

BURLINGTON CITY COUNCIL REGULAR SESSION 9-18-2019

City of Burlington Governing Body met in Regular Session at City Hall’s temporary address, 1013 N. 4th Street, Burlington, Kansas at 6:00 p.m. Wednesday, September 18, 2019. Mayor Stan Luke called the meeting to order.

ROLL CALL: Stan Luke, Mayor

Council Members present:

Lewis Lenard (President of Council) Dallas Scothorn Jerilyn Curtiss
 J.J. Jasper Thomas P. Tschantz Sharon Hall

Superintendents Present:

Kevin Boyce (Parks) Alan Schneider (Electric) Mark Davidson (Street)
 Doug Jones (Chief of Police) Danny Hawkins (Water/Wastewater)

Also Present:

Regina Kewley (City Clerk) Mary Mader (Administrative Assistant)
 Tom Robrahn (City Attorney) Jimmy Hugunin (Zoning/Grants Clerk)
 Philip Wright (Assistant City Attorney) Anne Brown (Deputy City Clerk)

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Steve Hitchens, Diane Hitchens, Vern Failor, Pam Failor, Linda Smith, Garold Smith, Brian Payer, Bryleigh Isch, Arden Payer, Jennifer Fagan, Starley Hatch, Paul Abendroth

AGENDA: *Council Member Tschantz, “I move to approve the agenda as modified.” Council Member Lenard, “Second.” Motion unanimously carried, 6:0.*

MINUTES 9/4/2019: *Council Member Hall, “I move to approve the draft minutes of September 4, 2019 as presented.” Council Member Tschantz, “Second.” Motion unanimously carried, 6:0.*

APPOINTMENT: Vern Failor –KS Camper Association

Vern Failor addressed Council, “Thank you; it is nice to be in Burlington tonight. It’s fun to come to a small town and see the operation of the City. If I had went to Topeka’s City Council meeting there would be 150 people there and half of them would be mad at each other. I have my wife here, Pam, and we are executive committeemen for the Kansas Campers Association. I also have Linda and Garold Smith with me; they are field directors for campers and RV-ers. Also, the Hitchens, they are the secretaries of the Kansas Camper Association.

“We have camped at Kelley Park, actually we were here last weekend, and we like it. We were here in May and camped at Kelley Park because we were run out of Winfield because it rained too much. Our chapter came here to camp below the dam at John Redmond and we liked it. We talked to Kevin Boyce (Superintendent Boyce) there and we want to come back. The Kansas Camper Association has two campouts a year. One is the last weekend in September which is a couple of weeks from now. Then the other is the first weekend in May. So, we want to talk to you about bringing our camper organization to Kelley Park May 1, 2, and 3, 2020. You have several things there that we like. For one, Kevin wants us to come. We want to rent 30 to 35 camping units there and we want to use Kelley Hall. We look for new places to come and we have never been here. Kelley Hall fits our needs. We think we can afford the cost that is not a problem. The campground with 30amp or 50 amp service, some have water, and we are fine with that. We all set up a hiking/ biking trail. I didn’t find a map with any trails on it but that’s okay, you have some city side streets on that side of town that we can set up half mile or ¾ of a mile hiking/biking trail. You have clean restrooms and a nice playground. Most of us are retired but we do have grandchildren and we do bring them along. You also have places to explore. I know about the museum and Wolf Creek Education Center and I just learned about the arts places. Also, you have places to eat which is what we like.

“So, you fit what we want to do and we can work out something. We normally come into a place at noon on Friday and we leave at noon on Sunday. We don’t know how that works out with your schedule or charging us for the weekend. The way I look at it is that it is two full days and we can figure that out at a later time if you approve us coming. We leave the place clean, we will be cleaned up by noon May 3rd so if someone wanted to use Kelley Hall in the afternoon that wouldn’t be a problem.

“We hold a Saturday night program. We would like to find some local talent that we could pay to come to entertain us. We could invite you all if you would like to come to visit with us. We will have a church service on Sunday morning, we have our own chaplain. We take a collection there. We would like to give that collection to some organization, like a soup kitchen, homeless shelter, or whatever you have here. We could figure that out at a later time. We would like to donate something back to you. We would like the Mayor, City manager, or someone from the Council to come and welcome us either on Friday night when we have our short program or Saturday night when we have our regular program.” Mayor Luke, “What are you all looking at me for?”

(Continued)

[2] CONTINUATION: September 18, 2019 Burlington City Council Regular Session

Vern Failor, "You know it's easy for me to come here, look at what I have written, and talk to you all. It's not like City Council meeting in Topeka where there are 150 people there and half are mad at each other because things aren't working right. So, it's a little bit different. I have done that before and my knees just shook like crazy but I'm not doing that tonight. So, anyway that is what we want to do. We would like to know if we could do that before the 27th of September. That is when our fall campout is at Spring Lake at Hallstead. That would give us an opportunity to promote coming here. We could get brochures out. So, that is what we would like to do and I guess it is up to you if we get to do that or not. Kevin told me that weekend was open."

Council Member Lenard, "What hours do you need Kelley Hall?" Vern Failor, "Friday at noon to Sunday at noon." Superintendent Boyce, "We would block all RV spots and post them reserved. That's what we do for the Fair and Taste of Fall Festival. We post it and on the self pay box those dates will be blocked out." Vern Failor, "If I had to, I could pay for those so they would be reserved for sure. I do have some funds I could use. So, if I had to pay for at least the 10 with water then I could do that." Superintendent Boyce, "That would be up to you guys if you want to waive the camping fee or the Kelley Hall fee." Vern Failor, "The last thing I didn't say was that we would collect the camping fee for the two nights and then we would pay you with one check. If that would be okay with you that is what we normally do." Superintendent Boyce, "That's what the Ultimate Horsemen's challenge does. I think he comes in and writes one check for the camp spots used." Vern Failor, "We will count and we will have Kevin come count. That way we will be together on how many we use. A couple of us may come Thursday just to have an extra night or two. Do you have any questions for us?"

Council Member Lenard, "I move to approve Vern Failor's request for the Kansas Camper Association to use Kelley Hall on May 1, 2, and 3, 2020 to be coordinated with Superintendent Boyce." Council Member Scothorn, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Mayor Luke, "We will see you in May." Vern Failor, "Thank you very much. Is there an application I need to fill out?" City Clerk Kewley, "There is a contract but we can do it over the internet or if you want to come in—." Vern Failor, "How about I give you my business card and you email it to me." City Clerk Kewley, "Absolutely, that would be perfect."

APPOINTMENT: Brian Payer - FFA – Day on the Farm

Brian Payer addressed the Council, "Hello, I am the Burlington FFA (Future Farmers of America) president and I am with Bryleigh Isch, she is our reporter. We were wondering if on Wednesday, November 6th, we would be able to use the fair grounds and the 4-H Building for our Day on the Farm. This is when we bring our 4th grade classes down so we can demonstrate everything that we do on the farm. This can range from tractor safety, ATV safety, livestock, to anything that's on the farm. We were wondering if we could get permission to use that. We usually go from 6:30 a.m. to noon or 1:00 p.m. and we do clean up our mess." Mayor Luke, "You did this last year, correct?" Brian Payer, "Yes." Mayor Luke, "Any questions for Brian?" City Clerk Kewley, "We have it in the book at 7:30 a.m. but you need it at 6:30 a.m.?" Brian Payer, "No, 7:30 a.m. is fine. We bring our animals in early but that's fine."

Council Member Tschantz, "I move to approve Brian Payer's request for the FFA to use the 4-H building from 7:30 a.m. to 1:30 p.m. for a Day on the Farm on November 6, 2019, at no cost." Council Member Curtiss, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

APPOINTMENT: Jennifer Fagan – Republic Services

Jennifer Fagan addressed Council, "Regina had called me to let me know, we already knew, that we were having issues with getting the trash picked up. Kevin is no longer working for us as of Friday. As you know, over the years we really haven't had these kinds of problems. I feel, and I have been here 17 years, that this was a personnel issue. There is a couple of different things we are doing. Our swing driver is up here now and will be here until we fill the position, and properly train for the position.

"The second thing is that we are looking at possibly automating down the road. What I mean by that is the poly carts. I just wanted to get your take on it, what you thought about going to poly carts, and if that is an option you would consider down the road. Most of our routes that we run and most of the cities that I cover except for two are all automated. Basically, what that is is that it has the tipper on the truck to where the drivers don't have to get out. It's innovative, it's the new way of doing things, and it's not as hard on the driver. So, that is something we are looking at but it is a big investment. We would have to buy a new truck, a spare truck, as well as carts for everyone. We would also have to convert the commercial dumpsters to front load. So, that is something that we are looking at. It is at the area, our next level beyond our local office, to see if it is even a possibility.

"I think we have the problem solved, like I said I think it was a personnel issue. He had been with us for a while, not just a year or two, but for a while then we just started having issues. We have a system on the truck, it's called connect, that tracks where they are. It works pretty well in most places but not in all places because it is WIFI based. So, that is something we started looking at when we started getting the calls and emails. It really has not been a truck issue. Those issues are going to happen; we will have a truck issue every now and then. We gave him every possible chance and it just wasn't getting corrected. We hate to do that but on the flip side of it we hate to have complaints.

[3] CONTINUATION: September 18, 2019 Burlington City Council Regular Session

“In 2018, we were the #1 division business unit in the entire company for misses. We averaged less than 3 per 10,000 customers. It’s something that I’m not used to. In my 17 years, I’ve been to 3 different Councils about service. That is why I am here. I want you to know that we take the problems and concerns that you have seriously and we are going to get them solved. So, does anyone have any questions or thoughts? What are your thoughts about the carts or if that is something that isn’t on the table down the road? Obviously, if our service continues to be how it has been the last few months, it won’t be on the table at all because you’ll be looking for another provider. I won’t be at Republic Service if that continues because that is just not the way we operate. If it is not something you guys would consider then I won’t waste their time going down that route.”

Mayor Luke, “I used that type of refuse pick up before I returned back to Burlington. My adult kids still use it and it worked well.” Council Member, “Do the carts have to be out front?” Jennifer Fagan, “Yes, curbside.” Council Member Jasper, “I think as a City in general we need to monitor this for a couple of months before we make any decision about carts, as far as our service goes.” Jennifer Fagan, “I’m not asking for any type of decision. 5 or 6 years ago nobody even wanted to talk about it then. Times have changed with that and it is just an option.” Council Member Lenard, “Is the primary option to offset labor your internal cost. If you’re having to invest in capitol it would be a total cost back to the City. I’m guessing it isn’t going to be a reduction in service cost.” Jennifer Fagan, “There will be no reduction. In the ones we have done before, we have not had to do any increases either. The biggest challenge we have is the year to year contract. As you know, from a capital standpoint that is where the problem is. If this was a 5 year contract I would be sitting here talking to you about doing it. Just the truck alone is \$350,000 - \$400,000. It’s the workers comp issues. It is rough on them. How would you feel if you were the one out there throwing all the trash and everyone else you work with is playing with a joystick, like an Atari, and its picking it up itself? It’s just a change of the times and has moved in that direction.”

Mayor Luke, “We appreciate you coming in and talking to us this evening. Hopefully the changes will be positive.” Jennifer Fagan, “I anticipate it will. Randy Hugo is running the route. I’m sure he is going to have a few issues in the beginning. I think we did have some misses and they came to get them today. Once we get someone hired, there will be a transition period and to get them trained in the route. If you know anybody who has a CDL class B with air breaks, send them our direction. We are going to do advertising and see if we can get someone from up here.” Council Member Curtiss, “My pickup day was Thursday, they missed me, and I didn’t do anything. On Monday, I saw your truck across the street in the alley and I thought that they were coming to get me. Then they turned and went the other direction. So, Tuesday I came in and got the number to call and now it is picked up. So, I appreciate that.” Jennifer Fagan, “I appreciate your staff. They have got to be tired of handling phone calls. It just doesn’t usually happen. We will work with you guys to get it handled as quick as we can if we have any more issues.” Mayor Luke, “Alright, thank you.”

APPOINTMENT: Starley Hatch – God’s Store House

Starley Hatch, “I’m here for the Ministerial Association. I oversee the Harvesters food distribution at God’s Store House. We have a monthly food distribution the first Tuesday of the month from 6:00p.m. to 8:00p.m. and then on the following Wednesday we have a distribution from 12:00p.m. to 2:00p.m. The Wednesday food distribution is creating an issue. Most of the people are volunteers from churches and they help distribute the food, many of them work so we have a limited staff. I set up a drive-thru system. The recipients just basically drive into the alley because we distribute the food out of the back of God’s Store House. They tell us how many in the family and we box it up. The last couple of months we have had quite an increase in the number of recipients on Wednesday. It has created a problem because when they line up, they back up as far as 6th and Neosho which creates a traffic jam, the traffic has to go out and around but then there is oncoming traffic, so it is an issue.

“So, I want to change the process. What I want to do is, at least for the first few months, is to put a barricade across the driveway on the gravel side of the sidewalk. I will put a poster on it that says something about parking your car and come in to get a number. That way they line up on the side of the building like they do on Tuesday evenings. Then as it approaches time for them to tell us how many they have in their family for us to box up food we will have them bring their car up into the alley. There will probably be 2 or 3 cars in the alley at a time. As one person leaves I will have another person go get their car. It will be somewhat of an assembly line process there.

“I want to visit with you to make sure that you all were aware of it and didn’t have an issue with it. I have visited with Mark (Superintendent Davidson) and he has agreed to loan me a barricade. The downside of that is that if someone wanted to come down that alley for some reason, like recycle center. They come down to pick up boxes in the morning; they usually come down the front but we can work around getting that barricade moved for them. It will just be blocking the alley so the recipients know that they can’t just start parking their cars there waiting for their turn. Hopefully, it will eliminate that safety issue. So, that’s my proposal.” Mayor Luke, “Doug, do you have any issues?” Chief Jones, “As you get started with this you are going to have to have people out on the street directing.”

[4] CONTINUATION: September 18, 2019 Burlington City Council Regular Session

Starley Hatch, "Yes, we will have an individual from the church out by the barricade. They will be giving them a number also. Another issue we had was that some people would drive up but then others would walk up. They would walk up and sign in so they were possibly getting ahead of others who were there. We just want to be fair with all of the recipients." Chief Jones, "Other than the God's Store House traffic, that is a very low use alley. It is not really a concern as far as anything else goes." Starley Hatch, "A lot of the traffic I see during the day time is either people coming up for the auto store or dropping things off at the door. The food bank truck comes in once a month." Mayor Luke, "You are all set with it, Mark?" Superintendent Davidson, "Yes." Mayor Luke, "Alright, then I would say give it a shot." Starley Hatch, "Thank you."

PUBLIC COMMENTS:

None.

ELECTRIC DEPARTMENT: DISTRIBUTION Update

General: Electric personnel have been doing many line locates, customer service requests, some line maintenance, and distribution maintenance and repairs. Tree trimming has taken up the majority of their time. It was started later than normal this year but significant progress has been made. Everyone has done a great job.

ELECTRIC DEPARTMENT: PRODUCTION Update

General: Power Plant personnel have been performing normal power plant and equipment maintenance.

Generator #6 Repair: Superintendent Schneider, "For 2019 we have budgeted for #6 generator cylinder heads to be repaired. There was a shift in the schedule so we were able to move up a couple of days. I'm hoping we can pick the heads up Friday so we would get them back a few days sooner than normal. There has been maintenance on this generator since it was installed, which was 1980 or 1981. That is about 37 years which is over 20,000 hours of run time on that generator. We will start our cylinder head repair the week of September 16th and plan to have it back in service by October 31st. The guys have been working really hard and it has been going well. We were able to get the heads off to look down into the cylinder walls and everything looks good. It was a concern. When water gets into those cylinders and they burn the steam then you can see pitting, but everything looks really good."

WATER AND WASTEWATER: Distribution Update

General: Personnel have been doing the normal duties: line locates, work orders, reading meters, meter reads, customer concerns.

Fire Hydrant: Superintendent Hawkins, "I would like to thank Mark (Superintendent Davidson) and his department. We had a huge success at 3rd and Neosho Street when we put the new fire hydrant in on the corner. We couldn't have done it without their help which I am very grateful for. We had the water off for just under two hours. It went together very well. We do have another fire hydrant that we will be replacing at 3rd and Miami in front of what use to be Mr. Farthings chiropractor building. That will help with getting the old fire hydrants out and help the firemen."

Exercising Valves: Superintendent Hawkins, "The guys are still going out and exercising water valves."

Pump Issues: Superintendent Hawkins, "The guys painted the bulk water station. It looks really nice. I am very pleased with what they have done with it."

EPA (Environmental Protection Agency) Visit: Superintendent Hawkins, "We have been preparing for the EPA visit tomorrow morning."

WATER/WASTEWATER: Production – Water Treatment Plant Update

Superintendent Hawkins reported, "The water plant is running very well right now. We had Shane Newland come to replace the chorine and the PH analyzers that we had budgeted from last year to this year. All that work is completed now."

STREET DEPARTMENT: Update

General: Superintendent Davidson said, "We have been doing regular equipment maintenance. We have been doing alley work, cleaning ditches and gutters, trimming trees. We also replaced a few street signs."

2019 Street Projects: Superintendent Davidson said, "We have finished our 2019 street projects except for Martindale. We will do that when Killough comes back to do some work for the museum. The County came to do our chip seal. We did 18 blocks this year at the approximate cost of \$32,779."

Fire Hydrant: Superintendent Davidson said, "As Danny said we have helped with the replacement of the fire hydrant at 3rd and Neosho."

6th and Alleghany Project: Superintendent Davidson, "Earlier this year you gave your permission to go ahead and bid the project. We have that done. We did it through Earles Engineering. When I spoke with him he gave me an estimate of around \$70,000. So, that is what we were basing the project on. Anne (Deputy City Clerk) and I received and opened bids on August 26th. Burlington Construction bid \$92,362.75, Killough Construction bid \$96,370.70, and Earles Engineering bid \$170,830.00. At the time that we discussed this, there was going to be extensive work done in our roadway that is what prompted us to do this. Things have changed since then, the waterline will be relocated. There is a possible upcoming bridge project, if you give me permission to go ahead with it. I would rather use the money that we were going to use on the 6th and Alleghany project towards the two Kennebec bridges."

[5] CONTINUATION: September 18, 2019 Burlington City Council Regular Session

“With the money that we have spent with Earles Engineering for the estimate, we did get a set of plans. So, my thoughts are that maybe next year or 2021, since we have the plans we do continue with the 6th and Alleghany project at that time. We are not out the money for the engineering, which I believe was around \$7,000, we did get the plans. Right now I would like to ask that we do not do the 6th and Alleghany project and utilize the money on the bridge project.”

Kennebec Bridge Project: Superintendent Davidson, “I’ve spoken with Wayne Blackburn. The County has six bridges that they will be doing next year. They have contacted B&G Consultants, Cook, Flatt & Strobel Engineers, and Schwab Eaton to do a bridge evaluation. B&G Consultants got the bid to do the evaluation. So, I have talked with B&G Consultants and we can get in on the bid process with the County. My hope is that when we do the bridges with the County that it will cut down on our mobilization costs for bringing in the contractor. I have talked to MKEC Engineering out of Wichita and Earles Engineering and I have not heard back from them for an evaluation cost. I did receive one from B&G Consultants. I think on the back page of the contract there is an approximate price on what they would charge.

“A lump sum fee would be \$12,290.00 for the engineering. Bridge #B1, which is the Bowman Bridge the furthest west bridge we have. Bridge #B2 is 9th and Kennebec Bridge. Bridge 1 has an asphalt overlay on it so they are not going to be able to do the chaining. What that consists of is that they will drag a chain; it is a bar with about 10 chains on it, across the concrete. You can tell the difference between a hollow spot in the concrete where it is coming apart. He did that on the 9th and Kennebec Bridge and we do have some places that are a definite problem. We cannot do that on the other one because of the asphalt. If we go with B&G Consultants, they will do core sampling with a minimum of six samples on each bridge. That is to test for the chloride content from all the years of salt; they want to see how far it has penetrated into the concrete.

“They also asked that we do ground penetrating radar which will be at our expense. It will run the bridge and it will give them a detailed look as to how the rebar in the bridge is and any other flaws that are there. I would like to know which direction I need to go; if I can go ahead and contact B&G Consultants and proceed with this or not. We are on a timeline and time restraint with the County; they need to get started on forms because one of their bridges is over the railroad at Lebo. So, there is a long drawn out affair with working over the railroads. This is moving us faster than what we would like but with that being said, what would you like for me to do?”

City Clerk Kewley, “We did send the contract to Tom (Attorney Robrahn) and he did review it.” Attorney Robrahn, “I have reviewed it and it looks fine. I don’t see anything that creates a liability for the City.” City Clerk Kewley, “On the payment, what is the total that we are going to be expensing for the engineer?” Superintendent Davidson, “\$21,990.00. Also, this is a rough estimate from B&G, they thought it would be approximately \$70,000 for the bridge to do a deck repair. So, we are looking possibly up to \$140,000. At the end of the contract it will also tell you, once they do all of the repairs, they will do a polymer seal on it that will come up the sides of the bridge to hopefully prevent any salt getting into the bridge. That is all stated in the contract.” Council Member Scothorn, “Will B&G Consultants work with KDOT to see if there are any grants or anything to help pay for it?” Superintendent Davidson, “There are some grants for bridges. Ours measure 24ft by 35ft and the other is 24ft by 45ft and KDOT does have a bridge repair program for 20ft to 50ft bridges, so we would fall into that category. I can inquire with B&G Consultants to see if we can proceed with that. This may be a mute point but half of the west bridge should be the County’s responsibility. Whether we can go that direction or not, I’m unaware, but the Bowman Bridge is half in County and half in City.”

Council Member Lenard, “So, we would be better off pursuing that because the grant would hold back the schedule.” Superintendent Davidson, “I’m afraid so. That is going to get drawn out.” Attorney Robrahn, “I do have one question. On exhibit 3 it looks like that is a disclosure to make the City aware the polymer concrete could fail. Is that something that we need to be concerned about or is this just a remote possibility?” Superintendent Davidson, “I think it is a remote possibility. It’s been used for many years. He didn’t say that it would fail but he didn’t say that it wouldn’t fail.” Mayor, “What is the Councils pleasure?” Council Member Scothorn, “I take it you are thinking that the bridges are more important than Alleghany?” Superintendent Davidson, “Yes, I do.” Council Member Jasper, “What kind of timeframe are you looking into the get on with B&G Consultants?” Superintendent Davidson, “They would like to have the contract as soon as I can get it signed. I told them we have Council tonight and with a good chance they could get it tomorrow if they chose to go with it, or at least by the end of this week. They have to get their people down here to do the evaluation, chaining, and core sampling done. We are basically about two months behind the County. The County is two months ahead of us on getting this done so we are playing catch up.” Council Member Hall, “What was the total that you said?” Council Member Curtiss, “\$21,990.”

[6] CONTINUATION: September 18, 2019 Burlington City Council Regular Session

Superintendent Davidson, "I don't want to lead you to think the bridges are going to fall in anytime soon. We have a very good opportunity to go in with the County to use their contractor when they are here to do their six bridges, basically piggyback off of them. That way we can get them here and get it done. I'm trying to save \$15,000 to \$20,000."

Council Member Jasper, "I move to accept the quote from B&G Consultants for the Kennebec Bridge Project, not to exceed \$21,990, as being in the best interest of the city." Council Member Scothorn, "I second the motion."

Council Member Lenard, "Let me be clear here, after Tom had mentioned it. Who is installing the polymer?" Superintendent Davidson, "It will be the contractor, whoever is hired to do the bridges for the County. B&G Consultants has done the ground work to get all of the engineering stuff done. Possibly by the first or middle part of December they are going to go ahead and get bids for next year, so it will be whoever comes in with the lowest bid basically." Council Member Lenard, "So what they are doing here, Tom, is that they are basically saying that there is no guarantee for this and they are speaking on behalf of a party they haven't even selected yet." Attorney Robrahn, "True." Council Member Lenard, "I'm almost thinking exhibit 3 needs to go." Attorney Robrahn, "It does stick out like a sore thumb." Council Member Lenard, "This seems awfully premature that they are not going to warrant their work and they haven't developed the specs. If they take it out you could have several different compositions, I don't know. To me this says that there is no guarantee." Attorney Robrahn, "That's why I was asking Mark if it was remote or not. Anything is possible it sounds like." Superintendent Davidson, "It's no different than buying a car. You don't know if you are going to get a good one or a bad one." Attorney Robrahn, "Right. Luck of the draw." Superintendent Davidson, "Exactly."

Council Member Scothorn, "What does the County contract say?" Superintendent Davidson, "This is the same contract." Council Member Lenard, "That doesn't mean we have to take it. This seems premature to have." Attorney Robrahn, "We could accept the consultant agreement with the exception of that provision. B&G Consultants may not agree with it but we could see what they say. On exhibit 3 there is another statement, 'no site surveying will be required under this agreement' and I don't see a problem with that provision. It's the disclaimer on the polymer concrete I think that you want to leave out." Council Member Lenard, "They could put no site surveying under exclusions. I just don't like no warranty or guarantee." Council Member Jasper, "Where do we go from here?" Attorney Robrahn, "You could make a motion to accept the agreement with the exception of that provision to me removed or accepted out of the agreement."

Council Member Lenard, "What if they don't approve? When it comes to negotiations, I don't want to hold it up. I think it is in the best interest of the City to remove it at this time." Attorney Robrahn, "They only thing I can think of is that Mark and I can call tomorrow and can see what kind of impact that would have to eliminate that out of the agreement." Council Member Lenard, "I'd say approve it and then leave it to your discretion to finalize it." Attorney Robrahn, "Okay." Council Member Curtiss, "This is how the County accepted their proposal?" Superintendent Davidson, "Yes." Council Member Lenard, "I would have the same opinion if I was representing the County." Council Member Curtiss, "Yes. I understand that." Mayor Luke, "Do you want to modify your motion?" Council Member Jasper, "What do you want to do? Exclude exhibit 3?" Mayor Luke, "At least the 2nd paragraph." Council Member Jasper, "Or do you want to leave it up to Tom and Mark's discretion?" Mayor Luke, "We can do that." Council Member Curtiss, "See what they say about it." Council Member Jasper, "If they don't accept, then we wait until next Council meeting to sign it and to review it again, is that how we want to proceed with this?" Council Member Lenard, "What do you think, Mark, is that going to throw a bind in things?" Superintendent Davidson, "I'm sure it will but it's your decision."

Mayor Luke, "How would you word the motion?" Attorney Robrahn, "I have gathered that if B&G Consultants will not agree with us accepting that out, then you are saying we should not proceed on with the agreement, right?" Council Member Lenard, "It's a risk. We have the schedule to think about too, which is important." Mayor Luke, "The weight is, is it a big risk? When you guys talk to them is it going to be a high potential of having a problem or a minor risk?" Council Member Lenard, "They put it in here for a reason. So, they have either had failures or claims for warranty." Attorney Robrahn, "But taking Mark's advice of the word remote. It could still happen." Mayor Luke, "Well, concrete fails too." Superintendent Davidson, "Yes."

Council Member Jasper, second by Council Member Scothorn, moved to modify the motion to read, "I move to accept the quote from B&G Consultants for the Kennebec Bridge Project, not to exceed \$21,990, with consultant from our Attorney Tom Robrahn with assistance from Superintendent Mark Davidson, on exhibit 3 second paragraph, as being in the best interest of the city." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

POLICE DEPARTMENT: Update

General: Chief Jones, "City court was last Thursday which we finally wrapped up and got out at 9:30p.m. It was a very long night. On Friday afternoon we went to the range to start training. We got an hour and half of training in then we were called to a gunshot wound here in town. That person was taken to the hospital and life-flighted to KU Med. and that individual died yesterday as a result of the trauma. I had mentioned a suicidal juvenile that we have been dealing with over the last month. The officers dealt with that individual yet again last night. That individual has apparently graduated from a treatment facility for the 2nd time. They send them back all cured but that is not how that works. We did work another unattended death this morning. We have been staying busy and active."

[7] CONTINUATION: September 18, 2019 Burlington City Council Regular Session

Police Committee – Residency: Chief Jones, “I had opened up discussion with the Police Committee about residency and the concerns with it.” Council Member Lenard, “We gathered some more data and it is still a work in progress. Over the last three or four years we have had trouble at times hiring police officers. We have the residency but Doug reached out and we gathered data from six others cities and two counties on their residency programs. There are a couple of cities that has no residency. What we are in the process right now, working with Gina, we have a rough draft of modifying the residency to be within the county. Then we also need to address the take home car and leaving it at five miles. We are in the process of drafting that up to bring back to the Council.” City Clerk Kewley, “I will add to that. I was unaware that we were going to discuss it tonight. There is another area in the personnel manual that does address all employees. It has always been an internal policy that the employees live within the county and encouraged in the city. We should polish that up if we are going to look at the police side; we need to look at all the employees. We do get quite a few inquiries from people who would like to apply for a job if they have to live in county. It doesn’t really say in our manual.” Mayor Luke, “Okay, so it is a work in progress.” City Clerk Kewley, “Yes.”

PARKS DEPARTMENT: Update

General: Superintendent Boyce reported, “We have been cleaning public buildings and restrooms; doing equipment and building maintenance; watering trees and flowers. We have also been mowing, spraying, and weedeating which has been taking most of our time.”

Mosquito Fogging: Superintendent Boyce, “We had been doing Tuesday and Thursday nights. I do mowing after hours and visiting with John and Dorinda, we haven’t been kicking up mosquitoes during the day. So, we are going to go back to fogging on Tuesday nights then if we see an increase we will start on Thursdays again. The chemical is costing us about \$175 per night; that is not counting the man hours.”

PARKS DEPARTMENT: City Dam Retaining Wall Repair (West)

Superintendent Boyce, “Schwab Eaton did make it down this week and did elevation shots at the City Dam. This is the engineering firm we hired last December. Right now the river is the lowest it has been since we hired them except for when they shut it down for a day or two because everything was flooding downstream. Schwab Eaton cannot get their guys off of a job and down here that quick though. We did get this scheduled. The next thing will be for them to get bore samplings where the wall will sit. They will see what is underneath and then they will start the design phase.”

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2019-17	\$	391,742.48
b. Payroll Ordinance	2019-19	\$	88,180.40
	TOTAL	\$	479,922.88

CLAIMS 2019-17: Council Member Lenard moved to approve City of Burlington Claims Ordinance 2019-17 for the amount of \$391,742.48 for payment of city bills. Council Member Tschantz gave the second. City Clerk Kewley said, “We have payments tonight to Brenntag \$14,115.06, Kansas Power Pool \$234,599.22, Mize Houser & Company \$14,925.”

Hearing no additional discussion, Mayor Luke instructed City Clerk Kewley to poll Council. All votes were in favor. Mayor Luke declared, “Claims Ordinance 2019-17 passed unanimously, 6:0.”

PAYROLL 2019-19: Council Member Lenard moved to approve City of Burlington Payroll Ordinance 2019-19 in the amount of \$88,180.40, as presented. Council Member Tschantz gave the second. Hearing no discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared, “Payroll Ordinance 2019-19 passed unanimously, 6:0.”

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, “Normal duties. I have issued a couple of building permits.”

Nuisance Properties: Zoning Clerk Hugunin, “I have been very busy with nuisance properties. I talked with Dollar General again. They finally got it mowed. Hopefully they will mow a little more often. They changed their policy at all Dollar General stores that whoever mows must be insured. So, they are having a hard time finding people who are insured to mow. Also, I’ve had the Police Departments help the last couple of days with delivering nuisance letters. One was for someone living in an RV; I do have 3 or 4 more of those. They all will be notified that they cannot live in an RV on their property like that.”

Nuisance Properties - 417 South 4th: Zoning Clerk Hugunin, “HUD (Housing & Urban Development Department) owns the house, out of Oklahoma. They had until Monday before we mowed it and they mowed it today.”

[8] CONTINUATION: September 18, 2019 Burlington City Council Regular Session

House Fire – 216 Hudson Street: Zoning Clerk Hugunin, “I received a call on 216 Hudson Street. I talked with the brother of the deceased owner today. He is going to be here as soon as he can, he lives in Maryland. Once he receives everything from the state fire marshal’s office, insurance, if there was any, we are not sure, and then he will start getting that cleaned up.”

Fall City-Wide Cleanup 2019: Zoning Clerk Hugunin, “Fall clean up was just announced. Brush will start Monday October 7th, everything else will be the following Monday on October 14th.”

City Hall Repairs: Zoning Clerk Hugunin, “We have another contractor and Phil (EMC Insurance Adjuster) will be here Monday or Tuesday to go up and look at the roof. While he was here I showed him pictures that Phil had and he is not able to tell from them if it is storm damage or bad work, either way it will need replaced.”

Other: Mayor Luke, “Any Questions for Jimmy?” Council Member Lenard, “On our fall clean up, all these nuisance properties you have talked about, is there a different approach we can take to socialize this to the property owners?” Zoning Clerk Hugunin, “Last year I handed them out. It did not make a difference. I did go door to door and taped them to doors.” Chief Jones, “Becky did put it on our Facebook page and printed out enough of the flyers for the officers to give out. There are some that we will give personally to.” Zoning Clerk Hugunin, “I think you guys have done that in the past. Last year I handed out 25 or 30 of them.” Council Member Lenard, “Have you had any feedback on why people don’t get stuff out to the curb?” Chief Jones, “They don’t have time, the kids have this or that, or they had to go do this or that, it’s the usual excuses.” Zoning Clerk Hugunin, “Or their stuff is too good to throw away.”

Council Member Curtiss, “Once you notify a property owner that it has to be mowed, how long do you have before Kevin goes to mow it?” Zoning Clerk Hugunin, “Well, it is a process. We do a courtesy letter to begin with, if they have not been notified this year already. Then we give them a few days to respond to the courtesy letter.” Chief Jones, “It depends on the weather too.” Zoning Clerk Hugunin, “It has been difficult this year on the mowing because of the rain. Then if that doesn’t work, we do the 10 day notification. Which is the normal letter for nuisance property where you have 10 days to get it cleaned up. That is from the date that it is delivered or that they received it.” Council member Curtiss, “Okay, so we are talking almost 2 weeks?” Zoning Clerk Hugunin, “You could be talking almost 2 weeks and depending on weather it could be 3 weeks.” Council Member Curtiss, “Okay if it’s a good time, no rain and nice weather, we are talking about 2 weeks?” Chief Jones, “Then it depends on Kevin’s schedule.” Council Member Curtiss, “Okay, I’ve had people ask and I wanted to be clear on that.” Zoning Clerk Hugunin, “Right. Everything we do is by state statute.” Council Member Curtiss, “I told them that but I just didn’t know approximately how much time was allotted.”

Zoning Clerk Hugunin, “If we go in to mow on some of these properties that we have just started doing this year, I’ve added two to their list, I don’t remember how much it is each time, \$300 or \$400?” Superintendent Boyce, “It’s \$300 per hour. \$150 for the mowing and then \$150 for paperwork.” Council Member Jasper, “That gets assessed to taxes and then how often?” City Clerk Kewley, “By state statute we have to get it to the county by September 16th, and we did do that, which we had \$3,675.00 worth of mowing for 2018-2019. So, anything after the 16th will go onto next year’s taxes, and then as they pay their taxes, they pay us.” Council Member Scothorn, “How long do we have when they don’t pay their taxes?” City Clerk Kewley, “It stays on there until they have a sheriff’s sale. When we get our report from the County it doesn’t tell us where we got it from, it just says for grass mowing.” Council Member Jasper, “It’s not favorable for us to go on these properties and mow; it is not good for our equipment.” Superintendent Boyce, “We had one at 9th and Yuba I believe that we had to take the tractor to bush hog it prior to the riding mower because it was so tall.” Zoning Clerk Hugunin, “Another drawback to this is that on some of the properties it is difficult to find who owns it. It may list someone on the county website as an owner but when you talk to them they say that they do not own it. It took me 2 weeks on the property on South 4th to find an owner. Turned out it was HUD, an office in Oklahoma.” Council Member Curtiss, “Okay, well thank you.”

PERMITS: Building Permits issued by Zoning Clerk Hugunin:

2019-024 First Christian Church 1401 Cross - Addition

2019-025 Kevin Johnson 304 N. 12th - Carport

LICENSE

None.

OTHER COMMITTEE OR COUNCIL BUSINESS

LEGAL DEPARTMENT: Update

Attorney Robrahn reported, “I reviewed the B&G Consultant agreement. I went on a tour of the City Hall building with Jimmy. Philip talked to me about the long court on Thursday evening and I think that has been the longest since I’ve been on board. It starts at 5:00 in the afternoon and went until 9:30, that’s a long night.” Chief Jones, “Well it was supposed to start at 4:30 but the judge got tied up at Leavenworth. They take your cell phone away when you visit your clients, they went into an emergency lock down, and he had no way to communicate with the guards. They got him out after 45 minutes, so he was late getting there. We had already started running some of the cases through the pay-review.”

[9] CONTINUATION: September 18, 2019 Burlington City Council Regular Session

CITY CLERK: Update

General: City Hall Staff have been busy with customers paying utility bills, many calls and inquires, preparing work orders, vouchers for bill paying, payroll, and council meeting minutes.

KDOT Webinar: City Clerk Kewley, “Kevin, Mark, Jimmy and myself participated last week in a webinar through the League they were hosting with KDOT to go over the many projects that is available, grants, and who qualifies and who doesn’t. That was very informative.”

Nuisance Properties: City Clerk Kewley, “I have already spoken to you about the grass on nuisance properties. I do want to say that was four properties with multiple charges. That was the total of \$3,675.00.”

CITY CLERK: Personnel Kerri Weltha – Evaluation

City Clerk Kewley, “Kerri Weltha has been in her position as the Utility Billing Supervisor for 1 year so it is time for her annual evaluation. I would like to recommend her a wage increase effective September 21 from \$17.98 to \$18.70 for everything that she continues to do. She has done a fabulous job taking over this position. She is always courteous and pleasant.”

Council Member Hall, “I move to accept Kerri Weltha’s personnel evaluation as presented, and to grant a pay increase to \$18.70 per hour, effective 9-21, 2019.” Council Member Curtiss, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

REPORT BY CITY OFFICERS:

Council Member Jasper, “I was reading last Council meeting minutes because I was not here. Danny’s report of the onsite generator stuck out to me. I do feel like that is an extreme importance and not just for his department. It is important to look at for all departments going forward. We do have infrastructure, equipment money, and reserved funds. I do understand that we do have a generation plant but when there is an interruption in the circuit, like a tree branch, the generation plant cannot produce energy to jump over the tree branch and to said location. I do believe that our water treatment plant, just like Parks and Street, is equally important to snow storms and being able to get into buildings. So, that is something I would like Council to look into to pursuing as well as our superintendents.” Mayor Luke, “I would like the committee to meet with Danny and with Alan and put together a proposal.” Superintendent Hawkins, “We can do that.”

MAYOR’S COMMENT(S):

Mayor Luke, “Dallas, Lewis, and I went to the County presentation that Wayne Blackburn talked about last meeting. You have in your packets the three presentations that were done. They were from CSF, B&G Consultants, and Schwab Eaton. The consensus that I got was that the County would hire and pay for initial studies that will be done in all of the communities in the county. Upon the completion of this study and evaluation they would meet with people in town, have city meetings, meet with the governing body, put together a package, and at that point in time, whatever the city desires to implement, the cost will be the City’s responsibility. The initial planning is considered to be paid for by the County. We don’t know what we will get out of it. I know all three consultants; they have done a lot of this type of work around the state. We, and all of our citizens, can expect to have input. We can go through, determine exactly what it is that we would like to have done, get the costs to do so, and then make our decision based on that. I do not know the timeline because I know that they have not hired anyone at this point. It was discussed at Monday’s commissioners meeting but there was no resolution at that time.”

Council Member Lenard, “I think it would assist the cities and prioritize the projects, then if there is funding available from different entities they will assist with that. Also, the cities will help create their own evaluation matrix. So, we are still working towards the right things that prioritize, like a generator. Also, there was some discussion about street projects that might help alleviate regular maintenance type of costs.”

[10] CONTINUATION: September 18, 2019 Burlington City Council Regular Session

FUTURE AGENDA ITEMS:

GENERAL: City Debt - How to fund projects Expense Tracking on Projects Election 2019 – Mayor and Council All Wards, Position 1 Budget 2020	GAAP - Infrastructure Capitalization City/County Grant Funds – Discussion on Matched Funding Council Discussions on Evaluations, Succession Planning, etc. Flooding 5-2019 – Updates City Hall Location Updates Negotiations for Real Property
ELECTRIC DEPARTMENT: Power Plant - Additional Generation	<i>R.I.C.E. N.E.S.H.A.P. Compliance</i>
PARKS DEPARTMENT: Events in Parks (Updates) City Dam - West Wall Repair – Engineering Services Proposals	Kelley Park Light Poles – Repair/Replace (also see Legal) Girl Scout Rock Garden - Updates
LEGAL DEPARTMENT: Municipal Court Updates Misc. Legal - Documents, Cases, Contracts, etc.	Park Agreements: 1) Agr of 12-2018 - City & Rec. Com. – <i>Review in Spring 2019</i> 2) Committee – Review and Update Park Contracts
PLANNING AND ZONING Industrial Park Lots for Sale, etc. Work with Advantage Computers and City Departments to improve Cyber Security Nuisance Structure & Properties: Work with PD F.I.R.M. Floodplain Map Changes – Updates Burlington Corporate Boundary Updates on Map (Work with State) Permits - Building/Zoning/etc.	Quarterly Construction Valuation Report Prepare Easements for any City-owned property without one City Hall - Awning Replacement (switch to metal) 415 S. 6 th (Theda Darnell Property) – Demolition-Hire Contractor Addition Nuisance Structures for Possible Condemn/Demolish
POLICE DEPARTMENT Nuisances (Work with Zoning Clerk) Voice Stress Analyzer Project	Department Activities and Cases
STREET DEPARTMENT: Concrete St. Repairs/Free State Ct. Replacement/Repair Excess Hot-Mix from APAC Litigation/Redo S 3 rd St. Municipal Parking Lot in 2019 Pavement Management System/Asset Management System Old Penny's Concrete Building – renovation/door/etc.	Street improvement Plan, Paving Gravel Streets, Crack Filling, Street Improvements 2019 6 th & Alleghany Project Street Improvements 2019 Asphalt Project Street Improvements 2019 Bridge Project
WATER & WASTEWATER DEPARTMENT: Fire Hydrant – 3 rd & Neosho Storage Building for Dirt -Construction Flooding	Sensus Water Meter Replacement 6 th and Alleghany Waterline Project Sewer Liftstations –Flushing Rags, etc. Quick Coupler Bucket Updates Sewer Lagoons - Analysis (KRWA/funds for dredging) Sewer Lagoon Maintenance/Updates

Mayor Luke declared the meeting adjourned.

Approved by Governing Body and signed by Regina R. Kewley, City Clerk