

BURLINGTON CITY COUNCIL REGULAR SESSION 1-5-2022

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, January 5, 2022. Mayor Stan Luke called the meeting to order.

THE PLEDGE OF ALLEGIANCE

ROLL CALL: Stan Luke, Mayor (Phone)

Council Members present:

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| <input checked="" type="checkbox"/> Jerilyn Curtiss | <input checked="" type="checkbox"/> Maxi Berryman | <input checked="" type="checkbox"/> Lewis Lenard (President of Council) |
| <input checked="" type="checkbox"/> J.J. Jasper | <input checked="" type="checkbox"/> Thomas P. Tschantz | <input type="checkbox"/> |

Superintendents Present:

- | | | |
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| <input checked="" type="checkbox"/> Kevin Boyce (Parks) | <input checked="" type="checkbox"/> Alan Schneider (Electric) | <input checked="" type="checkbox"/> Mark Davidson (Street) |
| <input checked="" type="checkbox"/> Doug Jones (Chief of Police) | <input checked="" type="checkbox"/> Danny Hawkins (Water/Wastewater) | |

Also Present:

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| <input checked="" type="checkbox"/> Anne Brown (City Clerk) | <input checked="" type="checkbox"/> Mary Mader (Administrative Assistant) |
| <input checked="" type="checkbox"/> Philip Wright (City Attorney) | <input checked="" type="checkbox"/> Jimmy Hugunin (Zoning/Grants Clerk) |
| <input type="checkbox"/> Kerri Weltha (Deputy City Clerk) | |

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Paul Abendroth, Jay Hale, Martin Ernst, David Arteberry

SWEARING IN COUNCIL MEMBERS:

City Clerk Brown explained why Martin Ernst is not an acting member of council tonight. The state statute says elected officials terms will start the second Monday of January unless the city passes a resolution setting a different date.

AGENDA:

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

MINUTES 12/15/2021: Mayor Luke, “You have before you the draft minutes of our regular session of December 15, 2021. Are there any additions or corrections?”

Council Member Curtiss, “I move to approve the draft minutes of December 15, 2021, as modified.” Council Member Tschantz, “Second.” Motion unanimously carried, 5:0.

APPOINTMENT:

David Arteberry, “Good evening, my apologies for being a minute late. I drove to your old City Hall. I have a hand out here for you guys. There are a few items in here that I will go over. There are a lot of numbers in here; I won’t go through them in a lot of detail, but if you would want me to dive into any one particular topic, feel free to ask. What you have in front of you tonight is the next step in the process you would need to take to issue bonds to finance the acquisition of the electric generators. All the steps are outlined here on the calendar of events which is this first document in the handout. You might have already seen this. This is something that I put together a month or two ago. Where we are at right now in the process, the action items that are required by the city council are the three items that are highlighted in yellow. You will see the first item back on November 17th, when you adopted the charter ordinance. This is the document that actually authorized you to proceed with this project and to issue bonds for it.

“The action item tonight would be to adopt a resolution that authorizes you to go out and solicit bids for the purchase of the bonds. If all of that goes well and if you complete the 60-day protest period that started after you adopted that charter ordinance in November, then we would return to you guys at your meeting in February with the final bond documents. At that time, you would know what the interest rate for the bonds is, and you would take your final step, which would be to adopt a bond ordinance and a bond resolution that would officially issue the bonds and lock in the interest rate. Tonight is not the final step that you’ll need to take. That final step will occur at your meeting on February 2nd if everything goes as planned. It is a big step. We would be going out with city staff’s help and with bond counsel, Kutak Rock, to gather bids and to find somebody to purchase the bonds and establish an interest rate. It’s not the last step, but it is a big step. If you do have any questions, today would be the time to ask.

“To provide just a little bit more color of what we will be doing in terms of the soliciting bids, on the next page, you will see a graph of the terms sheet. This is basically something that provides an overview of the temporary notes. It talks about the payment dates on the notes, what the security is, and what the project is.

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Then on the back, what you will see is a place where if somebody is interested in submitting a bid to purchase the bonds, they can complete the interest rates on it as well as fill out the name of the bank. If they wanted to, they could actually form a syndicate of one or more banks and bid on it together. That is what this form does. Our plan, and this is reflected on the schedule that we looked at, is to work with Anne tomorrow to distribute this to not just the area banks here but also a number of other banks around the state. Hopefully, then within a couple of weeks, we will get bids back from the different banks to establish the interest rates.

"I also included in this packet an estimated debt service schedule on the bonds. This is just based on interest rates from about a month or so ago. I think rates have crept up a little bit since then, but they shouldn't be a whole lot different than what you see here. I just wanted to show you what the payments on the bond would look like. Particularly, I wanted you guys to know that the way this is structured now, we can change it if you want. There would be a small interest payment on the bonds this September. The real big payments on the bonds wouldn't begin until September of 2023. I wanted to point that out to you because the year has just started, but I wanted to make sure that you could work that in, and it wouldn't affect your budget making that payment this year; it's about \$12,000 or so. Then you see after that the remaining ten years, you have annual debt service payments of somewhere of around \$160,000 to \$167,000 per year. I think this is information that I sent earlier to Anne.

"So, that is about it. There is some additional information that I also wanted to touch on about a possible refinancing of bonds, but that really is sort of a different topic than the sale of the bonds for the generator projects. As I have said before, I welcome any questions that you have. This is a big step. I want to make sure that you're comfortable with the process you're going through and what we will be doing in the coming days and what the plan is then to wrap up the issue and hopefully get some good bids." Council Member Lenard, "So, like you said, this is a big step, but really until February, there is nothing still that is binding." David Arteberry, "Right. If it should turn out that we don't get any bids, which I don't think would happen. If the interest rates on the bids aren't as good as we expected, if they are dramatically different than this, you would have the ability if you wanted to in February to just not pass the bond resolution. Then we could talk about other ways to get the financing."

Council Member Jasper, "So, you kind of touched on refinancing other bonds that we might have; can this run parallel with it?" David Arteberry, "The process of refinancing the other bonds would be a considerably bigger bond issue. What I would anticipate for that bond issue, instead of doing an offering of bonds like we are doing here where we are trying to sell them directly to banks, refinancing the considerably bigger bond issue and we would probably want to take a little different approach to how those bonds got sold. We would probably go to wanting to do more of a public offering where there is an offering document prepared, and multiple investors are sought. What I was envisioning of starting that process if you wanted to at your next meeting. So, it would be starting that process as you're wrapping up this process. We could combine both of them into a single transaction, but if we were to do that, then we would want to do a public offering because of the size of the issue. It would take more time and probably delay you getting the money for the generators by a month or so. I figured that you would probably want to proceed with getting the money for the generators; I know you have some bills that need to be paid."

Council Member Jasper, "We do have a little bit of money saved back for this. In your experience, if you combine the two bonds, is it in the long haul going to help our previous bonds, or is it a tough call to make?" David Arteberry, "It is kind of a tough call to make because if you could do a public offering of a bigger bond issue, it would include refinancing and new money and money for the generator. Those bonds would probably carry a little bit lower interest rate than just selling the bonds for the generator. The problem with that is that it will also take more time. It is conceivable that that extra time that we take the interest rates could go up." Council Member Jasper, "Or go down." David Arteberry, "Or down, yes, interest rates could change. I was a little concerned that if we were to wait to do the borrowing for the generator if interest rates go up, not only are you then faced with the higher rates on the generator, but you might also not have the refinancing to do because if the rates go up the refinancing might not work. My thought process was to go ahead and try to lock in these rates for the generator. If the refinancing works, then great. If it doesn't, then at least we locked it in for the generator."

Council Member Jasper, "So, you are saying that we could individually lock into this bond at these rates if we move. Then later we can reassess of maybe combining these two bonds?" David Arteberry, "Once you do the financing, if you do the financing for the generator, you couldn't immediately refinance that. Those bonds wouldn't be callable for probably about six or seven years. You could refinance them but not immediately. If you really would want to combine the two, we could do that. Like I said, it is probably going to slow down the process. Primarily because what you have to do is sell a bond issue that big is you would need to get a rating on a bond issue, and you need to do a disclosure document, and that process just takes quite a bit of time than we currently have scheduled for this bond issue." Council Member Jasper, "How much longer would we be talking about here?" David Arteberry, "I think at least another month. Realistically we would be looking at coming back in March."

City Clerk Brown, "The other thought is that this is only for ten years, and our other bonds we have to go out to 2052." David Arteberry, "For 30 years, yes. What we would do if we did combine them into a single issue, we could still separate it into two components. We could still show that the generator would be getting paid off over ten years, and the refinancing would go out over 30. We wouldn't be stretching out the generator." Council Member Jasper, "Like an itemized fall off."

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David Arteberry, "Yes. The amortization schedule like you see on here, we could combine a ten year and a 30 year into a single series of bonds, but you could split it out for purposes of how you make the payments." Council Member Lenard, "I am wondering if we could buy another month if we do look at it because we have funds in there. If we could jockey the payment schedule around to give him another month, but that is a finance committee – they would have to dig a little bit deeper on that. I don't want to cut it too short. If we could replenish some of those funds back with this bond."

Council Member Jasper, "I think back to our last meeting where we talked about this. If we did use some of our money saved up for this particular item, then we could replenish our money out of that bond, which is the way I understood that. Is that correct?" David Arteberry, "Yes. I am pretty sure this is the case that the charter ordinance that you passed back in November, I'd have to confirm, but I think it included some language in it that would give you the authority to pay for some projects and then reimburse yourself from the proceeds of the bond issue." Council Member Lenard, "We discussed that, yes. I just don't remember what our milestone payments were with Wheeler if we could make all of that work. We would have to go back and look at that again. I hear what you are saying, J.J. I understand where you are going. It's just the timing."

Council Member Jasper, "It's all timing and being patient, sometimes it works out, and sometimes it doesn't. Maybe we will catch a break on an interest rate, and maybe we won't." Council Member Lenard, "I'd say separate the two issues. Proceed with this piece of it and see if maybe we could run to a parallel path on looking at the...." David Arteberry, "The refinancing?" Council Member Lenard, "Yes, and if we need to adjust some payment schedules with Wheeler, Alan, maybe we will still be okay with him. I don't know. We have the funds; let's see if we could reimburse part of it, then we are okay." David Arteberry, "So, did I hear that we wanted to keep on the path of borrowing for the generator and then look at the refinancing coming in right after that?" Council Member Lenard, "That would be my recommendation."

David Arteberry, "The refinancing, just to let you guys know, this last couple of pages that are stapled, it just shows what the refinancing might look like. On page one, thereafter the table of contents, on the right-hand side of that page, what you will see is the payments that are due on the 2012 bond issue. You see that the rate is 3% on those bonds, and you pay a little over \$250-251 thousand per year on those. On the next page on page two, you can see what we estimate the interest rates would be on a new bond issue. You will see there they go out to the same final maturity in 2052. The average rate once you factor in all of the issuance costs is about 2.55%. You would be lowering the rate from about 3% to about 2.55%. Again, this is based on current interest rates. On the next page, you will see what the savings would be over the life of the issue, which would save about \$387,000. That is somewhere between \$10,000 and \$15,000 per year. That is what refinancing would look like. I know when you did this loan back in 2012 at 3%, it was a great interest rate. I wouldn't have thought at that time that it was something that you would have ever been able to refinance. As low as rates are right now, at least if they stay here, there might be an opportunity to create a few hundred thousand dollars in savings."

Council Member Jasper, "I think that is part of what we are here for, is to try to save our taxpayers money." Council Member Curtiss, "Sure." Council Member Jasper, "I say it's a no-brainer." Mayor Luke, "David, do you want to talk a little about the resolution?" David Arteberry, "Sure. The resolution that you have in front of you tonight is really pretty straightforward. It is actually one of the shortest resolutions related to bond issues that I have ever seen. It basically authorizes us as your financial advisor, working together with Anne, to go out and solicit bids. We send that term sheet out to banks and then report back to you with the final results on February 2nd. It also authorizes us, the bond counsel, and other city representatives to do what other things are necessary to complete the sale. One of those things that you have to do is that you have to put a notice in the local paper and the Kansas Register that says you are going to be privately placing some bonds. It would authorize that. It also authorizes staff to execute an engagement agreement with our firm to serve as your financial advisor on the issue. That is about it; again, it doesn't bind you into anything. It is just authorizing proceeding with the sale."

Resolution 2022-01- G.O. Bond

Council Member Jasper, "I move to approve Resolution 2022-01, Authorizing the Offering for Sale of Approximately \$1,500,000 Principal Amount of General Obligation Bonds, Series 2022-A, of the City of Burlington, Kansas." Council Member Tschantz, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

David Arteberry, "I look forward to seeing you all on February 2nd. Hopefully with some good news on the generator bonds and also to talk about the next step on the refinancing." Mayor Luke, "We hope so too, thank you."

PUBLIC COMMENTS

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ELECTRIC DEPARTMENT: DISTRIBUTION Update

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

New Service: Superintendent Schneider, "I have been working with one of the local electricians. I have been helping him plan his service needs for a building going up in the 900 block of Potomac Street."

Temporary Service: Superintendent Schneider, "We did install a temporary electric service over at the 700 block of Alleghany. There is a shop there on that lot, and there used to be a trailer that burnt several months ago. They have temporary power there now."

Pole Removal: Superintendent Schneider, "We removed an electric service pole that was in the 700 block of south 4th street that hadn't been used in some time."

Maintenance: Superintendent Schneider, "We have been doing routine maintenance and oil changes on department equipment."

Structure Fire: Superintendent Schneider, "Sunday, January 2nd, we were called out for a structure fire to disconnect the electric service for that home. It melted our service wires together and created a short which popped the fuse on the transformer out in the alley. That took service away from eight or nine homes in that block. We were able to confirm that the transformer was still good, so we restored service to the homes in that block."

Family Dollar/Dollar Tree (919 N. 4th): Superintendent Schneider, "We have the transformer set at the Family Dollar/Dollar Tree. We have our 15kv cable installed, and terminations are complete. The only thing we have left to do is hook up a couple of lightning arrestors at the pole at the road and run some jumpers up to the mainline. We are way ahead of schedule for them. They are onsite and are installing the wiring inside the building. When they pull their service wire from the electrical disconnect on the building over to the transformer, we will be there so they can make terminations in the transformer. In the meantime, ahead of them, we will verify phase rotation and voltage at the transformer. As soon as they are done, we will put them into service full time."

ELECTRIC DEPARTMENT: PRODUCTION Update

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

Generator #6 Maintenance Run: Superintendent Schneider, "We did have a scheduled maintenance run a couple of Mondays ago for generator #6, and it failed to start. The old Mid-States energy, which is now part of KMEA, was able to help us out. There was a fuse that had gone bad, and we were able to get that repaired and back in service very quickly."

Boiler Replacement: Superintendent Schneider, "We have boilers in the power plant that keeps the generators at close to operating temperatures. They also circulate water through our radiator system. We had a boiler in the lower part of the power plant that had been in service a little over 20 years. It had started leaking. We had to take that out of service. Then men are about finished installing a new unit to keep the power plant protected, especially in this cold weather."

Reports: Superintendent Schneider, "We are still working to complete plant reports. I am getting started on some KDHE reports, and some Energy Information Agency (EIA) reports. I will be working on those over the next month or so. We are just getting started on those."

WATER AND WASTEWATER: Distribution Update

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

Sewer Treatment Issues – Pump #3: Superintendent Hawkins, "2022 hasn't been a good year to us so far. We have pulled the pump three times at pump station #3 since the last council meeting. We are hoping that maybe the letter and online is helping, but as of right now, it hasn't."

Plugged Sewer Line: Superintendent Hawkins, "We had to run the sewer machine in front of the old twilight motel on 6th and Alleghany. It was full of rags. We had to run the sewer machine to unplug it."

Water Leak: Superintendent Hawkins, "Monday night we had to repair a water leak at 6th and Juniatta which ended up taking us until 11:30 that evening. The water line ended up being 10 to 11 feet deep. We had to take a lot more dirt out of the ground to make the hole safe enough for the guys to get in there and safely fix it. We got it completed and back on. We went around to the fire hydrants and flushed them."

Structure Fire: Superintendent Hawkins, "As Alan said with the fire as well, we went in and turned off the water at the house that was on fire. Plus, we also ran an extra hour longer to refill the water that the fire department used."

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WATER AND WASTEWATER: Production Update

General: Superintendent Hawkins, "The plant is running very well."

Equipment Maintenance: Superintendent Hawkins, "We have been working on the west reactor that has been giving us some troubles. I have been taking it and also a sludge mixer that went out on us to Douglas Pumping out of Olathe and working with them. I have been very pleased with them because the sludge mixer is in Sweden. The JCI gentleman that I talked to out of Wichita hasn't even returned my call on when we would get a pump if we ordered one. So, Mike, with Douglass Pumping, says that they can rebuild it themselves. I am very pleased that they are able to help us with that."

Water Flow: Superintendent Hawkins, "Right now, it's a normal time of the year where the water flow at the Water Treatment Plant is around 440,000 gallons a day."

WATER AND WASTEWATER: Vacation Hours Extension:

Superintendent Hawkins, "We have been having a lot of issues with COVID, so I have had operators gone over the holidays either with COVID or in quarantine which brings me to Chris Hammond. He was scheduled to have all of his vacation used, but because of COVID, he came in and helped us with covering. He only had seven hours left. We would just like to be able to ask permission to roll those hours over, which he is already scheduled to use those hours here fairly quickly."

Council Member Tschantz, "I move to allow Chris Hammond to carry over into 2022 the balance of his 2021 year-end vacation hours, with the stipulation that any 2021 vacation time carried over in excess of 80 hours must be used no later than April 1, 2022, or they will be forfeited." Council Member Lenard, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

QUESTIONS/COMMENTS

Council Member Lenard, "I'll ask again because I read through the notes from the last meeting, and we talked about the lift stations before and maybe getting you (Chief Jones) involved at some level. Just like we approach the other nuisance properties, is there anything that you can do at all?" Chief Jones, "Without being able to determine where it actually comes from. I am not sure how involved we could get there." Council Member Lenard, "Is that part of discovery or investigation?" Chief Jones, "We can go around and knock and talk to people but as far as how far we could get with that, that is just a matter of talking to people." Council Member Lenard, "This happens every couple of years and more frequently." Chief Jones, "The area we are talking about, I would have to get with Danny and find out just how many places we are talking about where we need to go that is actually feeding into that lift station."

Superintendent Hawkins, "I talk a lot about pump station #3 and #6, but there are a lot of variables that go into that too. The more that the pump wears and catches and the tolerance level gets further and further apart, it allows rags to get in between. It's not just because you have pumps that have been in there for 10 or 11 years; it's wear and tear. You have a combination of both rags that are being dumped in faster than they should be, so there is accumulation in the wet wells of the pump stations. Then you have the wear and tear of the pump. To answer that question, one pump may not be worn as much, so the tolerance level is not there; that doesn't mean that the rags are not there; it's just being able to pass the rags through the pump until that happens. So, we are seeing rags all over town. It is not just isolated to one particular spot. We do see it all over town, just in different amounts. I don't know what to do. I understand with COVID everyone is trying to disinfect, but if they would just throw it in the trash instead of flushing it down the toilet, it would help tremendously."

STREET DEPARTMENT: Update

General: Personnel have been doing the normal duties: cleaning ditches, sweeping curb and gutter, fixing potholes and ruts, blading rock roads, repairing and re-rocking alleys, tree trimming, fixing and replacing street signs, and truck and equipment maintenance.

Wind Storm Damages/ Clean Up: Superintendent Davidson, "We have been cleaning up from the storm damage from the wind on the 15th. We had two trees in the cemetery that the tops had blown out. We removed those trees."

New Culvert: Superintendent Davidson, "We installed a new culvert at 9th and Potomac for a new house."

Equipment Replacement: Superintendent Davidson, "We had a furnace go out in the shop. We ordered a new one to replace it. That was completed in-house."

Call Outs: Superintendent Davidson, "A stop sign was hit on Christmas Day; we were called out for that. We were also called out for slick roads on New Year's Day. We sent a truck out and put down some chips for that."

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POLICE DEPARTMENT: Update

General: Normal Duties. Chief Jones, "We have been quite busy."

City Court: Chief Jones, "We have city court coming up a week from tomorrow, the 13th."

Structure Fire: Chief Jones, "We were called out to work the fire at Jerry Brockelman's place at 812 Des Moines."

Weather: Chief Jones, "We have really dodged a bullet on how much bad weather we had last weekend. We have to wait to see what is going to happen tonight and tomorrow."

Applications for Open Position: Chief Jones, "I had an application show up last Thursday, and then one was emailed today. I have two applicants that we weren't expecting. We have started the process of working with those. Neither of these are experienced or certified as far as law enforcement officers, but we will see where we go."

Activities & Cases: Chief Jones, "We have been extremely busy with a major case. My officers have put a lot of time in on this; background investigations are still going on. This individual was arrested, and multiple charges have been filed. This person is sitting in county jail with a total of \$53,000 bond. This involves child pornography, drugs, and human trafficking. It has been brought into the federal task force based out of Wichita, and they are very much involved now. So, there is a potential for some of this to go up to the federal level. We will have to wait to see how that goes. This has been a lot of work and a lot of hours put in on this one."

Vehicle Replacement Options: Chief Jones, "The expensive one that I have, as is usual practice for the first of the year, I get with the state contract holder for police vehicles to see what actual pricing and actual availability is going to be. I was told that there were no vehicles. The cut-off date for ordering police package Dodge Chargers was actually December 14th, which doesn't do us any good finding out about it two weeks later. I can't encumber 2022 budget funds for a 2021 event. The guy said that they did put in for additional vehicles for their stock and were told by the manufacturer it is extremely unlikely they will get any of those. Highway Patrol put in an order, but they are not getting all of the vehicles they ordered. They can't order anymore either. So, we dropped back and punted to see what else was available. Highway patrol fleet sales actually said they have been extremely busy for the last three to four months. They don't anticipate anything for four to six months that is not already spoken for. Fifty some odd agencies already have their bid in for used highway patrol vehicles, and they don't know when they are going to get their regular replacements."

"The equipment outfitter that we used last time around, Superior in Andover, told me that they have a couple of white Dodge Chargers 2022 models that are coming. They should be here in the next 30-90 days. So, I asked them to tell me what kind of price we would be looking at; \$35,000 base for the vehicle and \$42,500 total with the equipment installed. I talked to Anne about it; we budgeted \$30,000 for the vehicle and \$5,000 for the equipment install. It would be an additional \$7,500 to \$8,000 to get a vehicle from Superior Equipment. So, far that is the only thing we have been able to come up with as far as getting a replacement vehicle for this year. I talked to the sheriff and undersheriff both about it. They tried to work with Everett at Crow-Moddie, but he cannot get vehicles. On the state contract price, he cannot even come close to that price. What we are hearing around is that everyone is in the exact same problem because of that computer chip thing. There are no vehicles to get other than these vehicles that are coming into the equipment outfitter. So, what are all of your thoughts on this? What direction do you think we can go?"

Council Member Curtiss, "What is the year and the mileage on the one that your thinking of replacing." Chief Jones, "It is a 2013, 101,000 miles right now. That is not my high mileage vehicle. The high mileage vehicle is a year newer and is in better shape. It hasn't been taking as much repair and maintenance cost as we have been putting into the 2013. I was looking at using the 2013 for trade-in. Apparently, when we go to trade in the vehicle, even if we can't find somebody to take it as a trade-in, we could put it on Purple Wave, and it would probably sell pretty quickly. I am not worried about not being able to get rid of that vehicle." Attorney Wright, "What do you think it's worth? What do you think you will get out of it?"

Chief Jones, "Average price for the last several years has been \$6,000 -\$6,500 going through the dealership. What it would bring on Purple Wave I have not had the time to look on there to see what anything is bringing. I don't have a solid answer on that." Council Member Curtiss, "Does the Police committee have a recommendation?" Chief Jones, "We just started. I just put it out to the committee Monday. Lewis asked me what my plan B was when we found out that there wasn't anything available. That is what I just relayed to you all. We haven't talked about recommendations at this point. I guess what I am looking for is what direction is the council even willing to consider going?"

Council Member Lenard, "I'd say go back to the committee and come up with your options. Where you would finance or pull the funds from if you chose to take that other one like you said Purple Wave. Get what all the options are and bring back to the...if the committee is good with it, then bring it to the council." Council Member Curtiss, "We have one vehicle that is not being used, right?" Chief Jones, "That is correct. It's the 98 unit, the 2013 I am talking about, that one has been parked in the garage, and the new vehicle has been assigned to that officer just to keep from putting any more miles on it." Council Member Jasper, "Is it going to drop in value if you drive it for another year a bunch?"

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Zoning Clerk Hugunin pulled up Purple Wave on his phone to see what prices vehicles were selling at. Chief Jones, "There is a 2013 Dodge Charger on Purple Wave that is currently at \$5,000. How much longer does it have?" Zoning Clerk Hugunin, "It goes until the 11th." Chief Jones, "I'm sorry, J.J., I cut you off." Council Member Jasper, "You're good. If we wait a year, could we catch a break?" Chief Jones, "I don't know. The way things seem to be going with the computer chips, modules, it sounds like it is not going to get better anytime soon. I don't know." Attorney Wright, "Is this something, Doug, that you have to move fast on? Are you going to lose the opportunity to get this other unit? He said he had two?" Chief Jones, "He said he should have two coming in the next 30-90 days. The way he indicated, they haven't been spoken for yet. That could have already changed; I don't know." Council Member Curtiss, "If you were to speak for one and then renege on it..." Chief Jones, "If he put our name on one and then we decided not to, I don't think he is going to have any problems getting rid of it."

Council Member Curtiss, "You guys need to meet and see what you need to do." Council Member Jasper, "We are essentially talking about trading in and getting a new car that is not in use." Council Member Curtiss, "Right." Council Member Lenard, "Great assessment. You're spot on. If we had a crystal ball...three weeks, three months?" Council Member Jasper, "I guess the committee can let the council know." Mayor Luke, "Normally, what time of year do you buy a vehicle?" Chief Jones, "This time of year. We usually put the order in January, and generally, we get the car in April and sometimes as late as May. Last year, it took until July." Mayor Luke, "If we put our name in on one of the two, then we would be getting it in April?" Chief Jones, "Possibly, yes."

Mayor Luke, "I would recommend the committee look at doing that as well as continuing to investigate as to whether or not anything has shown up or is coming in either through the state program or through our other sources. There may be someone that decides who wants to get rid of a one-year-old. I wouldn't abandon the whole subject altogether. Just have the committee come back at the next meeting with what options they have found that they could work with." Council Member Curtiss, "Sounds good." Mayor Luke, "Would that work for you, Doug?" Chief Jones, "I don't really have much of a choice. We are kind of in a holding pattern anyway." Mayor Luke, "I just don't want to abandon the issue at this point, but I also understand where we sit dollar and cent wise."

Council Member Tschantz, "Can we put a hold on the vehicle before the committee meets?" Chief Jones, "If you all tell me that is what you want to do, I can get a hold of Randy Savill and have him put our name on a vehicle tomorrow morning. Without council authorization to do that, I can't just do it on my own hook, is what I'm saying." Mayor Luke, "What does the governing body want to do?" Council Member Lenard, "I think we talked about having the committee discuss all of the options." Council Member Tschantz, "I understand that, but there are two vehicles coming in, and if we could get our name on one, then if the committee says no, no harm, no foul. The committee could still discuss the possibility." Council Member Jasper, "I am still looking at we have a car sitting there, and it is not being used." Council Member Tschantz, "I agree with you there too." Council Member Jasper, "I'm not in a hurry to spend money. I'm the wrong guy to ask on this." Council Member Curtiss, "I would like to hear the recommendation for the committee." Council Member Tschantz, "That is good enough for me." Mayor Luke, "Alright, the committee will come back at the next meeting."

PARKS DEPARTMENT: Update

General: Personnel have been doing the normal duties: cleaning public restrooms and buildings, building and equipment maintenance.

Building Cleaning: Superintendent Boyce, "We have had a little extra with inclement days that we have spent cleaning public buildings. We are taking all the tables out, cleaning the tops and bottoms and doing the chairs the same way. We have cleaned all the windows in Kelley Hall and the 4-H building."

Snow and Ice Removal: Superintendent Boyce, "We have done snow and ice removal on the 1st and 2nd."

Banners: Superintendent Boyce, "We cleaned and changed out the banners Tuesday."

Inventory – Goals & Accomplishments: Superintendent Boyce, "I have been working on inventory and goals and accomplishments."

POLICE DEPARTMENT: Update

Nuisance: Properties/Vehicles Update: Council Member Lenard, "I don't know that we were done with Doug because he has nuisance properties on the agenda too, Stan." Mayor Luke, "Do you have anything on nuisance, Doug?" Chief Jones, "I really don't; between the workload and the weather, we haven't tried to do anything for the last few days." Mayor Luke, "Okay."

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FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2022-01	\$	<u>397,389.34</u>
b. Payroll Ordinance	2021-26	\$	<u>83,310.02</u>
Payroll Ordinance	2022-01	\$	<u>85,617.89</u>
TOTAL		\$	566,317.25

CLAIMS 2022-01: Council Member Curtiss moved to approve City of Burlington Claims Ordinance 2022-01 for the amount of \$397,389.34 for payment of city bills. Council Member Lenard gave the second. City Clerk Brown, "The larger expenses we have tonight are Air Compressor Engineering \$2,639.33, Brenntag Southwest \$2,539.70, Core and Main \$7,424.69, Freeman Plumbing and Heating \$13,564.00, Kustom Signals \$6,000.00, Stanion Wholesale \$17,775.09, Victory Excavating \$7,650.00, Wheeler World \$2,116.08, and Kansas State Treasurer for the G.O. Bond \$250,921.32." **Hearing no additional discussion, Mayor Luke instructed City Clerk Brown to poll Council. All votes were in favor. Mayor Luke declared, "Claims Ordinance 2022-01 passed unanimously, 5:0."**

PAYROLL 2021-26: Council Member Hall moved to approve City of Burlington Payroll Ordinance 2021-26 in the amount of \$83,310.02, as presented. Council Member Curtiss gave the second. Hearing no discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. All votes were in favor. Mayor Luke declared, "Payroll Ordinance 2021-26 passed unanimously, 5:0."

PAYROLL 2022-01: Council Member Tschantz moved to approve City of Burlington Payroll Ordinance 2022-01 in the amount of \$85,617.89, as presented. Council Member Lenard gave the second. Hearing no discussion, Mayor Luke instructed City Clerk Brown to poll Council for a vote. All votes were in favor. Mayor Luke declared, "Payroll Ordinance 2022-01 passed unanimously, 5:0."

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, "Normal duties."

Building Permit: Zoning Clerk Hugunin, "With the warmer weather the last couple of weeks, I have done a lot of building permits."

Tree City U.S.A.: Zoning Clerk Hugunin, "I submitted the Tree City U.S.A. application."

Goals and Accomplishments: Zoning Clerk Hugunin, "I finished the goals and accomplishments."

Census Bureau: Zoning Clerk Hugunin, "I am working on some year-end Census Bureau reporting."

Planning Board Meeting: Zoning Clerk Hugunin, "I have a planning meeting on January 27th. I had to move it back because I didn't have enough members that could make it on the original date."

Atmos Energy- Gas: Zoning Clerk Hugunin, "Atmos Energy finally got us back hooked up on gas right before the cold snap. We have a new meter and heat in the garage."

Nuisance: Grass: Mayor Luke, "Anything on nuisances?" Zoning Clerk Hugunin, "No."

OTHER COMMITTEE OR COUNCIL BUSINESS:

ORDINANCE 878 Trash Rates

Mayor Luke, "Anne, will you discuss ordinance 878." City Clerk Brown, "It usually increases every year. We did not have an increase last year. We would like to bring it up to current. They always go off of the October CPI for the sewer, water, and trash. I have the information in your packets as well. We have the agreement with the solid waste between the City of Burlington and Allied Services, LLC doing business as Republic Services for 2022. The increase that we have includes the 2020 October CPI for 3.3% and the October CPI for 2021 of 3.7% for an increase of \$0.80, which would bring our rate from \$11.95 to \$12.75. We would publish this on January 13th, with the rates being effective that date also. They would be on the January billing due February 10th."

Council Member Lenard, "So what was the net increase of this? We go from January of 2020 to October of 2021, so it is a net increase of 0.7%?" City Clerk Brown, "Yes." Council Member Curtiss, "Which is \$0.80, right? We usually do this every year?" City Clerk Brown, "Yes." Council Member Curtiss, "But we failed to do it last year?" City Clerk Brown, "We didn't get the notification of it from her." Council Member Jasper, "So, we are catching up." City Clerk Brown, "Yes, this will bring it current." Council Member Lenard, "They didn't notice that the rates hadn't been increased?" City Clerk Brown, "We go by what we bill, so we bill according to that. They don't bill us." Mayor Luke, "Alright, you have the ordinance in front of you. What is your pleasure?"

Council Member Lenard, "I move to adopt Ordinance 878, Establishing Trash Rates, to be effective January 13, 2022." Council Member Curtiss, "I second the motion."

Council Member Curtiss, "These people are out of Coffeyville?" Council Member Jasper, "Cherryvale." Council Member Curtiss, "Okay." Council Member Jasper, "I guess next time we -I'd like to hear from them when they are asking for an increase. Every year they would show up and talk to us a little bit." Council Member Tschantz, "Seems to me that we just had a rate increase." Council Member Jasper, "It's going to increase every year."

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Council Member Lenard, "She sent the rates, we had her come in, she brought the CPI, and I don't remember if we had the CPI before, but I don't think we did. We got it incorporated. That is all good. I just hate to wait two years. It's not much, but I know when she came in here, she was talking about different trucks to lower the labor cost and stuff like that." Council Member Tschantz, "Trucks haven't changed." Council Member Lenard, "We were having problems with the service at the time too." Council Member Jasper, "That is why I kind of want them here. That way, we can explain our side of it too."

City Clerk Brown, "I did try to get her here as well. But due to COVID issues, she could not be here tonight." Council Member Lenard, "So, maybe next year or whenever it is, she could come here or schedule a call with us." City Clerk Brown, "I was looking back at previous times that she has sent the letter and she does not normally send it until December 1st," Council Member Lenard, "Well, it usually lags a month anyway, so I get that part." City Clerk Brown, "We could schedule her in December." Council Member Curtiss, "Request that she come in, yes." Council Member Lenard, "I think it's good anytime to get a little bit of forewarning on stuff."

LEGAL DEPARTMENT: Update

General: Attorney Wright, "I really don't have much other than what we need to discuss in executive session. That will probably take enough time." Mayor Luke, "Can we do the executive session at the end?" Attorney Wright, "Yes."

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, preparing cereal malt beverage licenses and trailer court licenses, and council meeting minutes. We will be sending \$1,769.55 in delinquent accounts to the Kansas set-off program for collections for December.

Training: City Clerk Brown, "City Hall staff has been busy with year-end reports and changing everything over."

Reminders: City Clerk Brown, "A reminder that dog tags are due again this month."

Budget 2022: City Clerk Brown, "I finished keying in the 2022 budget. We are paying 2021 and 2022 expenses tonight."

Reminders: City Clerk Brown, "A reminder that the goals and accomplishments are due back to Mary by January 10th."

Closed: City Clerk Brown, "City Hall will be closed on January 17th for Martin Luther King Jr. Day."

Tax Reports: City Clerk Brown, "In your packets, you have the sales tax revenue report for 2019, 2020, and 2021. We had an increase overall of \$175,747.46 over last year for the sales tax. Then you also have the COVID-19 revenue trends for water, electric, sewer, and the sewer tax as well."

Budget 2022: City Clerk Brown, "I need to discuss that we will need to amend the 2022 budget. When I was keying it in, I found some expenditures that were less than the projected revenue. The funds that I found did not affect any of the levied tax money, so it is not changing any of that. It is just that I want to change it so that we have the expenditure authority to match what the revenue is. What this will entail is that I will have to redo the budget again. We will have to publish it and have another hearing for it. We do not have to have another revenue-neutral rate hearing. I wanted you all to be aware that that will be coming."

Trash Rates: City Clerk Brown, "We have been working on the trash rates."

CITY CLERK: Personnel: Lisa Birney – Evaluation

City Clerk Brown, "Lisa, our newest employee, has been here one year; we had her evaluation. I am very pleased with her. She fits in well with the office. She works well with all of the departments, works well in court, and has picked up everything very well. I am very pleased with her. She is doing a great job. I would like to recommend moving her from \$14.48 an hour to \$15.05, making it effective January 8th."

Council Member Curtiss, "I move to accept Lisa Birney personnel evaluation as presented, and to grant a pay increase to \$15.05 per hour, effective January 8, 2022." Council Member Lenard, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

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REPORT BY CITY OFFICERS:

OTHER COMMITTEE OR COUNCIL BUSINESS:

MAYOR’S COMMENTS:

Rates for 2022: Mayor Luke, “Jimmy, this is for you. At the next meeting, I would like an update on the cost and timeline for video recording the meetings. We can then make a decision yea or nay as to whether we proceed further or we discontinue the discussion.” Zoning Clerk Hugunin, “Okay.”

LEGAL DEPARTMENT: Executive Session

Council Member Lenard, “I make a motion to enter a 10-minute Executive Session for consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship per K.S.A. 75-4319(b); with the Governing Body, Mayor Luke, City Attorney Wright, and City Clerk Brown present.” Council Member Curtiss, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Council entered the Executive Session at 7:12 p.m. and exited at 7:22 p.m.

No action was taken.

FUTURE AGENDA ITEMS:

GENERAL: City Debt - How to fund projects Expense Tracking on Projects Budget 2022	GAAP - Infrastructure Capitalization City/County Grant Funds – Discussion on Matched Funding Council Discussions on Evaluations, Succession Planning, etc.
ELECTRIC DEPARTMENT: Power Plant - Additional Generation	<i>RICE NESHAP Compliance</i>
PARKS DEPARTMENT: Events in Parks (Updates)	
LEGAL DEPARTMENT: Municipal Court Updates	Misc. Legal - Documents, Cases, Contracts, etc.
PLANNING AND ZONING Work with Advantage Computers and City Departments to improve Cyber Security Nuisance Grass: Work with PD FIRM Floodplain Map Changes – Updates	Quarterly Construction Valuation Report Prepare Easements for any City-owned property without one Permits - Building/Zoning/etc. Burlington Corporate Boundary Updates on Map (Work with State)
POLICE DEPARTMENT Nuisances (Work with Zoning Clerk) Voice Stress Analyzer Project	Department Activities and Cases
STREET DEPARTMENT: Concrete St. Repairs/Free State Ct. Replacement/Repair Pavement Management System/Asset Management System	Street improvement Plan, Paving Gravel Streets, Crack Filling, Street Improvements 2022 Asphalt Project
WATER & WASTEWATER DEPARTMENT: Sewer Lagoon Maintenance/	Sensus Water Meter Replacement Sewer Liftstations –Flushing Rags, etc. Sewer Lagoons - Analysis (KRWA/funds for dredging)

Mayor Luke declared the meeting adjourned.

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