

Neodesha, Kansas  
April 10, 2019

The Board of Commissioners met in regular session at 2:00 p.m. on Wednesday, April 10, 2019 with Mayor Harper presiding and Commissioners Moffatt and Johnson present.

Commissioner Johnson moved to approve the agenda adding item 4B, Proclamation: Child Abuse Prevention Month with Aimee Daniels from Casa and item 4C, Proclamation: Fair Housing Month. Seconded by Commissioner Moffatt. Motion carried.

Commission and Administrator Reports were heard.

Public Comments were invited and heard.

Commissioner Moffatt moved to approve the Consent Agenda consisting of the minutes from the March 27, 2019 meeting; Appropriation (2019) 06; and Raw Water Project Bond Appropriation 51. Seconded by Commissioner Johnson. Motion carried.

Mayor Harper read a proclamation designating April 18, 2019 as National Lineman Appreciation Day in Neodesha. Brandon Hearn, Electric Superintendent was in attendance.

Mayor Harper read a proclamation designating April 2019 as Child Abuse Awareness and Prevention Month. Aimee Daniels from CASA was in attendance.

Mayor Harper read a proclamation designating the month of April 2019 as Fair Housing Month and to express the hope that this year's observance will promote fair housing practices throughout the City.

#### **RESOLUTION NO. 19-03**

#### **A RESOLUTION OF THE CITY OF NEODESHA, KANSAS AUTHORIZING THE EXECUTION OF THE SWPA PROJECT AGREEMENT BETWEEN THE CITY AND THE KANSAS MUNICIPAL ENERGY AGENCY; AND AUTHORIZING ANY OTHER ACTIONS OF THE CITY RELATED THERETO.**

**WHEREAS**, the Kansas Municipal Energy Agency ("KMEA") consists of members (the "Members") which are (i) cities organized and existing under the laws of the State, and (ii) authorized by such laws to engage in the local distribution and sale of electric power and energy; and

**WHEREAS**, KMEA is authorized by K.S.A. 12-885 *et seq.*, as amended, to plan, finance and construct projects for the purchase, sale, generation and transmission of electricity for the purpose of securing an adequate economical and reliable supply of electricity and other energy for its Members; and

**WHEREAS**, the City of Neodesha, Kansas (the "City") owns and operates a municipal electric system and is a Member in good standing of KMEA; and

**WHEREAS**, K.S.A. 12-825j authorizes the City to contract to buy from KMEA for the purchase of capacity and energy and related products to meet City's present and future requirements for a period not in excess of forty (40) years; and

**WHEREAS**, City has received allocations of Federal hydroelectric power and associated energy pursuant to the terms and conditions of the Southwestern Power Administration Final Power Allocations (1980-1988) 45 F.R. 19032 (1980); and

**WHEREAS**, KMEA intends to enter into a power sales contract to acquire hydroelectric power and energy from the United States of America, represented by the Secretary of Energy, acting by and through the Administrator, Southwestern Power Administration ("SWPA") for a period of fifteen (15) years commencing on June 1, 2019 (the "KMEA-SWPA PSC"), whereunder KMEA will purchase, on a combined basis and on behalf of certain cities in the State of Kansas, including the City (collectively, the "Participants"), the Participants' allocations of hydroelectric power and energy from reservoir projects, constructed and operated by the U.S. Corps of Engineers, as such power and energy become available; and

**WHEREAS**, the SWPA Project Agreement (the "Project Agreement") is intended to enable KMEA to pass through a share of the benefits and obligations of the KMEA-SWPA PSC to City, such that neither KMEA nor City obtains a benefit or incurs a burden or obligation due to a drafting or other difference between the Project Agreement and the KMEA-SWPA PSC; and

**WHEREAS**, City desires to utilize its allocation of federal hydroelectric power from SWPA by participating in the SWPA Project, pursuant to the terms and conditions set forth herein;

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the City of Neodesha, Kansas, as follows:

(continued on next page)

**Section 1. Approval of Project Agreement.** The City hereby finds and determines it to be advisable and in the best interests of the City and its inhabitants to enter into the Project Agreement with KMEA regarding the City's allocation of federal hydroelectric power and associated energy from SWPA.

**Section 2. Execution of Documents.** The Mayor and the City Clerk are hereby authorized and directed to execute and affix the seal of the City to the Project Agreement with KMEA in substantially the form presented with this Resolution and to execute any other ancillary documents related thereto for and on behalf of, and as the act and deed of, the City.

**Section 3. Further Authority.** The officials, officers, agents and employees of the City are authorized and directed to take whatever action and execute whatever other documents or certificates as may be necessary or desirable to carry out the provisions of this Resolution and to carry out and perform the duties of the Issuer with respect to the Project Agreement.

**Section 4. Effective Date.** This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the City.

Commissioner Johnson moved to adopt Resolution 19-03, and authorize the Mayor to sign the Southwest Power Administration agreement with KMEA. Seconded by Commissioner Moffatt. Motion carried.

#### **RESOLUTION NO. 19-04**

**A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS AT WHICH TIME THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF THE STRUCTURE LOCATED AT 105 N. 11<sup>TH</sup> STREET, LEGAL DESCRIPTION: THE SOUTH 39.7 FEET OF THE NORTH 96 FEET OF LOTS 6, 7, 8, 9 AND 10, BLOCK 29, LESS RAILROAD RIGHT OF WAY, CITY OF NEODESHA, MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS AN UNSAFE OR DANGEROUS STRUCTURE.**

**WHEREAS**, Ed Truelove, the Enforcement Officer of the City of Neodesha, did on the 10<sup>th</sup> of April, 2019, file with the Governing Body of said City a statement in writing that certain unoccupied structures hereinafter described are unsafe and dangerous;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing body of the City of Neodesha that a hearing will be held on the 22<sup>nd</sup> day of May, 2019, before the Governing Body of the City at 2:00 p.m. in the Commission Room of City Hall, 1407 N. 8<sup>th</sup>; at which time the owner, his agent, any lien holder of record and any occupant of the structure located at 105 N. 11<sup>th</sup> St. may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure and ordered repaired or demolished.

**BE IT FURTHER RESOLVED** that the City Clerk shall cause this Resolution to be published two consecutive times and shall give notice of the aforesaid hearing in the manner provided by law.

Commissioner Moffatt moved to adopt Resolution 19-04, setting a public hearing for 105 N. 11<sup>th</sup> Street on May 22, 2019 as presented. Seconded by Commissioner Johnson. Motion carried.

Administrator Truelove addressed the Commission regarding the Management Representation Letter from Jarred, Gilmore & Phillips, PA referencing the 2018 audit that was conducted.

Commissioner Johnson move to authorize the Mayor to sign the Management Representation Letter for the 2018 Audit. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding appointments to the Senior Citizens Board. Discussion held.

Commissioner Moffatt moved to approve the following appointments to the Senior Citizen's Board: Juanita Erickson to fill the unexpired term of Mary Compton, with a term ending date of December 31, 2021; Pam Eury to fill the unexpired term of Patty Chalfant, with a term ending date of December 31, 2019; and Bill Sexton to fill the unexpired term of Sue Rowden, with a term ending date of December 31, 2019. Seconded by Commissioner Johnson. Motion carried.

Administrator Truelove addressed the Commission regarding the consideration of the sale of property from the Land Bank. Discussion held.

Commissioner Johnson moved to convene as the Neodesha Land Bank to consider the sale of property. Seconded by Commissioner Moffatt. Motion carried.

Commissioner Moffatt moved to approve the sale of property located at (continued on next page)

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15 Timber Ridge Estates, with a sale price of \$2,500. Seconded by Commissioner Johnson. Motion carried.

Commissioner Johnson moved to adjourn as the Neodesha Land Bank Board and re-convene as the City of Neodesha Governing Body. Seconded by Commissioner Moffatt. Motion carried.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, April 24, 2019 at 2:00 p.m.

Commissioner Moffatt moved to recess to an Executive Session including the Governing Body, City Administrator and Assistant City Clerk to discuss an individual employee's performance pursuant to the non-elected personnel matter exception, KSA 75-4319(b)(1). The open meeting will resume in the Commission Room at 3:00 p.m. Seconded by Commissioner Johnson. Motion carried.

At 3:00 p.m. the regular meeting of the Governing Body reconvened in the Commission Room. No action.

At 3:20 p.m. Commissioner Johnson moved to adjourn. Seconded by Commissioner Moffatt. Motion carried.

ATTEST:

/s/Terry M. Harper

Terry M. Harper, Mayor

/s/Stephanie Fyfe

Stephanie Fyfe, Assistant City Clerk