attorney Wright, "But you did receive a notice of the hearing today, and that's why you're here?" Roger Shoemaker, "Yeah, lately, yeah." City Attorney Wright, "Okay." Roger Shoemaker, "Or I talked to somebody."

City Attorney Wright, "Do you think you've had adequate time to prepare for this hearing?" Roger Shoemaker, "Yes, I think so. I think this is—well, what you've told me and what I've known and what the feeling is…"

City Attorney Wright, "Okay. Do you have any objection to the form, manner, or timing of the notice of this hearing?" Roger Shoemaker, "No. Any of that was probably my problem of not finding it or receiving it or losing it or whatever. I should have known about the situation earlier. But after, most of the problems, I think, were solved when the people that were living there were evicted, which was causing most of the problems."

City Attorney Wright, "I don't know if any of the City Council has any questions or any comments." Council Member Berryman, "What would be the approximate cost of fixing it up to a livable condition?" Roger Shoemaker, "Well, it depends on how far and what all you have to do. I don't know, if you have to put a new roof, a lot of the cost would be more than it's worth fixing it up." Council Member Berryman, "So, then on its structure you're probably talking, what, $100,000, $200,000?" Roger Shoemaker, "No, I doubt that. If you had to put a whole new roof on it, that's an easy $20,000. And that, I think, the rest of it has been that way for a long time. As far as the floors and the foundation, that hasn't changed since I've owned it very much."

Council Member Berryman, "Wouldn't the weight of a new roof bring that whole structure down, probably?" Roger Shoemaker, "What?" Council Member Berryman, "Wouldn't the weight of a new roof probably bring that entire structure down?" Roger Shoemaker, "Yeah, if you didn't tear it off. I don't know

whether it would or not. I haven't noticed some of the things that he (Chief Roney) mentioned. I didn't check on it.

"I had another guy that lived in my other (property), took care of everything for me for a long time, so a lot of this stuff I'm not aware of at all. It looks like I need to see how much I can get some bids on, getting it torn down, and what I need to do. I visited with him a little bit on what we've done, and I've already talked to some people that do that, and I don't know. But to get anybody to do anything, whether it's roofing, electrical, or anything, it takes a long time to get anything like that done–any big thing done. I had a renter that wanted to fix it up as far as doors and windows and floors and cleaning, and that thing could be done, but I don't know. And we could go that way, but it looks like maybe you think there's more than that if the roof or some of these other issues are just too much." Council Member Berryman, "Thank you."

City Attorney Wright, "Anything else, Chief? We're good?" Chief Roney, "Yes." City Attorney Wright, "That's it."

Mayor Luke, "Any other comments to be made?" Council Member Strawder, "I have a question. So, I know you mentioned if you had enough time… Would your intent be to tear down the structure or try to repair the structure?" Roger Shoemaker, "No, no. Well, it doesn't look like it's going to be… It looks like it's going to take too much to repair it. To me, I don't think just fixing the doors and cleaning it up… That would have it pretty much the way it was, but I think maybe that I agree that's what I'll try and do is get enough time to get somebody in there and tear it down, level it off, and have a lot."

Council Member Strawder, "Have you contacted anybody about demolition?" Roger Shoemaker, "Yes, I've got a guy that does that, and I've talked to him, and I don't know how soon he can get to it because he's got a lot of them that he does, and I guess he's got some in Leroy and Richmond and a lot of different places, and I've got other houses myself that I'm going to tear down that are in as bad or worse shape than this, and I am going to do that because of the tax problem. The tax problem is not a very big problem, and Coffey County is a good place to be tax-wise, but on some of these houses, the taxes in other counties are terribly high, and I'm getting too old to handle the problems of what all it takes."

Council Member Shove, "What kind of time are we talking about? Because it seems pretty open-ended at this point." Roger Shoemaker, "I would hope that I could get it done in a couple of months, but I tried to talk to this guy the last couple of times here recently and haven't gotten it straightened out. He's busy as can be, so I don't know, and I would put this one ahead of the agenda of the other ones, but I don't know how far he can get because he does a lot of them. And most of those construction guys that do that, like everything else, are way overbooked, and you can't hardly get anybody to do anything in a timely manner. So, I would hope that in two months we could get it at least pretty well started. I don't think it would take very long once he gets to moving on it."

Mayor Luke, "Okay. Any other comments? Okay. At this time, then, I would accept a motion to close the public hearing."

***Council Member Curtiss, "I move to close the public hearing." Council Member Berryman, "I second the motion."*** **Hearing no discussion, Mayor Luke called for a vote. Motion carried, 5:0.**

**RESOLUTION 2026-07 – To Condemn 619 Hudson**

Mayor Luke, "At this time, then, I'm going to throw out a possible recommendation that we allow the owner to obtain a demolition permit and actual contract within 30 days. It doesn't say it has to be down in 30 days, but the contract has to be in place, with a timeline by the contractor, to actually do the demolition. And we would provide 30 days for that to happen. If it does not happen, we would, in turn, then obtain a demolition crew to have it taken down and then put a lien on the property for that amount of funds." Roger Shoemaker, "Now, you're just talking about having the contract to do it, not having it done?" Mayor Luke, "That's correct." Council Member Van Horn, "Right." Roger Shoemaker, "Okay." Mayor Luke, "Is that acceptable, Philip (City Attorney Wright)?"

City Attorney Wright, "Well, so I don't know if you guys have had a chance to review the proposed ordinance on this. The proposed ordinance would give him 14 days after the date this was published to commence work, and it gives him 30 days to have it completed. I guess I would recommend to kind of move forward with that, with the understanding that if he did commence, meaning what you said, get the building permit, the City can always go back in and do an extension. But in order to kind of keep it moving and not lose some of the City's rights with regard to this hearing and what we're doing today, we would need to pass some kind of an ordinance with what the City's decision is.

"So, I mean, my recommendation, you know, I think Shayla (Executive Administrative Assistant Befort) has been diligently kind of plugging in the findings in the ordinance and so on and so forth. We could withhold publication for a couple of weeks to give him 30 days to hire somebody, and that would push that timeline back, and we could just instruct Shayla not to publish it for two weeks, and that would give him the 30 days, you know, that you suggested. But that would still also preserve the City's rights with regard to being able to move forward and ultimately raise the building and go out for bid and all that kind of stuff in the future. So, that would be my recommendation. And I think it accomplishes, you know, especially if we delay the publication a couple of weeks intentionally, that would accomplish what you're saying."

Mayor Luke, "Now, we need an ordinance or just a resolution?" City Attorney Wright, "Well, I'm sorry, it's a resolution. I misspoke. I'm sorry. Ordinances, resolutions." Mayor Luke, "Well, it's all a matter of..." City Attorney Wright, "We're not at the County; we can't just do resolutions all the time." Council Member Berryman, "(Inaudible)". City Attorney Wright, "We can do a lot of stuff, can't we? The County can't do ordinances. Anyway..."

Mayor Luke, "Do we have a resolution?" City Attorney Wright, "Yeah, so we do have a resolution prepared. It's in your packet, although there were some blanks because we had to have a hearing, and it's kind of hard to know what's going to happen at a hearing until we have a hearing. So, Shayla's filled out that resolution as we went through the hearing, and if you would like, we can have Shayla go ahead and just read out the blanks that she filled in. Don't give me that look (*referring to Executive Administrative Assistant Befort)*." Executive Administrative Assistant Befort, "We'll see how much I got. I was writing fast." City Attorney Wright, "Or I can read it."

Executive Administrative Assistant Befort, "Where do you want to start?" City Attorney Wright, "Let's start on page two. I think that's sort of the first sort of thing where we've got some blanks." Executive Administrative Assistant Befort, "Okay. So, we've got..." City Attorney Wright, "Like, 'Whereas at the

hearing…'" Executive Administrative Assistant Befort, "'Roger Shoemaker, owner of the Property, appeared in person, acknowledged on the record actual receipt of notice of the hearing, stated that he had adequate time to prepare for the hearing, and waived any objection to the form, manner, or timing of such notice. Whereas, on October 7th, 2026, at the time and place fixed in Resolution No. 2026-04, the Governing Body conducted the hearing and heard all evidence submitted by the enforcing officer and by the owners, the owners' agents, and occupants having an interest in the structures who appeared or responded as follows.'

"And then I didn't get all of the evidence written down, but I've got, 'the fascia was rotted; foundation is broken and sunken down; wood floors inside are heaved; the floor is covered in feces, roaches, fleas; neighbor complaints on the property; multiple arrests there'…. That was as far as I got." City Attorney Wright, "Okay. Add Exhibit A. Documentary evidence is Exhibit A on that line." Executive Administrative Assistant Befort, "Okay." City Attorney Wright, "Okay, and then (b)."

Executive Administrative Assistant Befort, "'Appearance and evidence of the owners and/or agent(s) appeared in person and submitted…'" City Attorney Wright, "Oral testimony." Executive Administrative Assistant Befort, "Okay. I wasn't really sure what went there."

City Attorney Wright, "And then go to (c)." Executive Administrative Assistant Befort, "Yep. 'Appearance and evidence of lien holders of record and occupants…'" City Attorney Wright, "Circle none appeared."

Executive Administrative Assistant Befort, "Okay." City Attorney Wright, "Okay, (b) at the very bottom of page 2, single-family dwelling.

"(c) at the top of page 3, 'The enforcing officer inspected the structures one time per month.'" Executive Administrative Assistant Befort, "For the last six months, correct?" City Attorney Wright, "For the last six months. I believe that's what you said, Chief (Mike Roney)." Chief Roney, "Yes."

Executive Administrative Assistant Befort, "And then do we need to reference today being the last date?" City Attorney Wright, "I would say the last inspection, and you can just kind of just write it in, 'last inspection occurred on October 7, 2026.'"

Executive Administrative Assistant Befort, "Okay. Did we have how long it's been vacant? No, we can just put..." Executive Administrative Assistant Befort, "Approximately?" City Attorney Wright, "Do you know how long it's been vacant for?" Roger Shoemaker, "Oh, gosh, I don't know. It's been vacant for quite a while. The guy that wanted to come down was still interested in fixing it up, but I don't think he can fix it up enough to...." City Attorney Wright, "I'd suggest we didn't have evidence of that in the hearing, so we just need to put N/A (not applicable) on there." Executive Administrative Assistant Befort, "Okay."

City Attorney Wright, "And then (d), I don't know if you just want to run through it or jump down to 1 through 7." Executive Administrative Assistant Befort, "'The structures exhibit the following conditions: Roof and structure: Trusses are broken, shingles are in bad shape and heaved from the degradation of the foundation, soffits are rotted off.' That was about as far as I got on that, I think.

"'Foundation and structural members: Stone foundation broken and sagging; heaving parts of the floor. Exterior walls, siding, windows, and doors: The front door is laying on the floor; it is taken off of the hinges.

Openings and security (unsecured entry, open to weather or trespass): The posts are rotted away. The Masonite siding is broken down. The windows are broken, and the windows are shifting due to settling in the foundation.' Chief was not aware of any electric power or water on the property, but sanitation (Utilities, sanitation, and interior conditions): animal defecation all through the house.

"It is a fire hazard due to deterioration of the property. 'It could be pulling on electrical wires.'

"And under Other: 'floors may give way due to the heaving, and the property could give way.'"

City Attorney Wright, "And under (e), appraised value is $41,420.00." Executive Administrative Assistant Befort, "How much was that?" City Attorney Wright, "$41,420.00." Executive Administrative Assistant Befort, "Okay."

City Attorney Wright, "Alright, 'The Governing Body has considered the evidence submitted by the owner(s).' Let's just say by the owner, there wasn't anybody else. And I'd say also put in there that the Chief of Police finds that—this is where you've got to decide—'finds that such evidence does not establish the structure will be timely repaired' or 'repair of the structure is not reasonably feasible'. That's a question, I guess, for the City Council. Does the City Council believe that repair of the structure is reasonably feasible? No?" Council Member Curtiss, "No." Council Member Berryman, "Not from the pictures, no, and not from what Mike (Chief Roney) said."

City Attorney Wright, "Okay. Is everybody kind of in agreement with that? Okay, so we'll just go with: 'Repair of the structure is not reasonably feasible because of the extreme degradation of the structure.' Right?" Council Member Curtiss, "Yep." City Attorney Wright, "And that's it. Everything else would stay the same with those changes."

Council Member Curtiss, "The 30 days?" City Attorney Wright, "So that portion is actually on—I'll just reference page four—the City Council will issue an order to repair or remove. The work will commence within 14 days of the date of publication and be diligently prosecuted and be completed within 30 days after such publication. And then it goes over what happens if we fail to comply, which gives the city its right to go in and get bids and have the structure razed, but it gives this gentleman a little bit of time to find somebody to do something." Council Member Curtiss, "Okay."

City Attorney Wright, "So, does that make sense? Any questions about—I'm sorry, yes (*speaking to Roger Shoemaker, owner)*." Roger Shoemaker, "I don't see any problem with getting a contract to do it, and hopefully he'll put in a time deal and hopefully all of this, but that's the only problem I can see is we might run into time." City Attorney Wright, "Yeah." Roger Shoemaker, "But I'm sure I can get a contract to somebody to do it. But the timeliness of it—" City Attorney Wright, "So, what you need to do is get a contract, and I think you need to have the contractor put a time frame of completion in the contract, okay? And then if you run over the time frame, you need to bring that contract in to the City Council, and they can grant an extension of time before they move further, right." Roger Shoemaker, "Well, hopefully we can get on it and do it in a real timely manner, but of all the things that I've been trying to do lately, I haven't been able to get anything done in a timely manner: electric, plumbing, dirt work, you name it." City Attorney Wright, "Well, I can't speak for the Governing Body, but I can say that I think we all kind of understand those issues, so if you do have a contract with at least a start date or a completion date in the contract and you're running out of time, you can bring that to City Council, and they would consider that, I'm sure."

Roger Shoemaker, "Okay." City Attorney Wright, "Does that make sense?" Roger Shoemaker, "Yeah." City Attorney Wright, "Okay. Any other questions about the resolution or any of that? So, at this point, I suggest that somebody move to adopt the resolution as amended and read."

***Council Member Van Horn, "I move to approve Resolution 2026-07, declaring structure(s) at 619 Hudson Street to be condemned and demolished." Council Member Berryman, "I second the motion."***

Council Member Strawder, "So, to understand correctly, because I see Sections 7 and 8 here, you know, after three days the publication and everything, but there is no timeline on when it has to be published by." City Attorney Wright, "That's correct. And we're instructing Shayla (Executive Administrative Assistant Befort) to not publish it. We're going to delay publication for two weeks. I think you publish on Thursday, and it has to be there by tonight, right?" Executive Administrative Assistant Befort, "No, by the following Monday." City Attorney Wright, "By the following Monday?" Executive Administrative Assistant Befort, "Yes." City Attorney Wright, "Okay." Executive Administrative Assistant Befort, "So that would need published in two weeks… So, like the next week and then the week after." City Attorney Wright, "Correct." Executive Administrative Assistant Befort, "Okay." Mayor Luke, "So, it would be published on the… It would be ready to go to the publishers on the 23rd." Executive Administrative Assistant Befort, "Okay, that's what I wanted to make sure." Mayor Luke, "That would be on Monday. Any other discussion?"

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

City Attorney Wright, "Mr. Shoemaker, if you have any questions, get a hold of the Chief (Mike Roney)." Roger Shoemaker, "Yeah, that's the only thing I was going to add is if I have a question, I can call the City Attorney?" City Attorney Wright, "You can get a hold of me or the Chief." Mayor Luke, "Get a hold of him (City Attorney Wright) or the Chief, either one, and they'll get a hold of us." Roger Shoemaker, "We'll see what I need to do next." City Attorney Wright, "There's a card up there in that big old card index for each of us if you want it. You can see if you can find me in there." Roger Shoemaker, "I saw some cards there when I came in. Thank you." Mayor Luke, "Yep." Roger Shoemaker, "Thank you."

**APPOINTMENT – Bill Conroy – Burlington Senior Center**

Mayor Luke, "Okay. Alright, Bill, we're back to you." Bill Conroy, "I was starting to answer your question. As far as how much needs to be completed and all, I've gotten different ideas of how it should be completed. I know the sidewalk and the curb are or could be an issue. That would impact it. That's the reason I'd like to have the City, who has the authority and the expertise, to know exactly what we should do and do it right. I don't want to be called back here because we put something in that we shouldn't have. We want it done right. We've parted with too much money already and still don't have a ramp. That's the reason we're asking for help."

Mayor Luke, "I guess let's look at it and start it this way." City Attorney Wright, "If I may, Mayor. I've had some conversations about this issue. The biggest issue is the fact that this ramp, from what I understand, is probably going to have to extend onto the City's sidewalk by about three feet. That's a hard no for me. It's a huge liability issue. You know, I don't know if somebody wants to look at it and see if it can be modified or if there's another way to put this ramp in, but I suspect that's why our original contractor bailed out, because he knew he was kind of running into some problems. I don't know; I have no idea really what

the situation is there, but I don't think we can have a structure extending onto a City sidewalk like that. If people are going to run into it, you know, who knows what's going to happen. So, that's kind of really where I'm coming from with it. I don't know if I really want to get into any more detail than that."

Council Member Strawder, "So, I mean, I understand what you're saying there, but there are ways possibly around that." City Attorney Wright, "Potentially, yes." Council Member Strawder, "I don't know where the right-of-way line is out there, because if you look now at those buildings, the sidewalks, and everything are above the face of the other buildings on the block, which would indicate either they're in the right-of-way or the right-of-way is, you know, adjusted. But hypothetically speaking, though, to alleviate the liability, the City could vacate through a partial vacation of right-of-way there."

City Attorney Wright, "Well, this is more about an issue, not a right-of-way issue, but we have an existing sidewalk that the City is in control of and maintains, and having a structure poking out into that sidewalk just creates a hazard. So, I mean, I don't know if—I haven't looked at it personally. I don't know, maybe some of you guys have. There may be a creative solution. I have no idea on this, but a solution would have to be something where we're not jutting out or encroaching onto a sidewalk like that."

Council Member Curtiss, "The ramp isn't along the side of the building?" Mayor Luke, "The ramp runs east and west in front of the building, which is across the front. It goes from the door west to the driveway of the Burlington Tax (Center). Okay?" Council Member Curtiss, "Okay." Mayor Luke, "It goes to the drive right there next to Burlington Tax, of which there is a curb on that drive, and the ramp dead ends at that curb. And that, I think, is probably the property line. I don't know." Bill Conroy, "Yes, because of the driveway. We can't go onto the driveway. That's where Mr. Hoyt parks his truck."

Mayor Luke, "Right. So, it's going to have to have a... I'm going to call it a U-turn, to get… Because, like I said, they can't go into somebody else's property. So, that would be something that, yes, could potentially be an issue with safety. But I think that, really, the thing to do is, if you had a contact for what I'm going to call ADA, American Disabilities Act people, have them look at it and come back with a recommendation on how to resolve the problem."

Bill Conroy, "An attorney who just volunteered sent me the specs to that." Mayor Luke, "Okay." Bill Conroy, "I took the measurements, and we're real close. The width is good, the platforms are good, the slope is not quite." Council Member Curtiss, "That's what I was going to ask, was about the slope. Is there anything that could be done to the slope?" Bill Conroy, "We don't have enough space to get it exact. It's close, but to get it exact, we're retrofitting it to a building that was not designed to have a ramp; that's our problem.

"Another problem is—" City Attorney Wright, "Maybe you can do U-turns." Bill Conroy, "Yeah, another problem is the platform. I measured it, and it was more than adequate, but then I was told, because the door opens out onto the platform, that ADA may subtract that part of it. And I have thought about that."

Mayor Luke, "You should get it—nothing against attorneys, but an ADA specialist..." City Attorney Wright, "I didn't take offense to that. I'm an attorney, so I don't take it personally." Mayor Luke, "An ADA specialist would be able to answer those questions for you. Once you have those answers, then it would be a better opportunity to look at how to resolve your problem. Because if you're already back to where the

door is a problem, changing the ramp isn't going to do you any good. The door is still going to be the problem. So, I would check with them and get all of that confirmation first before any decision is made."

Bill Conroy, "Okay. I was told since the back door is ADA compliant, the front doesn't have to be. I checked with our insurance carrier and was told that it's not a requirement that it be ADA compliant to be covered on our insurance. So, if it didn't totally meet ADA, I don't think that would be a problem, as long as it would be usable so people could use the ramp." Mayor Luke, "I guess my question is, if the back is adequate for ADA, why do the ramp in the first place?" Council Member Curtiss, "Yeah, why?" Bill Conroy, "Because the parking is limited in the back. If there were, like, two people that needed it, we'd be fine, but when we have a social event, being a senior center, there are quite a few people. And not just wheelchair people. My wife is having a lot of balance problems. She said a ramp is a lot easier. She has very little trouble on a ramp. Stairs give her problems; she can fall on the stairs. So, people who just use a cane, a lot of times, if they had a ramp to use, it would be a lot easier for them. So that's the reason we need a ramp."

Mayor Luke, "I think it's going to take some more investigation on everybody's part to actually come up with a feasible solution. I would say that as far as the City is concerned, we are not in the construction business. We are concerned about safety, but I also think that a true solution would have to come through either an ADA engineering design or the ADA themselves. Even though it may not be required to meet one, I would think that's what you want to have."

Bill Conroy, "If I were to contact ADA, who would be my contact here at the City to work with?" Mayor Luke, "For up front, I'm going to put that on Kyle (Superintendent Dauber)." Bill Conroy, "Okay." Mayor Luke, "Because then he can get in touch with any one of us with respect to whatever, or schedule a meeting, or if they're going to be here on site, somebody else can be present as well so that we have, you know, multiple eyes looking at it."

Bill Conroy, "I do think we need multiple eyes because there seems to be a whole host of issues every time we look at it." Mayor Luke, "I know you're not getting a final answer, but I think we need to do a little more investigation and make it 100% better." Bill Conroy, "I'm all for 100% better. I appreciate all of your time and concern on this. So, I'll get with Kyle."

Mayor Luke, "Yep. I'm quite sure through your Meals on Wheels and other stuff, they have access to people that you can get in touch with. Whether it's in Ottawa or wherever, they would have people who would be able to help you on the ADA stuff." Bill Conroy, "Yeah, I didn't think of asking them that." Mayor Luke, "Okay?" Bill Conroy, "Okay. Thank you."

**APPOINTMENT – 2025 Audit – Sean Gordon**

Sean Gordon, "Good evening, everyone. My name is Sean Gordon with Gordon CPA. We performed the 2025 audit of the City, so I'll go through that bound copy of the audit report that you have in front of you. We'll start with pages one through two. This is called the Independent Auditor's Report. Here we discuss our job as auditors. Further on down, we talk about management and the council's responsibilities for the City's financial statements. And then further on down, we'll talk about more of our responsibilities as the auditor.

"The most important paragraph here is on page one. The second paragraph down, you'll see a bold Opinions paragraph. That second paragraph says, 'In our opinion, the financial statements referred to above present fairly.' So, that's kind of a wordy way of saying we've issued an unmodified opinion, which is the highest and cleanest opinion that we can issue the City's financial statements for the year ended 12-31-2025.

"Further on down... I'm sorry, the next section forward is pages three through four. These are the main financial statements of the City. Page three is what's commonly referred to as the Balance Sheet, so you'll see all of the different assets and liabilities and then the net position of the City in those three sections. One section is for governmental activities, and then the second column is for the utility operations of the City.

"Page four is commonly referred to as the Income Statement. Here we present all the different revenues and expenses of the City during the year ended 12-31-2025. You can see at the very bottom that the net position ending decreased just a little bit over the prior year, which is 12-31-2024. So, overall, a good operating year for the City.

"The next kind of big section I want to point to is pages 20 through 42. These are called the Notes to the Financial Statements. For those of you who have heard me speak over the past few years, this section is mostly the same as what we've seen over those past number of years. But here we present a variety of information, including different accounting policies that the City follows. We also present information on long-term debt activity, capital asset activity, KPERS, retirement programs, like I said, many items discussed in this section. That's it for the bound copy that you have in front of you.

"We did not have any auditor's recommendations to communicate to the mayor and council tonight, so again, that reflects very well on the financial and internal control management by City staff. We had another great audit with Anne (former City Clerk Brown) when she was still here working with us, and then Kerri (Deputy City Clerk Weltha) and everybody else involved in the audit process. They did a great job of answering our questions and then giving us the items that we requested, so we do appreciate that.

"With that, any questions for me on the audit report or the audit process?" Mayor Luke, "Any questions, anybody?" Council Member Curtiss, "No. I move to accept…?" Mayor Luke, "Yeah."

***Council Member Curtiss, "I move to accept Gordon CPA's proposal as presented to perform City of Burlington's Financial Audit for the Fiscal Year ending December 31, 2026, at a cost not to exceed $19,500.00." Council Member Berryman, "I second the motion."***

Mayor Luke, "Okay. As far as this year's audit, it's been accepted, and this way, you can assume that they approve it. We can start the process. This will be what—how many years now?" Sean Gordon, "Well, this will be the sixth year that I've done it." Mayor Luke, "You definitely look familiar." Sean Gordon, "I've been here a few times." Mayor Luke, "So, we have before us a motion to utilize Gordon CPA for our 2026 audit. Any discussion?"

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

Mayor Luke, "We will get that processed and to you." Sean Gordon, "That sounds great. Thank you. Appreciate it." Mayor Luke, "Thank you."

**PUBLIC COMMENTS:**

Mayor Luke, "Any public comments?" Amy Robertson, "Me? I'm here for the Parks (Department) update on the Halloween decorations." Mayor Luke, "Yeah, well, that's what I figured, but I thought I'd just check and see if there was anything else."

**ELECTRIC DEPARTMENT: Distribution Update**

***Fiberoptic Companies:*** Superintendent Schneider, "Okay, so this past week, I guess we're kind of thankful the locate call-ins have been a little slower this week, so that was a relief on that."

***General:*** Superintendent Schneider, "The men are doing just normal line maintenance, still doing some tree trimming."

***Equipment Maintenance:*** Superintendent Schneider, "They've had a little bit of equipment maintenance. We got some parts ordered for our older digger truck, and then we'll get that back into service."

***Outage:*** Superintendent Schneider, "So, I think it was Thursday after last council, I got a phone call, like ten minutes till 5:00 p.m., I think it was, for these—oh, the apartments on 2nd Street over here. They had no power. We got there after verifying—there are actually three banks of meters in the basement in that building, and the meters don't light up unless I see 240 volts. Well, we had a bank of them that were dead. So, we verified the transformers. Looking at the ground, you can see where digging had been done. Bore crews had been through that alley, and they clipped one conductor on the surface for what would be the north bank in that basement. So, we dug there, and sure enough, we found where they had skinned the insulation, and it ate the conductor in two, and it was kind of like a high open. Sometimes it'd make a little bit of contact, but not enough to pull any power in the apartment. So, we got that fixed. It was probably, I don't know, 9 o'clock that evening before we got that fixed. And then which boring crew it was, I have no idea. There's been three different crews in town. And the pedestal just north up the aisle a little bit, it didn't have any company markings on it or anything, so that's still an unknown. Other than that, that's all the overtime we've had."

**ELECTRIC DEPARTMENT: Production Update**

***General:*** Superintendent Schneider, "The men at the power plant, they're still doing normal plant daily maintenance and that type of stuff."

***Annual Capacity Testing:*** Superintendent Schneider, "I had said something about one council ago or something, that we were doing our annual capacity testing on the generators. We got that paperwork turned in to KPP Energy, and we got an email back yesterday saying all of the paperwork looks good, so we're good for our capacity payment for the upcoming year on all of that. I guess that's really about all I have, Stan (Mayor Luke)." Mayor Luke, "Okay."

**QUESTIONS/COMMENTS:**

**ELECTRIC DEPARTMENT – KPP Energy Annual Membership Voting Delegate**

Mayor Luke, "The only other thing is with the annual membership meeting in December, we need to appoint the delegates for that."

***Council Member Curtiss, "I move to appoint Alan Schneider as City of Burlington's KPP Committee Meeting Voting Delegate, and Stan Luke as the Alternate Delegate." Council Member Shove, "I second the motion."*** **Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.**

**WATER AND WASTEWATER: Distribution Update**

***General:*** Superintendent Hawkins, "Well, the staff have been doing normal duties, line locates, work orders, re-reads, checking on all nine lift stations, flushing the water tower transducer, and taking a lot of calls and inquiries from customers."

***Fiberoptic Companies:*** Superintendent Hawkins, "We're so happy that the Southern company (Southern Underground) is gone. They've left, which is fantastic for all of us, but they went around and cleaned up after themselves, and we've been working on some of our issues, too, with dirt work, so we're still working on that and getting that done."

***Water Meter Installs:*** Superintendent Hawkins, "We've been installing a few meters left in the southwest part of town. We're down to the last 20 right now. They're going to be finished up with that here probably next week."

***Debris Cleanup:*** Superintendent Hawkins, "We've been going around; we had a huge amount of debris from all of the stuff that we've had over the last few months. The guys have been hauling that off a lot, and so they've got that pile nearly almost gone now, which is great. We're just trying to clean up and make everything look nice again."

**WATER AND WASTEWATER: Production Update**

***General:*** Superintendent Hawkins, "The water plant has been coming along. We did have Dave's Pumping come in. We did clean out the front of the water treatment plant with the rapid mix and the two clarifiers, so we're ready for winter. So, everything's cleaned out and ready to go with that. And we've just been doing a lot of general maintenance and stuff, like on the vac trailers and telehandlers and stuff like that. That's all I have."

**QUESTIONS/COMMENTS:**

Mayor Luke, "In the highways, there's a couple of manholes that are lower than the new asphalt. Are we going to put rings in there to level those out?" Superintendent Hawkins, "I don't know. It depends on what the height of them will be because, usually, a one-inch is the lowest we can go on a manhole ring. So, if it's above that, I don't want it to where—" Mayor Luke, "There are only two that I'm aware of that I've hit." Superintendent Hawkins, "I'll have to look at them and see. I've been enjoying driving down the east lane and not losing my teeth, you know." Mayor Luke, "If you're in the inside lane, you'll hit these two

manholes." Superintendent Hawkins, "Two manholes? I'll look at it and see." Mayor Luke, "Okay." Superintendent Hawkins, "I'll have a look at them."

**STREET DEPARTMENT: Update**

***General:*** Superintendent Dauber, "We've been doing normal duties, vehicle and equipment maintenance."

***Ditches:*** Superintendent Dauber, "We've been trying to keep up with all of our ditches and drains with the recent rains that we've had. With the lack of rain that we had before that, there's been a lot of debris that's washed down into some of them. We've been trying to keep them open."

***Boofest:*** Superintendent Dauber, "We took barricades to the Crap Fair on October 3rd, and also Boofest; we provided barricades for them also."

***Alleys:*** Superintendent Dauber, "We've been policing our alleys for potholes and trying to get them filled and maintained."

***Crack Filling:*** Superintendent Dauber, "We started crack filling here two weeks ago. We finished the northeast side of town, so from (Highway) 75 east and from Kennebec north. We've crack-filled all those streets there and are continuing with our crack filling throughout the town. We're working over here by the rec center (Burlington Recreation Center) and the high school right now."

***Equipment Repair:*** Superintendent Dauber, "We had to take our new skid steer up to Foley Equipment in Topeka. We developed a diesel leak. What actually happened was, when we received the skid steer, we installed warning lights on it for our safety. One of the bolts that we used to install those lights was too long, and it rubbed a hole in the tank for our diesel fuel. So, we ended up having to have a new fuel tank put in and have a shorter bolt put in it so it doesn't happen again. We got that back on Thursday of last week, and everything seems to be fine now."

***Training:*** Superintendent Dauber, "And then my guys and I attended a snow and ice removal class at Kelley Hall this morning and afternoon. It was put on by KUTC, which is the Kansas University Traffic Center. It goes along with our Road Scholar courses that we do. They're a different level of Road Scholar, and we try to keep up with our continuing education because there isn't a whole lot of continuing education for us. So, this is our way of doing continuing education. The county hosted it through KUTC and provided it to us. So, that's what we've been up to lately."

**QUESTIONS/COMMENTS:**

**POLICE DEPARTMENT: Update**

***General:*** Chief Roney, "Officers have been working on lockouts, traffic stops, suspicious vehicle calls, medical assist calls, assist citizen calls, 911 accidental calls, and animal problems. They've been working

on a couple of financial crime investigations. They've had a couple of battery calls, welfare check calls, funeral escorts, civil standbys, a suspicious person call, and an agency assist call."

***Nuisance Properties:*** Chief Roney, "The past couple of days, I've been trying to get out of the office and visit with some of our nuisance properties that we have going through court. They're nowhere near ready. We handed out some flyers for the cleanup week. On 13th and Hudson, another old trailer has been removed, and the property's been cleaned up at the expense of the owner."

***Training:*** Chief Roney, "November 16th, working on some defensive driving training for the City. I'll get more information and get that pushed out to everybody. That will assist you in your private lives as well and on your insurance."

**POLICE DEPARTMENT: Personnel - Advertise to Hire**

Chief Roney, "And as of 3 o'clock today, I had Officer Shepard (Dustin Shepard) come in and turn in his resignation. His last working day, he'll get off October 27th at 6 a.m., and then he's done with the City." Mayor Luke, "Anything else?"

***Council Member Curtiss, "I move to authorize Chief Roney to advertise for the Police Officer position until filled." Council Member Van Horn, "I second the motion."*** **Hearing no discussion, Mayor Luke called for a vote. Motion carried, 5:0.**

**QUESTIONS/COMMENTS:**

**PARKS DEPARTMENT: Update**

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

***Mowing:*** Superintendent Boyce, "Again, mowing has been taking most of our time since the rains."

***Boofest:*** Superintendent Boyce, "We worked with Boofest on taking picnic tables down, trash cans, and taking them back and putting them away. They left the park in good shape."

***Hazardous Tree Removal:*** Superintendent Boyce, "I worked with tree contractors on getting quotes for hazard tree removals. Trenary Tree Care, $7,300.00; Wellnitz Tree Care, $19,427.00. Both of these companies have done work for us, but Wellnitz uses a software program to bid the process. So, for Trenary's, the owner comes and bids the process. So, the computer program is a lot higher than seeing it in person. So, my recommendation would be Trenary's Tree Care, $7,300.00."

***Council Member Strawder, "I move to accept the quote from Trenary's Tree Care for the removal of 10 hazard trees and stumps, not to exceed $7,300.00, as being in the best interest of the City." Council Member Shove, "I second the motion."*** **Hearing no discussion, Mayor Luke called for a vote. Motion carried, 5:0.**

Mayor Luke, “So, they will be getting started shortly?” Superintendent Boyce, “It'll be done by the end of the year.” Mayor Luke, “Okay. Weather permitting.”

***Halloween Decorations:*** Superintendent Boyce, “Empower Burlington for the Halloween decorations at the caboose. So, I was contacted last week. I feel it needs to be a City Council decision because my decision is no because I don't want it on the grass. So, they want it on the grass, so I'll leave it to the City Council to decide. We will still be mowing once a week, approximately until the second week in November. So, that's why I say no on the grass. And once we allow it with one, I feel we've got to allow it with anybody else that comes and asks to put something in the grass.”

Amy Robertson, “I'm here if you'd like me to elaborate on anything.” Mayor Luke, “Go right ahead.”

Amy Robertson, “I'm Amy Robertson. So, I'm part of a newly formed volunteer organization called Empower Burlington. It is a group that we formed to be an Empower Kansas community organization. Empower Kansas originally was called Kansas Pride and Kansas Community Empowerment, but it is basically a statewide program for community organizations. If you're a member of Empower Kansas, you are eligible to apply for grants specific to members, which is why we signed up with them. Our focus is... So, right now there are four of us. We're looking for, you know, other members to join, but myself, Walker Trimble, Matt Harmon, and Holly BEA, we're focused on primarily, while we would help support any work or anything that wanted to be done in the community, primarily we were focused on helping to create a vibrant downtown and engaging the community. And so, one of the things we wanted to do was to decorate for the holidays. You know, we've got the Halloween parade where the kids come down, and they trick-or-treat along the main street. So, we wanted to just add some extra decorations and probably do something for Christmas as well.

“I totally understand the concern about the grass. We were trying to avoid, you know, we don't want to cover the sidewalk where people are walking, and so we wanted to put a few, like a handful of headstones, Halloween headstones, in the grass. You know, I'm okay if we say don't do that, but if we're open to it, you know, I'll be happy to—if we’re mowing once a week, you know, we're talking about two weeks—I’m happy to go out, you know, and take them out and then put them back in later. It's just a little stake in the ground, so, you know, I'm fine either way. We're just trying to avoid using the sidewalks, like where people are walking.”

Council Member Berryman, “You're thinking of future holidays, so like Christmas, probably Easter?” Amy Robertson, “Yeah, primarily Halloween and Christmas. You know, we're working a little bit with Chari (Bauman) at the Chamber of Commerce. She's, you know, really interested in doing some sort of like night event, and so I know there's—we already have, like, the Christmas parade and things going on, so, you know, talking about could we organize some kind of event around that, have some decorations, get the other business owners to participate in decorating, and just kind of create a fun, welcoming atmosphere downtown, but primarily it was Halloween and Christmas, because there are already events going on during those holidays.” Council Member Berryman, “Thank you.”

Council Member Van Horn, “It seems to me that it would be reasonable to allow it on the grass in a provisional way, which is if it causes a problem, then that's the last time it happens, and if you're on the ball, then we wouldn't have an issue with it after that. But that's just my opinion.”

Council Member Strawder, "Is, around the caboose, like in the public restroom area, that grass area there, is that the only place that you guys are interested in, or is there another location, or anything like that, that, you know, understanding the Parks Department's concerns type of thing, is there possibly another area that you could consider?" Amy Robertson, "So, the nice thing about the caboose is that it is right there as people are traveling through town and hitting the stoplight, so even from, you know, in addition to just providing something for the community, it also just provides a little something for people traveling through to be like, 'Oh, that's really cool, maybe I want to stop and check out downtown.' And, you know, we would build kind of year over year on just business participation, and kind of create something that is a draw, is the idea.

"We did talk about the caboose and the other side, the Veterans Memorial, but Halloween didn't feel appropriate to put something on the Veterans Park side. We'd love to put a few lights up around Christmas. And then the rest of it would be kind of down along Neosho (Street); there could be potential opportunities, business owners might get involved and put some decorations up at their storefronts."

Chief Roney, "What about the openings between the laundromat and…I'm not sure what it is anymore...?" Amy Robertson, "I mean, we could certainly do something there, but since that's not City-owned property, like, I assume we would need permission from whoever owned it to put something there. Yeah, I'd love to. There is tons of… (potential), yeah."

Council Member Curtiss, "I understand Kevin (Superintendent Boyce) is hesitant because he has always not allowed this, and once it starts getting allowed, people are going to say, 'Well, you let them do it, you won't let us do it.'"

Superintendent Boyce, "The Legion, we pulled their stuff." Council Member Curtiss, "Right." Superintendent Boyce, "Their chili supper sign and their mouse race sign or something, and we pulled it, and it's like, so if we allow one, and then we're going to..."

Chief Roney, "And my officers are running people off all of the time trying to put up garage sale signs or anything else, because we know there's nothing that's supposed to be over there." Council Member Curtiss, "Yeah."

Superintendent Boyce, "The area between the caboose and the picnic shelter at the bathroom building, I'm fine with it there on the bricks. It would not be basically out in the walkway, and then on the south end of the caboose where that gray fence area is, that's gravel inside there; anything can happen in there. I'm fine with that." Council Member Curtiss, "But not on the grass." Superintendent Boyce, "I prefer not on the grass, mostly. The sprinkler system, I don't even know where the lines are until a leak shows up, and then I'm looking for the line, and where the line is."

Mayor Luke, "Amy (Robertson), you're familiar with the spots he's talking about?" Amy Robertson, "I mean, I'm not familiar with the sprinkler system." Mayor Luke, "No, but I mean where the gravel is and where the—" Amy Robertson, "But yes, the gravel." Mayor Luke, "Where the stone is by the restroom. Would your figurines or whatever you want to call them..." Council Member Curtiss, "Tombstones." Mayor Luke, "I already know they're looking at the skeletons." Amy Robertson, "We had a handful of skeletons that we were going to pose in kind of fun, like, you know, poses and stuff."

Mayor Luke, "Would they be, would they fit in those spots?" Amy Robertson, "Sure, yeah. I mean, we can put them there. They will be less noticeable, but, you know, because the grass is what's at the front, but we can definitely work with that."

Council Member Strawder, "Do we know in that grass area where it switches over from State right-of-way to City right-of-way there? In that grass area, because it is a highway, you have State right-of-way, and you have City right-of-way. Do we know where that line is at there? That would be my biggest concern, is placing something—us saying okay and it gets placed in the State right-of-way. And I can tell you from experience that that can be a big hassle. So, I mean, that would be my biggest concern, not to lessen Kevin's (Superintendent Boyce's) concerns with that. I think placing it possibly elsewhere might be a really good possibility. Or something like that would be maybe where I'm leaning right now instead of in that grass area, until either we can get more of that stuff figured out, so even if it is just a first year, try it here and look at it longer term to come up with a better plan or something like that. I think I don't want to necessarily oppose that, but I think for right now, instead of just going and sticking stuff on there, I think it might be better to hold off on that and if there are other locations, maybe consider those locations."

Amy Robertson, "Okay. You mean other locations that are not in the grass area?" Council Member Strawder, "That are not in that grass area." Amy Robertson, "Okay." Council Member Strawder, "So he highlighted a couple of others. I know there are also other areas along there or whatever that might possibly work in front of some of the frontages and frontage in front of some of the businesses in town or whatever might be a good option for right now. But just where some of those questions are and what the concerns that he has are.

"I mean, I know, not on City Council, but I've asked on places and have been shot down as well, and it's understandable, you know, his concerns." Amy Robertson, "Okay. But we're okay with skeletons being posed and various ones standing on the caboose? That's okay?" Mayor Luke, "The non-grass." Amy Robertson, "The non-grass." Mayor Luke, "Yes." Superintendent Boyce, "Anywhere that's not on the grass, I'm fine with. Or in the middle of the sidewalk." Mayor Luke, "Yeah, okay."

Superintendent Boyce, "She already mentioned that. The north end of the caboose bathrooms, where the dog house is, the Snoopy dog house or whatever, that area too, I'm fine with that. The issue is the sprinklers. I don't know how far back the sprinkler is."

Mayor Luke, "Have you thought about the library?" Amy Robertson, "The library?" Mayor Luke, "Yeah." Amy Robertson, "We have not talked about the library. No, because our focus was really on trying to get people downtown." Mayor Luke, "Yeah, okay."

Amy Robertson, "So that was kind of where we were." Mayor Luke, "It's just that they had a lot of—a long grassy area there that might be partial." Amy Robertson, "Yep. Yeah. I did—you know, I had intended to ask later at Christmas time about whether we put some lit trees out too."

Council Member Shove, "This area that you suggested that was off of the grass, you were concerned about others using that, you know, other items that come out." Superintendent Boyce, "The other areas off the grass, I'm okay with others using that. It's the grass area that is my main concern because of the sprinkler system. We're not positive where all of that's at. So, that was put in the back of my mind." Council Member

Shove, "You don't want to drive stakes down into the waterlines." Mayor Luke, "Okay." Amy Robertson, "Okay."

Mayor Luke, "Alright." Amy Robertson, "Awesome." Mayor Luke, "So we'll work from there." Amy Robertson, "Okay, thank you."

Mayor Luke, "Alright. Anything else, Kevin?" Superintendent Boyce, "She brought up about others for Christmas. I was asked about planting a tree at the caboose area for lighting at Christmas time last Friday. I haven't had time to really process that, but still, my thinking is no. If we could come up with an artificial tree, we could put it on the south end of the caboose, in that gravel area. I'm fine with that. But as far as planting a tree, I'm not." Mayor Luke, "That's a maintenance item."

Amy Robertson, "I'm not sure what group proposed that. That was not this group. We were thinking more artificial, like kind of a winter wonderland with like a handful of little pretty lit artificial trees. But we can figure out how we can make that work." Mayor Luke, "Okay. Alright. We'll go on then."

**QUESTIONS/COMMENTS:**

**FINANCE: Claims Ordinance & Payroll Ordinance**

| | | | | |
|---|---|---|---|---|
| a. | Claims Ordinance | 2026-19 | $ | 217,254.16 |
| b. | Payroll Ordinance | 2026-20 | $ | 128,548.32 |
| c. | Payroll Ordinance | 2026-21 | $ | 152,358.15 |
| | | TOTAL | $ | 498,160.63 |

**CLAIMS 2026-19***: Council Member Curtiss moved to approve City of Burlington Claims Ordinance 2026-19 for the amount of $217,254.16. Council Member Strawder gave the second.* Mayor Luke, "Kerri (Deputy City Clerk Weltha), do you have some highlights on that?" Deputy City Clerk Weltha, "Anixter Inc., we paid them $4,546.50; Dave's Pumping, LLC for $9,288.00; Palfinger for $5,265.16; and Southeast Kansas (SEK) Coop, Inc. for $37,219.05."

**Hearing no discussion, Mayor Luke instructed Deputy City Clerk Weltha to poll Council for a vote.** ***Mayor Luke declared, "Claims Ordinance 2026-19 passed unanimously, 5:0."***

**PAYROLL 2026-20: *Council Member Curtiss moved to approve City of Burlington Payroll Ordinance 2026-20 in the amount of $128,548.32. Council Member Strawder gave the second.* Hearing no discussion, Mayor Luke instructed Deputy City Clerk Weltha to poll Council for a vote. *Mayor Luke declared, "Payroll Ordinance 2026-20 passed unanimously, 5:0."***

**PAYROLL 2026-21: *Council Member Curtiss moved to approve City of Burlington Payroll Ordinance 2026-21 in the amount of $152,358.15. Council Member Shove gave the second.* Hearing no discussion, Mayor Luke instructed Deputy City Clerk Weltha to poll Council for a vote. *Mayor Luke declared, "Payroll Ordinance 2026-21 passed unanimously, 5:0."***

**PLANNING & ZONING: Update**

Mayor Luke, "Do we have anything from Jimmy (Zoning Clerk Hugunin)?" Deputy City Clerk Weltha, "I have an update from him." Mayor Luke, "Okay."

**PARKS DEPARTMENT: Update**

***Halloween Decorations:*** Council Member Curtiss, "For the Parks Department, do we need to have that…?" Council Member Van Horn, "The motion wasn't made." Mayor Luke, "Well, we didn't make a motion, and we did not allow it on the grass." Council Member Curtiss, "Right. Okay."

Mayor Luke, "Do we need to do a motion on that, Philip (City Attorney Wright)?" City Attorney Wright, "Probably. I'd do a motion specifying that we're going to allow it." Mayor Luke, "Alright. Then I would accept a motion to allow Empower Burlington to put Halloween decorations in the non-grass area around the caboose and public restrooms on Highway 75 and Neosho Street from October 10, 2026 to November 2, 2026."

***Council Member Van Horn, "I move to allow Empower Burlington to put up Halloween decorations in non-grass area around the caboose and public restrooms on Highway 75 and Neosho Street from October 10, 2026 to November 2, 2026." Council Member Curtiss, "I second the motion."*** **Hearing no further discussion, Mayor Luke called for a vote. Motion carried, 5:0.**

**PLANNING & ZONING: Update**

***General:*** Deputy City Clerk Weltha, "With Zoning, it was normal duties."

***Nuisance Grass:*** Deputy City Clerk Weltha, "He's still working on yards with tall vegetation. There are a couple that the Parks Department will be mowing, weather permitting."

***Planning Commission Board:*** Deputy City Clerk Weltha, "There's a new Planning Board member, which is Scott Nordstedt."

***City Hall HVAC:*** Deputy City Clerk Weltha, "And the HVAC work should be starting next week here at City Hall."

**OTHER COMMITTEE BUSINESS: Planning Commission Board – Mayor's Appointment of Scott Nordstedt**

Mayor Luke, "Okay. At this time, I would accept a motion to appoint Scott Nordstedt as an extraterritorial member of the Planning Commission Board, which will expire at the first council in May of 2027."

***Council Member Shove, "I move to ratify the Mayor's appointment of Scott Nordstedt as an extraterritorial member of the Planning Commission Board, which will expire the first council in May of 2027." Council Member Strawder, "I second the motion."*** **Hearing no discussion, Mayor Luke called for a vote. Motion carried, 5:0.**

Mayor Luke, "We'll get Scott on the board."

**LEGAL DEPARTMENT: Update**

***General:*** City Attorney Wright, "I don't really have anything except for a brief executive session that we can do at the very end." Mayor Luke, "Okay. Then we will go forward."

**QUESTIONS/COMMENTS:**

**CITY CLERK: Update**

***General:*** Deputy City Clerk Weltha, "City Hall staff have been busy with customers paying bills, work orders, preparing vouchers for bill payment, payroll, and minutes for the council meetings."

***Level Pay:*** Deputy City Clerk Weltha, "The new level pay contracts are out. They're due back to City Hall by October 20th, and they're effective for the October billing, which is due November 10th."

***Annual League Conference:*** Deputy City Clerk Weltha, "Myself, along with Lila (Council Member Van Horn), Jerilyn (Council Member Curtiss), and Stan (Mayor Luke), will be attending the league conference Thursday through Saturday of this week."

***Kansas Set-off Program:*** Deputy City Clerk Weltha, "We also sent off $522.01 to the set-off program."

***Calls/Inquiries:*** Deputy City Clerk Weltha, "And just normal calls and inquiries."

**QUESTIONS/COMMENTS:**

**REPORT BY CITY OFFICERS (1):**

Mayor Luke, "Anything the Governing Body wishes to bring before us?" Council Member Strawder, "So, I have a couple of items. One was a follow-up on a letter of interest that was received. That letter has been withdrawn. Whenever I talked to the individual, he expressed concerns about kind of how the process is handled, that the name and everything was disclosed in public session/open meeting, and then ultimately was reported in the paper, which is what this part is for. So, he expressed concerns over that, and it was his primary reason for withdrawing.

"With that being said, I do think it would be beneficial for the City to have some type of a process in place if somebody reaches out, and what that process looks like, so that way we can make sure that we are covering our interests, we're covering the interested parties' interests. They also indicated a couple of other items, which again I think, I can't remember what the term for it is, but the clause where if they don't do anything, the reversion clause type of thing. But that wasn't indicated up front type of thing.

"So, I just think that the City could probably take some actions so that we can be more proactive instead of reactive. I know whenever I talked to Jenny (Tatman) at the Economic Development Office, she said she does get contacted by people, and she will pass that information along or pass the contact information along to them or whoever because it is listed on a website. I don't remember what the website is off the top of my head, but I think it has Jenny right now as the contact individual and all of that. So, I just think there's

probably a couple of things that we could be a little bit more proactive on and have in place so that if there is an interested party, then it's not the process bumble that deteriorates that interest."

Council Member Curtiss, "You can go into executive session for that?" City Attorney Wright, "No, you cannot. There's not an exception at all for discussion of the City selling real estate. There is an exception for preliminary discussions of acquisition of real estate by the City." Council Member Curtiss, "But not selling?" City Attorney Wright, "That's correct. So, this question has come up multiple times over the years with various interests, and quite honestly, the answer, you know, I think that we're kind of touching on the very reason why we have, you know, open meetings in the first place because people got sick and tired of people doing backdoor deals with cities, right, and then nobody knows about it and then all of a sudden it comes to the front. So, that's why we have those rules in place now."

Council Member Curtiss, "So, in other words, we could say this individual is interested in purchasing this?" City Attorney Wright, "Well, you could say that, but I think individuals need to know when they're doing business with the City that it's a matter of public record because it has to be. Right? And if they want to, you know, talk with certain individuals and get it to a certain point, that's fine, but it's the Governing Body that has to make the ultimate decision, so it has to come in front of the Governing Body before any real decision is made. Right? So, I know people are—"

Council Member Curtiss, "Yeah, because you have to know what you're voting on, right?" City Attorney Wright, "That's exactly right, and that's why, you know, the citizens want to know the business that the City is doing, right? They want to know the deals that are happening, instead of what used to happen in the past with these kind of closed-door deals, and then you come to a City Council meeting and then all of a sudden, the City Council's approving some kind of a sale just kind of like out of the blue it blindsides everybody, right?" Council Member Curtiss, "Okay. Alright. Thank you."

City Attorney Wright, "So, I think that people that want to deal with the City, and they need to know you're dealing with a public body, and therefore it's going to be in the public, and until you're ready to sort of let it go out in the public, then we don't go there. Does that make sense?" Council Member Curtiss, "Yep. Thank you."

Council Member Strawder, "The big thing is, I think there's a little bit of a gap at play between somebody contacting the City to say that they are interested, until it is discussed in an open session. Because yes, you can't go into executive session and discuss the sale and all that to an individual, but there are steps in that process in between that can take place, and I think that's where the displeasure was. That it seemed like it just immediately jumped on before, you know, meeting with the committee or anything like that. It was just…" City Attorney Wright, "I understand the frustration. I don't know what the answer to that is because no one person at the City, whether it's me, whether it's Jimmy (Zoning Clerk Hugunin), whether it's the mayor…" Council Member Strawder, "Yeah." City Attorney Wright, "We can't make that decision." Council Member Strawder, "Yeah, we can't make that decision." City Attorney Wright, "That's right. And we're going to represent that they can, you know, make a decision, really, right?" Council Member Strawder, "Yeah." City Attorney Wright, "It's the frustration of doing business with a city, at the end of the day."

Council Member Curtiss, "Yeah, and you love it." City Attorney Wright, "Who does?" Council Member Curtiss, "Everybody!" City Attorney Wright, "Everybody loves it. That's right. And most of all the City

Council people, I'm sure love it, right, because this stuff is hard, you know. And by definition it's supposed to be that way. Right?" Council Member Curtiss, "Yes." Mayor Luke, "Okay." Council Member Curtiss, "Okay."

**REPORT BY CITY OFFICERS (2):**

Mayor Luke, "Is there anything else?" Council Member Strawder, "There was another item. I know there was an email sent out earlier, or I guess it was late last week, from an individual on the ditch over there by the Rec Center. I know, was requesting some type of response or communication back from the City, or has anything happened with that?" Mayor Luke, "He has been met with several times with respect to our only obligation was with funding, and was not in any part of the contractual or design or approval or final inspection or anything else that was all through the original owner of the property, and that any action that he needed to take should be through them, and that's where it's been left at. And I don't know if he has gone to talk to the original owners." Council Member Strawder, "Yeah." Mayor Luke, "Or what he's done, because I have not had any further communications with him."

Council Member Strawder, "So, one of my understandings of the situation is, again, process-wise, I know people don't like hearing that, but I don't know if there is anything within our processes or practices that indicates that a construction on a ditch or whatever, whenever it's done by private individuals, that it is complete and that the City then accepts responsibility for the maintenance and everything of the ditch. Just like what you do with private utilities, you know, if someone is building a sewer line or a water line, done privately, it gets turned over to the City, and then it becomes ownership of the City.

"I know that one of the questions is if it is still an active worksite, and I think that with us not having anything in place." Mayor Luke, "I don't know. I don't know if it is an active worksite." City Attorney Wright, "I don't think the City takes responsibility for that; that's private property."

Council Member Strawder, "The City doesn't take responsibility for ditches in the right-of-way?" City Attorney Wright, "I don't think so." Council Member Strawder, "Okay, I would have questions on that. I mean, that was a watercourse. I agree that this was privately driven. While yes, we did provide funding to help with it, it was privately funded, but watercourses, BMP (Best Management Practice), stormwater, stuff like that, especially within right-of-ways, it is my understanding of public utilities that…"

City Attorney Wright, "Yeah, I don't know. I'd have to look at that one. You know, that was sent out because that particular individual wanted that letter sent to the City Council and the mayor. That's why that was sent. You know, if the City Council wants to take action on that, then I guess that can be discussed, but I think the mayor articulated pretty well, I think, what the City's position is with regard to that. I mean, all that the City did was fund that, and I think that was a request for, I don't know what exactly. I think that was a request from that individual for more funding to fix a problem that was not the City's problem to begin with."

Council Member Curtiss, "It was not only sent to us; it was sent to—" City Attorney Wright, "It was sent to multiple individuals." Council Member Curtiss, "Yeah." City Attorney Wright, "Including, I think, the responsible parties, the two responsible parties." Council Member Curtiss, "Okay."

City Attorney Wright, “You know, my recommendation would be just to let that pan out, and, you know, the City's only—you know, the only reason why I guess we got dragged into that was because we gave a grant to fix some drainage problems over there. But it wasn't even a grant; it was just—it was free money. It was a gift of money from the City to help with the development over there.”

Council Member Van Horn, “It seemed to me like the issue was between the contractor and the landowner.” City Attorney Wright, “Agreed.” Council Member Van Horn, “I didn't really see what our dog in that fight was until, of course, when we have to maintain it after it's all finished. Right?”

Mayor Luke, “There have been multiple issues come up with respect to that. The original concern is whether or not the contractor did what they were supposed to do.” City Attorney Wright, “That’s correct.” Mayor Luke, “And that's totally under the obligation of him, the contractor, and the original owners. That does not include the City at all.” Council Member Strawder, “And I would agree with that.”

Mayor Luke, “Beyond that, then we got a whole different world beyond that. But getting to that point, if he did not believe that he had a project that was truly completed like it was supposed to be.” City Attorney Wright, “I would say if anything, the City would have an adverse relationship to, you know, to if it's not in compliance with what is required with the City, then it's got to be in compliance before the City takes it over anyway. So that would put us in an adversarial relationship with that party, and, you know, potentially the City would have to force that person to get the ditch or whatever was done incorrectly, get it in conformance with the engineering.”

Council Member Strawder, “That's where I was indicating, though, that there does not appear to be anything that triggers that it was done to compliance. Whenever. I'm not saying it's to that point now or whatever, but whenever it does get to that point, there's nothing that triggers that transaction from this is now a complete project, now the City’s?” Mayor Luke, “There's no documentation that says that the project was completed, and that it was completed as per engineering.” City Attorney Wright, “Right.” Mayor Luke, “There's no document. They can't even find the initial contract.”

City Attorney Wright, “Right. Yeah, so, I think that’s going to play out for a while.” Mayor Luke, “That's not our game. I will check back with him just to see where he sits with the original owners and the contractor.”

Council Member Curtiss, “Well, the engineer didn't accept it as being completed, did he?” City Attorney Wright, “It sounded like it from the letter, but who knows, right?” Mayor Luke, “The engineering firm, I don't know; they did not supply the original owners with a document stating done as per engineer, signed, sealed, and stamped.” Council Member Curtiss, “Okay.” Mayor Luke, “They did not do that.”

Council Member Strawder, “And at one time it was commented that the engineer was not hired as the inspector.” Mayor Luke, “And that I don't know because we don't have the contract.” City Attorney Wright, “That's right. It's kind of out of our hands.” Council Member Strawder, “There are a lot of questions on stuff like that, but it was just more or less seeing how some of this is going without that transition. Not that there's nothing to say, but you know that it is or isn't still an active worksite from the City’s perspective.”

Mayor Luke, “I'll meet with or contact and discuss with the current owner and see what the status is and bring it back next meeting.” Council Member Curtiss, “Good.”

**LEGAL DEPARTMENT: Executive Session**

Mayor Luke, "Okay. Anything else?" City Attorney Wright, "I guess just my brief executive session. I'm not going to keep anybody here much longer, I promise you." Mayor Luke, "Alright. At this time, I would accept a motion to enter into a five-minute executive session for non-elected personnel matters per K.S.A. 75-4319(b)(1) with the Governing Body, the Mayor, the City Attorney, and Chief Roney."

***Council Member Curtiss, "I make a motion to enter into a 5-minute Executive Session for non-elected personnel matters per K.S.A. 75-4319(b)(1) with the Governing Body, Mayor Luke, City Attorney, and Chief Roney." Council Member Shove, "I second the motion."*** **Hearing no discussion, Mayor Luke called for a vote. Motion carried, 5:0.**

Mayor Luke, "There will be no action taken following, so you're free to go."

Entered at 7:43 p.m. and exited at 7:48 p.m.

**Action Taken:** None

**MAYOR'S COMMENTS:**

Mayor Luke declared the meeting adjourned.

Approved by Governing Body and signed by Kerri Weltha, Deputy City Clerk