

BURLINGTON CITY COUNCIL REGULAR SESSION 3-18-2020

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, March 18, 2020. Mayor Stan Luke called the meeting to order.

The Pledge of Allegiance

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:

~ ~**Due to COVID-19 (Coronavirus) Superintendents were asked not to come to the meeting to follow social distancing guidelines and help keep the spread of the virus to a minimum. Their reports were in written form for Council Members to review.~ ~ (Reports were also given to the Coffey County Republican)**

Mayor Luke, “Tonight the only thing we are going to have is anything that requires a motion and approvals.”

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

MINUTES 3/4/2020: Mayor Luke, “You have before you the draft minutes of our regular session of March 4, 2020, are there any additions or corrections?” Council Member Jasper, “I’m a little confused on the CPI. We made a motion and then I made another motion. That should have been handled differently probably. It says that Dallas (Council Member Scothorn) and I voted ‘Nay’ and is that how that went? I thought we voted yes. It was delayed. Did I read that right?” Council Member Scothorn, “I didn’t vote.” Mayor Luke, “Well, we didn’t vote on the 2.8%.” Council Member Jasper, “Right. That motion died.” Mayor Luke, “I thought the motion passed unanimously.” Council Member Jasper, “I did too.” Mayor Luke, “So, we will alter the motion to have it passed 6:0.” Council Member Jasper, “Thank you.”

Council Member Curtiss, “I move to approve the draft minutes of March 4, 2020 as modified.” Council Member Scothorn, “Second.” Motion unanimously carried, 5:0.

Mayor Luke, “You have before you all of the committee reports, they are for your review.”

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2020-05	\$	<u>112,040.12</u>
b. Payroll Ordinance	2020-06	\$	<u>87,810.33</u>
	TOTAL	\$	199,850.45

CLAIMS 2020-05: *Council Member Lenard moved to approve City of Burlington Claims Ordinance 2020-05 for the amount of \$112,040.12 for payment of city bills. Council Member Hall gave the second. City Clerk Kewley, “The larger expenses of the whole ordinance tonight are to Core and Main \$16,520.58, Kansas Blue Cross Blue Shield \$28,973.30, and Lewis Oil Company \$3,158.85.” **Hearing no additional discussion, Mayor Luke instructed City Clerk Kewley to poll Council. All votes were in favor. Mayor Luke declared, “Claims Ordinance 2020-05 passed unanimously, 5:0.”***

PAYROLL 2020-06: *Council Member Lenard moved to approve City of Burlington Payroll Ordinance 2020-06 in the amount of \$87,810.33, as presented. Council Member Hall 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 2020-06 passed unanimously, 5:0.”*

PARKS DEPARTMENT: Flowers – Beautification Project

Mayor Luke, “Kevin (Superintendent Boyce) submitted a motion to support the purchase of flowers for the Parks Department Beautification Project with Arnold’s not to exceed \$2,500.00, as being in the best interest of the city.” Council Member Lenard, “Do we have bids this year?” City Clerk Kewley, “It’s in the report, but he has reached out to them and they were supposed to get it to him but they did not. He does not think it will go over \$2,500.00. If they don’t do it then we will have to go somewhere else.” Council Member Lenard, “We have always been under that.” City Clerk Kewley, “Yes. He wants something to get approved.” Mayor Luke, “Otherwise he would have to wait. Then he may or may not get the flowers that he wants.”

Council Member Scothorn, “I move to allow Superintendent Boyce to purchase flowers for the Parks Department’s Beautification Project, not to exceed \$2,500.00, as being in the best interest of the city.” Council Member Curtiss, “I second the motion.” Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

CITY CLERK: Personnel Evaluations

Mayor Luke, “All of the evaluations have been available for you to review. Is there any discussion?”

Council Member Lenard, “I make a motion that the personnel evaluations and pay increases be approved as presented.” Council Member Scothorn, “I second the motion.” Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

LEGAL DEPARTMENT: Update

Mayor Luke, “A note from the legal department. We have received the contract to take to the school for the sale of City Hall and the adjacent building. We will get that to the Superintendent and the Board Chairperson this week so that we can complete the paperwork. They have already started doing some work down there, with our approval, to get the stuff cleared out of the basement. I think they are going to pour concrete to finish the section down there so at a later date they can put up an elevator.

“While they are doing that we are going to be shutting off the water to downtown on Saturday the 28th to install a new fire hydrant. Also, to finalize and valve off the service to the old City Hall. Danny (Superintendent Hawkins) will be notifying all the businesses downtown for that Saturday to do that.” Council Member Curtiss, “What’s the time frame?” Mayor Luke, “Almost all day. They are shutting down a 10 inch line, high pressure, and they have to ensure that they get all the pressure out before they start cutting and taking care of different valves. They are worried about a potential issue with getting a lot of water inside the old City Hall in the basement. So, Skillman is blockading the opening so that where they are working will have I-beams and sheet metal so that the water pressure can’t get past the barriers.” Council Member Curtiss, “So the fire hydrant that is on the corner by...” Mayor Luke, “Right in front of City Hall. There is one on the northeast corner and one on the southwest corner.” Council Member Curtiss, “Okay.” Mayor Luke, “The northeast one has already been replaced and the southwest is still the old style.” Council Member Curtiss, “So that one will affect everyone on that block?” Mayor Luke, “Everybody on both sides of the street from 4th Street to 2nd Street and 3rd Street from a block north. There are five valves they have to shut off to turn off that 10 inch line.”

Council Member Curtiss, “Why Saturday and not Sunday?” Council Member Lenard, “Have we coordinated with the Fire Department?” Mayor Luke, “Why Saturday and not Sunday, right now there are only four businesses that we know of that is open during that time. Yes, they have talked with the Fire Department. They have talked with the Street Department because we have to tear out part of the street. We have all the material ordered for the replacement.” Council Member Lenard, “What’s the reason for changing this out?” Mayor Luke, “The fire hydrant is the old one. It has different connection points on it and the wrenches are difficult to find. The new one will now be on the proper line that it is supposed to be on.” Council Member Jasper, “You’re eliminating the adapter for the new style hose, in between you had to have an adapter.” Mayor Luke, “The water line that serves City Hall now is the one that comes in from the back. We are the only ones that are on it and that line is going to be abandoned.” Council Member Lenard, “That’s the one to the door?” Mayor Luke, “At the back. All of the other people have already been taken off and put on this new line already.”

Council Member Lenard, “I guess my concern is if the school is in there doing work, are we indemnified during that time since the transaction is not closed? It is kind of like what we did here.” Mayor Luke, “Hopefully, by this time tomorrow we will be all signed.” City Clerk Kewley, “Yes, they have already painted over our emblem.” Mayor Luke, “Yes, they already started to do repairs. That is that status on that and what is coming down the road.”

Council Member Hall, “So, if you work downtown you may as well shut the door?” Mayor Luke, “On Saturday, the water will be off.” Council Member Curtiss, “You said only four businesses will be affected?” Mayor Luke, “If you look at what is open on Saturday in those areas, four businesses, and the apartments will all be affected. Silver Threads and Golden Needles but no one else on that side of the street unless the hair dresser would decide to show up, sometimes she does and sometimes she doesn’t.”

[3] CONTINUATION: March 18, 2020 Burlington City Council Regular Session

Mayor Luke, "The insurance isn't there. On the other side you have the apartments where C Allen For Your Doors LLC are and they live in the back apartment. We don't know the status yet on the two restaurants. The rest of the way to 4th Street there is no one that is open. On 3rd street it may be Vintage Sisters and the apartments that are there." Council Member Lenard, "But we are giving them notice?" Mayor Luke, "Yes, they will be receiving notice this week." Council Member Curtiss, "I still don't see why that can't be done on Sunday when they are not open." Mayor Luke, "You are still going to have all of the apartments--" Council Member Curtiss, "I know but the business--" Council Member Hall, "The businesses--" Mayor Luke, "You still have the restaurants." Council Member Curtiss, "Those restaurants aren't open on Sunday." Mayor Luke, "Neither one?" Council Member Curtiss, "No. That's why."

Council Member Jasper, "How does the pay work on Sundays? Isn't it time and a half?" Council Member Scothorn, "May not be open now." Council Member Hall, "Yes, they are." Council Member Curtiss, "They are open. It doesn't matter as far as..." City Clerk Kewley, "This is the first I've known of it Jerilyn. I don't know what--" Mayor Luke, "And I don't know what Skillman's--" Council Member Curtiss, "I would like for you to maybe talk to Danny and see." Mayor Luke, "It may be partly what Skillman's have too because they are doing--" Council Member Curtiss, "Well, check it out. I really think it needs to be on Sunday." Council Member Lenard, "I could understand business --" Council Member Curtiss, "Yeah." Mayor Luke, "I'll talk with Danny." Council Member Curtiss, "I mean it's going to affect the apartment people one way or the other but not the businesses, that is what I'm concerned with." Council Member Hall, "So far they are all open." Mayor Luke, "So, I'll talk with Danny and Mike and we will see what--" Council Member Curtiss, "Please do."

MAYOR'S COMMENT(S): Old Penny's Batch Plant – Sale of City Real Estate

Mayor Luke, "Right now the person that was looking at purchasing the Industrial Park to the south, the time line to get everything there to put in a permanent location is longer than his need to have production. So, he is looking at purchasing the Old Penny's Batch Plant and using a batch operation there until he can get things finalized on the larger 24 acre piece. The property there has been evaluated and appraised at what we can sell the property for, \$5,000. Down along the slough area that would be landlocked, we will donate to him. We cannot get to it to do anything anyway and it has no value to anyone for any application whatsoever." Council Member Lenard, "So, our past practice to take half the value and go from there. So, where are we at on the \$5,000, is that final or is it the proposed?" Mayor Luke, "If we did just the one piece, the appraised value and selling it at half price would be approximately \$3,200. With the structure that is there, that has a minimal value, as far as Mark Davidson is concerned, is less than a \$5,000 value. So, if we are looking at that then we are looking right at the \$5,000 for the sale of the property and what little bit of a building that is there. The back piece is all slough, it's all low areas, it is absolutely useless for anything else because it is a total floodplain."

Council Member Lenard, "Do we have anything on that property?" Mayor Luke, "We have a little bit of dirt and some broken concrete that Danny is going to use when he gets his permit around the first of April, down the riverbank. Mark has some salt stored in a lean-to type shed to keep it dry, that the purchaser said that we can leave there indefinitely until they decide how they are going to relocate it or what they need to do with it." Council Member Scothorn, "Well, this is what he is talking about--" Council Member Lenard, "What I was trying to get at is, is there a cost to the City as part of this transaction?" Mayor Luke, "The cost to the City will be anything that Mark uses to store the salt in at the Street Department. He wants to get that back there anyway because now it takes two people to go down to get the salt. This way if they are out doing things, they can come in, back a truck in, fill it and be gone. You don't have to have a second operator to go down there with them because he isn't going to leave his equipment down there." Council Member Jasper, "You have to take the loader down there when your guys load salt, so that is already a wrench in operations. My question is are we able to move this or buy another one and what the cost of the other one is? (A building for the salt)" Mayor Luke, "We can't move what is there." Council Member Jasper, "So, how much does it cost?" Mayor Luke, "The cost is \$18,000. That is an estimate from Mark to build what he wants to build to have it located on his site. That would be divided into two spots, one with plain salt and one with the mixture." Council Member Lenard, "So, do they have a budget for that then?" Mayor Luke, "Yes." Council Member Lenard, "I just don't want to see City Hall coming out of this negatively." Mayor Luke, "It would be a big negative if Mark didn't already want it done and was looking at including it in the budget for next year." Council Member Curtiss, "So, is \$5,000 a reasonable price?" Mayor Luke, "Yes." Council Member Curtiss, "Even considering that we have to turn around and spend..." Mayor Luke, "Well, if we sell the property the same as we have sold other property; it is right on the money."

City Clerk Kewley, "The land is valued per the County \$6,280 and the building is \$30,280." Mayor Luke, "But the building is not worth \$30,000. It has been that way for years." Council Member Jasper, "How did we acquire the plant to begin with?" Mayor Luke, "It was given to us."

[4] CONTINUATION: March 18, 2020 Burlington City Council Regular Session

Council Member Hall, "I think we need to go ahead and do it and let a business come in." Council Member Jasper, "I have a concern. I know we can move on and build whatever. You said that the budget is good for anything that we need to do?" City Clerk Kewley, "Yes, we have the budget but we weren't budgeting it for a salt building." Council Member Jasper, "We weren't budgeting for that but we have it." Council Member Curtiss, "This is the person who was looking at the other." Mayor Luke, "And that person is still looking at the other." Council Member Curtiss, "This is just a temporary thing he is looking at?" Mayor Luke, "No. He would own the property but his batch plant that he would put there is a temporary batch plant." Council Member Jasper, "It's one that he can move to the other?" Mayor Luke, "Yes, one that he can move when he gets permanent and what he is going to do with roads onsite--." Council Member Curtiss, "So, that's not..." Mayor Luke, "That's not a dead deal. That is still a high probability." Council Member Curtiss, "Okay."

Council Member Jasper, "Is anyone aware of this number on his side?" Mayor Luke, "The only number he is aware of is that I told him we would do the 50% and it would not exceed \$5,000. You look at 50% of the price of the land and it comes to \$3,140." Council Member Jasper, "Where does this money go to? Can it go to the salt bin?" City Clerk Kewley, "It will have to go back into the industrial revenue fund." Council Member Jasper, "Okay." Mayor Luke, "It's like the other piece we will not sell that at a giveaway price. It will be a matter of if there are things that need to be done. It will cover any and all relocation of utilities, any new installation, and etc." Council Member Curtiss, "Where is this company from?" Mayor Luke, "Their corporate headquarters is Iola, KS." City Clerk Kewley, "The company name is on your motion but out of Iola." Council Member Curtiss, "Will they be employing anybody here?" Mayor Luke, "Four to six people. They are expanding their operation." Council Member Curtiss, "Okay."

Council Member Curtiss, "I move to approve selling to Payless Concrete Products Inc. the section of property at 619 Kelley Street (Block 001, Lot 14 & 15), the Old Penny's Batch Plant, for \$5,000 and donating Burlington Industrial Park #1 4.2 Acres Reserve #2, plus the closing cost; and in accordance with the contract between the purchasers and City of Burlington." Council Member Hall, "I second the motion." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

OTHER COMMITTEE OR COUNCIL BUSINESS

Council Member Lenard, "We have everything going on with the school and the batch plant. I would just like to make a comment that we do need to empower the Mayor to act on our behalf. I think that is good. But I would like to see more proactive communication between you and the rest of the Council on some of this. Maybe we need to be proactive in setting up how we want some of these things framed up so we don't get in this situation where we are, how do we do this or that, just like shutting down downtown. I think we need to make more intentional, I know we can't have meetings but I think you may have to get creative on how you communicate with us." Council Member Scothorn, "And no surprises not that this was but like last meeting it was City Hall. We had no time to think about giving it to the school, not that I'm complaining about giving it to the school or anything but --." Council Member Lenard, "It's still our tax dollars, whether it's the City or us." Council Member Scothorn, "Right, but just a little time to think about things."

MAYOR'S COMMENT(S):

Mayor Luke, "Since things are changing quickly in the virus marketplace. A lot of communities are going to different ways to handle emergency things. Some have ordinances, some have a variety of different ways, and their attorneys or their Mayor. I've been to all kinds of their COVID-19 meetings. We are getting close to a point of having to make some quick decisions. The motion I would like to make is to move to allow the Mayor or the City Clerk authorization to close City Hall and if necessary the Police Department to the public due to the COVID-19. All City services will still be available through email or phone in those locations. The employees will be required to report to their offices and conduct city business until further notice." City Clerk Kewley, "We will be here working but how things are evolving and if there comes a point in time we may have to have a meeting to have this happen. We don't have the authority to close down City Hall without your permission. If you guys want to call a special meeting to do that, we can. You never know, this could happen in 2 or 3 days, you never know." Mayor Luke, "If Dr. Shell, he is the health spokes person for the County." Council Member Curtiss, "Right, so if Dr. Shell says that I have no problem with that." City Clerk Kewley, "We don't want to do this; this is if it's necessary." Council Member Curtiss, "I'm sitting here thinking about all the other places around, like the court house, if they close down then yeah, and I would have no problem." City Clerk Kewley, "Right, that's why I put if necessary." Council Member Jasper, "Okay, so you're not saying tomorrow or anything?" Council Member Curtiss, "But if it gets to that point and the Court House closes." City Clerk Kewley, "Right, then we will be having a meeting and you guys will be coming in because we have to have authorization, that's why it specifically says "necessary due to COVID-19." We are not talking about doing it tonight or tomorrow, it may not even happen."

Council Member Scothorn, "What is Dr. Shell called?" City Clerk Kewley, "He is the Health Officer." Council Member Scothorn, "So, can we change that to if the County Health Officer?" Mayor Luke, "Well, we may be mandated by that." City Clerk Kewley, "Yes, because it comes down through Emergency Management. We follow the rule of Emergency Management and their departments."

[5] CONTINUATION: March 18, 2020 Burlington City Council Regular Session

Mayor Luke, “Emergency Management, the Health Department, and Dr. Shell are the three key people that get together and if that happens then they are giving out the direction. We just want to be able to respond and do what we need to do.” Council Member Lenard, “I think that is a good idea. Even with the people that are coming in the door for now I think we should be able to have some discretion.” Council Member Curtiss, “Are you still getting a lot of people?” Mayor Luke, “A few. Today Gina said they had brought kids with them.” Council Member Lenard, “I just went to the Dollar Store and saw kids in there; they are going to be around now.” Council Member Jasper, “We don’t have the school for them to go to or activities, this is reality to that. Where else are they supposed to go?”

Council Member Lenard, “I move to allow the Mayor or City Clerk authorization to close City Hall/Police Department Offices to the public if it becomes necessary due to COVID-19. All City services will be available through email or phone. The employees will be required to report to their offices and conduct city business until further notice.” Council Member Scothorn, “I second the motion.” Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

FUTURE AGENDA ITEMS:

GENERAL: City Debt - How to fund projects Expense Tracking on Projects Budget 2020 Flooding 5-2019 – Updates	GAAP - Infrastructure Capitalization City/County Grant Funds – Discussion on Matched Funding Council Discussions on Evaluations, Succession Planning, etc. City Hall Location Updates
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)	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 Excess Hot-Mix from APAC Litigation/Redo S 3 rd St. Municipal Parking Lot in 2019 Pavement Management System/Asset Management System	Street improvement Plan, Paving Gravel Streets, Crack Filling, Street Improvements 2019 6 th & Alleghany Project Street Improvements 2019 Asphalt Project
WATER & WASTEWATER DEPARTMENT: Sensus Water Meter Replacement Fire Hydrant – 3 rd & Neosho Storage Building for Dirt -Construction Flooding	Sewer Lagoons - Analysis (KRWA/funds for dredging) Sewer Lagoon Maintenance/Updates 6 th and Alleghany Waterline Project Sewer Liftstations –Flushing Rags, etc. Quick Coupler Bucket Updates

Mayor Luke declared the meeting adjourned.

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