

Burden City Council Meeting Minutes January 27, 2025, 6:00 PM
Burden City Hall

Present Council Members: Sherrie Conklin, Chris Cannon, Chase Hobart, and Taylor Dory were present. Carleta Bolack was absent.

Presiding: Mayor Lee Wingert

Staff Present: City Attorney Josh Albin, Public Works Supervisor Dale Deets, Public Works Ben Dobbs, Chief of Police Ron Cannon, Officer Adam Bauler, Officer Alan Marcotte, Officer Matt Smith, Deputy City Clerk Amanda Lindsay, and City Clerk Julia Loving.

Public: Donna Jackson, Kim Kachiroubas, Tracey Chattam, Don Satterfield, Lyle Lashbrook, Joan and Heather Hall-Willard, and Kendall Pierce with Professional Code Compliance.

Mayor Wingert called the Regular Council Meeting for the City of Burden, Kansas, to order, on Monday, January 27, 2025, at 6:00 PM.

Council Member Cannon stated to Mayor Wingert that he would like to make a procedural request to have role call voting on all of tonight's agenda items. Mayor Wingert agreed to the request.

MOTION: Conklin motioned to approve the regular meeting minutes as presented. Cannon seconded for discussion. During discussion Cannon pointed out that on page 3, item letter H, it states that he made a motion, and he was not at the meeting. He would also like to request that the voting be recorded to stand out in the minutes, rather than be buried in the text, so it is easier to locate. After review, Clerk Loving stated that everything on letter H, after the first sentence, needs to be stricken from the minutes. She further stated that the text, including the motion in question, is from the November minutes that accidentally did not get deleted when she was typing the December minutes. The December minutes will be amended to have page 3 read as: H. Mayor Wingert reported that Josh Mapel with Drop Zone Shelters is just waiting for the parts to come in for the storm shelter doors.
The original motion is therefore amended to state: to approve the regular meeting minutes as amended.

VOICED ROLL CALL VOTE: Conklin, Yes; Cannon, Yes; Dory, Yes; Hobart, Yes

MOTION CARRIED 4-0.

The financial statements were reviewed.

MOTION: Conklin motioned to pay the bills. Cannon seconded for discussion. During discussion Council Member Cannon inquired about the payment for code compliance, if the \$400 was a monthly or quarterly amount. It was stated monthly. He also inquired about the difference between the new broom that was purchased last month and the one that we bought previously. Public Works Dobbs stated that the earlier purchase was for an angle broom and last month's purchase was for a curb broom with bucket.

VOICED ROLL CALL VOTE: Conklin, Yes; Cannon, Yes; Dory, Yes; Hobart, Yes

MOTION CARRIED 4-0.

The expenditure approval report was passed around and signed.

Public Time/Citizen Comments:

Citizen Kim Kachiroubas wanted to discuss code compliance with the Council. She had some questions about ways to come into compliance and it will be further discussed during Code Compliance under unfinished business.

Citizen Joan Willard inquired about the upcoming agenda item, Meeting Broadcasting, and wanted to know what that item was about. Council Member Cannon stated that he would cover that topic, since he requested to add it to the agenda. He stated that recently there was an article in the CourierTraveler on transparency in government and his recommendation is going to be to live stream the meetings.

Correspondence:

NONE

Unfinished Business:

A. Combined Sewer and Water Distribution System Project.

Clerk Loving reported that Mayor Wingert and herself had a progress update meeting with USDA last week. She reported that the engineer had stated that they had submitted draft plans and specs to KDHE the week before the update meeting and would still be doing an onsite visit with Burden staff before the plans and specs will be final.

B. Kansas Water Office – HB 2302 Grant Program

Clerk Loving asked if the Council would like to remove this time from the agenda. She stated that there is not much to update; we received the grant, we submit quarterly reports and receive reimbursements when requested. The Council is fine with removing the item from the agenda.

C. Burden Area Housing Study – Donna Jackson

Donna reported that she is back up and running and ready to get back to work on the housing study. She will be focusing on looking into the programs to help with funding.

D. Building Next Door – 407 N. Main Street

Dobbs reported that he contacted Patrick Stewart, structural engineer for the City of Winfield, and that Patrick will be getting us on his schedule to come look at the building and give us advice on what to do next.

E. Storm Damage and Clean Up

Attorney Albin stated that there is no new news at this time, but he is hoping to hear something in February or March.

F. Hazard Mitigation Grant Program (HMGP) – Generators

Clerk Loving reported that FEMA has again requested additional documentation and that she and Shelly have continued to work on their requests. She also spoke about the upcoming round of Kansas Water Office Grant application opportunities that will open in July, which could be another funding opportunity that could be utilized, if needed, for generators.

G. Code Compliance Contractor – Professional Code Compliance

Kendall Pierce with Professional Code Compliance gave a quarterly report to the Council. He reported that currently there are 23 active violations around town. He stated that the citizens in the community have been great to work with and have been very responsive. He is having issues with 6 properties that

he is having no luck getting responses from the property owners. He would like guidance from the Council on how to proceed with those properties. Council Member Hobart asked what forms of communication have been exhausted? Kendall responded, sending several letters. Council Member Cannon inquired as to how many letters is several? Kendall responded, a minimum of three letters per property. Attorney Albin stated that the letters need to be sent certified mail to show proof of service. He would like to discuss in more detail with Kendall what forms of notice the property owners have already received and who has been contacted before he would ask them to appear before municipal court. They will discuss that outside of the meeting.

Citizen Kim Kachiroubas and Kendall discussed her property and the violation notices that she has received. They will further discuss outside of the meeting.

Citizen Heather Hall-Willard asked if there are resources available for citizens to help them clean up their properties or help them rent dumpsters. Council Member Conklin stated that the City has a dumpster that citizens can haul stuff to for free, but the City will not haul it for you.

H. Digital Speed Limit Signs

Clerk Loving stated that the requested quote was received from ElanCity for the digital speed limit signs and included it in the packet. The Council determined that the funds are no longer available to purchase signs.

I. Engine Braking Signs – Sample Ordinances – No Engine Braking in the City Limits

Attorney Albin prepared a sample ordinance on “prohibiting the use of compression release engine braking systems or mechanisms or engine braking systems or mechanisms referred to as jacks brakes or jake brake on motor vehicles operated within the city limits of the City of Burden, Kansas without a properly installed and operational engine brake muffler” and it was included in the packet. He stated that the Council would need to approve an ordinance, publish it, and contact KDOT for permission to install the signs on the highway and to survey.

MOTION: Cannon motioned to adopt the sample ordinance referring to engine braking systems. Hobart seconded.

VOICED ROLL CALL VOTE: Conklin, Yes; Cannon, Yes; Dory, Yes; Hobart, Yes

MOTION CARRIED 4-0.

Attorney Albin stated that a request to purchase the appropriate signage needs to be made and a number needs to be assigned to the ordinance to be published. He also will work on starting the paperwork to start the survey and request permission from KDOT.

MOTION: Cannon motioned to purchase signs. Dory seconded.

VOICED ROLL CALL VOTE: Conklin, Yes; Cannon, Yes; Dory, Yes; Hobart, Yes

MOTION CARRIED 4-0.

J. Natural Gas Franchise Renewal Agreement – Kansas Gas Service

Attorney Albin requested to table discussion till after new business.

K. City Website Update

Clerk Loving stated that the website is live, the address is burdenks.gov. She has not gotten the information fully updated and customized, so it has not been pushed to the public yet and is working on getting it updated as quickly as possible. She hopes to be able to post about it on the March utility bills.

L. Employee Performance and Evaluations

MOTION: Conklin motioned to recess into executive session to discuss employee performance and evaluations pursuant to the non-elected personnel matter exception, K.S.A. 75-4319(b)(1) for 15 minutes at 6:47 PM. Cannon seconded.

VOICED ROLL CALL VOTE: Conklin, Yes; Cannon, Yes; Dory, Yes; Hobart, Yes

MOTION CARRIED 4-0.

The open meeting resumed at 7:02 PM. Mayor Wingert stated that no binding action was taken while in the executive session. He also requested an additional 10 minutes for further discussion of evaluations.

MOTION: Conklin motioned to recess back into executive session to discuss employee performance and evaluations pursuant to the non-elected personnel matter exception, K.S.A. 75-4319(b)(1) for an additional 10 minutes at 7:04 PM. Cannon seconded.

VOICED ROLL CALL VOTE: Conklin, Yes; Cannon, Yes; Dory, Yes; Hobart, Yes

MOTION CARRIED 4-0.

The open meeting resumed at 7:14 PM. Mayor Wingert stated that no binding action was taken while in executive session.

MOTION: Cannon motioned to give a pay raise of 4% to the Public Works, City Clerk, and Deputy City Clerk. Dory seconded.

VOICED ROLL CALL VOTE: Conklin, Yes; Cannon, Yes; Dory, Yes; Hobart, Yes

MOTION CARRIED 4-0.

MOTION: Cannon motioned to increase the Chief of Police to \$21.00 per hour and the Certified Part-Time Officers to \$16.00 per hour. Dory seconded. During discussion Council Member Conklin stated she would like it to be two different motions. Council Member Cannon stated his motion stands as stated.

VOICED ROLL CALL VOTE: Conklin, No; Cannon, Yes; Dory, Yes; Hobart, Yes

MOTION CARRIED 3-1.

M. Burden CPRA Rodeo 2025 Sponsorship Request – Burden Arena Association
Clerk Loving reported that \$500 sponsorships were given in 2021 and 2022, and \$200 sponsorships were given in 2023 and 2024.

MOTION: Dory motioned to sponsor the 2025 Burden CPRA Rodeo with a Silver Level Sponsorship in the amount of \$500.00. Hobart seconded.

VOICED ROLL CALL VOTE: Conklin, Yes; Cannon, Yes; Dory, Yes; Hobart, Yes

MOTION CARRIED 4-0.

New Business:

A. 2024 Annual Treasurer's Report

Clerk Loving stated that a copy of the 2024 Annual Treasurer's Report is included in the packet.

B. Resolution No. 2025-01 – GAAP Waiver

MOTION: Conklin motioned to approve Resolution No. 2025-01 – GAAP Waiver. Cannon seconded.

VOICED ROLL CALL VOTE: Conklin, Yes; Cannon, Yes; Dory, Yes; Hobart, Yes

MOTION CARRIED 4-0.

C. Flooring at City Hall

Clerk Loving stated that the tiles in the kitchen, hall, and bathroom areas are in need of replacement, they are starting to come unglued and are broken in areas. There was also discussion about the carpet throughout the building. Council Members Hobart and Conklin requested looking into quotes for total replacement of carpet and tile.

D. Fire Engine

Council Member Cannon discussed the old red fire engine. He believes ownership of the fire engine was deeded over to the fire station in the 80's, but they don't have documentation of that. He would like to request that the fire engine be deeded over to Cowley County Fire District #3 from the City, which they believe has already been done, but not documented.

MOTION: Cannon motioned to deed the old red fire engine to Cowley County Fire District #3 from the City. Conklin seconded.

VOICED ROLL CALL VOTE: Conklin, Yes; Cannon, Yes; Dory, Yes; Hobart, Yes

MOTION CARRIED 4-0.

E. Meeting Broadcasting

Council Member Cannon discussed an article that was published in the CourierTraveler regarding transparency in government and how not very many entities in Cowley County broadcast out their meetings. He thought it would be an easy lift for the City to broadcast their meetings on YouTube Live, where we could have a set of microphones and a webcam to broadcast when there is a meeting. There was a discussion about equipment that would be needed. Council Member Cannon thought the cost for equipment might be around \$450-\$750. He will research some equipment price quotes.

F. Executive

MOTION: Conklin motioned to recess into executive session to consult with the City Attorney pursuant to the attorney-client privileged relationship matter exception, K.S.A. 75-4319(b)(2) for 10 minutes at 7:32 PM and invite City Attorney Albin into the session. Cannon seconded.

VOICED ROLL CALL VOTE: Conklin, Yes; Cannon, Yes; Dory, Yes; Hobart, Yes

MOTION CARRIED 4-0.

The open meeting resumed at 7:42 PM. Mayor Wingert stated that no binding action was taken while in the executive session.

G. Resolution No. 2025-02 – Establishing Nuisance and Abatement

Attorney Albin spoke about the proposed resolution that will establish the authority to issue an order of violation to the property and occupants of the property located at 117 E. 6th St. in Burden, KS that they are in violation of the Nuisance Ordinance. He stated that it asked them to appear in or abate the

nuisance, pursuant to K.S.A. 12-1115 that allows a City to assess costs of such abatement to the property owner if the abatement isn't taken away. He would like to request the City Council to issue this Resolution.

MOTION: Conklin motioned to approve Resolution No. 2025-02 – Resolution Establishing a Nuisance and Abatement Thereof. Cannon seconded.

VOICED ROLL CALL VOTE: Conklin, Yes; Cannon, Yes; Dory, Yes; Hobart, Yes

MOTION CARRIED 4-0.

Attorney Albin stated that he would personally serve this upon the occupants and if no occupant can be found then he will have it published per K.S.A. 60-225 by having it published in the CourierTraveler for three consecutive weeks.

Attorney Ablin reminded the Mayor that we moved the Natural Gas Franchise Renewal Agreement to the end of New Business.

J. Natural Gas Franchise Renewal Agreement – Kansas Gas Service

Attorney Albin stated that he has reviewed the natural gas franchise renewal agreement and stated that there are no terms that are out of the ordinary and no terms that are contrary to the best interests of the City at this time. Clerk Loving is going to touch base with Kansas Gas Service to find out the next steps to proceed with the renewal and report back at the next meeting.

Mayor Wingert called for any additional New Business.

Council Member Cannon stated that he would like to discuss adopting a purchasing policy for the City and specifically that he would like to request that any proposed purchases greater than \$2,500 be published in the pre-packet on the Friday prior to the meeting and distributed to Council Members and posted on the website as appropriate. Attorney Albin inquired if Cannon is wanting to amend the City's current purchasing policy or proposing a new one. Cannon stated he has not seen a current purchasing policy for the City and they discussed. Cannon would like to amend the current purchasing policy, if the City has one.

MOTION: Cannon motioned to amend any current purchasing policies to include a policy that any proposed purchases greater than \$2,500 be published in the pre-packet on the Friday prior to the meeting that is distributed to Council Members and posting on the website if the packet is published on there. Hobart seconded.

VOICED ROLL CALL VOTE: Conklin, Yes; Cannon, Yes; Dory, Yes; Hobart, Yes

MOTION CARRIED 4-0.

Council Member Cannon stated that he would like to discuss strategic planning for the City. He asked if the City has any formalized process where they set goals and objectives for the City? Attorney Albin stated that there is comprehensive planning which is the strategic planning for all Cities that is a State sponsored plan, that he specializes in for his private practice. There was discussion about the cost and options for public input in setting something up.

Employee Time:

A. Dale reported that there was a water and sewer problem at a residence that is being addressed, and a bypass report has been filed with the State for sewage that discharged under the house. He also reported

that the over 20-year-old heater quit working on the East side of the shop. He wasn't sure if they wanted him to look into trying to get it fixed or if they wanted to think about a new one.

B. Ben went over the public works report with the Council. He reported that Stag Machine and Fabrication looked at the salt/sand spreader to quote some necessary repairs that probably need to be done within the next couple years, and he included with the report. He also included a bid for the safe removal of the remaining trees at the park, in the amount of \$2,500 from Moore Cut Tree. Ben discussed the challenge of the City staff trying to remove the remaining trees due to powerlines and a nearby house. He spoke about working on the annual inventory list and has made a list of equipment that he would like to request to be sold and provided a tool purchase wish list. He reported that the Kubota has been delivered, and the new broom was delivered today. He made a request to hire Redline Lawncare to do some bushhogging at the burn site and storage facilities, to get areas under control and manageable. Council Member Cannon told the public works good job on snowplowing, he heard a lot of people complementing their hard work. Council Member Dory agreed and added that the roads were much better than in other towns. Dory asked for additional quotes for the salt/sand spreader.

MOTION: Hobart motioned to approve the bid from Moore Cut Tree in the amount of \$2,500 for removal of the trees on the Northeast side and South side along the park property line. Cannon seconded.

VOICED ROLL CALL VOTE: Conklin, Yes; Cannon, Yes; Dory, Yes; Hobart, Yes

MOTION CARRIED 4-0.

MOTION: Dory motioned to allow the sale of the listed equipment on PurpleWave. Hobart seconded.

VOICED ROLL CALL VOTE: Conklin, Yes; Cannon, Yes; Dory, Yes; Hobart, Yes

MOTION CARRIED 4-0.

There was discussion about the wish list of tools. Council Member Cannon suggested looking into the Harbor Freight Grant for tools and table till next month.

MOTION: Hobart motioned to hire Redline Lawncare to bushhog at the storage facility and burn site for \$80 per hour. Cannon seconded.

VOICED ROLL CALL VOTE: Conklin, Yes; Cannon, No; Dory, Yes; Hobart, Yes

MOTION CARRIED 3-1.

C. Chief Ron Cannon thanked the Council, on behalf of the police department, for the raises. He went over the police department report with the Council. Ron discussed conversations that were had with the Sheriff about additional evening coverage for the City of Burden and a possible substation at City Hall to help ease the process of having a deputy in the area. He reported that the substation would accommodate deputies with a place to work on reports, conduct interviews, and utilize the facilities. Council Member Cannon suggesting looking into a Memorandum of Understanding with the Cowley County Sheriffs Department. Officer Marcotte spoke about the need to expand the police department office. He proposed ideas for moving the north wall to allow for more space as well as additional counter and storage space. He expressed the need for more room to work, conduct interviews, and just overall space. Mayor Wingert suggested speaking with a contractor about pricing. Ron asked if the City has a disaster recovery plan already in place or if they can look into making one. The Council would like

them to investigate it further. Ron stated that the department has lots of upcoming trainings and are working on coordinating an active shooter training with the school. Officer Marcotte reported that he attended an 8-hour training on railroad safety.

D. Julia stated that the KRWA Water Conference is coming up in March and the public works department and herself usually attend every year. She requested that they be allowed to attend the conference and the City pay for their expenses as they have done every year. The Council advised them to go.

Council Member Cannon asked why Deputy City Clerk Amanda doesn't have a spot under employee time and would like her to be added.

MOTION: Conklin motioned adjourn the meeting. Dory seconded.

VOICED ROLL CALL VOTE: Conklin, Yes; Cannon, Yes; Dory, Yes; Hobart, Yes

MOTION CARRIED 4-0 and the meeting adjourned at 8:33 PM.

Julia Loving, City Clerk

The next scheduled meeting of the Burden City Council is February 24, 2025, 6:00 PM. The public is invited to attend.