

BURLINGTON CITY COUNCIL REGULAR SESSION 10-21-2020

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 21, 2020. Mayor Stan Luke called the meeting to order.

ROLL CALL: Stan Luke, Mayor

Council Members present:

- Jerilyn Curtiss (President of Council) Dallas Scothorn Lewis Lenard
- 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:

- Anne Brown (City Clerk) Mary Mader (Administrative Assistant)
- Philip Wright (City Attorney) Jimmy Hugunin (Zoning/Grants Clerk)
- Kerri Weltha (Deputy City Clerk)

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Becky Voorhies, Jay Hale, Paul Abendroth

AGENDA:

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

MINUTES 10/7/2020: Mayor Luke, “You have before you the draft minutes of our regular session of October 7, 2020. Are there any additions or corrections?”

Council Member Hall, “I move to approve the draft minutes of October 7, 2020, as amended.” Council Member Tschantz, “Second.” Motion unanimously carried, 6:0.

APPOINTMENT: Becky Voorhies – Thrive Allen County- CDBG-CV Grant Update

Becky Voorhies, “I don’t really have anything to present. I just want to let you know about the CDBG-CV Grant for small businesses; it is still available. We have not received any applications yet. I did come to town with some applications to hand out to small businesses to let them know. I spoke with JoAnn at the Chamber of Commerce. She sent out a mass email to all the businesses to let them know. Jimmy (Zoning Clerk Hugunin) put it up on the website. I didn’t know if I should get ahold of the paper or a radio station to kind of let people know that this money is available.” Mayor Luke, “We have had it in the paper, right, Mark?” Mark Petterson (Coffey County Republican), “Somewhat.” Mayor Luke, “Becky, Mark is sitting right here. We have 97.7 the Dawg Radio Station, which is on the south edge of town. I believe I have her number.”

PUBLIC COMMENTS:

None.

ELECTRIC DEPARTMENT: DISTRIBUTION Update

General: Electric personnel have been doing many line locates, customer service requests, tree trimming, shop maintenance, preventative line maintenance, and vehicle and equipment maintenance.

Street Light Repair: Superintendent Schneider, “We did fix two street lights. This is very rare with these new LED’s on our system. The photocells malfunctioned.”

ELECTRIC DEPARTMENT: PRODUCTION Update

General: Power personnel have been performing normal power plant and equipment maintenance, over current relay maintenance, and substation maintenance.

Winterizing: Superintendent Schneider, “We are preparing for winter at the plant. We are making sure we have all the radiators functioning and secure to keep the cold weather out. We will put the inner cooler covers on a little bit later; it is not that cold yet. We are also doing a little bit of preparation at the substation at the power plant also.”

Call Out – Outage: Superintendent Schneider, “We have worked one call out since last Council. We had a line tap fuse blow in the 1300 block of St. Lawrence. It affected about five blocks of our customers. I was notified at 5:15 p.m., got a hold of the crew, and they had service restored by 5:45p.m. We got everybody back on quickly there.”

Demo Derby(Danny Main): Superintendent Schneider, “Friday afternoon, we will go down and secure the blocks for the demolition derby being held this Sunday.”

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WATER AND WASTEWATER: Distribution Update

General: Personnel have been doing the normal duties: line locates, work orders, reading meters, meter rereads, maintenance on trucks and equipment, customer call-outs, and concerns.

9th- 12th of Alleghany Waterline Project: Superintendent Hawkins, “We did start on the Alleghany project for waterline replacement. Riley Boring is here and will be here until next week.”

Water Meter Replacements: Superintendent Hawkins, “We are doing an install on a 2-inch water meter at the old bowling alley, which is south of town. We have also been replacing water meters around town. We are lowering the pits so that the customers can mow over them.”

Sewer Lagoon Riprap: Superintendent Hawkins, “Mike Schmidt completed the riprap on the sewer lagoons. It looks fantastic; he did a good job. I am very pleased. I have already contacted KDHE and sent photographs of it. They wanted it for their information.”

Water Leak (s): Superintendent Hawkins, “With the slight drought we are in, we are seeing little small leaks. We are hearing that customers are having problems on their side. We have fixed a few small ones. We have contacted Tony Kimmi with the Rural Water Association on a few that we have around town. It is no charge to the City. He will come in and listen like what he did by The Bake-Ary that was out in the middle of the high way. We don’t know if we have them or not, but we want him to come in and take a look at a couple that we think might be.”

Equipment Training: Superintendent Hawkins, “I also have been taking the guys out to the old sewer lagoon to use the heavy equipment to get training for them, let them get a feel for the equipment.”

WATER/WASTEWATER: Production – Water Treatment Plant Update

Superintendent Hawkins, “The plant is still running well.”

Water Leak: Superintendent Hawkins, “We had a water leak again. We had an incident where the City of Gridley called us to say they know they have a leak, but they couldn’t find it. They ended up finding it. It was a really big leak. They were pumping about 180,000 gallons through their meter. As soon as they got it fixed, our tower went up pretty fast. Yesterday we had some overtime because of water usage. The towers were falling so fast we couldn’t even keep up with the leak that they had. We just wanted to make sure we had enough for fire protection.”

WATER/WASTEWATER: Personnel: Dillon Brown – Evaluation

Superintendent Hawkins, “I have Dillon Brown's yearly evaluation. He has done a good job for us. He is learning, and we are doing good training with him. My recommendation would be to give him a 2% merit increase.”

Council Member Tschantz, “I move to accept Dillon Brown’s personnel evaluation as presented, and to grant a pay increase to \$ 17.09 per hour, effective October 17, 2020.” Council Member Hall, “I second the motion.”

Council Member Jasper, “How is Dillon coming along on his testing?” Superintendent Hawkins, “We just got his Sacramento School order in, so he will be taking his test on it here shortly.” Council Member Jasper, “Thank you.”

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

STREET DEPARTMENT: Update

General: Superintendent Davidson, “We have been doing our normal duties. We have been cleaning ditches, sweeping curb and gutter, repairing and re-rocking a few alleys, and servicing equipment.”

Winterizing: Superintendent Davidson, “We started winterizing some of our equipment.”

City Wide Trash Clean up: Superintendent Davidson, “Last week was spent doing City-wide trash clean up. We had 32 loads of solid waste, Construction & Demolition, and metal taken to the landfill for a total of 41.24 tons of material taken out. Fall clean up of 2019, we had 25 loads and 17.7 tons, so we had quite an increase this year.”

STREET DEPARTMENT: Sidewalk Cost-Share Applications 2020-03 & 2020-04

Superintendent Davidson, “You have in your packets the sidewalk cost-share application for Doris Van Pelt at 815 Niagara Street. She has 60 ft of sidewalk she would like to replace at \$10 per foot, so that would be \$600. Then we also have another one, her neighbor, Synthia Renyer, at 821 Niagara. She has 65 feet. That would be \$650 of new sidewalk.” Mayor Luke, “Are they likely to do them still this fall?” Superintendent Davidson, “That is their thoughts. I did tell them that if it goes into next year, they will have to reapply for the permits.”

Council Member Hall, “I move to approve Sidewalk Replacement Cost-Share Application 2020-03, Doris Van Pelt for 815 Niagara Street.” Council Member Tschantz, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Council Member Jasper, “I move to approve Sidewalk Replacement Cost-Share Application 2020-04, Synthia Renyer for 821 Niagara Street.” Council Member Curtiss, “I second the motion.”

Council Member Jasper, “How much do we have left in that account, roughly?” Superintendent Davidson, “We have \$7,780 left.” Council Member Jasper, “Get to building sidewalks.”

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

STREET DEPARTMENT: Kennebec Bridge Project – Bridge Inspection

Superintendent Davidson, “I received an email from B&G Consultants on the two bridges. I had not even thought about having an inspector on the project. They are offering to do the inspection for both bridges. The breakdown is in your packets of their costs and hourly wages. For both bridges, the estimated cost would be \$55,848.00. I don’t know where else to go with this. My guess is that we will need to accept it unless you decide to not have an inspector on the project. I need a little guidance here on what you would like to do.” Council Member Jasper, “We just kind of dropped the ball on finding the contract. It’s necessary to have an inspector for the bridges.” Council Member Tschantz, “Is the inspector going to be there all the time?” Superintendent Davidson, “Yes, they have certified construction observer. They have estimated 420 hours. So, yes, there will be someone here.” Council Member Jasper, “How do you guys want to handle it from here?”

Council Member Lenard, “So this is not something where you would have a hold point or something, they have to be here the whole time? There are not specific milestones that they can come in and inspect? You know what I’m kind of asking?” Mayor Luke, “Yes, I know what you’re asking.” Council Member Jasper, “Like before they pour a wall, they will inspect it.” Mayor Luke, “Yes, it would be tough.” Council Member Lenard, “If it’s delayed ...that’s what I hate about hold points.” Mayor Luke, “Right, then you have to wait for them to come and look at it. If they are tied up on another job, they may not be able to look at it for two days. This way, they are dedicated to one particular project. Plus, it gets a quick response when the inspector finds some issue that is not going right because they can control it right then, and it doesn’t get covered up, so to speak.”

Council Member Jasper, “How do they slot the 420 hours up?” Council Member Lenard, “This is between both of them? Mayor Luke, “Yes.” Council Member Lenard, “How much overlap do we have? Are they doing these one after the other?” Mayor Luke, “If I remember correctly on the bid information, they will start on one bridge, when that crew was done doing that particular phase of the project, they would immediately go to the next one. They would be working on some of the same items at the same time.” Superintendent Davidson, “They will have the tear out crew start on one bridge; as soon as they are done, they will start on the other one. Then the reconstruction crew will start. There will be something going on on both bridges at the same time.” Council Member Lenard, “So, let me ask this, is there a combination of using this certified observer and then skill sets you have to do some of that?” Superintendent Davidson, “No, absolutely not. I’ll dig your ditches all day long, but I’m not going to inspect your bridges.”

Council Member Scothorn, “Is this anything that the County would chip in on?” Superintendent Davidson, “Well, they should, from past conversations, they should pick up half of that \$55,848.00. That was the initial agreement; they would pay for one bridge and all of the engineering fees. I would suggest giving half of this to them also.” Mayor Luke, “We will probably have to go back and talk to them again.” Council Member Jasper, “You are good at it.” Council Member Lenard, “So I’m guessing with the inspections were left out of all the county projects?” Mayor Luke, “That I don’t know.” Council Member Jasper, “That’s what I was wondering too.” Mayor Luke, “I can find out.” Council Member Lenard, “To me, it’s on who was giving us the estimate, they kind of messed that up as well.” Mayor Luke, “I don’t know if there was an inspector on the other seven bridges or not. Although most of them were just mill out and put the asphalt back on top.”

Superintendent Davidson, “Yes, B&G Consultant’s did have an inspector on their bridges.” Mayor Luke, “On these seven?” Superintendent Davidson, “On the other seven bridges that the County had done, yes.” Council Member Jasper, “Like you said, those are mill jobs instead of tear out and replace. Do we make a motion? How do we proceed?” Council Member Lenard, “I think we need to inspect it; I think we need to approve it. I don’t think the funding.... we just ask for that.” Mayor Luke, “We will go again; this is minor compared to the other.”

Council Member Jasper, “I make a motion to accept the inspection costs from our engineering firm, B&G Consultants, for Bridge B1 and B2 deck replacements, not to exceed \$55,848.00.” Council Member Curtiss, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

POLICE DEPARTMENT: Update

General: Chief Jones, “We had our normal calls.”

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Cases: Chief Jones, “Yesterday day shift, there was a fight call in progress between two guys at 8:30 in the morning. We finished up the afternoon with a welfare check that turned into an erratic pedestrian walking down the street three blocks west of the house where he was supposed to be. We wound up spending about an hour and a half with him at the hospital getting medically cleared; he is a mental health patient. He wasn’t impaired by any illegal substance or anything like that.

“We are still working the fire at 1024 Housatonic. There was a fire in the kitchen of a vacant house. The owner from down south, Texas or Louisiana, came in. She will be making an inspection of the house to see if anything else is damaged or missing. We are working with the Fire Department on that.

The unemployment fraud cases we have been working, we are now supposed to tell people to go to the Kansas Department of Labor’s website and self-report the fraud instead of reporting it to us. Basically, they decided that there was no need for us to be generating three to four-page reports on each individual fraud case. This is a nationwide issue, and there are thousands of people’s credentials used to defraud. Including more in the City, most recently, our retired City Clerk and our Municipal Court judge.”

Parade: Chief Jones, “We did get notification from the grade school, there will not be a Halloween parade for the grade school this year.”

Downtown Trunk or Treat: Chief Jones, “We will participate, we believe it’s still going on, the downtown trunk or treat on October 29th from 3:30 to 5:30. I don’t know if Burlington Promotions came in and asked for a street closure or not.” City Clerk Brown, “Not that I’m aware of.” Mayor Luke, “No.”

Demo Derby (Danny Main): Chief Jones, “That is kind of like the demo derby that is supposed to, possibly, going to take place Sunday. We really don’t know yet if that is going to happen or not. The last I checked with City Hall, which was yesterday, and they let me know again today. This guy still has not shown up and proof of insurance or put his \$750 security deposit down. I talked to Kevin about it yesterday; unless he puts the security deposit down and shows his proof of insurance, there is not going to be a derby.”

Radio Committee Meeting: Chief Jones, “We are going to have a radio committee meeting tomorrow morning; hopefully, we will get some more answers.”

QUESTIONS/COMMENTS:

(Downtown Trunk or Treat) Mayor Luke, “I don’t think the Trunk or Treat is through the Rec Center.” Chief Jones, “I don’t think it’s the Rec Center; I thought it was Burlington Promotions.” Mayor Luke, “I’m not sure it’s Burlington Promotions either because Ronda with the Economic Development has been the one pushing it. I don’t know if anybody else has been pushing it or not. I was under the assumption since they hadn’t been here that it is just going to be trunk or treats in front of the businesses.” Chief Jones, “Yes, in front of the businesses and down the sidewalk. Without doing the parade this year, I don’t know what kind of turn out we are going to get anyways.” Superintendent Davidson, “So, are you requesting barricades then?” Chief Jones, “I’m not.” Mayor Luke, “No, they haven’t contacted or ask permission to even do it.”

(Demo Derby-Danny Main) Council Member Lenard, “So the same thing with the demo derby, do we expend any resources at all of a permit internally to support that?” Mayor Luke, “The only thing we have to do is wire down the concrete blocks.” Superintendent Schneider, “Yes.” Mayor Luke, “They put them in place. So, by Friday afternoon, if they don’t have the deposit in, then we just don’t wire down the blocks and don’t let them utilize the facility.” Superintendent Schneider, “Yes, we will just wait until we know the facts before we even do anything.” Chief Jones, “I know Anne and her staff have been keeping an eye out for it to see if they show up.”

PARKS DEPARTMENT: Update

General: Council Member Scothorn, “We have been cleaning public restrooms and buildings. We have been doing building and equipment maintenance and spraying weeds and grass in gravel areas. We have been doing a little bit of mowing.”

City-wide Cleanup: Council Member Scothorn, “They helped with city-wide cleanup.”

Beautification Project: Council Member Scothorn, “They have removed all the flower from the baskets and cement flower pots. They removed the cement flower pots off the sidewalks downtown.”

Winterizing: Council Member Scothorn, “They have started closing down seasonal restrooms and winterizing them along with the sprinkler systems.”

Boofest: Council Member Scothorn, “They prepared Kelley Park for Boofest that took place October 17, 2020.”

PARKS DEPARTMENT: City Dam Retaining Wall Repair (West)

Council Member Scothorn, “They have been working with B&B Bridge Company on the retaining wall at the City Dam. The project started on October 19th.”

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Council Member Jasper, “I met with Kevin at about 4:00 today, and in your packets, you’ll see some pictures. They were supposed to start the retaining wall where this one stopped. As they started tearing out and have gotten this far, you can see that this wall is pretty out of plumb, and the cavity on this wall was worse than they anticipated. So, what Kevin is having B&B Bridge Company do is requote to come back. As you can see in the bottom picture, to the second fence post, and cut that back to there. Actually, to the joint, you can see where it makes that dogleg, to cut it back there, and requote it as an add on. When I got down there, you could see from a long ways away that this piece is out of plumb. If you start a project there, it is not going to look good. He hadn’t received any quotes back yet, as of today. He asked when he gets a quote back if he could bring it to the committee, and we could accept it as a committee and proceed with the project. Or if you guys want to wait until next Council to examine the quote but that might hold up the project.”

Mayor Luke, “We can’t do it with the committee, but we can have a special meeting because it has to be done in public. We can have a special meeting, and there has to be public notice, and the voting members should all be present.” Council Member Jasper, “Okay.” Council Member Lenard, “Did they estimate what ...” Council Member Jasper, “No numbers were discussed between Kevin and I. We are already in contract with B&B Bridge Company; even if we don’t really like their quote, I don’t see us being able to bring in another contractor just to pick up that little spot right there.” Council Member Lenard, “It’s going to be equipment and labor. It is what it is.” Mayor Luke, “Equipment will probably already be here. It will be mainly labor and the cost of materials.” Council Member Jasper, “Right, you are looking at tear out, hardware, material, and labor. This is a long-lasting project; I don’t think you want to start it off I guess we get the quote back, and then I’ll have Kevin blast out an email.” Mayor Luke, “Yeah, and we can officially do it there. That way, we don’t have to wait for the two weeks, and we do have to have it posted as an open meeting.”

Council Member Lenard, “Let me ask this, could we pre-approve a change order amount not to exceed?” Council Member Jasper, “That’s what I was wondering. Kevin and I had talked about that. I think every project has a 10% or most anyway?” Council Member Lenard, “That is kind of the rule of thumb to figure contingency in but...” Council Member Lenard, “That’s what I was wondering if we can’t do a soft change order tonight?” Council Member Lenard, “That’s why I asked if we had some preliminary...or you could go a percentage of the contract price for a change order. I’m like you; I don’t want to see the project held up.” Mayor Luke, “I don’t either.” Council Member Lenard, “If we can get it approved, then so be it.” Mayor Luke, “I have a little bit of a heartache saying we are going to do X%, then that is what the bid is going to be.” Council Member Lenard, “Okay, let’s just wait.” Council Member Hall, “Just do a special meeting?” Mayor Luke, “Yes.”

Council Member Jasper, “What do we need for the majority just to do that?” Mayor Luke, “We have to have four people.” Council Member Jasper, “So, if a couple of people can’t make it, we can still get together?” Mayor Luke, “Yes. We will work with that one when we have some more information.” Council Member Jasper, “He was thinking the next day or two.” Mayor Luke, “Okay.”

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2020-19	\$	<u>455,304.16</u>
b. Payroll Ordinance	2020-21	\$	<u>89,686.87</u>
	TOTAL	\$	544,991.03

CLAIMS 2020-19: Council Member Tschantz moved to approve City of Burlington Claims Ordinance 2020-19 for the amount of \$455,304.16 for payment of city bills. Council Member Lenard gave the second. City Clerk Brown, “The larger expenses we have tonight are Brenntag Southwest \$8,568.85, Core and Main \$23,849.43, which that is for part of the AMI’s and the waterline replacement on Alleghany street, and Killough Construction for Street Projects \$97,709.30.” Mayor Luke, “And we have almost \$200,000 to Kansas Power Pool for electric.” City Clerk Brown, “Yes, that’s a normal one.” **Hearing no additional discussion, Mayor Luke instructed City Clerk Anne Brown to poll Council. All votes were in favor. Mayor Luke declared, “Claims Ordinance 2020-19 passed unanimously, 6:0.”**

PAYROLL 2020-21: Council Member Hall moved to approve City of Burlington Payroll Ordinance 2020-21 in the amount of \$89,686.87, as presented. Council Member Jasper gave the second. Hearing no discussion, Mayor Luke instructed City Clerk Anne Brown to poll Council for a vote. All votes were in favor. Mayor Luke declared, “Payroll Ordinance 2020-21 passed unanimously, 6:0.”

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, “Normal duties. I have been updating permits, and they are ready to send to the County.”

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CDBG-CV Grant: Zoning Clerk Hugunin, “I have been working with Becky, with Thrive Allen County, quite a bit for the grant.”

CARES / SPARKS Program: Zoning Clerk Hugunin, “We had what I believe to be our last meeting on the SPARKS Program, and they did divvy out checks. Anne will have a little update on that.”

Nuisance Questions: Zoning Clerk Hugunin, “Talking to Paul (Abendroth) here before the meeting, he had asked about Willow Bend. I have been getting a lot of calls about nuisance properties on Willow Bend too. I just want to let it be known that it is not in City limits; it’s not even in the extraterritorial. That is all County there. The projects that have been going on down there have been permitted through the County. I have gotten a lot more calls just about the houses and the mold in there. It is all on the County.”

OTHER COMMITTEE OR COUNCIL BUSINESS:

LEGAL DEPARTMENT: Update

City Attorney Wright, “We have this resolution to start the condemnation proceedings. Interestingly, I got an email and talked with Ronda at Coffey County Housing Authority. She wants to help with the clean up of Hudson Street. I don’t know how to get her involved with that. She does have funds available to do the clean up if it was a price party. I kind of discussed with her; I’ve been trying to brainstorm how we could get this taken care of. I was going to throw it out there; I don’t know if it would be a wise thing to do, just something to think about. First of all, I’m having a hard time figuring out who the heirs are; I’m getting that there is a lady involved and maybe a brother. Ronda has tried to contact multiple times the person that lives in Maryland and was able to have some initial conversations with him, but he hasn’t been returning calls lately. It’s possible for the City to go ahead and institute probate proceedings on behalf of somebody; the city would be responsible for that cost, which would be more than just going through the condemnation proceedings. If we were able to get this titled to the City, that is assuming the brother and whoever the other heirs are would sign their ownership interest to the City.

“If we were able to do that or at least get them to communicate with Ronda, we could potentially have ‘free’ money to help clean this thing up. I think it’s worth messing with a little bit more to see if we can make something happen. As far as cost goes, the probate proceedings would be outside of my fees because it is a litigation. I’m guessing attorney fees are probably \$600-\$800 plus filing fees and publication fees, which would probably be another \$500. Again, you would have to assume that the heirs, whoever they are, would be willing to give up their interest. Without being able to communicate with them and starting something, we wouldn’t know if they would do that. If they are not communicating with people, the only way to get to talk to you sometimes is to file the lawsuit, then they are kind of forced to show up or talk to you, I hate to say that. That is one thought that I had.

“I don’t know where we would be at once we got through condemnation proceedings. I don’t know if we could get the Housing Authority involved at that point or not. I need to talk with Ronda a little bit more to see what our criteria is there.” City Clerk Brown, “What we have done in the past, we do pay for the expense, but we turn around, and it gets put on the tax roll. I don’t think we want to own the property.” Chief Jones, “Why don’t we see if they will deed the property over to the Housing Authority?” City Attorney Wright, “There is nobody that has legal authority to deed the property over to anybody right now, that’s why you have to do a probate proceeding. In lieu of that, if the heirs could assign whatever interest that they have to the City on the front end but we have to be able to find them and talk to them. You’re right; what is going to happen here is that the City is going to put out a lot more money than what they are ever going to be able to sell that lot for. It would help to offset that cost a little bit. She could get the cost of the landfill waived maybe, partially or fully, and maybe have some money left for cleanup.

“I don’t know what you guys think about it but give me some direction, and I’ll go.” Mayor Luke, “Basically, “We need the resolution just to start the process.” Attorney Wright, “I think no matter what, you need to move forward with the resolution and start that process because you don’t know if this other thing is going to work or not. I would for sure recommend moving forward with this. All we are out are some publication fees on this, so that is not too big of a deal. That way, the process is rolling in case nothing else works; in the meantime, we can try to work something else out.”

Council Member Lenard, “I move to approve Resolution 2020-04, to set the date, time, and place of a Public Hearing for 216 Hudson Street to determine whether structures thereon should be condemned as unsafe and unfit, and to be demolished.” Council Member Hall, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Attorney Wright, “I have moved my office location, so it’s going to take me another week to get things back together, so give me plenty of heads on stuff if something comes up.

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“I also wanted to mention for the first time since Mr. Bowie has been the County Attorney, I’ve referred two cases to him, domestic battery to recharge as a felony aggravated battery, and he has accepted both of those cases. I’ve asked him and his predecessor both to take some of these domestic battery cases. I am one of the only prosecutors in the State of Kansas; very few of us prosecute those in municipal court. Most places, the larger cities, they prosecute those at the county level just because they have resources to follow up with the victims of domestic violence. We just don’t have that here. I haven’t been able to really make any headway because I think the county is very busy with what they are doing already; they don’t want an increased load. Anyway, I was kind of glad that he took those two cases. They are more serious types of cases.”

ORDINANCE:

RESOLUTION: 2020-04 Condemn Structures - Set Hearing -216 Hudson

CITY CLERK: Update

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

CARES / SPARKS Program: City Clerk Brown, “As Jimmy said, we did get the COVID Relief Fund from the County for \$45,316.00. This is to help offset any expenses that have occurred or future items to help prevent the spread.”

City Hall – Cross-Training: City Clerk Brown, “We have continued cross-training within City Hall.”

CITY CLERK: Personnel: Recommendation to Hire A Deputy City Clerk

City Clerk Brown, “Sharon Hall, J.J. Jasper, and I conducted interviews this past Monday. We would like to recommend our current employee, Kerri Weltha, for Deputy City Clerk. She has been in the position of Utility Billing Supervisor / Assistant Municipal Court Clerk.”

Council Member Jasper, “I move to promote Kerri Weltha for the position of Deputy City Clerk, at the starting hourly wage of \$21.00, effective October 24, 2020.” Council Member Hall, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

CITY CLERK: Personnel: Recommendation to Hire A Utility Billing Supervisor / Assistant Municipal Court Clerk.”

City Clerk Brown, “Also, with Kerri being promoted, her previous position has become available. We would like to recommend Laura Riccobono, who has been our Utility Billing Clerk/ Municipal Court Clerk, to be promoted to Utility Billing Supervisor / Assistant Municipal Court Clerk.”

Council Member Hall, “I move to promote Laura Riccobono to the position of Utility Billing Supervisor/Assistant Municipal Court Clerk, at the starting hourly wage of \$16.72, effective October 24, 2020.” Council Member Tschantz, “I second the motion.”

Mayor Luke, “Any discussion?” Attorney Wright, “Just selfish stuff for me. Come on, guys, you’re leaving me empty here again. Laura has been doing a great job.” City Clerk Brown, “She will still be here to cover that.” Attorney Wright, “I’m sure she will for quite some time.” **Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.**

CITY CLERK: Personnel: Recommendation Advertise For A Utility Billing Clerk

City Clerk Brown, “I would like to advertise within and without for Laura’s previous position as Utility Billing Clerk/ Municipal Court Clerk until filled.”

Council Member Tschantz, “I move to advertise until filled the position of Utility Billing Clerk/ Municipal Court Clerk, with internal applications to be considered first; and with the option that if an employee is hired from within the City of Burlington, and a second applicant is qualified to fill that vacated position, he/she may be hired to fill the newly vacated position.” Council Member Hall, “I second the motion.”

Mayor Luke, “Any discussion?” Council Member Lenard, “Yes. I want to talk through this so we can think about what we are doing here. I think in the last hiring’s we kind of did some of these things unilaterally. If we are going to go out and hire internally and externally, I am kind of hung up with the internal applicants to be considered first. I don’t know that we necessarily have to state that. The second part of this, if that option is an employee is hired from within the City, the second application. So, some of these things may be considered best practice in employment law. I just think we need to be a little bit more intentional on who does interviews, who participates in these things. I guess I am kind of challenge that we call it out. I think if we do internal and external, that’s probably good at this point.”

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Attorney Wright, "I think the challenge is...I think it would probably help everybody is for you guys to find how you wanted to do this process. On this particular process, just again me being selfish, I would like to play a little bit of roll in this since I work with this person. I don't necessarily need to be part of the interview process. I wouldn't mind at least speaking with the potential or the more serious candidates prior to a decision being made. I actually made a call to the league with regards to what cities were doing with regards to this to see if there was a best practices on making some of these hires. I got the answer I kind of expected, which is everyone is doing whatever they want and are doing their own thing. So whatever is comfortable with that particular City Council. I would suggest that whatever you guys want to do, I would set that process in motion by motion right now so that it is defined, and everybody knows what is going to happen. I don't know if that looks like you decide a couple of people are going to go ahead and do interviews, one person selects who they are interviewing, and just take it through that process. That would be my recommendation."

Council Member Lenard, "So, this is where we relied on Regina a lot. I couldn't remember if we did with Danny or if we interviewed and then we took two people out of one pool. I'm thinking we did way back years. I don't know if we have to necessarily call that out. Can't we just say open until filled? Then if we wanted to offer that second person ..." City Clerk Brown, "Are you saying if the first person didn't accept it that you would offer it to the second?" Attorney Wright, "What he is talking about is if there is another vacancy left in the City because there was an internal hire." Council Member Lenard, "If you chose and made the offer and they accepted it, then you could take that without re-posting it again. Sometimes there are time frames out there to do that."

"Mayor Luke, "I guess the question is, how would we word that?" Council Member Jasper, "I'm going with just leaving considered until filled. Just to leave it pretty broad." Council Member Hall, "Yes." Mayor Luke, "And leave off the rest of it? Council Member Hall, "Just advertise the position until filled." Mayor Luke, "So, to advertise until filled the position of Utility Billing Clerk/ Municipal Court Clerk?" Attorney Wright, "I think so." Mayor Luke, "Tom, you made the motion. Are you acceptable to the change?" Council Member Tschantz, "Yes." Mayor Luke, "Sharon, you made the second. Are you acceptable to the change?" Council Member Hall, "Yes."

Council Member Tschantz, "I move to advertise until filled the position of Utility Billing Clerk/ Municipal Court Clerk." Council Member Hall, "I second the motion."

Council Member Jasper, "I would say whoever is the Superintendent of the department with the timeframe of advertising, probably will figure out who they want to sit in on interviews. Whether that is committee people or whoever." Council Member Curtiss, "Right." Council Member Jasper, "I think that is part of the Superintendents job is to go out and see who they want to sit in on their interviews." Council Member Lenard, "Typically committee, I like what Phil said; he wants a little input too. That's good feedback."

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

REPORT BY CITY OFFICERS:

Personnel: City Clerk Salary Review: Council Member Lenard, "We have one other motion."

Council Member Lenard, "I move to increase City Clerk Anne Brown's wage from \$28.35 to \$29.35 effective retro-active October 10, 2020." Council Member Curtiss, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

Other: Council Member Curtiss, "I need to thank Jimmy for helping me get online, so I could go to the convention. Thank you so much."

CARES / SPARKS Program: Zoning Clerk Hugunin, "I would like to add back to the check that Anne was talking about. That will cover new water faucets, ice bins, automatic doors, and also the digital part of the sign. They covered that part. I just wanted to throw out there what we are doing with that money." Mayor Luke, "Everything has to be purchased before the end of the year. It does not have to be installed, but it does have to be purchased and paid for by the end of the year. All of this stuff is already in motion."

Council Member Lenard, "What does a digital sign have to do with COVID?" Zoning Clerk Hugunin, "That was one of the things that they covered." Council Member Lenard, "In their documents?" City Clerk Brown, "Because they can put informational notices on it." Zoning Clerk Hugunin, "Yes. We can put information out for the Corona Virus. I think more cities are resubmitting for the same thing, not just in Coffey County." Mayor Luke, "The rest of the sign is still at our expense." Council Member Curtiss, "So, do we still have more money left?" City Clerk Brown, "Yes, we haven't..." Mayor Luke, "We have ordered and are in the process of ordering the whole \$45,316.00. That doesn't mean we can't go back to the SPARK committee if we have some other items that we wish to include." Council Member Curtiss, "That would come up or that we would need." Zoning Clerk Hugunin, "The money we got was based on stuff that we submitted at a price." Council Member Curtiss, "Alright, I understand." City Clerk Brown, "It's for all departments."

Council Member Jasper, "So, did it go off of a wish list for each superintendent, and did they get with their committee?" Mayor Luke, "It was more of a matter of looking at the list of things that they would approve and saying, 'okay, what out of this list does the City have a need to work with?' We talked with Kevin about the faucets and things at Kelley Park and the 4-H Building. We looked at whether there was anything needed for PPE or anything else for any other departments. We looked at how we could make City Hall more health secured." Council Member Tschantz, "And accessible." Mayor Luke, "Right, which was making sure the doors were touchless and those types of things." City Clerk Brown, "So, they had criteria that we had to follow." Mayor Luke, "Two departments are getting the ice bins, the Street Department and City Hall, so you don't have hand usage involved. That was all through the SPARK Committee, which is people from all over the County. The State has approved it as well."

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MAYOR’S COMMENTS:

FUTURE AGENDA ITEMS:

GENERAL: City Debt - How to fund projects Expense Tracking on Projects Budget 2021 Flooding 5-2019 – Updates	GAAP - Infrastructure Capitalization City/County Grant Funds – Discussion on Matched Funding Council Discussions on Evaluations, Succession Planning, etc.
ELECTRIC DEPARTMENT: Power Plant - Additional Generation	<i>RICE NESHAP 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.
PLANNING AND ZONING Work with Advantage Computers and City Departments to improve Cyber Security Nuisance Structure & Properties: Work with PD FIRM Floodplain Map Changes – Updates Burlington Corporate Boundary Updates on Map (Work with State)	Quarterly Construction Valuation Report Prepare Easements for any City-owned property without one Addition Nuisance Structures for Possible Condemn/Demolish Permits - Building/Zoning/etc.
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 Pavement Management System/Asset Management System	Street improvement Plan, Paving Gravel Streets, Crack Filling, Street Improvements 2020 6 th & Alleghany Project Street Improvements 2020 Asphalt Project
WATER & WASTEWATER DEPARTMENT: Sensus Water Meter Replacement Sewer Lagoon Maintenance/ Updates Storage Building for Dirt -Construction	Sewer Lagoons - Analysis (KRWA/funds for dredging) Sewer Liftstations –Flushing Rags, etc.

Mayor Luke declared the meeting adjourned.

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