

The Board of Commissioners met in regular session at 2:00 p.m. in the Commission Room at City Hall conducting the meeting by live streaming with Zoom on Wednesday, June 8, 2022 with Mayor Johnson presiding and Commissioners Moffatt and Nichol present. Technical difficulties with the Zoom recording today did not allow the video portion of the meeting to be viewed. Audio only was heard and recorded.

Commissioner Nichol moved to approve the agenda with the addition of Agenda Item 4D: Engagement Letter with Healy Law Offices: Franchise Agreement; and Item 4E: Temporary Variance for 502 N 8th Street. Seconded by Commissioner Moffatt. Motion carried.

Commission and Administrator Reports were heard.

Community Development Director reports were heard.

Public Comments were invited and heard.

Commissioner Moffatt moved to approve the consent agenda as presented consisting of minutes from the May 25, 2022 Commission Meeting; and Appropriation (2022) 10. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding a resolution authorizing the 5-year lease of the mini-excavator from White Star Machinery. This lease was approved at the April 13, 2022 Commission Meeting. The resolution approves the actual lease documents with First Bank of Sterling. Discussion held.

RESOLUTION 22-10

A RESOLUTION OF THE CITY OF NEODESHA, STATE OF KANSAS, AUTHORIZING THE EXECUTION AND DELIVERY OF A MUNICIPAL LEASE AGREEMENT (First Bank - BANK LEASE) AND OTHER DOCUMENTS AND AGREEMENTS IN CONNECTION THEREWITH.

WHEREAS, the Neodesha City Commission (hereinafter referred to as the “issuer”) is the Governing Body of the City of Neodesha and possesses the legislative power of the City of Neodesha; and

WHEREAS, the Issuer is authorized to approve the Municipal Lease-Purchase Agreements; and

WHEREAS, the Issuer has heretofore determined that financing for the acquisition and leasing of certain equipment pursuant to the Municipal Lease Agreement (as defined) is for the benefit of the inhabitants of the City of Neodesha, and the promotion of their welfare and prosperity; and

WHEREAS, the Lessee (as defined) desires to acquire the following described property pursuant to the Municipal Lease Agreement:

NEW E50 R COMPACT EXCAVATOR – SERIAL NUMBER B4GP15113

(hereinafter the “equipment”); and

WHEREAS, the following documents or instruments have been presented to the Issuer at its meeting:

- a. Municipal Lease Agreement
- b. Schedule to Municipal Lease Agreement
- c. Essential Use Letter; optional
- d. Certificate of Appropriation; optional
- e. Incumbency Certificate; optional
- f. Certificate with Respect to Arbitrage; optional
- g. Bill of Sale (Exhibit A to Municipal Lease)

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NEODESHA:

Section 1: The forms, terms, and provisions of the Municipal Lease Agreement by and between as Lessee and First Bank, as Lessor, dated 06/08/2022, with a term of 60 months and payments in the amount of \$8,500, (such agreement is referred to herein as the “Municipal Lease Agreement”), and hereby approved, and all the terms, provisions and conditions of the Municipal Lease Agreement are incorporated herein by reference as if set out in the Resolution, and such Municipal Lease Agreement shall constitute a valid and binding obligation of the Issuer.

Section 2: The form, terms, and provision of the Schedule to the Municipal Lease, (the Essential Use Letter), (the Certificate of Appropriation), (the Incumbency Certificate), (the Certificate with Respect to Arbitrage), and the Bill of Sale (such documents shall be referred to hereinafter as “Peripheral Lease Documents”), are hereby approved, and all the terms, provisions and conditions of the Peripheral Lease Documents are incorporated herein by reference as if set out in this Resolution.

Section 3: The Mayor is hereby authorized to execute the Municipal Lease Agreement and any of the Peripheral Lease Documents requiring execution and such person is hereby authorized to take any and all such action and execute such other documents as may be required to carry out and/or give effect to the transaction contemplated by the Municipal Lease Agreement.

Section 4: The Municipal Lease Agreement is hereby designated a “Qualified Tax-Exempt Obligation”. By such term Issuer intends that the Equipment purchased pursuant to the Municipal Lease Agreement shall be used solely by a governmental entity, and Issuer (and its subordinate entities) shall not issue obligations in excess of \$10,000,000 in this calendar year.

Section 5: This Resolution is made pursuant to the provisions of Code.

Section 6: This Resolution shall take effect immediately upon its adoption.

Commissioner Nichol moved to approve Resolution 22-10, authorizing the mini-excavator lease with the First Bank of Sterling, and authorize the Mayor to sign. Seconded by Commissioner Moffatt. Motion carried. *(continued on next page)*

Administrator Truelove addressed the Commission regarding the purchase of sewer line equipment for Riverwalk Park. This equipment is for a project to convert the open area, between the pond and river, into an RV Park. Discussion held.

Commissioner Moffatt moved approve the purchase of sewer line equipment from Core & Main, at a cost not to exceed \$10,700. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding an appointment to the Library Board. This appointment will replace a 2nd term individual whose term expired on May 31, 2022. Discussion held.

Commissioner Nichol moved to appoint Lewis Scott to the W A Rankin Library Board for a four-year term, with a term ending date of May 31, 2026. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a letter of engagement with Healy Law Offices LLC for the provision of legal services regarding the City's franchise agreements, pole attachment agreements, right-of-way management ordinance and right-of-way agreements. Discussion held.

Commissioner Moffatt moved to approve the engagement letter with Healy Law Offices LLC as presented. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding a request to grant a temporary variance at 502 N 8th Street to allow the new property owner to reside in a camper during the remodel of the house located at 506 N 8th Street. Discussion held.

Commissioner Moffatt moved to approve the residential zoning variance at 502 N 8th Street, with such variance to expire January 1, 2023. Seconded by Commissioner Nichol. Motion carried.

Commissioner Nichol moved to recess to an Executive Session including the Governing Body, City Administrator, and City Clerk in the Commission Room to discuss an individual employee's performance pursuant to the non-elected personnel matter exception KSA 75-4319(b)(1) because if this matter were discussed in open session it might invade the privacy of those discussed. The open meeting will resume in the Commission Room at 3:05 p.m. Seconded by Commissioner Moffatt. Motion carried. The live streamed Zoom meeting was then placed on hold with audio, video and recording ceased.

At 3:05 p.m. the regular meeting of the Governing Body reconvened in the Commission Room at City Hall. The live streamed Zoom meeting then resumed with audio and recording. Technical difficulties disallowed video recording. No action taken.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, June 22, 2022 at 2:00 p.m.

At 3:07 p.m. Commissioner Moffatt moved to adjourn. Seconded by Commissioner Nichol. Motion carried.

/s/ Devin Johnson

Devin Johnson, Mayor

ATTEST:

/s/ Stephanie Fyfe

Stephanie Fyfe, City Clerk