

BURLINGTON CITY COUNCIL REGULAR SESSION 10-7-2020

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 7, 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:

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

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Tracey Moerer, Paul Abendroth, Danny Main, Aaron Briggs, Daylee Smith, Jay Hale

AGENDA:

Council Member Tschantz, “I move to approve the agenda as modified.” Council Member Hall, “Second.” Motion unanimously carried, 5:0.

MINUTES 9/16/2020: Mayor Luke, “You have before you the draft minutes of our regular session of September 16, 2020, are there any additions or corrections?”

Council Member Curtiss, “I move to modify City of Burlington Claims Ordinance 2020-17 to change from \$734,066.18 to \$729,370.26 for payment of city bills.” Council Member Jasper, “I second the motion.” Motion unanimously carried, 5:0.

Council Member Scothorn, “I move to modify Burlington Payroll Ordinance 2020-19 to change from \$92,714.29 to \$93,757.55.” Council Member Tschantz, “I second the motion.” Motion unanimously carried, 5:0.

Council Member Hall, “I move to approve the draft minutes of September 16, 2020, as amended.” Council Member Tschantz, “Second.” Motion unanimously carried, 5:0.

APPOINTMENT: Danny Main – Use of Kelley Hall Stadium for Demo Derby

Danny Main, “Thank you, everybody, for allowing us to come out. We drove for an hour. I have Aaron with me, and Daylee came from here in town. We had a fellow derby driver of ours that had passed away, and it left his family in a deep struggle. So many of us came up with the idea to do a benefit for the derby. We are all spread out among Kansas, and a lot of counties are telling us no, we can’t do it. Usually, the place that stops us is the Health Department. We know Burlington had a Derby earlier in the year. I went to the guys to tell them that we should contact Burlington to see if we can do one. I jumped through hoops with Parks and rec., and they have approved us to use the arena. Onto the health officials, they have given us the approval. Once we got that, they told us we needed to present it here to you guys and the chamber to get our final approval. Alongside the Health Department and the Parks Department, we also have the Fire Department that is on board to help us pull this off and the EMS. As far as everything else, once we have the approval here, we will move onto securing the entrance for the event and getting all the staff that we need gathered up. The only thing that has been stopping us from this event is securing the location.”

Mayor Luke, “When would you propose to do this?” Danny Main, “It was brought to my attention that the original date that we were wanting to use, which was October 24th, there is an event planned in the park that day. It was suggested by the Parks Department to do it Sunday, October 25. If we could secure that date to allow this event to happen, it would start early in the afternoon. Our goal would be to have the cars start in the arena around noon or 1:00 and have the event finish by 9:00p.m.”

Council Member Scothorn, “You can’t find anybody else around here that will do it?” Danny Main, “No. We are from Franklin County, and they have shut us down. The Fair Board down there allowed us to use it. We worked with the Fair Board here, that is how we got all of the contact information for everybody that we had to contact to get the event rolling. Garnett shut it down. Osage City shut it down. Douglass County, Johnson County, as well as Topeka, have all said no. This is the furthest we have gotten with this whole event in general with planning and getting an arena at least to the City Council.”

Council Member Jasper, “Would you be against putting a deposit down to hold? Once the event is done, Kevin will go down to examine everything to make sure everything is put back together, then we would release it to you. Do you have any issues with that?” Danny Main, “No, not at all. I have no problem putting a deposit down to secure that everything is put back in place.”

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“Our original game plan is that we leave the area in better condition after the event than we have acquired it. I don’t believe in people leaving debris and remnants behind and leaving trash everywhere.” Council Member Jasper, “I guess the next step that would be, after Council approves, is for Kevin and superintendents figuring up a number, then getting with you.” Mayor Luke, “Yes, Kevin, do you have a deposit?” Superintendent Boyce, “I visited with Mark a little bit, and there will be up to 50 blocks that will be set and will have to be removed. That is going to take quite a bit of time if they walk away and leave the blocks. Our first thought was \$500 to \$750 deposit. That’s to keep them from walking away and leaving everything for us to put away. We will have the expense of equipment and man-hours of doing this.”

Attorney Wright, “How many people do you anticipate that are going to show up? I know that is a tough question, but I am wondering what you are anticipating.” Danny Main, “It is hard to say. I know the pit area isn’t going to be a huge struggle on how many people we actually get. I know the last Burlington derby pulled in almost 100 cars. If you take that times the spouse and maybe a kid or two, or a pit crew that they bring, your talking 100 cars, at least 400 people for that. Then, however, many people would like to come in from in town or travel to watch. I don’t even know. It is a hard number to exactly figure out.” Mayor Luke, “I think at the Fair, we had approximately 3,000 people in the stands.” Aaron Briggs, “We can do guidelines if that’s possible to limit the people in the stands. We can put ropes up to help distance if that’s possible.” Danny Main, “If it’s a concern on social distancing and limiting numbers.... if there were 3,000 people in the stands, then we could limit it to 2,500 or 2,000, if that’s the route that we have to take. We can limit the number of people that come to the event and are actually in the grandstands.”

Council Member Jasper, “Honestly, I feel like once the Health Department says that it is okay, then it is out of our hands. On that part of it, that’s on them.” Danny Main, “That’s why we started with the Parks Department, and Kevin has been helping me contact anyone as well as a female from the Fair Board to get the event set in play. This was our final step to get the final approval so we can get everything else and move forward with the event.” Council Member Curtiss, “I’m in agreement with you, as far as if the Health Department said it’s okay.” Council Member Scothorn, “I have issues with hosting something that nobody else will host. Nothing against you guys.” Daylee Smith, “I know a lot of it is because of the COVID rules, with larger counties, it is a lot harder to follow those rules and guidelines. I know we are a lot more lenient, thankfully, but I know that is our biggest reason for not getting it in other places.” Council Member Jasper, “I see it as an opportunity for our businesses to make a little extra revenue.”

Danny Main, “That is what we have tried to use towards the counties that we live in as well. Our biggest factor isn’t drawing people into another county or another city. My biggest factor has always been about supporting the community where we are at. Myself and my wife are business owners down there in the Ottawa Franklin County area. We couldn’t even pull strings to have this event and support someone in our own community. That is why we reached out to communities that have allowed these types of things before. Especially to the extent that we are trying to go with it. Our biggest aspect isn’t bringing people to a different community or town but just trying to show support with the community. Even though we can’t pull it off in one community, it’s bringing another community too to be able to pull off the event as well as sticking to the guidelines and recommendations, and supporting other communities as we pull off the event.”

Superintendent Boyce, “As he did say it was okayed through the Health Department, I confirmed that EMS, Fire Department, and using the Fair Board blocks have all been confirmed. The Rec Center was my first goal to clear, and if we have no rained-out events, then they will finish up on October 17th with all of their activities in Kelley Park. I visited with the Electric Department about putting the cable through the blocks once the blocks are set. I also visited with Doug Jones with the Police Department, and he was fine with it. One advantage I do see with doing it on a Sunday afternoon is that the use of the lights will not be on, unlike if it was Saturday or Friday night. The electricity usage will be down.”

Council Member Jasper, “I move to accept Danny Main’s request to use the Kelley Park Stadium for a Demo Derby on October 25, 2020, to include a deposit of \$750 returnable when it is cleared by the Parks Department.” Council Member Tschantz, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Council Members Curtiss, Hall, Jasper, and Tschantz voted, ‘Yea’ and Council Member Scothorn voted ‘Nay’. Mayor Luke declared the motion passed, 4:1.

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.

City Wide Trash Cleanup: Superintendent Schneider, “Last week was brush pick up and the Electric Department hauled approximately 24 loads of brush, which is a little less than other pickups in the past. Also, just a reminder that the Electric Department picks up from Neosho Street south, so the Water Department picks up north, and I am not sure what their count was.”

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Power Pole Replacement: Superintendent Schneider, “We set a new power pole up here at the north end of town. The men have basically been working to build a new service next to the new service. In doing that, we can transfer that service without interrupting service to that business customer. The men did get that complete today.”

ELECTRIC DEPARTMENT: PRODUCTION Update

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

Generator Maintenance: Superintendent Schneider, “We did work on generator # 6. We were having some issues with it. We would switch it to natural gas, and it would switch right back to diesel fuel. We found that the permissive in the software parameters for running natural gas needed adjusted to allow a lower operating pressure. There are safety features in that generator that if we are low on natural gas, it switches back to diesel fuel. The computer software was also telling it to do that, which was shutting down the generator. We were able to correct that, and everything is running as it should.”

Power Purchase Issues: Superintendent Schneider, “I also worked with Larry Holloway at KPP and Evergy to sort through some anomalies on our measured energy that we purchase wholesale. We had to do that to ensure some proper billing and adjust timeframes. We did get that all squared away as well.”

City Hall Sign: Superintendent Schneider, “As you can see, the men have been doing a lot of work out front here. The Electric Department was asked to build a sign for City Hall. A couple of the men out at our department have been working on that. The construction part of that is complete. We are getting some powder coating done on it, and it will be back, and hopefully, within the next couple of weeks, we will have it up. I hope everyone likes it; it is going to be a nice sign.”

Public Power Week: Superintendent Schneider, “Also this week is Public Power Week. You will see a few signs around town to promote public power. Kansas Power Pool provided the signs and bought Public Power Week T-shirts for all of the City employees. Jimmy was able to put that on our Facebook page for the City as well.”

KPP Voting Delegates: Mayor Luke, “The only other item is the Annual Membership meeting for the Kansas Power Pool, which is in December. Each community has a designated voting delegate and an alternate.”

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

QUESTIONS:

Council Member Curtiss, “Did you get your picture taken?” Superintendent Schneider, “We have some. Am I in it? No. I am going to take a few pictures tomorrow, and I’ll send that off. I don’t know if they are going with the best picture or drawing names out of a hat.” Mayor Luke, “For every picture you send in the City of Burlington gets five tickets in the drawing. At the end of the time, there is a drawing for one or two prizes, I don’t know what.” Superintendent Schneider, “So, one of them is a \$500 gift card for safety equipment. I figured what I would do with that, should we be the lucky ones, I know that all departments could use safety glasses and vests or something like that.” Council Member Curtiss, “Send lots of pictures, then.” Mayor Luke, “The American Public Power Association has put two of our communities in their daily publication on emails that I get. The City of Wellington and the City of Minneapolis have both been the highlighted pictures on the daily APPA report that comes out. So, our pool is being recognized at the APPA federal level.”

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.

Sewer Lagoon Riprap: Council Member Tschantz, “Mike Schmidt has started with the riprap on the sewer lagoons.”

Water Leak: Council Member Tschantz, “The men repaired a water leak between 13th and 14th on Alleghany.”

Meter Replacements: Council Member Tschantz, “The men have been installing new water meters.”

9th- 12th of Alleghany Waterline Project: Council Member Tschantz, “Work will begin on the Alleghany water line replacement the week of the 19th. Riley Boring will be here that whole week.”

City Wide Trash Cleanup: Council Member Tschantz, “We completed brush clean up.”

Exercising Valves: Council Member Tschantz, “We exercised the pump stations with the portable generator.”

WATER/WASTEWATER: Production – Water Treatment Plant Update

Council Member Tschantz, “The plant is running fine.”

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Water Use: Council Member Tschantz, “Water use is still up there due to the lack of rain.”

Water Loss Solutions: Superintendent Hawkins, “Water loss solutions have completed the yearly inspections on the river pumps and high service pumps.”

Water Leak: Council Member Tschantz, “Our Moyno recycle pump went down for our clarifiers. Danny has ordered a replacement pump for Douglass Pumping.”

STREET DEPARTMENT: Update

General: Superintendent Davidson, “We have been doing our normal duties. We have been cleaning ditches, sweeping curb and gutter, fixing potholes, installing several new culverts, tree trimming, repairing and re-rocking a few alleys, and servicing equipment.”

City Hall Work: Superintendent Davidson, “We removed the old concrete from in front of City Hall and poured it back. We built the base for the new sign, which Alan has already mentioned.”

Crack Sealing: Superintendent Davidson, “We finished our crack sealing. We switched over to doing some pothole patching with our AMZ machine. We went up to Kansas City and picked up a load of oil. We went through it in two days.”

Culvert Replacement: Superintendent Davidson, “We replaced a road culvert at Graceland Cemetery.”

Kennebec Bridge Project: Superintendent Davidson, “I believe Mary has put the bid sheets that we went over last Council in your packets. I would ask that you accept the bid from A.M. Cohron & Son from Atlantic, Iowa, for the total price of \$299,539.58. I have spoken with Ronda Willard with B&G Consultants to ask her about the company. B&G themselves have not had a project with Cohron, but she spoke with some other engineering firms that said they were top notch. They are very conscientious about their work and very easy to get along with. That is all that I can tell you about the company, but she had high regard for them.”

Mayor Luke, “The Osborne Bridge was how much?” Superintendent Davidson, “Just a moment, please.” Council Member Jasper, “Osborne was \$145 (thousand), right?” Council Member Curtiss, “Is that bridge 1?” Mayor Luke, “No, that’s bridge 2. The part that the County was going to pick up.” Superintendent Davidson, “It was \$154,275.94. In the beginning, they also said they would pick up the engineering fees. I think we should hold them to that. When we get to that point, if Mary or Anne could pull up the fees for the bridge, I think we have two more bills coming from B&G Consultants on the engineering. I’m sorry, but I can’t give you the total right now; I don’t have it in front of me. Stan got the County to go ahead and pay for the Osborne Bridge and the engineering fees.”

Council Member Hall, “I move to accept Superintendent Davidson’s recommendation to award the Kennebec Bridge Project to A.M Cohron & Son, Inc as presented, not to exceed \$299,539.58; as being in the best interest of the City of Burlington.” Council Member Scothorn, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

| Bidder | Bridge B1 | Bridge B2 | Grand Total | Start Dates |
|---|--------------|--------------|--------------|-----------------------|
| Engineer’s Opinion of Probable Cost | \$133,860.00 | \$162,047.50 | \$259,907.50 | |
| A.M Cohron & Son, Inc 62180 Great River RD. Atlantic, IA 50022 | \$145,263.64 | \$154,275.94 | \$299,539.58 | 12-14-2020 60 Days |
| B&B Bridge Co., LLC 5 th and Central St. Paul, KS 66771 | \$159,522.00 | \$187,845.75 | \$347,367.75 | 10-5-2020 50 Days |
| Dondlinger Construction 2656 S. Sheridan Ave. Wichita, KS 67114 | \$142,986.00 | \$186,149.81 | \$329,135.81 | 11-9-2020 85 Days |
| Reece Construction Co. Inc. 402 4 th St. Scandia, KS 66966 | \$154,612.90 | \$163,457.71 | \$318,070.61 | 3-15-2021 75 Days |
| Wildcat Concrete Services 2244 NW Brickyard Rd. Topeka, KS 66618 | \$196,626.68 | \$230,759.41 | \$427,386.09 | 11-30-2020 75 Days |

POLICE DEPARTMENT: Update

General: Chief Jones, “We had our normal calls, and we have been pretty busy.”

Cases: Chief Jones, “I’m sure everyone saw the new drive-in at the Medicine Shoppe. The video on that was very scary. We were very fortunate that nobody was hurt. That long counter on the side where all the girls are back there doing their work. They were all either not there, or they were able to get out of the way. We got very fortunate on that.

“The individual who had been living down at the City Dam has been relocated to a men’s shelter in Wichita.

“We have been dealing with a COF client that was picked up by family, and they tried to take him to Arkansas, they came back to get more stuff. He told my officers last night that he did not want to go with them; he wanted to stay here. I believe we have that resolved.

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“We have been working a child in need of care case that involves eight children. We took all eight of them out of the house. She is in jail, and he is in the wind somewhere, we haven’t found him yet.

“We have been working on fraudulent unemployment claims. I think we are at four county employees now, one from USD 244 and a couple of others that turned up as well. Kansas Department of Labor actually has a webpage for reporting this type of fraud, which is quite prevalent nationwide right now for some reason.”

City Court: Chief Jones, “We have city court tomorrow night. From what Laura told us earlier today, the docket isn’t quite as long as it was.”

QUESTIONS:

Council Member Scothorn, “I don’t have a question, but I do have a comment for the Municipal Court. When I first got on here, which was a few years back, we were in dire straits on the finances in there. We are looking pretty good.” Chief Jones, “Especially considering we haven’t had court for several months now.”

PARKS DEPARTMENT: Update

General: Superintendent Boyce, “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 watering flowers and trees, I don’t see an end to that until there is frost on the flowers.”

Fogging / Spraying Mosquitoes: Superintendent Boyce, “We are fogging for mosquitoes tonight because of the temperature. It will be a good night for it. It looks like it is supposed to drop off next week. What are your thoughts on when we should stop?” Council Member Jasper, “After tonight.” Mayor Luke, “Anybody else?” Council Member Hall, “That would be good if it’s going to get cool enough.”

Tree Trimming Superintendent Boyce, “We have been trimming trees and bushes on the east river bridge. We have trimmed the pine bushes underneath there. We are going to take the pear trees up a little bit to help with vision when you come down 2nd street from either direction and look across the bridge.”

City Hall Work: Superintendent Boyce, “We installed a new flag pole out front of City Hall. I’d like to thank the Street Department for getting the concrete poured for that.”

Demolition Derby: Superintendent Boyce, “Yesterday and today I worked with the gentlemen on the Demolition Derby. We did get that worked out. I’m glad to see activity in the park.”

KS Camper Association / Sunchaser’s: Superintendent Boyce, “Last Council meeting I brought up the camping group being in Kelley Park for April 30, May 1, and 2. There is another group that is going to be here with them. They would like to stay the 3, 4, 5, and 6th. He thought that he would have 15 to 20 people that stayed all this week. Is it okay if I block it out for them to stay at that time? They are wanting the Kelley Hall building too.” Mayor Luke, “Is there anything else going on in Kelley Hall?” Superintendent Boyce, “Not that I know of.” Mayor Luke, “Booking the spots, yes, I don’t have any problem with that. We just need to make sure we have the deposit on Kelley Hall.” Council Member Curtiss, “When is it?” Superintendent Boyce, “April 30th – May 6th. Then that group will leave on the 6th and travel to another city, lake, or somewhere for the weekend. This is the retired group. The ones that come through the weekend are the ones that have to go back to work Monday.” Council Member Jasper, “I say give them every reason to come back.” Superintendent Boyce, “They have events scheduled in town and to go to the museums and eat. So that is revenue.”

FINANCE: Claims Ordinance & Payroll Ordinance

| | | | |
|----------------------|---------|----|-------------------|
| a. Claims Ordinance | 2020-18 | \$ | <u>154,398.51</u> |
| b. Payroll Ordinance | 2020-20 | \$ | <u>128,546.69</u> |
| | TOTAL | \$ | 282,945.20 |

CLAIMS 2020-18: Council Member Tschantz moved to approve City of Burlington Claims Ordinance 2020-18 for the amount of \$154,398.51 for payment of city bills. Council Member Hall gave the second. Mayor Luke, “We don’t have many large items this time; most of it is the small continuous day to day things. We do have Core and Main \$12,464.00 for the Water Department and Stanion Wholesale for electric \$2,610.73.” **Hearing no additional discussion, Mayor Luke instructed Administrative Assistant Mary Mader to poll Council. All votes were in favor. Mayor Luke declared, “Claims Ordinance 2020-18 passed unanimously, 5:0.”**

PAYROLL 2020-20: Council Member Hall moved to approve City of Burlington Payroll Ordinance 2020-20 in the amount of \$128,546.69, as presented. Council Member Tschantz gave the second. Hearing no discussion, Mayor Luke instructed Administrative Assistant Mary Mader to poll Council for a vote. All votes were in favor. Mayor Luke declared, “Payroll Ordinance 2020-20 passed unanimously, 5:0.”

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, “Normal duties. I have been really busy with permits. There are a couple of new houses. One will be here in the city, and one will be in the county in the extraterritorial.”

City Hall Upgrades: Zoning Clerk Hugunin, “The new phone system has been installed here at City Hall.”

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CDBG-CV Grant: Zoning Clerk Hugunin, “Becky from Thrive Allen County, will be here Friday. She will walk through downtown and other businesses to start giving them the literature on this stuff. That way, they will be aware of it, and if they have questions, they can talk to her.”

CARES / SPARKS Program: Zoning Clerk Hugunin, “I’m still getting everything ordered on our CARES grant that we talked about doing. Some of it is ordered, and some of it is not. We are still getting that taken care of.”

City Hall Update: Zoning Clerk Hugunin, “I have been cleaning and organizing the garage area. The girls conned me into decorating the front of the building for fall. Also, I do want to thank everyone that came up and helped with the sidewalk, flag pole, sign, all of that. It was a spur of the moment last-minute decision to get that done, and they had it all handled.”

QUESTIONS:

Mayor Luke, “Any nuisance issues?” Chief Jones, “A couple of little ones came up and was dealt with. We have been so busy we haven’t had time to work on anything really with nuisances. We haven’t had any updates as far as the Powell place on Hudson. The grass at the old U-Do store did get mowed. I have possibly found an address for an owner somewhere up in Minnesota. I just haven’t had time to try to reach out again.”

Council Member Jasper, “Have we ever reached out to the owner at the old Dairy Queen or anything?” Chief Jones, “Joe Rohr, no, we haven’t. Mark was going to get with them at one point about the drainage through there.” Superintendent Davidson, “I did speak with him, and he was more than willing to let us go in and clean up. We have been waiting for things to settle down and the poison ivy and ticks to go away.”

Council Member Curtiss, “How about that house on Hudson?” Mayor Luke, “That’s the Powell place.” Council Member Curtiss, “How long does that have?” attorney Wright, “I was asked to take a look at that a little bit, which I did. I really doubt that any of the heirs are going to have anything to do with it. It is going to cost more to take care of it then what it would ever be worth. They have no legal or other obligation to do that. I anticipate it everybody is going to walk away from it. I guess the City just needs to go ahead and start nuisance abatement proceedings. These guys know what they are doing with that. They will have to name the heirs at law of Mr. Powell. With regards to that, I think that is how we will have to proceed.”

Council Member Curtiss, “Then is there a time frame?” Chief Jones, “That’s the 45 days, and then we have to publish a hearing to abate the nuisance, we have to hire a contractor. It is written that they will take it so far down, fill it back in and seed it, the whole bit.” Council Member Curtiss, “How much of a cost to the City is that?” Chief Jones, “That is going to depend on what the bids come in at. An average junk trailer house runs around \$2,000 - \$2,500. How much that house will take to be torn out and filled back in, I don’t have a clue yet.” Council Member Jasper, “Well, the last one that we did on South 6th St. was about \$6,500.” Zoning Clerk Hugunin, “I would say it’s going to be close to the same.” Council Member Scothorn, “And then sell the lot for \$2,000.” Attorney Wright, “That’s exactly what we are dealing with, it’s going to be more money than we are able to sell the lot for.” Council Member Curtiss, “Right, but it has to get taken care of.”

Zoning Clerk Hugunin, “We have tried to get him (the brother) to donate it to the Housing Authority, but he wasn’t interested in that.” Attorney Wright, “He doesn’t have the ability to do that anyway.” Zoning Clerk Hugunin, “Well, there are back taxes owed on it, so that puts a damper on the County side.” Attorney Wright, “Right. I think we are stuck with it because nobody else is going to want it. Even the brother would have to do some sort of probate proceedings to even get it to where he can title it to the City.” Zoning Clerk Hugunin, “He was supposed to be doing that, but I guess he is--” Attorney Wright, “No, I checked and nothing has happened. As a probate attorney, if he came to me, I would tell him to walk away from it. You’re wasting your money. I just don’t anticipate anyone is going to want to mess with it.”

Council Member Scothorn, “So, we start on it as soon as possible?” Attorney Wright, “As soon as these guys can get to it and make it work.” Zoning Clerk Hugunin, “And when we know where the funds are going to come from to do it.” Chief Jones, “We will have some time to let all you figure that out. We can probably get started on the paperwork and that side of it.” Council Member Curtiss, “Yes, because we have a month and a half.” Chief Jones, “Yes.” Council Member Curtiss, “Okay, thank you.”

Superintendent Boyce, “I will have three nuisance yards that I will mow. The normal ones that I have been mowing. I’ll wait closer to November so we won’t have to go back this year.” Council Member Curtiss, “Hopefully, yes.”

OTHER COMMITTEE OR COUNCIL BUSINESS:

Payroll Tax Deferral: Mayor Luke, “Last meeting we talked about a payroll tax deferral on employees of which they would not have to pay a portion of their payroll taxes until after the first of the year. Based on the executive order that was put out. Looking at and talking with the computer people of what we currently have and some of the people in the League, most communities are not going into the tax deferral. They are maintaining their existing pay as is. They would have to start paying it back after the first of the year. Their legal staff says that if for some reason they were to forgive those taxes, and they wouldn’t have to pay it back, then those who deferred would be able to get a deferment of four months of taxes at a later date.”

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“I’m am going by what their attorneys tell me. We have to have an official record, so at this time, I would accept a motion.”

Council Member Curtiss, “I move to approve the City of Burlington to opt-out of the payroll tax deferral program.” Council Member Tschantz “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

LEGAL DEPARTMENT: Update

City Attorney Wright, “Since we last met, I have been working on several municipal court cases to get them resolved so we can kind of keep the court docket trimmed down a little bit. I processed four diversion applications. I researched the City plumbing ordinance regarding the uniform plumbing code, regulation on storm drains, specifically basement sumps.

“I did look at the 216 Hudson house that burned down. Then I also found out that we got payment on the building restoration promissory note that was in default, so that borrower is now current.”

ORDINANCE:

RESOLUTION:

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. For September, we will be sending \$337.25 in delinquent utility accounts to the Kansas Set-Off program for collections.

Level Pay: Mayor Luke, “We have received most of our level pay contracts for utility customers.”

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

Thank you: Mayor Luke, “A thank you goes out to all of those that helped with the concrete work in the front of City Hall.”

CITY CLERK: Personnel: Laura Riccobono – Evaluation

Mayor Luke, “We have a personnel evaluation for Laura Riccobono.”

Council Member Scothorn, “I move to accept Laura Riccobono’s personnel evaluation as presented, and to grant a pay increase to \$15.72 per hour, effective October 10, 2020.” Council Member Hall, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

CITY CLERK: Personnel: Recommendation to Hire A City Clerk

Mayor Luke, “I have interviewed several people for the City Clerks position, some from the area and some from outside the area. We had some highly qualified individuals. The interviews were done virtually, so we did not have to meet in person, nor would some have to drive as much as 150 miles to come for a 30-45-minute interview. At this time, I would accept a motion to appoint Deputy City Clerk Anne Brown to City Clerk effective immediately through the first meeting in May 2021.”

Council Member Scothorn, “Was there not a committee that did the interview then?” Mayor Luke, “No, this is an appointed position.” Council Member Scothorn, “What else is an appointed position?” Mayor Luke, “All the superintendents.” Council Member Scothorn, “So, we never sit in on them?” Mayor Luke, “You never interview them.” Council Member Jasper, “I sat in on hiring Mark (Superintendent Davidson).” Mayor Luke, “On the hiring, but you weren’t part of the annual appointments.” Council Member Jasper, “Yes, but we are still a team. If anything, it is a good experience for everybody here. I’m just saying. I’m not taking anything away from the hire. I didn’t know anything about it, who was being appointed or anything until right now. That is my issue.” Council Member Scothorn, “The surprise.” Council Member Jasper, “Yeah.”

Council Member Hall, “I move that we ratify the Mayor’s appointment for City Clerk to be Anne C. Brown effective immediately through the first meeting of the City Council in May 2021.” Council Member Tschantz, “I second the motion.”

Council Member Jasper, “Like I said, I totally agree with the hire and everything; its just the surprise part of it. Yes, Anne is the right hire here, and I support her.” Council Member Scothorn, “I’d like to vote no, but because of her, I don’t want to. I don’t like the procedure that was done.” Council Member Jasper, “Same.” **Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.**

Council Member Scothorn, “So what do we need to go into to change this? Mayor Luke, “To change what?” Council Member Scothorn, “To change the fact that we aren’t involved in anything.” Mayor Luke, “Look at the ordinance on appointments, and we will have to change that ordinance and see if there are any other changes that need to be done.” Council Member Scothorn, “Is that our lawyer over there?”

[8] CONTINUATION: October 7, 2020 Burlington City Council Regular Session

Mayor Luke, “Yes, he can look at the ordinance and see what needs to be changed.” Attorney Wright, “Is City Council instructing me to do that?” Council Member Scothorn, “Well, Scothorn is, but I don’t know about City Council.” Council Member Jasper, “I don’t want it to have to come to that.” Council Member Scothorn, “I don’t either. I justwe get left in the dark.”

Council Member Hall, “Well, I’m glad we are giving Anne the opportunity to do this.” Council Member Jasper, “Oh, I agree.” Council Member Scothorn, “Yes, it has nothing to do with Anne.” Council Member Curtiss, “She deserves this.” Council Member Jasper, “She has worked to get that spot. It’s a good experience.” Council Member Hall, “In-house first before you go elsewhere.” Council Member Curtiss, “Yes, definitely.” Council Member Scothorn, “I’m not saying that, none whatsoever.”

Mayor Luke, “With that approval, we need a motion to advertise until filled the position of Deputy City 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. That will be a committee that will be headed by the City Clerk.”

Council Member Hall, “I move to advertise until filled the position of Deputy City 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 Jasper, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

REPORT BY CITY OFFICERS:

MAYOR’S COMMENTS:

FUTURE AGENDA ITEMS:

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| 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: Sewer Lagoon Maintenance/ | Sensus Water Meter Replacement Sewer Lagoons - Analysis (KRWA/funds for dredging) Updates Storage Building for Dirt -Construction Sewer Liftstations –Flushing Rags, etc. |

Mayor Luke declared the meeting adjourned.

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