

MINUTES OF JANUARY 07, 2008

The council of the City of Burlingame, Kansas met in regular session in the council chamber at city hall at 7:00 p.m., January 07, 2008.

Presiding: Mayor Dorr

Present: Council members: Swander, Strohm, DeMars, Fry, Bloomquist.

Present also: City Administrator Huftles, City Attorney Rick Godderz, Assist.
City Clerk Patti Gilbert.

Citizens Present: Gerry Grandstaff, Cris Colson, Jesse Whitmore, Jake Whitmore, Gerald Britschge, Adam Carrier.

Motion to approve the agenda as it stands given by fry with a second motion from Swander. Ayes 5/ Nays 0

No citizen's comments offered at this time.

Approval of the minutes for December 17 regular and special meeting, including the approval for December 28th special meeting was given by Swander and second by DeMars. Ayes 5/Nays 0

Claims Ordinance 2117 approval was given with a motion by Swander and a second by Fry. Ayes 5/ Nays 0

Council opened discussion on the repealing of charter Ordinance No. 10, Appointment of Certain Officers and their terms. Council member DeMars questioned as to why there was a separation between positions that are covered under No. 10 and the regular employees. Mayor Dorr explained under No. 10 it takes the majority of the council-elected to terminate an employee in the covered positions listed. The Mayor asked council member Bloomquist if he knew how the Charter Ordinance came to be, he stated years ago he did and a past mayor reinstated it. Council member Strohm stated something to that magnitude whether it's the superintendant or city clerk, that it's a pretty major decision to make and there should be perhaps the 2/3 vote. Council member DeMars interjected with it should be a major vote for anyone. All Council members agreed it is a major vote for anyone. City Attorney Godderz suggested if the Council wanted to change anything, he would recommend that we follow the state statue. He explained that at-will employment and statue difference but also suggested they remove the "for cause" in the ordinance. Council member Strohm asked about the superintendant hiring and terminating employees in the past. City Attorney couldn't remember any problem regarding that. More discussion followed about some of the reasons for the placement of Charter 10. Council member Strohm said theoretically for example the Police Chief could be replaced every year and she felt it would be sending the message of not very

good job security. Council member Bloomquist said he would like to make a motion to remove the “for cause” wording out of charter 10. Council member DeMars questioned the removal of the wording or to go with state statute. Council member Strohm said she doesn’t believe in the state statute requirements. City Administrator Huftles stated one option is to amend Charter No. 10 and change it so say officer appointed and confirmed shall hold office until resign, retire or discharge by mayor with 2/3 majority of the council, with removing the at cause. It will be published two times in the paper and will take effect in 60 days after the 2nd publication. The public has the option to petition any changes they don’t agree with. Council member Strohm recommended verbalizing what the ordinance is going to say, as she won’t vote on anything until she knows what the intention is. City Administrator Huftles advised the council, they could table the item and allow him to write the proposed ordinance using the example City Attorney Godderz had supplied to the council for viewing. Motion to table by DeMars and second by Strohm. Ayes 5/ Nays 0

Mayor Dorr wanted to interject at this time with an update on appointing Gerald Britschge as Building Inspector in the last meeting. Since he is an hourly employee, his pay as Inspector would have to be broken down into his hourly wage as shown as hourly pay instead of a flat fee.

Much discussion went into the Cris Colson request Mrs. Colson stated she had contacted everyone she knew to get insurance to cover her pit bulls, even the Attorney General. She stated she has complied with everything else that is required by the city, and with her dogs out of town she would like to have them back. Her information is at the time this requirement was put in place you could obtain the insurance. Mayor Dorr said she had checked with surrounding area on their requirements. She reported most of the cities follow the vicious dog ordinance. The Council members all gave their views on the vicious dog / pit –bull situation. City Attorney recommended that Ms. Colson try Lloyd’s of London. Council member DeMars verified with Mrs. Colson she was not able to obtain insurance because there wasn’t any available for purchase. Council member Swander made a motion to table this item with DeMars giving the second. Ayes 5/ Nays 0

Ordinance No. 2118 was brought to the council to increasing the Municipal court cost and fees. Assist. City Clerk stated the state had increased court costs from \$ 9.50 to \$19.50. Motion to accept ordinance No. 2118 will raise court cost \$10.00 by Fry and second by Swander. Ayes 4/Nays 1 Bloomquist

Motion to enter into executive session regarding non-elected personnel for 10 minutes with the City Administrator and Attorney by Fry and second by Swander. Ayes 4/ Nays 1 Bloomquist

Council entered into executive session at 8:04pm.

Council returned to open session at 8:14 pm.

Mayor Dorr stated no action taken in executive session.

Motion to enter into executive session regarding non-elected personnel for 15 minutes with the City Administrator and Attorney by Swander and second by Fry. Ayes 4/Nays 1
Bloomquist

Council entered into executive session at 8:18 pm.

Council entered open session at 8:33pm.

Mayor Dorr stated no action taken in executive session.

Motion to enter into executive session regarding non-elected personnel for 5 minutes with the City Administrator and Attorney by Swander and second by DeMars. Ayes 4/Nays 1
Bloomquist

Council entered into executive session at 8:39 pm.

Council entered open session at 8:44 pm.

Mayor Dorr stated no action taken in executive session.

Reports: City Administrator Hutfles stated the city received a 75% resurfacing grant from KDOT for Topeka from Banks to Fremont. However the monies will not be available for use until 2010. He reported receiving a letter from Rural Water on the water rights at Dragoon Creek stating we had no recorded use of water. After 5 years of no water use, we need to make a special note as to why or they can reclaim the water right. At the suggestion of the city Attorney, the council advised the Administrator to keep the water right for the city.

Assist. City Clerk Gilbert reported the work on the meters is continuing. She requested the Council to fill out paper work that aid in the communication between Council and all departments.

Council member DeMars inquired about a utility customer that had bought a residence a few months back and had never received a bill. Ms. Gilbert reported Utility Clerk Summers had spoken with the software provider because there was a problem when a customer only has utility for a few weeks. Ms. DeMars stated that when a customer comes in and states they aren't getting a bill, most likely there are more that are not saying and that's a big problem. Ms. DeMars wanted to know what is being done with the problem to solve them. Ms. Gilbert assured the council that the utility accounts are now being monitored to catch problems. After much discussion on the metering system and how the billing is done, Council member DeMars stated steps need to be taken to ensure the metering system is properly being utilized, she included also if help was needed in taking care of the problems then take the steps to get it done.

Council member Strohm stated people had questioned the burned car left on Santa Fe. It was reported to her that it had been moved earlier.

Mayor Dorr requested Mr. Hutfles to contact Ms. Bevitt in regards to putting a drop-box in city hall to collect old ink cartridges and cell phones for the dance team. The mayor thanked the guys especially Council member Swander for all the help that was given to the Public Works Department.

Motion to adjourn made by Bloomquist and second by Swander. Ayes 5/Nays 0