

BURLINGTON CITY COUNCIL REGULAR SESSION 5-6-2020

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, May 6, 2020. Mayor Stan Luke called the meeting to order.

ROLL CALL: Stan Luke, Mayor

Council Members present:

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

Superintendents Present:

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

Also Present:

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

Media Present: Mark Petterson (Coffey County Republican)

VISITORS:

~ ~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. Council Members used Zoom (Video Conferencing Tool) to electronically attend the meeting. ~ (Reports were also given to the Coffey County Republican)

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

MINUTES 4/15/2020: Mayor Luke, “You have before you the draft minutes of our regular session of April 15, 2020, are there any additions or corrections?”

Council Member Scothorn, “I move to approve the draft minutes of April 15, 2020 as presented.” Council Member Lenard, “Second.” Motion unanimously carried, 6:0.

STREET DEPARTMENT: 2020 Asphalt Street Improvements – Request to go out for bids

Mayor Luke, “In the street department report is a request to go out for bids for the asphalt portion of their projects. I would like to suggest that we table this motion until the next meeting when I believe everybody will be present including the superintendents so we can have a good discussion. We may know a little more about our revenues that are going to be coming in for the remainder of the year.” Council Member Jasper, “I have been talking with Mark (Superintendent Davidson) and we have talked that the Heather Street project is appropriate to put off for a year since it is a big-ticket item. You are looking at \$275,000 with what could be a change order of 10% one way or another, especially with what we don’t know. We felt like this was the appropriate thing to do, which was to put that project off and if we have to patch along the way to keep it going then that’s fine. With the hot mix projects to keep us on schedule we are looking at \$73,000 for five blocks, Mark wanted to do six. That is why the number is at \$90,000. With oil prices like they are that might change one way or another. We really don’t know with anything but I honestly think that we should move forward with that project, with the six blocks just it keep us in line with everything. Now Gina (City Clerk Kewley) will keep us in line with our budget. What is your opinion on this Gina?”

City Clerk Kewley, “The money that goes to the street project doesn’t come out of the general fund; that is not personal property tax revenue. The money that we get for our projects is from the County infrastructure dollars, the gas tax money and the sales tax. That is where we get our big source of revenue for our street projects.” Council Member Scothorn, “Do we know if sales tax is the only thing that is going to be down or could the County slash us too? Do we know?” Mayor Luke, “It is unknown. The sales tax that we got this month was basically from February so we won’t get Aprils until probably the first of July. Gasoline tax, people haven’t been driving as much, as you know, with the oil prices and gasoline prices going down. Low prices and no place to go. Those two I anticipate being lower. The County historically for over 15 or 20 years has always gone with the same amount of money, I don’t know if they are going to continue or not. We would know by the first of July.” Council Member Lenard, “I would think the County money would probably be proportionally disbursed but like you said we don’t know what that value may be. That is kind of a wild card with the County.”

[2] CONTINUATION: May 6, 2020 Burlington City Council Regular Session

Council Member Curtiss, "How much did you say the cost was J.J., \$73,000?" Council Member Jasper, "We are looking at \$73,000 which is the estimate from our engineer Norm Bowers for five blocks. Before the pandemic happened, Mark wanted to do six blocks to get ahead. So, \$90,000 is a little steep but he is giving himself a buffer there, which is good on his part. The \$73,000 for five blocks was before all of this happened. It is kind of walking on water a little bit, not really. I think this is a way that our Governments can re-juice the economy to keep going with these small projects. Eliminate the big ones like Heather Street with the \$276,000 or whatever, hold back on those and go forward with our plan in place." Council Member Lenard, "What do we think the savings will be with the lower oil right now?" Council Member Jasper, "We don't know." Council Member Lenard, "I really like what you said about that. I think now is the time for that but back to Stan's point with other funds and things like that. We may get more value with the lower oil cost right now." Council Member Scothorn, "What was Heather Street, was it going to be going back to concrete or was he tearing it out and going back to asphalt?" Mayor Luke, "Back to asphalt." Council Member Jasper, "Yes. Heather Street is all asphalt. The projects we are talking about are strictly hot mix pertaining to the six blocks. Once again, I don't want to keep kicking the can down the road, hold back where we should and go forward where we can, I don't know. You guys help me." Council Member Lenard, "This is where Gina could help us. What leeway do we have financially if we did move forward? Do we still have a little buffer if we were to get less from the County?"

City Clerk Kewley, "Like I said, the main revenue source we get from is iffy right now. You have money sitting in the fund but it has been allocated for other expenses for this year. That is just something that you guys are going to have to make a decision on, decide if there is going to be revenue coming in. When you are dealing with gas tax, sales tax, and County giving out their distribution, I hope they would but that is still iffy as well." Council Member Jasper, "So, with last year's revenue did we gather enough taxes to pay for \$90,000--?" City Clerk Kewley, "Oh yeah, we have money sitting in there. The money in there is a pretty good sized amount, we do have roughly half of a million sitting in our gas tax fund but then we do have the other expenses that come out of there. You'll have to talk to Mark about what he expenses out of there but rock, signs--." Mayor Luke, "I think gasoline, diesel fuel comes out of there." Council Member Lenard, "The other thing to think about, I know we had lost the tax base from the Wal-Mart and our taxes have kind of come back up. I think we get a lot of the internet sales tax now." City Clerk Kewley, "Yes, we do." Council Member Lenard, "I don't think we have ever been able to really wrap our arms around that but that may be additional tax revenue that we will see going forward. Since we don't have the proverbial brick and mortar anymore, that may be where we picked some tax up that we weren't counting on." Council Member Jasper, "Once again, I understand that we have lost, but one way to re-juice this thing is to go forward with your smaller projects; I know I'm not an expert on any of this. That is why I keep pounding this to the Council because we bring contractors in and they spend money at Casey's, Pizza Hut, and our gasoline stores. I think this is one small step to maybe re-juice some things. We talked about how we can rejuvenate our economy a little bit and put people to work. I understand why we would want to hold back but I understand there is another side of the coin too."

Council Member Lenard, "What about if we did proceed and then we had some hold points in our contract where if we wanted to back off then we could." Council Member Jasper, "That is something I hadn't thought about. That is probably a good idea." Council Member Lenard, "Tom, (Attorney Robrahn) we could do that? We could get the pricing and everything to keep moving and then we could have a couple of phases if we wanted to couldn't we, Tom?" Attorney Robrahn, "If the other party agreed then that would be acceptable, I don't see why not." Council Member Lenard, "That buys us time to see what happens with the County and the money. This stuff won't happen until later in the summer, right?" Mayor Luke, "Right. It needs to say delay instead of exclude, possibly delay until the start of the third quarter which is the first of July. Then decide whether we want to exclude it at that point and we should have a better idea of where our funds sit." Council Member Curtiss, "If we delay, we can't know until after July 1st. If we don't delay, when would we be able to start?" Mayor Luke, "If it goes out for bids, whenever the contractor says that they can do the job. I have no problem with the asphalt projects in those six blocks. That's fine. I just don't like to exclude a major project not knowing yet where we are going to be sitting dollars and cents. I can see delaying it, making a decision on it at a later time." City Clerk Kewley, "Why not just pause it?" Council Member Jasper, "I feel like we are kicking the can down the road when we do that." Council Member Lenard, "What was the start date for the Heather project?" Mayor Luke, "It was going out for bids this time of year just like all of the other projects." Council Member Lenard, "When would it start executing?" Mayor Luke, "Probably, I don't know for sure, but August and September would normally be about the time they would start the major project. At least that is what we have had in the past. I don't know what it would be this year." Council Member Jasper, "We have no idea. We don't need to speculate on that. We don't know." Council Member Lenard, "Here is another thought. What if all cities are in this scenario and the vendor doesn't have much work and we could get a hell of a value out of it. I'm thinking why don't we continue with the bid process and we set up our agreements to have a go or no go date before we start expending money."

[3] CONTINUATION: May 6, 2020 Burlington City Council Regular Session

Council Member Jasper, "Are you talking about both projects as far as Heather Street and the asphalt project, the six blocks?" Mayor Luke, "I think the six blocks, as far as I'm concerned, is a go." Council Member Jasper, "I agree." Mayor Luke, "We have funds to cover that right now." Council Member Curtiss, "I thought that's what we were talking about but we are talking about that and the Heather street project?" Mayor Luke, "Right. Go ahead and put out the bids for the six blocks and delay the Heather Street decision until the start of the third quarter." Council Member Lenard, "How long is that going to...if we start the bidding process, I don't see why we can't proceed now and then go into a hold when we --." Mayor Luke, "I think we can put together all the specs and everything for it and be ready to issue the first week of July if we know the funds from the County and everything is still going to be there. Give them a couple of weeks to come back with the bids and then look at when they can do the work." Council Member Lenard, "Okay. So, what is our meeting schedule look like around the first of July though?" Mayor Luke, "That would be the first." Council Member Lenard, "The first?" Mayor Luke, "Yes." Council Member Lenard, "Okay. Should somebody reach out to the suppliers or are we just good with staying in a holding pattern then?" Mayor Luke, "We could stay in a holding pattern if we needed to at that point. We would already have the design, we would have everything ready to go, and there is a little expense there but not a major amount."

Council Member Jasper, "I think the 6th and Alleghany Project was around \$5,000 and we got to keep their plans." Mayor Luke, "Yes. So what we need to do is re-word the motion to read..." Council Member Jasper, "Do you want to do \$90,000 to the six block hot mix project and then what do you want to do with Heather Street?" Mayor Luke, "Put it on delay until the first of July and look at it then as to financing it or not." City Clerk Kewley, "I wouldn't put an amount on the six blocks; I would just say to go out for bids." Council Member Jasper, "Good point."

Council Member Jasper, "I move to authorize Superintendent Davidson to go out for bids for the Street Improvements 2020 - Asphalt Project. Also, to delay Heather Street until July 1st until further funds are recognized." Council Member Curtiss, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion carried, 6:0.

STREET DEPARTMENT: Sidewalk Cost-Share Applications 2020-02

Mayor Luke, "We also have a sidewalk application for 615 Niagara Street for Lanette Bazil. It is approximately 50 feet so we are looking at \$10 a foot, so \$500 is what it would be. We have funds in the sidewalk replacement cost-share program."

Council Member Tschantz, "I move to approve Sidewalk Replacement Cost-Share Application 2020-02, Lanette Bazil for 615 Niagara Street." Council Member Scothorn, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion carried, 6:0.

STREET DEPARTMENT: Kennebec Bridge Project:

City Clerk Kewley, "Also, on the Street Department side. Mark wanted me to bring up that B&G Consultants sent him an email and they will be starting the Bowman Bridge May 21st through the 29th. So, they have moved it up a couple months because I believe the original date was in the middle of July to start." Mayor Luke, "That is the bridge that is going to be around \$47,000 plus or minus for the City to pay. They had initially scheduled it in July but now they are going to move forward and start up things in the latter part of May."

POLICE DEPARTMENT: Update

Mayor Luke, "Our new officer is here."

PARKS DEPARTMENT: Update

Council Member Jasper, "There has been some information going back between Kevin (Superintendent Boyce) about the fogging. This is something I wanted to talk about with the Council. So, he thinks he has two to three foggings left with the chemical left over from last year. At the time and date, he is running with common sense and what he sees out in the field every day and what he personally sees on his own. Which I'm fine with; there are recommendations that are really suggestions from the companies that provide the spray. What do we want to do as the Council going forward when we have just enough for two or three sprays? He (Kevin) suggests buying a 55 gallon drum of it compared to buying jugs of it. Do we put that on hold or do we let him figure out when to spray and then we don't buy the drum?" Mayor Luke, "We bought the drum last year. Did he indicate how long it would take to get a drum once we have it ordered?" Council Member Jasper, "No. You are looking at two to three sprays once you start." Mayor Luke, "So, that would be a three week time frame." Council Member Jasper, "Correct. What do we want to do?"

[4] CONTINUATION: May 6, 2020 Burlington City Council Regular Session

Council Member Lenard, "I say go ahead and get it ordered. Chemicals right now can be slow. Let him and the committee work on this. It comes out of the Parks." Council Member Tschantz, "Cost of the chemicals during this COVID-19 could go up too so I suggest ordering it now." Council Member Curtiss, "I'm for that." Council Member Jasper, "One thing I want to remind everybody is that when you are spraying you are doing it at night, so that is overtime. Like I said I'm just bringing it to Council." Council Member Scothorn, "Hey J.J. how bad are the mosquitoes going to be? Maybe we don't need to spray." Council Member Jasper, "Yeah, they are already out. I had a conversation with Kevin and his suggestion was that he is going to hold off as long as he can. But if we are going to spray, which we are going to because we have the chemical on hand already, we should do it just right. It is not bad now but before it gets bad later, right in the middle." Mayor Luke, "My suggestion for Kevin is to start when it's appropriate with respect to what's available and mosquito wise but if he can negotiate a good price for the chemicals to go ahead and do it now. Purchase it and have it available." Council Member Lenard, "I think the leave time is probably going to be a bigger issue than cost. Could be." Mayor Luke, "Yes, it is all a matter of where it is coming from and if they are open and what all is going on. I suggest he start the process." Council Member Jasper, "What I'm finding guys in my everyday life and work is that it is all region based shipping." Mayor Luke, "Right." Council Member Jasper, "Where the chemicals come from, I mean, we could get it in two days, at a lower or higher cost I don't know. That is something we need to let our Superintendent find out." Mayor Luke, "Yes." Council Member Jasper, "But once he finds out, he needs to be able to go ahead and pull the trigger. We can't wait for the next Council meeting." Mayor Luke, "Yes, that is correct. He has the authority to do that." Council Member Jasper, "Just letting Kevin know that is the biggest thing, communication." Mayor Luke, "Will do."

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2020-08	\$ 279,002.12
b. Payroll Ordinance	2020-09	\$ 86,316.86
	TOTAL	\$ 365,318.98

CLAIMS 2020-08: Council Member Lenard moved to approve City of Burlington Claims Ordinance 2020-08 for the amount of \$279,002.12 for payment of city bills. Council Member Tschantz gave the second. City Clerk Kewley, "The larger expenses of the whole ordinance tonight are to Advantage Computer Jayhawk Software \$18,530.75, B&G Consultants \$7,972.00, and Kansas Power Pool \$140,791.67." **Hearing no additional discussion, Mayor Luke instructed City Clerk Kewley to poll Council. All votes were in favor. Mayor Luke declared, "Claims Ordinance 2020-08 passed unanimously, 6:0."**

PAYROLL 2020-09: Council Member Tschantz moved to approve City of Burlington Payroll Ordinance 2020-09 in the amount of \$86,316.86, 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 2020-09 passed unanimously, 6:0."

PLANNING & ZONING: Update

Mayor Luke, "I sat down with Jimmy (Zoning Clerk Hugunin) and we have gone through all of the state statutes that pertain to all the nuisance properties. I spoke with nine other communities; they follow the state statutes also. Some of them have set up committees within their city to address issues on nuisances. Others have certain organizations or groups that fall into handling some of the nuisance issues for the elderly or the physically handicapped; they do it on a volunteer basis. The timeline to do things with respect to a week here, 10 days there, a month here, schedule a hearing, schedule this and that, they all follow the state statutes on that when they implement their programs. We are kind of nailed to the wall so to speak on some of that. We can look at doing some of the other things with respect to other organizations and volunteer support. The timing, if it actually goes to the whole letter writing process, 2 weeks here and 10 days there, that is state statute. We have no choice about that. Unless we want to totally opt out and I don't think we want to opt out of state statute and turn it into home rule. That requires a special ordinance for that and I don't think that it would work well."

Council Member Jasper, "So, with that being said. This is more questions from our citizens to us, that I have been asked to put back into public. A wrecked car on an empty lot, how long does it get to sit there? It doesn't have a tag on it. Who do they call?" Mayor Luke, "Technically, what they are supposed to do is file a written formal complaint. Then we have different legal issues and different capabilities within the police department. But when people call and complain and don't want to be identified then we are bypassing that first step of the process which is critical." Council Member Jasper, "And that is state statute?" Mayor Luke, "Yes." Council Member Jasper, "Okay, so what do we do right now? What are we telling people right now when they call? Is it exactly that?" Mayor Luke, "We give them a form to fill out and to return to us. Until they do that we are not legally obligated to respond to their complaint. If they submit the written form and sign it then we are in the process of the legal issues that are available to us, including sending the police out with notification. We can even abate the issue and have a fee charged to the individual for taking care of whatever that abatement was. We have a whole series of things that have to be followed. The very first thing has to be a formal complaint signed by somebody within the city."

Council Member Curtiss, "How long does this process take to go through all of these steps that you are talking about?" Mayor Luke, "If they request a hearing, it can go – Tom Robrahn you might be able to answer this a little clearer, they have different things. One home that we took down took over six months."

[5] CONTINUATION: May 6, 2020 Burlington City Council Regular Session

Attorney Robrahn, "It is going to be the same process as what we did with that home that we did take down." Mayor Luke, "So, it could take some time or if people actually want to take care of it then sometimes just the formal letter will take care of it." Council Member Jasper, "So, let me ask this, if our policemen are driving around and see a car that has been sitting there untagged for whatever the expiration is, they can't go knock on the door?" Mayor Luke, "They can go knock on the door because that is a whole different thing than a nuisance. That is a state statute on automobiles and vehicles." Council Member Jasper, "But sometimes the nuisance is the vehicle." Mayor Luke, "Our ordinance states if a vehicle is not in its own ability to move then it is, even if it has a tag, if it is unable to move then it is still classified as a nuisance. If it cannot move on its own power it can be defined as a nuisance and the Police Department has the ability to go in and notify the individual of that ordinance violation."

Council Member Jasper, "Now let me ask this, what about a trailer or garbage blocking a sidewalk? Do we have the abilities as a Police Department or anybody to go to the door?" Mayor Luke, "Tom, you can answer that one." Attorney Robrahn, "Well, in the code book you cannot block a sidewalk. You shouldn't be parking a car on a sidewalk or dumping/ piling trash on the sidewalk. So, yes, a police officer could even write a citation for doing that. Going back to how we initiate this, I think Gina had told us a while back that statistically when a citizen comes in and asks about the process and you give them the form, it is pretty rare that they follow through and bring them back." City Clerk Kewley, "It has been a handful of times, three or four for sure that we have handed them out and they never brought them back. Or they will say just do it and don't tell them it was me complaining." Council Member Jasper, "I get that." Attorney Robrahn, "I don't know if they are afraid and don't want their neighbor to know that they are the one complaining or what the issue is but that does seem to hinder the process." Mayor Luke, "Lewis, you might want to talk with Doug (Chief Jones). He used to have one of the officers that was dedicated to that." Council Member Lenard, "We used to have Brandi Charlton and then Jessica came in but we have never gotten that back, we have never really been fully staffed to do that. Jimmy had sent me the ordinances that I can forward on to you guys for your review. I think between Jimmy and Doug we can get some of this stuff taken care of. I think it would be good to educate ourselves of the timeline for these different scenarios because they do get drug out. I go back to the Music Box; look how long we messed with that but it did have some unique circumstances. I like what Stan said like if we can volunteer groups to help. I noticed a lot of people on Alleghany seemed like they set everything out after we said we aren't picking it up. So, maybe that is what we need to do is say we aren't picking it up and then they put it out. I think people are staying home and cleaning some things up. Still to J.J.'s point we do need to enforce what is enforceable."

Council Member Jasper, "Well we have muscle, let's flex it a little bit. If we want to keep kicking the can down the road then let's do that but if we want things to happen we are going to have to eventually bend down, pick the can up, and throw it away. It is easy to me. I understand that there are all kinds of variables on how your yard looks and all that. When a car can't move, let's step up and tell them to move it. If it is blocking a driveway, as far as garbage or a camper, then show up every day until they move it or write them a ticket. We are within law." Council Member Lenard, "We did have that happen recently, made the call to Doug and he sent an officer over and it was dealt with within 24 hours. I don't know the circumstances but it didn't look good that's for sure." Council Member Jasper, "That is flexing your muscle a little bit. We are paying people, so why not? If we want this to keep going forward, if we really want to make a change, this is the change. Let's put what we know into flow. I mean that's it." Council Member Lenard, "You're right J.J., but I think instead of flexing our muscle if we work with the community, I think people would do it more voluntarily with a little help but that has yet to be seen." Council Member Jasper, "Yet to be seen."

Council Member Scothorn, "Have we heard anything on the burned down homes?" Mayor Luke, "We don't have an answer yet. One of them on Alleghany, I believe, the County has given the authorization to waive fees but I don't think we have an answer on the one by the old Carnegie Library." Zoning Clerk Hugunin, "The Housing Authority is working on that one also. The problem is that they are trying to get ownership, not the Housing Authority but his brother. He is in court or something right now trying to get that property deeded over to him. So, nothing can be done until that is done." Council Member Tschantz, "In other words, we sit here and look at a burned down home." Zoning Clerk Hugunin, "Right." Council Member Tschantz, "For how long?" Zoning Clerk Hugunin, "I don't know." Council Member Tschantz, "Another year?" Mayor Luke, "Until the courts authorize the transfer of title to the brother after that I think--." Council Member Tschantz, "That could take up to a year or two." Mayor Luke, "There is nothing you can do about that, Tom." Zoning Clerk Hugunin, "The one on 1st or 2nd street that just recently burned is being sold to a neighbor and the neighbor is going to be tearing it down. Rhonda is hopeful on the one on Hudson that it will not be much longer. That will classify under the County like the commissioners did the other one on Alleghany as a hardship case."

[6] CONTINUATION: May 6, 2020 Burlington City Council Regular Session

Council Member Lenard, "What is the old Dairy Queen down on the south end of town? It is not looking too good. It has a forest around it and trees growing up. I don't know if that is on your list, Jimmy." Zoning Clerk Hugunin, "He got a letter and he did mow." Council Member Curtiss, "Dale mowed it?" Zoning Clerk Hugunin, "I don't know who did. It was mowed last week I believe. I don't know about the trees. I guess if he doesn't want to cut trees down then he doesn't have to cut the trees down, I don't know how you do that." Council Member Lenard, "Well, when they grow out of the sidewalk then that is a little over the top." Mayor Luke, "We will continue on the nuisance stuff with respect of getting additional information and looking at enforcement. Lewis, you might want to talk with Doug to designate an officer to be responsible for that. I think Jimmy will verify that the biggest issues that we have right now are abandoned cars or untagged cars or shells, whatever you want to call them."

OTHER COMMITTEE OR COUNCIL BUSINESS

Mayor Luke, "Next item – When do we want to reopen City Hall and all the departments to the public? Coffey County Medical Director said that they were going to follow the state. Right now we are still at the 10 people and 6 foot social distancing. Come the 18th, 30 people can be in a meeting maintaining the social distancing. In City Hall we have six staff so that limits the amount of people that can come through the door at the same time to four. It is whether you want to look at following the County with reopening the doors on the 18th or if you want to do it earlier than that." Council Member Jasper, "Gina? She knows the rate of customers that come in." City Clerk Kewley, "What I would recommend is to at least wait until after the influx of utility bills have been paid. We get quite a few people in and out through the first two weeks of the month because they are paying their utility bills. So, I would recommend either the 18th or you could do three or four days prior to that, but we will be very busy up until the 13th of May." Council Member Tschantz, "Any possibility of waiting until June 1st?" City Clerk Kewley, "No, I think we will be good with 30 people. We really do want to see people."

Council Member Curtiss, "I move to approve authorization for the Mayor or City Clerk to open City Hall and all City Departments to the public on May 18th, 2020 following the guidelines of the County." Council Member Hall, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion carried, 6:0.

Council Member Jasper, "Be smart people." Mayor Luke, "Yes. The next Council meeting is after the 18th. What I propose to do is to set up the Council room so we can see how many people we can get into the room and still abide by all the six foot social distancing, We will have the superintendents here as well as the elected officials. We will work on exactly how we handle that. If we are not able to handle all the people in the meeting room then we have a few of the superintendents in the back conference room. Once a superintendent has made his report then they will swap positions. I think we can get it in as long as we don't have a handful of visitors and guests. Any issues doing it that way?" Council Member Scothorn, "No and I don't mind from my end of it, that if the superintendents come once they give their report, they are free to go." Mayor Luke, "That would be possible also." Council Member Jasper, "If it creates a whole bunch of headaches then it's like ...then again we opened City Hall. I'm going back and forth here. Yeah, if we open City Hall then we need to be back in there too. So, I'm fine with it." Mayor Luke, "Alright, we will work on seeing how we can set people in here and get the maximum and still follow all the guidelines."

LEGAL DEPARTMENT: Update

Attorney Robrahn, "Stan, you have talked to James (Judge Campbell) and I have talked to Philip (Attorney Wright) and it looks like we are going to wait to hold off court until the 2nd Thursday in June. James and Philip feel like we could probably get the case load caught up in a couple of months. So, hopefully by August we will be back on track again." Mayor Luke, "Talking with James, most of the tickets that were issued in March are scheduled to be on the docket in July. So, we aren't really causing major issues with respect to what the state Supreme Court judges have put out with how to handle municipal courts."

LEGAL DEPARTMENT: President of the Council - Nomination and Election by Council Members

Mayor Luke, "I would like to nominate Jerilyn Curtiss to be the President of Council." Council Member Hall, "I second the motion."

Mayor Luke, "In the past every four to five years we have been changing the President of the Council. Lewis, I believe has been the President for the last four or five years. So it is time to make a change. I spoke with Jerilyn and she has agreed as long as I didn't plan on taking six months off. She would be agreeable to be the President of the Council." Council Member Lenard, "Just as a reminder, there are no time constraints to the office." Mayor Luke, "That is correct." Council Member Jasper, "Who did you piss off, Lewis?" Council Member Curtiss, "That's what I was wondering." Council Member Lenard, "Just a couple of people." Council Member Curtiss, "He could have it back if he wants it." Council Member Jasper, "Jerilyn, you are a perfect fit for it. Don't get me wrong." Council Member Curtiss, "I asked Lewis who he pissed off." Council Member Scothorn, "Who determines who gets to be the President of the Council?" Council Member Jasper, "Yeah, without running it through the Council, shouldn't we pick that?" Mayor Luke, "The appointments are made by the Mayor and it's up to the Governing Body to accept, reject, or modify." Council Member Lenard, "That is kind of like some of the committees. I think last year we did a good job discussing it if people wanted to be on different committees and things. It didn't really happen again this year." Council Member Jasper, "I don't know why we can't just put it off for a minute. I'm looking at it. What is it? What's wrong? Is something wrong?"

[7] CONTINUATION: May 6, 2020 Burlington City Council Regular Session

Mayor Luke, "No. Nothing is wrong. It is just that some people have not been on some of the committees and some people would like to stay on some of the committees." Council Member Jasper, "I didn't get asked anything though." Mayor Luke, "I realize that." Council Member Jasper, "What was your trigger?" Council Member Lenard, "Let me say this J.J., there is value in moving people around." Council Member Jasper, "I get it. I'm fine with that. I want to be as diverse as anybody when it comes to this stuff." Council Member Lenard, "What departments may need the help and whatnot? It is really about continuity, do we have it or not. There are a couple of schools of thought with it. So I agree with Stan and I disagree in some ways." Council Member Jasper, "I'm in this thing with all of you. We are all a team. If we have something to say just say it. If it needs to be a one on one conversation then say it to each other. If it needs to be one on two then we are still within our bounds. I think committees are a double edged sword, in my experience of three years now; which is nothing compared to the rest of you. Decisions are made still with one person it seems like and that is the superintendent. That's fine, we have great superintendents but I like to be informed as the Council. That's all I'm saying, on everything."

Mayor Luke, "Well, it is in your hands. If you want to not pass the change then it will be a nay vote and then you will come up with a nomination to fill the position. Any other discussion?" Council Member Jasper, "Yes, I want to put it off. I want to look at it and think about it. I'm with you as a body. If you guys are all good with it then I'm going to go with it. I need to think about it for a minute. I just got this and read it yesterday. Your choice from here, make the motions and I'll go with it." Council Member Lenard, "I think we have a motion." Mayor Luke, "I made the motion and Sharon was the second on nominating Jerilyn to be President of the Council." **Hearing no further discussion, Mayor Luke called for a vote. Motion carried, 6:0.**

LEGAL DEPARTMENT: Mayor's 2020 Annual Appointments

Mayor Luke, "You have before you the Mayor's Appointments for May 6, 2020, which will be from May 6, 2020 through the first meeting of the Council in May 2021. Do we have any motion in respect to the appointments?"

1. **City Clerk:** Mayor Luke, "We need a motion to ratify appointment of City Clerk, Regina R. Kewley."
Council Member Hall stated, "I move that we ratify the Mayor's annual appointment for City Clerk to be Regina R. Kewley from May 6, 2020 through the first meeting of the City Council in May 2021." Council Member Tschantz, "I'll second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.
2. **Chief of Police:** Mayor Luke, "We need a motion to ratify appointment of Chief of Police, Douglas L. Jones."
Council Member Hall stated, "I move that we ratify the Mayor's annual appointment of Chief of Police to be Douglas L. Jones, from May 6, 2020 through the first meeting of the City Council in May 2021." Council Member Lenard, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.
3. **Electric Superintendent:** Mayor Luke, "We need a motion to ratify appointment of Electric Superintendent, Alan Schneider."
Council Member Tschantz stated, "I make a motion that we ratify the Mayor's annual appointment of Electric Superintendent to be Alan Schneider from May 6, 2020 through the first meeting of the City Council in May 2021." Council Member Scothorn, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.
4. **Parks Superintendent:** Mayor Luke, "We need a motion to ratify the appointment of Parks Superintendent to be Kevin Boyce."
Council Member Scothorn stated, "I make a motion to ratify the Mayor's annual appointment for Parks Superintendent to be Kevin Boyce from May 6, 2020 through the first meeting of the City Council in May 2021." Council Member Curtiss, "I second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.
5. **Water & Wastewater Superintendent:** Mayor, "We need a motion to ratify the appointment of Water and Wastewater Superintendent to be Danny Hawkins."
Council Member Hall stated, "I make a motion to ratify the Mayor's annual appointment for Water and Wastewater Superintendent to be Danny Hawkins from May 6, 2020 through the first meeting of the City Council in May 2021." Council Member Tschantz, "I'll second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

[8] CONTINUATION: May 6, 2020 Burlington City Council Regular Session

6. **Street Superintendent:** Mayor, "We need a motion to ratify the appointment of Street Superintendent to be Mark Davidson."

Council Member Hall stated, "I make a motion to ratify the Mayor's annual appointment for Street Superintendent to be Mark Davidson from May 6, 2020 through the first meeting of the City Council in May 2021." Council Member Tschantz, "I'll second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

7. **All Other Appointments of Boards, Officers, and Committees:** Mayor, "Now we need a motion to ratify all other appointments for Boards, Officers, and Committees."

Council Member Hall stated, "I will make a motion to ratify the Mayor's Annual Appointments of all other Boards, Officers, and Committees from May 6, 2020 through the first meeting of the City Council in May 2021." Council Member Tschantz, "I'll second."

Council Member Scothorn, "So, this is the one that we are appointed to?" Mayor Luke, "Yes." Council Member Lenard, "This is the one that J.J. was talking about earlier. Community Development is that a new committee?" Mayor Luke, "Yes, that is a new committee." Council Member Lenard, "So we are going to vote on a new committee? We have never talked about it, what is the function? We are voting on something that we haven't been informed on." Mayor Luke, "I look at this committee...we have a need to, I'll use the word bring forth all the positive things about Burlington and how we can change some stuff to make it better. The development of the community is critical at this time, especially with the pandemic and where we sit financially with all the people in town. I think it is an opportunity for us to move into a leadership role that we haven't had in the past on that particular subject. It allows us to meet with and talk with the citizens, businesses, other organizations in town and look to how we can better serve and better meet the obligations and responsibilities that I believe we need to be looking forward to. So far we haven't had a lot of response from any other organization in what we can do or should do or any input from the community. This would be an opportunity to go out and do that to get the information, have meetings, and etc. with the community to see what we really need; to see what they would like for us to promote and move forward."

Council Member Curtiss, "I would like to see J.J. on that committee." Council Member Jasper, "You have Lewis, Jerilyn, and Tom?" Mayor Luke, "Yes." Council Member Jasper, "Lewis is the chair?" Mayor Luke, "Correct." Council Member Jasper, "So, you are wanting council members to go beat the brush on how we can make Burlington great again?" Mayor Luke, "I'm not necessarily saying beat the brush. I'm saying we need to get some idea of a direction to move before we move. If we are moving in a direction where nobody in the community wants us to move then we have wasted and spun our wheels. This way we have some input and some ideas that we have not had in the past." Council Member Jasper, "What do you guys want to do? Any input?" Council Member Curtiss, "You got mine." Council Member Jasper, "I appreciate you." Mayor Luke, "We can easily add J.J. to the committee, that's not a problem." Council Member Lenard, "Keep in mind that even if there are people that are not on a committee, they should always have input." Mayor Luke, "They are always welcome to any committee." Council Member Jasper, "Thank you." Council Member Lenard, "A couple of committees the way that they are structured now that may not have professional, don't take this wrong, but professional experience or knowledge on some of these. The committee shouldn't run the department anyway. They should be there as mentors or sounding board but there are a couple of them that look fairly weak." Mayor Luke, "Which committees, Lewis?" Council Member Lenard, "No, I'm not going to do that." Mayor Luke, "Okay." Council Member Lenard, "I can talk to you on the side." Mayor Luke, "I don't think we changed more than one person on any committee but we can talk about it separate Lewis."

Mayor Luke, "Any other discussion?" Council Member Lenard, "Dallas what did you have? Did you have any input?" Council Member Scothorn, "I would have liked to have had a chance to discuss which ones we were going to be on. I know we can be appointed by the Mayor. There are some of these I've never been on yet. As we have said, it's nice to stay on the same one because you kind of know what's going on but it is nice to get on a different one every once in a while to understand how they work." Council Member Curtiss, "I know, personally, I have relied on Lewis immensely as far as on the electric committee." Council Member Jasper, "We can put this off right?" Mayor Luke, "I don't know whether it is by City Ordinance or..." Attorney Robrahn, "It's in the City code book that we have the Mayor appoint the committees in the first meeting in May." City Clerk Kewley, "It is a state statute that the Chief of Police, City Clerk, and Judge I believe, has to be appointed in May." Council Member Jasper, "Okay, so going back to committees as an elected official."

Mayor Luke, "Most of the cities do not even use committees. I don't know what the mind set was when Burlington established it. I am just going by what is there and doing appointments. I thought I had moved a lot of people around over the last 4 or 5 years but maybe there are some I haven't gotten into a spot where they had wanted to be or hadn't been in." Council Member Jasper, "Well it isn't about want or need, it is about who fits where." Mayor Luke, "It is also, as Lewis mentioned earlier, anybody can go to any of the meetings." Council Member Jasper, "Correct. So, where are we at? What do you want to do? Do you want to put it off and talk about it or what?" Mayor Luke, "Can we put off the committees?" City Clerk Kewley, "The committees you can." Mayor Luke, "All the others have to be taken care of tonight but the committees we can." Council Member Jasper, "We just voted everyone individually." Mayor Luke, "That is correct." Council Member Jasper, "So, this is separate right now, right?"

[9] CONTINUATION: May 6, 2020 Burlington City Council Regular Session

Mayor Luke, "The only thing we did not officially and individually vote on, because it was under the appointments of city officers and committees, is the Judge, Court Clerk, Treasurer, Deputy Clerk..." City Clerk Kewley, "I guess you could put City Officers and take off the boards and committees." Council Member Lenard, "You just have to carve the committees out." Mayor Luke, "The boards and the officer's needs to be approved tonight and the committees we can do at a later time." Council Member Lenard, "So, we have a motion and a second on right? So we need to amend the motion." Mayor Luke, "We can amend the motion instead of all appointments to approve city officers and all boards."

Council Member Hall, "I will make a motion to ratify the Mayor's Annual Appointments of all other Boards and Officers from May 6, 2020 through the first meeting of the City Council in May 2021." Council Member Tschantz, "I'll second."

Council Member Lenard, "So, then the commitment is for everybody to review it and give Stan the feedback or do we want to vote and then have more dialogue on where everybody wants to shake out." Mayor Luke, "I will get in touch with the committee people and get their preference and which ones they thought they hadn't been on or want to be on and we will go from there. In the next two weeks we will address those issues." Council Member Lenard, "It is just kind of nice to have the dialogue and the interaction of what people are thinking. Together we can come up with hopefully some better solutions." Mayor Luke, "Okay between now and next council meeting we will address that." **Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.**

REPORT BY CITY OFFICERS:

Council Member Jasper, "I want to say this to our employees. Huge shout out to you for hanging in there with everything that is going on. I am glad that you are essential, I really am. Thank you for sticking in there through this whole thing and doing your part for our citizens and for us. They haven't backed down one bit and I appreciate everybody that works for us. I really do. I mean that as a community. Thank you."

MAYOR'S COMMENTS:

Mayor Luke, "Also, the batch plant is up and running. George contacted me and he wanted to give a special thanks to the Electric and Water Departments for their support and their professionalism that they did on bringing his plant up and operational as he had his equipment available."

OTHER:

Council Member Curtiss, "Have we gotten any applications for the loan that we talked about?" City Clerk Kewley, "It was in the packet that I updated in my report. I had two so far; I put the names in my update." Council Member Curtiss, "Do we know if they have gotten that yet?" Mayor Luke, "Yes, I signed the checks and they were delivered." City Clerk Kewley, "That was why we got approved to do this, so they didn't have to wait." Council Member Curtiss, "That is the only two that we have had?" Mayor Luke, "Yes." City Clerk Kewley, "I have had some businesses that didn't want to fill out the proper forms that the state requires but you have to fill them out."

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: Fire Hydrant – 3 rd & Neosho Storage Building for Dirt -Construction	Sensus Water Meter Replacement 6 th and Alleghany Waterline Project Sewer Lagoons - Analysis (KRWA/funds for dredging) Sewer Lagoon Maintenance/Updates Sewer Liftstations –Flushing Rags, etc.

Mayor Luke declared the meeting adjourned.

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