

**BURLINGTON CITY COUNCIL REGULAR SESSION 6-3-2020**

City of Burlington Governing Body met in Regular Session at City Hall’s address, 1013 N. 4<sup>th</sup> Street, Burlington, Kansas at 6:00 p.m. Wednesday, June 3, 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:

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

**Media Present:** Mark Petterson (Coffey County Republican)

**VISITORS:** Jerry Brockelman

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

**MINUTES 5/20/2020:** Mayor Luke, “You have before you the draft minutes of our regular session of May 20, 2020, are there any additions or corrections?”

*Council Member Curtiss, “I move to approve the draft minutes of May 20, 2020, as amended.” Council Member Hall, “Second.” Motion unanimously carried, 6:0.*

**PUBLIC COMMENTS:**

Jerry Brockelman, “My son and his mother live on Miami Street; just to the north, the residents at 217 Juniatta, the man that use to live there, had died back last fall by accident. The neighbor has been parking cars, a trailer, and a boat there where their drive is. Our drive backs out onto the alley also. At times at the worst, they might overhang, the pick-up parked at an angle, 3 or 4 feet over the gravel part of the alley. I checked with Jimmy Hugunin on the width of a normal alley. He said about 16 feet. The alley gravel to gravel on treads is somewhere around 8 or 9 feet, which only leaves around 3 or 4 feet on each side of that alley. They are parking up to and on to—overhanging the gravel part. We back out with both cars to get out in the alley and drive off. I have only talked to them once. I called the City Police out once; they drove by and took a look at it. I called the Sheriff’s office once and they drove by to look at it sometime a little late in the morning, it wasn’t 6:00 or 7:00, it was sometime after that. His response back on that was that it looked like everything was legal. I checked with Jimmy Hugunin, and he had said the normal alley is somewhere around 16 feet; it might vary address to address. I did talk with the owners and some of the people that work for him. He has a big drivable trailer; he said he would move that trailer and get more cars in, but he is waiting on the gas company. I didn’t further the discussion, but the only reason I can see that he is having the gas company come out is to hook up the trailer. I told him that the way he is parking I have to drive forward and back and maneuver to get out in the alley. Sometime or another, it is very likely that we will back into one of his vehicles and then it is our insurance. He said that he is working on it and try to get it opened up better, park a few cars on the street out front. From day to day, it just gets worse again. I wanted to bring that up. I told him I wanted to check with City Council and to follow up on the police reports, this and that. It does seem to be a hazard for my son and his mom. It is a little item, but it is a big problem for my family.”

**ELECTRIC DEPARTMENT: DISTRIBUTION Update**

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

**Pole Replacement:** Superintendent Schneider, “Some of our poles you will see are leaning a little bit but they still have a lot of useful life to them. We will go back and straighten those up. We don’t dig all the way to the bottom so it leaves a void there. We use an expandable foam specially made for this so the men have been doing that. That gives us several more years of life for the poles.”

**Salt Building Construction:** Superintendent Schneider, “We did help the Street Department while they were working on their salt barn by providing an operator and the boom truck.”

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**Substation Maintenance:** Superintendent Schneider, “We have been doing substation maintenance. The birds this time of year are starting to nest. We try to get in before they get settled in too far. We have to remove those nests out of these substations. They do get across our equipment and cause outages, usually the repairs are expensive. So, we are staying ahead of that the best we can. We also have electronic devices to help deter the birds; it is a noisemaker with predator sounds.”

**2020 Senior Banners:** Superintendent Schneider, “Monday morning the men helped hang the senior banners and they are up now.”

**ELECTRIC DEPARTMENT: PRODUCTION Update**

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

**Weed Control:** Superintendent Schneider, “We have been doing weed control at our substations.”

**Production Reports:** Superintendent Schneider, “We also have been filling out production reports. This not only helps us track our production costs, but it also gives us an extra set of records as we stay compliant with KDHE and EPA standards on the R.I.C.E. N.E.S.H.A.P. side of it. It just backs up a plan we already have in place.”

**ELECTRIC DEPARTMENT: Stoplights at 4<sup>th</sup> and Neosho**

Superintendent Schneider, “As everyone knows, the stoplights at 4<sup>th</sup> and Neosho last Thursday, the controller failed. Once we went through the troubleshooting process and determined that was the issue, I got a hold of our normal support people that take care of us in those situations for the street lights. They said, ‘we will see you Monday morning.’ I basically told them that it wasn’t acceptable. They did have the controller on site. They are in Kansas City by the KU Med exit. By the time I got up there, they had it programmed for us to our standards. I picked it up, brought it back, and we put it back into service. With that being said, I want to give a thank you to the Police Department because they were out running traffic control and standing in the middle of the intersection helping us out. We really appreciate that. It is in service and a permanent repair.”

**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.

**Line Replacement:** Superintendent Hawkins, “We did get the job completed on 3<sup>rd</sup> and Neosho on Sunday. We had the water back on about 15 minutes to noon, I believe. We did go down to charge the fire hydrant today, and we found that there was a split in the new line that we just put in. We had to do a minor repair to it. Craig Marshall had come down wanting to know why there was water running. Well, we didn’t know either. So, we dug it up and fixed it; it didn’t take us very long. That is up and going. I do want to say thank you to Mark’s guys (Superintendent Davidson) for letting us use the dump truck and anything we needed. I appreciate that very much.”

**Water Leak:** Superintendent Hawkins, “We also repaired a water leak around 13<sup>th</sup> and Neosho. There was a water meter that was bad. The guys went in with a vac trailer to get it repaired. That was finished.”

**Exercising Valves:** Superintendent Hawkins, “We did finish exercising all the valves in town. That is now complete for this year. The guys are still using the vac trailer to line up the valve boxes so when we put our wrenches on them, in case of a water leak or if we have to exercise them, they are straight up and down.”

**WATER/WASTEWATER: Production – Water Treatment Plant Update**

Superintendent Hawkins, “The plant is running great. There is really not a lot happening just making a lot of water.”

**QUESTIONS:**

Council Member Lenard, “I don’t think we have asked for a while. Our output has that increased the last few months with more people being at home?” Superintendent Hawkins, “During COVID-19, we saw roughly 80,000 to 85,000 extra. We knew people would be using more. We still stayed somewhere around 585,000 to 590,000. Even with it coming in to now, people are filling swimming pools; we used an extra 200,000. It fluctuates if people are filling pools; if it’s not raining then people are watering their yards and gardens. Right now, we are right around that 585,000 – 590,000. It is normal for this time of year.” Council Member Lenard, “That includes our output the rural water districts?” Superintendent Hawkins, “Yes.”

**STREET DEPARTMENT: Update**

**General:** Superintendent Davidson said, “We have been sweeping curb and gutter, ditch cleaning, cleaning drain boxes, rocking alleys.”

**Salt Building Construction:** Superintendent Davidson, “We have been pouring concrete for the new salt building you allowed us to build. A big thank you to Cody and Alan for the use of the equipment and for Cody helping. The walls are poured. Now we are just to the point that we need to decide if we are going to go ahead and continue with extending the walls up and putting the roof on or if we want to wait until next year. We can see where we are budget wise that way. It is something that can come later.”

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**2020 Street Improvements: Asphalt Project:** Superintendent Davidson, “Gina and I opened asphalt bids Monday morning on the six blocks that we asked to do this year.” (More below)

**Personnel Update:** Superintendent Davidson, “As of Monday, we are short one person. When Richard Mason was leaving work Monday, he said he had a stomach ache. He called me Monday evening and said he was going to Chanutte to have his appendix taken out. So, he is gone for the rest of the week.”

**Kennebec Bridge Project – Bowman Bridge:** Superintendent Davidson, “In your packet you will have two pages for the Echo GPR Services. This is the company that had come to do the ground-penetrating radar on the bridges. The Bowman bridge, as you can see, has four little red spots and a little bit of yellow. The red and yellow indicate that that is the deficiency in the bridge. If you look at the next page, Osborne bridge, you can see all of the yellow and orange. That is telling us that the bridge is definitely deficient and that is the reason we decided to have it replaced. That is also the reason that the County is going to pay for it. That was all based on how the radar looked. Back to the Bowman bridge, the decision to do the repairs, which I had come to Council to ask for permission to do that, was based on the radar. It has a three-inch overlay on it. PbX won the bid to do the bridges; they are the ones that are doing the County bridges. They milled the asphalt off, and that is where we found instead of the 6% that shows on the radar, it was in excess of 80% deficient. Thank you to Jimmy for running off the pictures of the bridge deck. If you thumb through there you can see the rebar showing. At that time, it was recommended that we have PbX go ahead and chisel out the concrete, do a patch, put polymer sealer on it. Or there is option two - a full deck replacement. The deck replacement will give us a 40 year life span and the patching will provide us with 20 years.

“That being said, I spoke with BG Consultants this morning to ask how long the bridge would be closed. If we do the patching it, will be possibly be less than two months because PbX, the contractor that was going to do the work, can come in when they are done with the County bridges, do it and move on. If we decide to do the deck replacement, we are looking at possibly up to six months. That is due to 4-6 weeks of bridge design by BG Consultants, three weeks to advertise for contractors, collect the bid, and then to get on the contractor’s schedule. We could be drawing this out to six months, which would put us into November or December. I am asking what your decision would be on what you would like to do? Do you want to repair, patch the bridge, and get 20 years or do a deck replacement, which would get 40 years? That way, we would have both Osborne and Bowman, on Kennebec, completely done. I doubt that any of us would need to worry about them in our lifetimes.”

Mayor Luke, “Is the two months to do the work including the time that they are doing the County bridges, and then they can get to us?” Superintendent Davidson, “Yes, unless they need a fill-in. I haven’t spoken with anyone from PbX, but initially they indicated that they could come in between bridge repairs and work on ours. So, the bridge would be closed for at least two months. To go ahead and make this more confusing, I was speaking with our guys this afternoon and Daniel suggested that if you choose to do the deck replacement and it is going to be closed for five or six months, we have the 400 tons of hot mix at APAC. We could take our trucks, bring down 2 or 3 loads of hot mix, blade lay that across the bridge, and open the bridge up. By doing that, we will be alleviating the rental on the barricades. I know right now we have a little over \$5,000 in barricade rental. I haven’t spoken with Seahawk or PbX to see what the rental will actually be. I’m estimating we could have an upwards of \$10,000 in rental costs. We will have fuel for the trucks and fuel for the motor grader and rollers. We could open the bridge back up and set the barricades off for them to come pick up. When we are ready to redo the deck, replace it, have them bring them back and we are out nothing but a little time and labor. The asphalt was free. I would like for that to be your decision on how we handle this.”

Mayor Luke, “How would we remove the asphalt?” Superintendent Davidson, “It will come off with the bridge deck. The entire concrete surface of the bridge will be removed and will take the asphalt with it.” Council Member Tschantz, “Would they come back to do the bridge next year?” Superintendent Davidson, “What I’m trying to get BG Consultants to do, they are doing the engineering on the Osborne bridge. They are identical bridges only the Bowman bridge is approximately 10 feet shorter. I’m trying to get them to use the same specs that they are drawing for the Osborne bridge and take them to the Bowman bridge. Then we can bid both bridges at the same time. She is a little hesitant. She is saying that they need to come down and do this and that. I asked her if she would do that so we can move this along. As of right now I am not sure. When I talked to her, she had told me that she is working on a KDOT project, so they are not quite ready to finish up the Osborne bridge. I would think that they could go ahead and get the measurements off of the eyebeams and just do both bridges. They are going back identical. Only the concrete railings on the side, instead of being solid as they are now, they will be of an open design; like the bridge going out of town over the east river. I asked for that due to the fact that we can go in with a water truck and hose the bridge off to get the salt off of it in the spring, which would extend the life of the bridge. The Osborne bridge will have new guard rails. I don’t feel like that is necessary to do on the Bowman bridge. Steer me in the right direction, please.”

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Council Member Scothorn, "If we put asphalt over it and open it up, it is going to be closed down at the Osborne bridge traffic still won't be able to flow up and down, will it? How long is Osborne going to be closed?" Superintendent Davidson, "I don't know. She doesn't have the designs up yet; she hasn't even thought about letting the bids. So, until the bids have been let, we will be on the schedule of the contractor. She guesstimated the bridge would be closed for two months to rebuild and that is the best that I can say." Council Member Scothorn, "That's for Osborne?" Superintendent Davidson, "Yes." Council Member Lenard, "I like the idea of combining the spec. In this area, do we have an option of working with Wayne Blackburn to try to get leverage on these guys, or not? I like the idea of the spec, but in the end, I would like to hear what the recommendation of the committee is or Mark. I think you have a lot of good options." Superintendent Davidson, "Wayne has indicated that they are just paying for the bridge. The bridge is ours to take care of. Basically, saying any changes that we want to do to the bridge and any changes we see that we want to do in the future before construction, it is up to us. That is how we changed the rail design. It is going to be extended higher with the open railing. She asked me about replacing the guard rail, replacing the northeast corner; instead of it being so sharp, they are going to reconstruct that. That was my decision to do that. Wayne really doesn't have anything to say about it other than the County is footing the bill for it." Council Member Lenard, "I get that part. Part of what we bought into, Stan, was that we are leveraging. We spent a lot of time sitting down in meetings at the courthouse trying to put this package together so we are leveraging something. Then I feel like when chips are down, everyone is on their own. Not knowing when Osborne is going to be closed to Bowman, I think there are some things, like we talked last night, uncertainty. I would like to get the County to help leverage just a little bit because their radar is what kind of threw the wrench in this."

Superintendent Davidson, "Actually, it wasn't. It was the service that BG Consultants suggested that we use for the radar. The same Echo GPR Services did the County bridges; they were spot on. What the radar showed was exactly where the deficiencies were. I asked the inspector on the Bowman bridge why they were so far off. He has no idea. All of the other seven bridges were spot on. He has no idea why ours was so far off." Council Member Scothorn, "Is there any way to go back on them to get them to pay a little bit for their drastic error?" Superintendent Davidson, "At this point the County is offering to pay for the engineering and the GPR on the bridges. That was something that Wayne had said in the beginning that they would pay for all of that. So, the mistake has hurt us but they are the ones that are paying for it. Depending on your decision this evening, I think that I could get with Ronda Willard, she is the one that I have been working with on the bridge. She is the engineer. I think I can get her to bundle these together. I will tell her that the Council prefers that we do them together and to get them done. Of course, that is with your approval." Mayor Luke, "When you say, 'get them done,' right now, it looks like the Osborne bridge will be sometime next year. Does that mean the Bowman bridge will be delayed until then?" Superintendent Davidson, "I am really thinking that the Osborne bridge will be done this year. She is saying 5 to 6 months on the Bowman bridge, but that is 4 to 6 weeks with engineering, with bridge design. If I can convince her to use the same design that we are using on the Osborne bridge and just cut it down by 10 feet, they are totally identical other than 10 feet. So, if she can work with me there, then we should be able to expedite it to our way of thinking, I guess is what I'm trying to say." (Break for public hearing)

**APPOINTMENT: Public Hearing for CDBG – CV Grant**

**Open Hearing @ 6:30 p.m.:** Mayor Luke stated, "We have to break at this moment to go into the hearing. At this time, I will open up the public hearing on the CDBG-CV grant program. Is there anyone here that wishes to make a comment, acceptance, or rejection of this particular grant program? Hearing none we will leave the hearing and go back to regular business."

**Kennebec Bridge Project – Bowman Bridge: (Continued)** Council Member Jasper, "Mark and I have been talking this week about this, and this was dumped on us, mainly Mark. There are a lot of things that contribute to a decision like this. This is what happens when you tear into something in construction, concrete, road, water treatment, I mean these are the things that we run into. Sometimes you have to bite the bullet and do what's best. I really do think re-decking it is what is. The only reason I would not think that is that in 40 years, you are back to two deck replacements possibly or repairs. That is the only thing that hangs me up with replacement compared to a repair. If you could cut it down to 20 /40, do one every 20 years compared to both in 40 years. With that being said, what is the cost of a deck replacement in 40 years compared to right now or in 20 years? I'm with Mark. I think we replace it." Council Member Scothorn, "If you are going to do it, do it right." Council Member Lenard, "Patch it and keep it open as long as we can, and then when we figure out what the other bridge schedules look like, we have a little bit of float there." Mayor Luke, "Tie them together at that time. In the meantime, work with BG Consultants so we can get everything done and tie them together as much as we can." Superintendent Davidson, "So, you are giving me permission to go ahead and use some of that APAC hot mix then?" Council Member Curtiss, "Yes." Council Member Lenard, "To me, it has always been your choice on how it was dispersed anyway."

Council Member Jasper, "Yes, he called me about 4:00 today, and I think it is a great idea, especially if we could use some of the material up. We have a time frame that we have to use it in." Council Member Lenard, "How much do we have left?" Council Member Jasper, "400 tons." Superintendent Davidson, "We have until 2022, I believe." Mayor Luke, "End of the asphalt season in 2022." Council Member Lenard, "Okay, I have a sidebar question. With that tonnage left, do we have a plan to use it up?"

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Council Member Davidson, “Yes, we do. While we are on it, my plan is to go ahead and do the parking lots here, with your approval, of course, —this parking lot and the one out there. We have been using it on and off. We have some places that have been going bad in the street; we will go dig them out, then put in 8 to 10 inches of hot mix. We make it to where we can run up and get a truckload. Legally, we can only haul 8 tons. So, it is either 8- or 16-ton patches. With the parking lots we will ask a contractor to bid it so we will have a laydown machine that will come in and do the job.” Council Member Lenard, “Thank you.”

**Council Member Jasper, “I make a motion to accept Change Order #1 for the Kennebec Bridge Project to replace Bridge #1, for an increase of \$111,475.00.” Council Member Scothorn, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.**

**2020 Street Improvements: Asphalt Project:** Superintendent Davidson, “We opened bids. I ask that those be bona fide. In your packets, you have those. We had Killough Construction, Bettis Asphalt, and APAC. Bettis Asphalt chose not to bid. Killough had come in at \$78.35 per ton with 1,121 tons. Their milling total bid was \$9,878.95. APAC was \$130.00 per ton and milling with a total of \$176,716.56. It’s a difference of \$79,000 between the two. Killough’s start date is July 1, and the estimated completion date is October 1. APAC’s start date is June 15, and the estimated completion date is November 1.”

CONTRACTOR	ASPHALT			MILLING		TOTAL BID
	Per Ton	Total Tonnage	Bid for Asphalt	Per Sq. Yard	Bid for Milling	
Killough Construction, Inc. (Ottawa)	\$78.35	1,121	\$87,830.35	\$3.95	\$9,878.95	\$97,709.30
APAC-Kansas, Inc.; Shears Division (Emporia)	\$130.00	1,177	\$153,010.00	\$7.36	\$23,706.56	\$176,716.56

**Council Member Lenard, “I move to accept the bids as bona fide.” Council Member Scothorn, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.**

Mayor Luke, “Your recommendation?” Superintendent Davidson, “I recommend we use Killough Construction out of Ottawa, KS.” Mayor Luke, “For a price not to exceed \$97,709.30.”

**Council Member Jasper, “I move to accept Superintendent Davidson’s recommendation to award the Street Improvement Project 2020 - Asphalt Project to Killough Construction as presented, not to exceed \$97,709.30; as being in the best interest of the City of Burlington.” Council Member Curtiss, “I second the motion.”**

Mayor Luke, “Any additional discussion?” Council Member Lenard, “I was thinking last year on the price it was in the \$60s. Is that because of the total volume of this?” Mayor Luke, “Per ton.” Council Member Lenard, “I think we had considerable more tonnage.” Superintendent Davidson, “A lot of that per ton price deals with the price of the oil right now. I spoke with Ken Massingail with Killough Construction and he said that when the oil prices dropped to the negative figures, they were able to buy some of their road oil at a really cheap price. They bought what they had storage for. They went back to get some more and the prices had started up. My guess is Killough bought it cheap and APAC didn’t. That’s a difference in the price. It fluctuates weekly or monthly on oil prices. We probably did get hot mix at \$60 a ton last year. I think that we have also had it in the \$90 a ton a few years ago.” Council Member Jasper, “Sometimes these bids come down to estimated start date with anticipation of what oil could be.”

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

**POLICE DEPARTMENT: Update**

**General:** Chief Jones, “Our numbers are back to what I would consider normal and we have been busy.”

**Cases:** Chief Jones, “We have a lot of juvenile cases and mental health cases. I think we have set the record of blood alcohol level. We had an individual get airlifted out to Stormont Vail and was intubated, breathing through a tube, he couldn’t breathe on his own. As a reference, driving under the influence (DUI), that limit is .08. This guy tested at .455. How he is alive, I really don’t know.”

“We had a burglary report that we took that we are working it as an obstruction and false report case. It turns out that our witness is actually our suspect.”

**Protesters:** Chief Jones, “We did have some protesters show up Sunday. We had one, then three, then nine, and then the temperature went up 16 degrees in 45 minutes, so the nine went back down to three. Forty-five minutes later, they were gone and we had no issues. They were very well behaved and very polite. One of my officers, off duty, was out walking his dog and happened to go down that sidewalk. They got their drinks off of the sidewalk so that he and his dog could walk unimpeded. Very polite and well behaved.”

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**City Court:** Chief Jones, “We do have City Court a week from tomorrow on the 11<sup>th</sup>. We are going to have it in here and we will see how it goes. The plan is for this to be catch-up for payment reviews. There are some arraignments and a couple of first appearances we have been holding for a long time. We will see how it goes. Judge Campbell is hopeful that things will work out well.”

**PARKS DEPARTMENT: Update**

**Sanitizing Restrooms and Playgrounds:** Superintendent Boyce, “Parks Department personnel have been busy cleaning public restrooms. We do have all of the public restrooms open at this time. We opened them yesterday. We also opened the playgrounds up yesterday. We did make a post on Facebook about the playgrounds stating that they need to sanitize them themselves before and after using them. We are not going to sanitize the playgrounds. The public restrooms we are sanitizing every morning.”

**4-H Building and Kelley Hall:** Superintendent Boyce, “We are still checking the 4-H Building and Kelley Hall weekly. They are not being used but we are still checking them to make sure there are no issues.”

**General:** Superintendent Boyce, “We have been doing building and equipment maintenance. Mowing grass around town. Mowing has been taking up most of our time. We also have been spraying weeds and grass in gravel areas and watering flowers.”

**QUESTIONS:**

Council Member Scothorn, “How is the dog park going?” Superintendent Boyce, “I mowed it last week and I only saw one spot that somebody did not clean up. I think it helped.” Council Member Scothorn, “Alright.”

Council Member Curtiss, “The flowers look great.” Superintendent Boyce, “Thank you.”

**FINANCE: Funding for Street Project**

Council Member Jasper, “So, since we are already so late in the game with the Heather Street project. We thought it was in the best interest, I drove down it myself a weekend or two ago and it is not great. It is bad but it could still go another year. A bridge is a little bit different I feel like. Mark and I have talked about moving the \$200—or something....” Superintendent Davidson, “Heather Street was estimated at \$215,000.” Mayor Luke, “So we would be looking to move a portion of that over to do the...” Superintendent Davidson, “Yes, moving the difference of \$111,000 or \$112,000 over to the Bowman Bridge. Then what was left, put back for next year and add to the \$245,000, I think, is what was in the budget. That way, we will have an excess of \$300,000 to work on Heather Street. If we can roll it over that way.” City Clerk Kewley, “Yes, that would be carryover. That will give us authority for the 2021 budget.” Superintendent Davidson, “Okay, so that will add to next year’s budget.” Council Member Scothorn, “Would that back us up a year on our rotation of our streets?” Superintendent Davidson, “Yes, it will.” Council Member Jasper, “That is the con here. It will put us back.” Council Member Lenard, “Let me make this suggestion. We were offered, and all we can do is ask, -- what if we went back to the county and ask for the additional funds for the bridge and ask for additional funds for Heather Street to keep us on our street rotation. Depending on their answer, then maybe our fall back is to push Heather Street back. We have been offered; unless something has changed, we don’t know until we ask.”

Mayor Luke, “The additional funding for the Bowman bridge would be how much or what has the County already committed too?” Superintendent Davidson, “The County hasn’t committed anything to the Bowman bridge. They are just doing the Osborne. The engineers estimate on the Osborne bridge was \$98,000.” Council Member Jasper, “The original feeler out there was a \$60,000 project.” Superintendent Davidson, “Yes. That was the estimate in the beginning. Once they got the engineer’s estimate back, it had come to \$98,000. I guess, in essence, we are the ones on the short end of the stick. We are looking at \$111,000 with what has already been done. So, we are paying more for a shorter bridge.” Council Member Jasper, “Welcome to the world of construction.” Council Member Scothorn, “Someone could at least ask the County.” Council Member Jasper, “Yes, we can. Do we wait or do we use this as our initial plan and if they kick in then that is great?” Council Member Lenard, “I suggest we ask. We have a fallback position to go to. We can make it work. I really like the street plan that we put together. I’d really hate to see that delayed. I think in the end the cost of money at present value would be best to get stuff done sooner rather than later. I’m hoping that the bids come back more favorable.” Superintendent Davidson, “I do too.” Council Member Lenard, “We will just have to see.”

Superintendent Davidson, “Just to add to this. We were talking today; we will now probably be looking at Cross Street from Highway 75 to Cleveland Street. That was the one that we spent I don’t know how much on doing the asphalt on a few years ago. It is all coming apart. I think that is due to some subgrade work that was done without supervision. We are not sure about that. The concrete street is bad and Cross is bad. I bet we are looking in excess of \$250,000 there. We are now going to be looking at Housatonic from the Ford dealer to 6<sup>th</sup> street. So, Highway 75 to 6<sup>th</sup> Street. We will be in the \$200,000 range on that one. What used to be around \$75,000 to \$125,000 has now grown to \$225,000 to \$275,000. I don’t know where it is going to stop or how we are going to continue on here. All the projects just keep getting bigger and more expensive. Luckily, we have caught up on our regular street work and asphalt work. At some point, we are going to have to start this project over with more chip seal and do more overlays. Neosho Street will be coming up here in another six years, possibly. From 6<sup>th</sup> street to 16<sup>th</sup> street it is getting to the point that it needs to be rejuvenated. It already has enough overlay on it that it is going to have to be milled. It just keeps snowballing on us. I don’t know what to tell you other than we better start printing a bunch of money. Keep that all in mind. We have the cul-de-sac at the Meadows. That’s going to be a \$170,000 on that. That is one that we keep moving down the road.”

**[7] CONTINUATION: June 3, 2020 Burlington City Council Regular Session**

“The radio station, now that we have a business in there, has been on the list to mill and hot mix, but we have put that off. I didn’t want to spend \$150,000 down there for one business. Now, we have a business that is starting to tear the road up with the heavy truck traffic. That will need to be addressed in the next year or so.”

Council Member Lenard, “The great thing, well, I can’t say it’s a great thing. We do have a good street plan. We do. Can you imagine where we would be at if we didn’t? We would be having these discussions probably more frequently.” Council Member Scothorn, “I just hate to see us falling behind.” Council Member Lenard, “We have worked hard to get where we are.” Mayor Luke, “I’ll get with Mark and get some numbers, then I will talk with the county to get on their agenda. We will go from there. We will see what we can work out.” Council Member Lenard, “I think it is important to tell that story. We have had a plan with Norman Bowers for however many years, and it’s working. Those dollars have been well spent.” Superintendent Davidson, “We seem to have done the smaller ticket items and now the bigger ones come up on us. With extending the \$100,000 plus onto the next year for Heather Street, that will give us an excess of \$300,000. At that point we could cut some of the money off onto another project; if we were looking at doing the overlay at the radio station or a portion of Cross Street now.”

Council Member Jasper, “I have a little bit of a concern on just how late in the game we are getting with Heather Street for the year.” Superintendent Davidson, “One thing right now is, according to Danny, we only have a certain time that we can use the river, and that is because of the madtoms.” Superintendent Hawkins, “Yes, May 1<sup>st</sup> to July 15.” Superintendent Davidson, “That is the time we can use it?” Superintendent Hawkins, “No, that is when it is closed down.” Superintendent Davidson, “Okay, that was going to be stipulated in the contract with Heather Street that all of the concrete was going to be used for riprap material downtown at the river to fill in the wash. I didn’t know how that would fit in with our regulations.” Council Member Jasper, “We can look at just this bridge. You start tearing into it now then it will be 6 months before we even see anything start to kick off on it. With Heather Street being usable – I know we don’t want to get behind, but we are already behind.” Superintendent Davidson, “Give me time, J.J., I can mess that one up too.” Council Member Curtiss, “Oh, you didn’t mess it up.” Council Member Lenard, “But if Stan is successful in getting the funds for that and Heather Street and keep us on our plan that we have that would be ideal.” Mayor Luke, “We will see what we can do.”

**FINANCE: Claims Ordinance & Payroll Ordinance**

a. Claims Ordinance	2020-10	\$	<u>95,129.27</u>
b. Payroll Ordinance	2020-11	\$	<u>90,273.59</u>
	TOTAL	\$	185,402.86

**CLAIMS 2020-10:** Council Member Lenard moved to approve City of Burlington Claims Ordinance 2020-10 for the amount of \$95,129.27 for payment of city bills. Council Member Hall gave the second. City Clerk Kewley, “The larger expenses of the whole ordinance tonight are to Advantage Computers \$10,346.00, Brenntag Southwest \$3,745.44, Kansas Blue Cross Blue Shield Insurance \$28,927.20, and Stanion and Wholesale \$3,117.91.” **Hearing no additional discussion, Mayor Luke instructed City Clerk Kewley to poll Council. All votes were in favor. Mayor Luke declared, “Claims Ordinance 2020-10 passed unanimously, 6:0.”**

**PAYROLL 2020-11:** Council Member Hall moved to approve City of Burlington Payroll Ordinance 2020-11 in the amount of \$90,273.59, as presented. Council Member Scothorn 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 2020-11 passed unanimously, 6:0.”

**PLANNING & ZONING: Update**

**General:** Zoning Clerk Hugunin, “Normal duties. I have been updating permits because it has been a while since I have been able to turn them into the appraiser’s office. I’ve been trying to get that done.”

**Computer Upgrade:** Zoning Clerk Hugunin, “The computers are all installed. Everything is working well and we haven’t had any issues.”

**Mowing:** Zoning Clerk Hugunin, “Friday, I did help the Parks Department mow.”

**City Hall – Business Sign:** Zoning Clerk Hugunin, “I have been working on this for a while, a sign for out front. I contacted three different companies, probably four actually. I finally got one quote back. The rest of them don’t want to touch it. I did get that over to Alan and we will have that in the future. That took quite a while to get that done.”

**QUESTIONS:**

Council Member Scothorn, “Nuisances going okay?” Zoning Clerk Hugunin, “I think Kyle has been doing pretty good.” Chief Jones, “Yes. Kyle has been making a lot of contact and has had success with a number of them. He has been stomping them with both feet.” Council Member Lenard, “That was on one of our items last night so it would probably be good to report on that more often.” Chief Jones, “It’s an item on the agenda every Council meeting.”

**PERMITS: Building Permits issued by Zoning Clerk Hugunin:**

2020-005 Vinny Riccobono 1020 S. 15th - Carport

2020-006 Russell Crouch 217 N. 12th – Single family dwelling and garage

2020-007 Mike Abendroth 1510 Des Moines – Garage

**LEGAL DEPARTMENT: Update**

Mayor Luke, “Philip, do you have anything under legal?” Prosecutor Wright, “I was going to give you some numbers on the Municipal Court side. So, we have 108 cases set, 57 are pay reviews, there are 49 first appearances. There were two trials that were set in April that had been moved. As of now, to keep numbers down, a letter went out to all the pay reviews that basically said that if you paid, you don’t need to show up. You need to show up in July; as long as you keep paying, you don’t need to show up. I think we are anticipating a very high failure to appear rate. Usually I think it is about a third or so that don’t show up. I think it will be a lot more than that at this point. If the defendants are represented by counsel, they will not be required to appear. They can appear through their counsel. That will cut quite a few of the numbers down. Over the next week I am going to do the best that I can to resolve cases outside of court. There will probably be quite a few willing to do that with everything going on. That being said, Doug, I think that is three times at least the average number of cases that we do in a month.” Chief Jones, “Yes.”

Prosecutor Wright, “The number that we need to pay attention to most, was the number of first appearances. That is a lot of first appearances to have to get through. I think we are usually doing maybe 10 or 12 first appearances.” Chief Jones, “We started pushing back the court date that we put on the tickets, a month ago, to the July court date. It has probably been over a month ago now.” Prosecutor Wright, “We are going to experience this huge—you know, you can kick the can down the road for only so long, but you have to pay the piper from there. I think it is going to take at least the rest of the year to get caught back up. There are some things that I am going to do to try to chip things down and that is to be a little more amicable resolving cases, just to get through the sheer numbers. I just don’t know how else we are going to get through them. It sounds to me like a lot of them are domestic battery cases and those are by far the most difficult cases to deal with. I’ve tried to get the County to take those cases from the City because from a resource standpoint, the City doesn’t have the resources to see what is going on with these people. I am one of the only municipal court prosecutors in the state that actually prosecutes these cases. Most of them are through the county or special courts in larger cities and counties. I am concerned a little bit about that I don’t know what that is going to look like. I don’t think anybody knows what that is going to look like.

“That is what we are looking at. I think we need to be aware of something that is happening. I talked to Stan a little bit about anticipating what is happening to the legal profession in general especially in smaller rural areas. There are no young attorney’s that really want to go practice law in smaller counties and cities. It is really difficult to find people to do that. With that being said we have Linda McMurray who is on the defense panel that I think is going to probably be done in about a year and half probably. We have Kansas Legal Aid going in for the other one we always have to have at least two because there are always conflicts. So, we always have to have at least two. I know Bryan Joy is retiring. He hasn’t been interested in doing a defense panel in a long time. It is just hard to get people to come in. We have had attorneys from I think Ottawa. I think that was where Jessica Leffler is from. It just isn’t worth their time to come. I think it is going to get more expensive because you are going to have to offer more incentive to get people to come in. There is just no one here to do it. That is just something to be aware of overall. It is not just a Burlington problem. It is a rural area problem. I have been at several of these CLEs (Continuing Legal Education) with the city attorneys and they will express how there is no one moving in to fill the shoes of these guys.

“We are going to try to keep it to less than ten people in the room to try to maintain social distancing. Although since the terrible thing that happened in Minneapolis, no one is talking about COVID-19 anymore. We are going to try to keep things safe. I wanted to ask Doug, you said you had some protesters, I think we all need to be very—I’m sure you have had this talk with – but we have to be so careful and diligent now about things. It is just the risk and the liability of – I think there are a lot of people that are just going to bait a reaction so that they can get on YouTube and get nationalized. You just have to be so careful.”

**[9] CONTINUATION: June 3, 2020 Burlington City Council Regular Session**

**QUESTIONS**

Mayor Luke, “The only thing I will add on legal is that I met with Tom (Attorney Robrahn), and he has extended his employment for 30 days to the 12 of July. So that we can get through the evaluation and things we are looking at and discussions with potential legal support for the City. We are required by statute to have someone so we cannot do without. He has agreed that he would extend for the 30 days and that allows Philip to do municipal court.”

**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. May we will be sending \$525.24 in delinquent utility accounts to the Kansas Set-Off program for collections.

**CDBG-CV:** City Clerk Kewley, “I have been busy working up the final documents on the CDBG-CV grant. We will be processing the application hopefully tomorrow or Friday.”

**Bid Opening:** City Clerk Kewley, “I participated in the 2020 Street Improvements projects bid opening yesterday.”

**Council Work Session:** City Clerk Kewley, “I attended the Council work session last evening.”

**Finance Meeting:** City Clerk Kewley, “I also wanted to remind you that everyone is invited to come to our finance meeting which is Thursday, June 11 at 9:00 a.m.”

**COVID-19 Update:** City Clerk Kewley, “I have been continuing with updated information on COVID-19 with the League of Municipalities through conference calls.”

**CITY CLERK: Personnel Mary Mader – Evaluation**

City Clerk Kewley, “It is time for Mary Mader’s one-year evaluation. It is hard to believe Mary has been here a full year. I have been very pleased with her. She has done an outstanding job. I would like to recommend moving her to \$16.00 an hour effective the June 13.”

**Council Member Curtiss, “I move to accept Mary Mader’s personnel evaluation as presented, and to grant a pay increase to \$16.00 per hour, effective June 13, 2020.” Council Member Hall, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.**

**FUTURE AGENDA ITEMS:**

<b>GENERAL:</b> 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.
<b>ELECTRIC DEPARTMENT:</b> Power Plant - Additional Generation	<i>R.I.C.E. N.E.S.H.A.P. Compliance</i>
<b>PARKS DEPARTMENT:</b> 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
<b>LEGAL DEPARTMENT:</b> 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
<b>PLANNING AND ZONING</b> 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.
<b>POLICE DEPARTMENT</b> Nuisances (Work with Zoning Clerk) Voice Stress Analyzer Project	Department Activities and Cases
<b>STREET DEPARTMENT:</b> 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 <sup>th</sup> & Alleghany Project Street Improvements 2020 Asphalt Project
<b>WATER &amp; WASTEWATER DEPARTMENT:</b> Fire Hydrant – 3 <sup>rd</sup> & Neosho Storage Building for Dirt -Construction Flooding	Sensus Water Meter Replacement 6 <sup>th</sup> and Alleghany Waterline Project Sewer Liftstations –Flushing Rags, etc. Sewer Lagoons - Analysis (KRWA/funds for dredging) Sewer Lagoon Maintenance/Updates

Mayor Luke declared the meeting adjourned.

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