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Council Member Curtiss, “I move to approve closing Neosho Street between 3rd and 4th streets and 3rd Street between Hudson and Neosho on April 30th from the hours of 10:00 a.m. to 5:00 p.m., and to waive all vendors fees for the Spring Sampler for the Coffey County Chamber of Commerce.” Council Member Ernst, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Melissa Daily, “Thank you so much, and I will be in touch with Kevin and Alan.” Mayor Luke, “And Mark (Superintendent Davidson) for barricades.”

APPOINTMENT: Debbie Redding – Poultry Show

Debbie Redding, “I am Debbie Redding, and this is my husband, Dave Redding. We are here this evening to ask permission to have our Coffey County Spring 4-H Poultry Show on April 23rd at the 4-H building at the park at the fairgrounds. We will need to get in Friday to set up, but the show will be starting in the morning on the 23rd. We did it about three years ago before COVID hit. I think everything went fairly well.” Mayor Luke, “You will be operating under the same procedures that you used the last time,” Debbie Redding, “Yes, there was a request that we cover the floor with tarping. So, Darl Henson went and purchased all the tarping so we could cover the floor. Then we would have the birds on the west portion when you come in the doors.” Mayor Luke, “And if they are up on the tables, will there be covering, or do you furnish your own tables?” Debbie Redding, “The tables are covered, and we have pine shavings in there. Then everything gets thrown away at the end. All the tables are bleached down. We try to leave them in better condition than when we started.”

Council Member Curtiss, “Kevin, do you have anything to say?” Superintendent Boyce, “We went through this on the rabbit show. At that time, we agreed to do a \$100 deposit. I would request that again.” Council Member Curtiss, “But other than that, you are okay with it?” Superintendent Boyce, “I did not check the date, but I assume that it’s open.” Debbie Redding, “It’s a Saturday.” Council Member Curtiss, “And you need in on Friday, the 22nd?” Debbie Redding, “Yes, Lauren from the Extension Office has already called and got it reserved for us. We just needed to come before the City Council to get permission because they are live animals.” Mayor Luke, “What is the governing body’s pleasure?” Council Member Jasper, “Go ahead.” Council Member Curtiss, “Yes.”

Council Member Jasper, “I move to allow the annual poultry show on April 23rd with Friday, April 22 setup, providing a \$100 refundable deposit, and all safety precautions and cleaning will be accomplished by the poultry show 4-H group.” Council Member Curtiss, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Debbie Redding, “Thank you.” Mayor Luke, “You can drop the deposit off here at City Hall.” Debbie Redding, “Okay, I will have Lauren (Hull) make out a check and send it in.”

APPOINTMENT: David Arteberry & Tyler Ellsworth

David Arteberry, “Good evening, I’m David Arteberry, and I’m with Stifel, Nicolaus & Company, Incorporated. It is a pleasure to be here. What I am here to do is to basically give you guys a review of the results of the sale of the bonds that occurred a couple of weeks ago for the generator project. Also, to answer any questions you might have about the process or the results. After I go through that, there are several action items that you as a council will need to take in order to officially authorize the project and the issuance of the bonds. I might turn it over to Tyler Ellsworth with Kutak Rock to walk you through those steps that he has drafted up. As far as the sale goes, I am pleased to report that we ended up getting a total of four bids on that. You should have in front of you a bid tabulation sheet. You will see there that we ended up getting bids from Lyon County State Bank, First National Bank of Kansas, Citizen State Bank, and NBH Bank. The interest rates range from 1.877% up to 2.84%. With the best bid, the bank that is offering to buy the bonds at the lowest interest rate was turned in by Lyon County State Bank at the 1.877%.

I don’t know if you recall, but when I was here last, I think I showed you an amortization schedule, an estimated one, for the bond issue. It had an interest rate of about 1.75%. Since I had run that, interest rates have gone up. I was hoping that our new rate would be about 2% or a little bit under. After that meeting in January, interest rates kind of continued to creep up. By the time we got to taking bids on the 24th, I was a little concerned that we might be over that 2% number. Fortunately, we are not. We ended up about .13% or .12% below 2%. It is a really good result. We verified all the numbers and talked to the bank; everything is all set on their side to lock in these interest rates as long as the city takes these final steps. Again, I’m really pleased with these results, and I think you hit the market right. Although it probably would have been nice if you could have sold this issue maybe in December. Interest rates have gone up since you have taken these bids. If you were to bid these bonds today, I don’t think you would get the 1.877%. I think realistically it would be well above that 2%. I welcome any questions that you may have about it.”

Council Member Tschantz, “If the Federal Government raises our interest rates, is that going to affect our bond any?” David Arteberry, “No. This interest rate, if you adopt the documents, will be locked in for the life of the bond issue. Any change in interest rates won’t change these rates.” Council Member Curtiss, “The first one, Lyon County, that’s in Emporia?” David Arteberry, “Yes.” Council Member Jasper, “So, is it like a connecting county as far as local goes?”

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David Arteberry, "I think you could look at it that way, but there are no requirements in the statutes that say where a bank has to be located to purchase the bonds. I know there are restrictions, like when you are depositing your idle funds. There are restrictions there about where those monies can be placed, but as far as bonds go, they can really be purchased by any bank located anywhere. It just so happens that it is in the adjacent county. – If it's okay, I'll turn it over to Tyler, and he will walk you through what you need to do from here."

Tyler Ellsworth, "Good evening, Mayor and Council. As David mentioned, I am Tyler Ellsworth with the Kutak Rock Law Firm; we are the city's bond counsel. We have prepared proceedings this evening. There are actually three proceedings for councils' consideration relating to the generator project. Ordinance 880 is the first of those three proceedings. That ordinance authorizes the project itself. It authorizes bond financing to pay the \$1.5 million portion of the electric generator project. The second two items, Ordinance 881 and Resolution 2022-02, relate to the bonds themselves. Ordinance 881 authorizes that the bonds are issued by the city, and Resolution 2022-02 describes more details of the bonds. I am happy to answer any questions about the documents. Essentially, they request the governing body to consider and vote on each of those three documents separately, the two ordinances and the resolution." Mayor Luke, "Any questions?" Council Member Jasper, "I think we have had a lot of questions and answers along the way that has helped us get through this pretty painlessly." Tyler Ellsworth, "That's the idea."

Mayor Luke, "Do you want the ordinances and resolution now or later when we get down into that section of the agenda?" Tyler Ellsworth, "If it is appropriate for you to consider them now, I think that would be perfect." Mayor Luke, "What I will do is delay it until we get to the Electric Department, which is the first committee report. We have some issues to discuss on the generator contract itself." Tyler Ellsworth, "That is just fine. I will stick around. The only other item that is here, and we may want to turn it back over to Dave or Anne to talk about, is the refunding opportunity. That is listed on the agenda, but I wasn't sure if this was going to be discussed at this point or some other point." Mayor Luke, "We can discuss that now."

David Arteberry, "If you recall, last time I was here, I talked a little bit about that the city might have an opportunity to refinance the 2012 bond issue to take advantage of lower interest rates. Well, what was at the time lower interest rates. We talked a little bit about possibly combining the generator bonds with the refinancing, but I think we decided that we wanted to go ahead, since doing that would slow down the bond insurance process, that we would proceed with selling the generator bonds. We would then follow up on the heels of that with looking at doing the refinancing. Tonight, in front of you, you have a resolution that would be the first step in the process of refinancing on the 2012 bonds. We refer to it as a go-to-market resolution. It basically authorizes staff, us, and Kutak Rock to go out and put together a bond issue and market the bond issue with an eye on returning back to the council in a month or two with the final results of that bond offering in hand. At that time, you would take steps to issue the bonds, kind of like the steps you are taking now for the generator.

"Before you pass that resolution in front of you, I want to talk to you a little bit about what refinancing looks like right now. As I mentioned before, interest rates have been going up. You have in front of you an updated version of the refunding report. It is a five-page document, and I'll walk you through it really quick. As we go through it, I am going to point out to you what has changed since I was last here. On page one of the handout, this is simply the remaining payments that are due on the 2012 bond.

As you can see, there is a 3% interest rate. On the next page, it is an estimate of what I anticipate the debt service bond payments would be on a new bond issue. This was run back on February 1, which was about a week ago. Based on interest levels at the time, I anticipated that the new bond issue would sell at a rate of about 2.87%.

"Unfortunately, that is up from where we were when I talked to you about this in January. When I was here in January, the interest rates at the time were about 2.55%. It has gone up about .3% since the middle of January. It has come back down a little bit right now. I think it would probably be somewhere in the range of about 2.8%. Still, it is considerably higher than it was in January. What does that mean in terms of savings? On the next page on the column on the right-hand side, you can see what the annual savings would be at current interest rates and then the total. The total savings is about \$90,000. It might be closer right now to \$140,000 or \$150,000 because rates have gone a little bit since I ran these. The last time I was here in January, that number was about \$380,000. It is less than half of the amount of savings that we had anticipated in January. I just wanted to let you know that because obviously, when the savings drops that much of a clear-cut case that this is something that you would want to do, in my mind.

"The resolution that you have in front of you is a go-to-market resolution. In that document, there is a blank that would establish minimum savings. If you wanted to proceed with the refinancing, you could adopt that resolution and put into it a minimum savings number. We can talk about what you think an appropriate number would be; it might be \$200,000 or \$300,000. Whatever you determine that appropriate savings level is, we would then go out and get into a position to market that bond issue, but we wouldn't actually do the sale of the bonds until such time we knew we would get the minimum savings target. Once we hit the minimum savings target, we would then sell the bonds and return them to you. If you pass the resolution with that dollar amount, then there is an assurance that you won't save less than that.

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“That would be one option if you wanted to proceed with a minimum in position to do the refinancing. If you don’t want to do it at all, you could just not adopt the resolution, and we can continue to monitor the interest rates, and we can come back to revisit you to consider the resolution at that time. It is up to you guys how you want to proceed.”

Mayor Luke, “So, we dropped from \$380,000 down to \$90,000.” David Arteberry, “Yes, and it’s closer to \$140,000 or \$150,000 now because I ran these about a week ago.” Mayor Luke, “So, the interest rate went up 0.3%. If it goes up .4%, we are behind.” David Arteberry, “Yes.” Mayor Luke, “If we go up a tenth of a percent, we will lose money if we refinance and then don’t set a minimum return.” David Arteberry, “Right. I think that it is important that the resolution has a blank, and it will need to be filled in. If you want to proceed right now, what is the number that you would want to put in there?” Mayor Luke, “That’s how I thought it would. I just wanted to make sure.” Council Member Jasper, “If we put a number to it and we weren’t at that number in a month or something, would that be something that you continue to monitor going forward.” David Arteberry, “Yes, what we are trying to do is to get into a position, to start drafting up the documents, to be in a position to enter the market as quickly as possible once we feel that the minimum savings target can be achieved. We could end up coming back to you in a month or many months from now. What we probably would do is if it dragged on past six months or so, or if you have new council members on, we would come back and revisit the issue with you anyway. We wouldn’t want there to be a change in governance and then come back, and people didn’t know that we were doing it.”

Council Member Jasper, “So, what would our fee from the city to you guys, when would it occur, and how much?” David Arteberry, “The fee would only be incurred if the bond issue actually ended up being sold.” Council Member Jasper, “It works off of percentages from there.” David Arteberry, “Yes. I can’t recall offhand what our fee is on this transaction.” Council Member Jasper, “I just want to be in the know if there is a fee if nothing ever takes place.” David Arteberry, “No, if nothing takes place, there wouldn’t be a fee other than staff time that would have been necessary to help prepare for the sale.” Council Member Jasper, “Okay.” David Arteberry, “Now there is one thing in all likelihood we would be doing here because of the size of the issuance is to get the bonds rated. That process takes some additional time, and there is a rating fee associated with getting a rating that you would incur even if the bonds don’t get sold. What we would try to do is to make sure that we wouldn’t have that rating issue until as close as possible when the bonds are actually sold. When we get the rating done and incur that fee, we would have a high degree of certainty that you would be able to achieve the savings that you wanted to. I wouldn’t want to put you in a position where you have incurred rating fees and then don’t have a bond issue to pay that fee from.” Mayor Luke, “Thank you. If there are no other questions, we will go forward with making a decision on the resolution.”

PUBLIC COMMENTS

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.

Equipment Maintenance: Superintendent Schneider, “We have been waxing the fiberglass booms on our aerial devices as well as the cab and chassis as well.”

Down Guy Wire: Superintendent Schneider, “We changed a down guy on Cleveland Street. We replaced that and got the line backed up.”

Electric Service Install/Removal: Superintendent Schneider, “We installed a new electric service for a new structure in the 900 block of Potomac. We disconnected service to the structure fire in the 600 block of Potomac yesterday.”

Family Dollar/Dollar Tree (919 N. 4th): Superintendent Schneider, “The electricians next door here, got their permanent service hooked up and done. They are energized and complete.”

ELECTRIC DEPARTMENT: PRODUCTION Update

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

Reports: Superintendent Schneider, “We are completing plant reports.”

City Hall – Generator: Superintendent Schneider, “We did maintenance to the generator at city hall. There is rust in the tank. We have tried to let it filter out. It is causing problems and is getting to where the generator doesn’t want to start. We are looking into options so that we can get the tank cleaned and get the rust out. We are just starting on that.”

ELECTRIC DEPARTMENT - Apprentice Advancement

Superintendent Schneider, “Bill Cole has been in the department a year as of January 25th. He has completed his first year of apprentice lineman one. He did really well on his final test, which he scored 96%, and is performing well in-field learning. I would ask to advance Bill to apprentice lineman two.”

Council Member Curtiss, “I make a motion to move Bill Cole from First Year Apprentice Lineman to Second Year Apprentice Lineman at the hourly rate of \$21.06, effective February 5, 2022.” Council Member Jasper, “I second the motion.”

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Council Member Jasper, "Is this the standard one-dollar apprentice raise?" Superintendent Schneider, "No, it is basically two dollars from the minimum. We started doing that back when Tom took the leadman position. As the men advance in the program, they are two dollars above that minimum pay." Council Member Jasper, "And that is the \$2.00 per hour wage increase." Superintendent Schneider, "Basically, he is getting a dollar and something an hour. I don't have that figure in front of me for the first year to the second year." Council Member Jasper, "Okay." **Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.**

ELECTRIC DEPARTMENT – Request for Bids

Superintendent Schneider, "Also, I would like permission to go out for bids. On our 2003 F550 bucket truck, it has a 39-foot boom on it. The working unit has over 10,000 working hours on it. I would like permission to go out for bids to replace that bucket truck."

Council Member Jasper, "I move to approve Superintendent Schneider to go out for bids for the replacement for the 2003 F550 Bucket Truck." Council Member Curtiss, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

ELECTRIC DEPARTMENT – Generator Project

Mayor Luke, "The item that was added was the electric generator contract. We have exceeded the timeline for our letter of intent. Also, if we are going to be financing and committing to the ordinances and resolutions associated with this, we need to move forward with approving the contract with Wheeler World. Before we enter into any discussion, we need to have a motion on the floor."

Council Member Tschantz, "I move to approve the purchase agreement for the electric generator as submitted." Council Member Ernst, "I second the motion."

Council Member Jasper, "I just need more justification before we move forward. We just established that we are between five and seven megs on an average through 365 days." Superintendent Schneider, "In the wintertime, JJ." Council Member Jasper, "If you balance winter through the summer, what would you say?" Superintendent Schneider, "You are looking at middle nine in the summertime. We have reached over 10, as an average." Council Member Jasper, "We are at ten now with what we currently have and close to an 11?" Superintendent Schneider, "On capacity?" Council Member Jasper, "Yes." Superintendent Schneider, "No, we are about 9,000kw. They don't always start when they are supposed to, either. We have had them break down, and we have been short on capacity as well on more than one occasion." Mayor Luke, "Any of other questions or discussions?"

Hearing no further discussion, Mayor Luke called for a vote. Council Members Curtiss, Ernst, Berryman, and Tschantz voted, 'Yea' and Council Member Jasper voted 'Nay'. Mayor Luke declared the motion passed, 4:1.

Mayor Luke, "We will complete the paperwork necessary to move forward. We will now go to the ordinances and resolutions."

ORDINANCE 880 - Authorizing Bond Financing for Electric Generator

Council Member Curtiss, "I move to adopt Ordinance 880, Authorizing the Issuance of General Obligation Bonds in An Amount Not to Exceed \$1,500,000 To Pay a Portion of The Cost of Certain Improvements to The City's Electric System Pursuant to Charter Ordinance No. 10 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.

ORDINANCE 881, Consideration of Bond Ordinance authorizing the issuance of Series 2022 A-GO

Council Member Tschantz, "I move to adopt Ordinance 880, Authorizing the Issuance and Delivery Of \$1,500,000 Principal Amount of General Obligation Bonds, Series 2022-A, Of the City of Burlington, Kansas; And Providing for The Levy and Collection of An Annual Tax for The Purpose of Paying the Principal of And Interest on The Bonds as They Become Due." Council Member Curtiss, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

RESOLUTION 2022-02- G.O. Bond

Council Member Curtiss, "I move to approve Resolution 2022-02, Prescribing the Form and Details of And Authorizing the Delivery Of \$1,500,000 Principal Amount of General Obligation Bonds, Series 2022-A." Council Member Ernst, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

RESOLUTION 2022-03- G.O. Bond Refinancing

Council Member Tschantz, "I move to approve Resolution 2022-03, Authorizing the Offering for Sale of Approximately \$5,105,000 Principal Amount of General Obligation Refunding Bonds, Series 2022-B, Of the City of Burlington, Kansas." Council Member Jasper, "I second the motion."

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Mayor Luke, "Any discussion?" Council Member Jasper, "Just dollar amount." Mayor Luke, "Setting the minimum amount." David Arteberry, "Minimum savings. If I could add some, in the municipal bond industry, a lot of times what we will do when we look at refinancing and look at savings available, and we will do a present value calculation of savings. Then we will look at that relative to the size of the bond we are refinancing. For instance, when we ran the numbers back in January, and there was \$387,000 in savings, but the present value of those savings, when compared to the amount of debt before refinancing, was about 5.7%. The industry standard is usually between about a minimum present value of 2% - 5%. So, previously you were over that standard. Right now, at \$90,000, you are at about 1.4% present value. So, you are under what that standard is. Somewhere between 2% and 5 % is generally viewed at an acceptable level of savings on one considering doing a refinance."

Mayor Luke, "So, if the number we put in there is a dollar amount and not a percent?" David Arteberry, "Could we change it to a percent? I think we could. I think it is a dollar amount that is in there right now. If you wanted to do a present value percent, you could do that also. I'd say to get to that 2% figure; you would have to be around \$140,000 or \$150,000 of savings." Council Member Jasper, "That way when things fluctuate, say in five months, we may have this bond paid down a little bit more so that percent is sustainable to that number." David Arteberry, "I think the bond payments are early. I think they are in January. Yes, they are January 5th." Council Member Jasper, "So, that is done and gone." David Arteberry, "It is not going to happen in the next five months." Council Member Jasper, "Okay." Mayor Luke, "So, do you feel comfortable with a dollar amount or present value percentage?"

Council Member Jasper, "The number I have in my head is \$250,000." Mayor Luke, "Okay, that would be somewhere in the neighborhood of 2.5% to 3%." Council Member Jasper, "Is that \$250,000 after you guys tap into it?" David Arteberry, "Yes. All these cost figures that I have been mentioning are net of all of the costs related to the issuance of the bond. Even the bond rating, our fee, Tyler's fee, fees for the state treasurer, it is net of all of those." Mayor Luke, "You still get the \$250,000." Council Member Ernst, "So, right now, we are getting the \$69,000." David Arteberry, "That is the present value. The total savings would be \$90,000. That is comparing the debt service on the old bond issue to the debt service on the new bond issue. And that service on the new bond issue it includes, we've assumed that all issuance costs are being paid proceeds of the bond. So, that net service reflects all of the issuance costs." Council Member Ernst, "Okay."

Mayor Luke, "So the recommendation is \$250,000." Council Member Jasper, "You are our adviser. Is that a good number?" David Arteberry, "I think that is a very reasonable number. The issue is still outstanding; it is a long issue. I wouldn't want you to do this for \$100,000 savings and then down the road --. You know, once you do this refinancing, the new bonds aren't going to be callable for another 8 to 10 years. That means you are not going to be able to refinance again for another 8 to 10 years. I wouldn't want you to do what we call 'bite the apple' and then get sort of a substandard level of savings. To be below what industry standards are." Council Member Jasper, "Does anyone else have a number?" Council Member Curtiss, "I went anywhere between \$200,00 and \$300,000. So, \$250,000 sounds good." Mayor Luke, "The document that we have, can we just ink in the %250,000, or do we have to get it typed in?" Tyler Ellsworth, "You can ink it in. That's just fine." Council Member Jasper, "So, we can just make a new motion."

Council Member Jasper, "I make a motion to amend the previous motion for resolution 2022-03." Council Member Curtiss, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

Council Member Tschantz, "I move to approve Resolution 2022-03, Authorizing the Offering for Sale of Approximately \$5,105,000 Principal Amount of General Obligation Refunding Bonds, Series 2022-B, in the amount of minimum savings of \$250,000, for the City of Burlington, KS." Council Member Jasper, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

David Arteberry, "Thank you, everyone."

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.

Employee Benefits Meeting: Superintendent Hawkins, "The men attended the employee benefits meeting."

Snow Removal: Superintendent Hawkins, "We did snow removal."

Maintenance: Superintendent Hawkins, "They have been doing normal general maintenance."

Pump Station #1: Superintendent Hawkins, "We had to replace a low-level float at pump station #1. We have that installed."

WATER AND WASTEWATER: Production Update

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

Sludge Pump Maintenance: Superintendent Hawkins, "We did rebuild the sludge pump. The men installed it today. We will be trying that out shortly."

Equipment Maintenance- Sludge Mixer: Superintendent Hawkins, "JCI out of Wichita found us our mixer that I was talking about. It is about \$2,000 less than the flight mixer. There are supposed to be here this Friday to install it. We are looking forward to getting that back in."

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New Testing Techniques: Superintendent Hawkins, “Randy has been helping us with trying new techniques at the water treatment plant with splitting the lime boxes for our feeder. We are going to see what the test results are to see if it benefits us for the THMM's and HAA5's, TOC removal, and things like that within the plant. It has been working really well for us, and I am excited to see what the results are that come in from all of that.”

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.

Street Signs: Superintendent Davidson, “We have been doing maintenance on several street signs.”

Snow Removal: Superintendent Davidson, “We have been cleaning up the snow downtown and plowing streets. We did not incur any overtime on that; we were able to do it on a regular eight-hour day.”

Equipment Maintenance: Superintendent Davidson, “One of our plow trucks, the 2007 International, we are having difficulties with the hydraulics. We are in the process of trying to get some parts ordered for that. We have also been cleaning the trucks to get the salt off of them.”

Thank You: Superintendent Davidson, “I want to give a big thank you to Danny (Superintendent Hawkins) and Justin King. Justin came and helped us with snow removal Wednesday. It was a tremendous help and sped things up considerably.”

POLICE DEPARTMENT: Update

General: Normal Duties. Chief Jones, “We have been staying busy.”

Activities/ Cases: Chief Jones, “Just this week alone, an officer made a traffic stop one evening, turns out it had been a car that had been stolen from Oklahoma. We dealt with that a good chunk of Tuesday and again yet this morning. The owner came and picked up the car. He was happy that we found it. During the course of that investigation, we arrested the driver not just for the stolen vehicle but also for drugs and drug paraphernalia that we found in the car as well.

“We did traffic control for the fire at Bob Rainbolt’s shed late Tuesday afternoon. Today we worked an accident, took a harassment call. We worked protection order violation complaint, and then we worked on a domestic that turned out to be an aggravated domestic because there was strangulation involved. He is sitting in jail and will be looking at some felony charges in district court. Philip won’t have to deal with him. Wade will be seeing him in district court.”

Nuisance: Properties/Vehicles Update: Chief Jones, “The house that caught on fire the first couple days of January on Des Moines Street. I was unofficially advised by a person who may or may not have been involved at the bank that there has been action that is completed and that property is more than likely going to be turned over to a contractor in exchange for the contractor to clean up the property. That should be proceeding rapidly. This is not going to be one of those that sits for a while.” Zoning Clerk Hugunin, “I will add on that from the fire last night Bob Rainbolt has already talked about getting with Schmidt.”

“One other thing, I have not seen any action on the property on Yuba Street.” Attorney Wright, “I was going to ask you if he had moved out.” Chief Jones, “Unless J.J. had come up with something. I talked with J.J. earlier this week unless you had something different.” Council Member Jasper, “He was just going to call him, the landowner, to see if he would be interested in making a move.” Chief Jones, “Otherwise, I am 90% convinced that we are going to have to have Philip file in district court to have him physically evicted from that property.”

POLICE DEPARTMENT: Vehicle Purchase

Maxi Berryman, “Can I address the vehicle update? Before the last council meeting, we had a committee meeting. It was the consensus of the committee based on the research that the chief had done to put our name on a vehicle, even though we are short one officer. If our name came up in, say, three or four months that a vehicle is available and we have no officer, it is no problem to get bumped down. There is no financial obligation to the city to be on the list. We would like to recommend that the city council let the chief put of name on a waiting list.”

Council Member Berryman, “I move to allow Chief Jones to place the City of Burlington on the waiting list with Superior Equipment for the purchase of a police vehicle.” Council Member Tschantz, “I second the motion.” Hearing no further discussion, Mayor Luke called for a vote. Council Members Curtiss, Ernst, Berryman, and Tschantz voted, ‘Yea’ and Council Member Jasper voted ‘Nay’. Mayor Luke declared the motion passed, 4:1.

PARKS DEPARTMENT: Update

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

Snow and Ice Removal: Superintendent Boyce, "We had snow and ice removal."

Park Sign: Superintendent Boyce, "We took the Oak Park sign down, took it to the shop, stripped it down, and resealed it. I believe it is back up now."

Employee Benefit Meeting: Superintendent Boyce, "We attended the employee benefits meeting on the 8th."

Park Vandalism: Superintendent Boyce, "In the Chief's busy schedule, they took a graffiti report today in Kelley Park. Most of today, we were cleaning spray paint and different things off of bleachers and many other places. We will have a little bit left to clean up there tomorrow."

FINANCE: Claims Ordinance & Payroll Ordinance

a. Claims Ordinance	2022-03	\$	<u>149,943.63</u>
b. Payroll Ordinance	2022-03	\$	<u>83,542.17</u>
	TOTAL	\$	233,485.80

CLAIMS 2022-03: Council Member Curtiss moved to approve City of Burlington Claims Ordinance 2022-03 for the amount of \$149,943.63 for payment of city bills. Council Member Ernst gave the second. City Clerk Brown, "The larger expenses we have tonight are Midwest Electric Transformers \$9,222.90, Brenntag Southwest \$6,135.78, Core and Main \$2,677.08, HM Cragg Critical Power \$4,573.63, KMEA Midstate \$1,155.00, Stanion Wholesale \$1,267.62." Hearing no additional discussion, Mayor Luke instructed City Clerk Brown to poll Council. All votes were in favor. Mayor Luke declared, "Claims Ordinance 2022-03 passed unanimously, 5:0."

PAYROLL 2022-03: Council Member Tschantz moved to approve City of Burlington Payroll Ordinance 2022-03 in the amount of \$83,542.17, as presented. Council Member Ernst 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 2022-03 passed unanimously, 5:0."

AUTHORIZATION TO PUBLISH THE NOTICE OF BUDGET HEARING

Mayor Luke, "Also, with the issue associated with the 2022 budget, we need to publish a notice of public hearing for the 2022 budget, which I would accept a motion for now."

Council Member Curtiss, "I move to authorize publication of the Notice of Public Hearing for City of Burlington's 2022 Budget, which will be held during the City Council meeting on March 2, 2022, at 6:30 p.m. at 1013 N. 4th Street, Burlington, Kansas." Council Member Tschantz, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin, "Normal duties."

Permits: Zoning Clerk Hugunin, "I have issued a couple of permits this week."

Planning Board Meeting: Zoning Clerk Hugunin, "We had our planning board meeting on January 27th which was about extending the comprehensive plan. I have that resolution, and hopefully, we will have everything next meeting. I believe we have everything sent over to Philip for the ordinance for him to look at on that. Also, I have a new member that is wanting to come on. I'll get with Stan, and we will get him appointed."

City Hall – Renovations: Zoning Clerk Hugunin, "I am back to trying to find someone to get the soffits fixed here now that we are getting into warmer weather. Maybe now we can find someone to get this done. I am waiting to hear back from a couple of vendors on quotes for the windows here in the council room."

Census Bureau: Zoning Clerk Hugunin, "I just finished submitting reports for the permits for the Census Bureau for 2021. For this year, for some reason, we are doing it monthly, no longer at the end of the year; it will be every month. They sent a notice; I think they are doing it to everyone."

Zoom – Court Translator: Zoning Clerk Hugunin, "I set up a zoom meeting for the court translator for tomorrow night. Let me know if that works." Attorney Wright, "Okay, hopefully, she shows up, so we don't waste --." Zoning Clerk Hugunin, "She doesn't have to drive far."

Video Recording: Zoning Clerk Hugunin, "The last meeting before, you wanted me to have this for the last meeting that I missed. I looked at cameras, and I left microphones off. We are still looking at \$3,000 to \$3,500, all in electrical, cables, camera, and a laptop or iPad. Prices on those haven't really changed. They are still pretty high. The camera we are looking at hopefully has good sound. If not, there is a possibility of running an extension of a microphone that wouldn't be seen, but it would be close to the center of the table." Attorney Wright, "So, that is not with microphones that are in front of people?" Zoning Clerk Hugunin, "Right, there is an omnidirectional microphone on the camera, and we can add another one over there." Attorney Wright, "Is that some kind of tripod?" Zoning Clerk Hugunin, "No, it is a slim camera and wide-angle which can attach right there to that beam, if that is what was desired."

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Mayor Luke, "Okay, and we still don't have a spot to budget this out of? Have you talked with Sean?" City Clerk Brown, "I have not talked with Sean on this. We could take this out of several departments and split it up." Attorney Wright, "Can I ask a question?" Mayor Luke, "Sure." Attorney Wright, "I hope I am not out of order. I am not trying to embarrass anybody here but if you don't want to be on Zoom, raise your hand." Several individuals in the room raised their hands. Attorney Wright, "I am specifically talking to the department heads because you guys are the ones out there talking and would be Zoom superstars. I just want the city council to be aware. I have some huge concerns with it. I'll discuss that a little bit more in my update or--. Maybe someone should put a motion on the table and see where people are at on the city council to see if people really want to pursue this." Mayor Luke, "How would you word the motion?" Attorney Wright, "I move to approve pursuing getting bids for equipment with regards to live streaming city council meetings." Mayor Luke, "Okay, does anyone want to make that motion?"

Council Member Jasper, "I move to approve pursuing getting bids for equipment with regards to live streaming city council meetings." No second was made. Motion failed.

City Clerk Brown, "So, does that mean we aren't moving forward anymore?" Council Member Jasper, "We are not moving forward." Mayor Luke, "Correct, we are not moving forward." Attorney Wright, "Alright, I think that kills it. It looks to me that most of the city council is just not interested in doing it. I'll wait to talk about that just briefly, too, because it looks to me like it is the right move." Council Member Jasper, "Is that your legal opinion or your personal opinion?" Attorney Wright, "It's both, and I will discuss that when we get to my report." Mayor Luke, "Jimmy, do you have anything else?" Zoning Clerk Hugunin, "No."

OTHER COMMITTEE OR COUNCIL BUSINESS:

LEGAL DEPARTMENT: Update

General: Normal duties.

Video Recording: Attorney Wright, "Okay, I'll address that first since we are right on it. I was actually speaking with Wade Bowie about this last week. Of course, this is just anecdotal, but Wade Bowie has made national news, and not in a good way, with regards to some of the stuff that was going on with the county in masking mandates and COVID. I can't remember the publication, but it was one of the publications out of New York. They picked up a quote from him that they got off of the proceedings and misquoted him in an effort to try to slam what Coffey County was doing. People out there are watching. Unfortunately, we live in a political environment where people are paid to sit and watch government proceedings, take whatever they can, and try to politicize it nationally. One of the biggest risks that we have, putting the city council on live stream, is someone in Marin County, California watching this where their social norms are way different and hearing something that "offends" them that is really not offensive to the morals and ideals of Coffey County and Burlington citizens. It's more than that because they are actively trying to politicize anything that they can. They will misquote you. I can look that article up that had Wade in it; let me see if I can find it so I can reference it for the city council's information."

"So, it was in the Daily Beast, which I believe is out of New York. The Daily Beast, I'm not sure if you are familiar with that, but they don't exactly have five readers; they have a lot of people that read them. If you do a search of Coffey County on the Daily Beast, you'll be able to see this article." Council Member Jasper "So, is someone getting sued over the deal?" Attorney Wright, "No, but it did really slander the County and Bowie." Council Member Jasper, "Is everybody okay?" Attorney Wright, "I don't know what your point is?" Council Member Jasper, "I guess I don't understand the point because it seems like it is a moot point." Attorney Wright, "I guess that is your opinion. I am going to move along."

Generator Project: Attorney Wright, "I have been working on the generator contract."

Nuisance: Properties- 1303 Yuba: Attorney Wright, "I did have a question on the Yuba Street property eviction. I have called the League on that to figure out how to do the eviction because it is kind of a one-off. I have actually reached out to all the city attorneys on the listserve, but nobody responded to me. Basically, that is going to require us to file an eviction action in district court. I would probably need the city council to instruct me to do that. I don't need a vote on it, but I kind of want to know if that is what you want me to do. We are not going to get that tenant out of there unless we have the Sheriff show up." Mayor Luke, "That is basically the procedure that we approved when we went through the hearing." Council Member Curtiss, "Right." Attorney Wright, "Okay, so everyone is good with that? Because it is in district court, it will be a civil proceeding that will be over and beyond my contract rate. I don't know what the estimated attorney's fees are going to be with regard to that. There will be a filing fee involved with it and attorney's fees; just a guess it will probably run between \$800- \$1200 for those."

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MT Networks Franchise Agreement: Attorney Wright, "My final issue as the city council is aware the city has collected franchise fees for MT Networks customers for the last six or seven years that was unlawful. I have been working with MT Networks and their attorney. MT Networks and their attorney has agreed to give us the information that we need to pay these people back directly so we can get a signed release from them and get them paid. We have a rough procedure in place, and we have been working with Anne. I think we have a rough framework in place. What we need, though, is to have the authorization to spend some money to get this taken care of. So, the motion would need to move to approve the reimbursement of no more than \$44,138.73 to MT Networks customers for internet and video franchise fees."

Council Member Curtiss, "I move to approve the reimbursement of no more than \$44,138.73 to MT Networks customers for internet and video franchise fees." Council Member Tschantz, "I second the motion."

Council Member Jasper, "Is the \$44,138.73 with MT Networks--?" Attorney Wright, "That is the total with all the information that MT Networks had given to us at this point with all of the customers and all of the payments from franchise fees that were paid from 2016 to date." Council Member Jasper, "So, that is the combination of what we both are going to have to pay back or just the city, up to?" Attorney Wright, "That is what MT Networks has collected." City Clerk Brown, "So, the city pays." Council Member Curtiss, "And we will be doing the payments?" Mayor Luke, "Yes." Attorney Wright, "We will be doing that payment directly to the customers and having them sign a written release when they come in. It is a receipt and release showing that we made the payment and just a general release. MT Networks will also have release language on there, so it will be released as well."

Mayor Luke, "Anne has talked with Sean, and it has to come out of the general fund. We do not have to pay it all at one time; we can do it over a period of time. We don't have to start writing checks tomorrow. We are looking at what line items will be impacted and how we will be covering the funds this year and next." City Clerk Brown, "When we start, we will get a letter ready to send out, and we will start the process as soon as possible." Attorney Wright, "Yes, we need to get going on it." Council Member Curtiss, "And we have a list of all the customers now, so you know?" City Clerk Brown, "Yes." Council Member Curtiss, "It is going to entail quite a bit of work for you guys, isn't it?" City Clerk Brown, "Yes, it will." Attorney Wright, "It is, it is going to be administrative kind of problem for a while." City Clerk Brown, "Yes."

Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

City Court: Attorney Wright, "I just wanted to talk briefly as to why we had to have a translator in municipal court. We had a defendant that is hearing impaired. We are required by the constitution of the United States that that person can communicate accurately with the judge. Unfortunately, it is extremely expensive. It is \$300, I think." Zoning Clerk Hugunin, "I can't remember what Lisa (Utility Billing Clerk/Court Clerk) said it was going to be. It was a big amount for two hours." Attorney Wright, "Yes, and fortunately, we were able to do it by Zoom instead of having that person drive down here because the risk is that the defendant doesn't show. It can happen. We may end up having to keep paying that until the defendant shows up, or we have some other disposition. I just wanted you guys to kind of know what that was about." Zoning Clerk Hugunin, "The way I understood it, doing it on Zoom was about half the price than doing it in person." Attorney Wright, "Doing it by Zoom means the sign person will be on Zoom, and the defendant will have to be physically here in court to watch that on a screen then they will verbally tell the judge. You have to be a certified person to do this. This defendant had someone with her that was trying to sign and speak, but it was obvious that he was not relaying what the judge was saying, and that has to be done exactly. The idea is that the defendant has to know what their rights are and so on and so forth. That was not being communicated very well."

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. We will be sending \$3,574.03 in delinquent accounts to the Kansas set-off program for collections for January.

Reports: City Clerk Brown, "I have completed year-end reports to the state, federal, social security, and KPERs."

Annual Water Use Report: City Clerk Brown, "I have been working on the annual water use report and survey for the League."

Employee Benefit Meeting: City Clerk Brown, "We had our employees benefit meeting at Kelley Hall Tuesday, February 8th from 9:00 a.m. to noon."

City/County Grant Funds: City Clerk Brown, "We have received City/County Street and Parks Recreation infrastructure money from the Coffey County Commissioners. I will be preparing a report to the commissioners with a brief statement of what we have expensed for 2021 and what we are planning for 2022. We received \$54,967.50 for parks and \$209,864.50 for the city/county for a total of \$264,832.00."

Dog Tags: City Clerk Brown, "Dog tags were due in January. Anyone who has not done, so they are asking that you come in and get them. There is a possibility of tickets if you don't."

MT Network: City Clerk Brown, "I have been working with Philip on the MT Network issues."

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Electric Generator Project: City Clerk Brown, "I have been working with Tyler Ellsworth and David Arteberry on the G.O. Bond."

COVID: Letters, Sick Leave, Doctors Notes: City Clerk Brown, "We wanted to talk about the COVID leave time again. I know this is kind of a sore issue, and everybody is kind of over it, but I don't think it is going away anytime soon. The hours were supposed to end February 1st for the 80 hours, and I would like to open that up and just leave that open, not put a date on it. There are those that had 80 hours and have been able to use that. The other people that have not used it, are we just going to take that away from them? Then on the time away as far as our three-day sick leave, I think we need to lift that. They are saying anywhere from five to ten days that they could be out. I have witnessed that with different ones here. It is not just five days, and you're better."

Council Member Jasper, "Is that tested positive with COVID?" City Clerk Brown, "I think if the people are tested, then they are out. They are not giving doctors notes for them anymore. If they are a close contact that is required to stay home at least five days, get tested possibly on the 5th day if they are showing symptoms or not. I am asking that we trust our employees. I know that there are always going to be those that are going to abuse it. Are you going to penalize the whole group on the abuse of a few?" Council Member Jasper, "I am not worried about abuse or not trusting the employees. What are the federal government doing and the state government doing? Are we in line with what is at the top to the bottom?" Mayor Luke, "I met with several Mayors at governance day in Topeka last week and discussed this particular issue with them and asked them how they were handling it. The majority said that any documentation that is provided to the employee, a copy is given to the city, whatever it is. They are not enforcing the three-day rule for COVID. They are for everything else but not for the positive testing of COVID. That is for employees or if any family member tests positive and are then quarantined because of. That is how most of the cities have responded as to how they were doing it."

Council Member Jasper, "So, they are not going off of what the CDC is recommending?" Mayor Luke, "No." City Clerk Brown, "We had the guidelines for the CDC the last time and what they recommended. I listened to Dr. Sloyer as well. It is basically coming down to us. Do we want to give this benefit to our employees?" Council Member Curtiss, "What are you saying this benefit should be?" City Clerk Brown, "I am asking that anyone who has not used their 80 hours, let's allow that to stay on with no deadline on it." Council Member Curtiss, "You just want it open-ended?" City Clerk Brown, "Yes. We have had people who have had it that have gotten to use the extra 80 hours of sick leave and not have to use 80 hours of their own personal leave. So, if you decide to say no, we aren't going to do that; if someone else comes down with it later, then they are going to have to use all of their sick time. They are not going to have that extra 80 hours." Council Member Curtiss, "Could we not say through 2022, and then if we need to, we can come back and do it again?" City Clerk Brown, "If that is what you want to do." Mayor Luke, "We set February 1st before. So, we can just change that from February 1st to January 1st." Council Member Ernst, "We won't have to do it for even that long, right? We could say June 1st." Mayor Luke, "Right. You can do it for any timeline. If we have to visit the subject again, then we visit it again."

Council Member Jasper, "What is the quarantine stipulation?" City Clerk Brown, "Five to ten days depending on symptoms. If you are fever-free without medication for 24 hours, then you can come back to work, but you have to mask." Council Member Jasper, "What is the close contact stipulation?" Mayor Luke, "It's the same." Council Member Jasper, "What if you have been vaccinated?" Zoning Clerk Hugunin, "It's the same; it doesn't matter." Mayor Luke, "I did not test positive, and I had to go through the five days of quarantine and mask for five days after. I was not the one that was positive." Council Member Curtiss, "It has nothing to do with vaccination at all?" Mayor Luke, "No." Council Member Tschantz, "I went through that last year with my wife when she came down with COVID after all of her vaccinations." Council Member Curtiss, "Well, we have to set some kind of deadline if we want to go past February 1st." Council Member Tschantz, "I'd say June 1st." City Clerk Brown, "I just know that everyone is tired of talking about this; that is why I was saying we just left it open, and then we wouldn't have to address it again." Council Member Curtiss, "I don't want to leave it open." City Clerk Brown, "Okay." Council Member Curtiss, "Let's go half a year, July 1st."

Council Member Curtiss, "I move to extend the unused 80 hours of COVID pay and lift the three-day limit for doctors note to return to work for COVID leave only, until July 1st." Council Member Tschantz, "I second the motion." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 5:0.

REPORT BY CITY OFFICERS:

Council Member Curtiss, "When are evaluations due?" Mayor Luke, "March. That is right around the corner." City Clerk Brown, "I will be looking at the CPI on the 21st of February. Then we will have a finance meeting and evaluations." Council Member Curtiss, "So, we won't know until then. At our first meeting on March 2, is when I have to have Kevin's evaluation done?" City Clerk Brown, "No, the second meeting in March." Council Member Curtiss, "Okay, that gives me more time, the 16th."

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OTHER COMMITTEE OR COUNCIL BUSINESS:

MAYOR’S COMMENTS:

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