

The Board of Commissioners met in regular session at 2:00 p.m., on Wednesday, November 27, 2024, in the Commission Room at City Hall conducting the meeting by live streaming with Zoom with Mayor Johnson presiding and Commissioners Banzet and Vail-Keller present.

Commissioner Vail-Keller moved to approve the agenda as presented. Seconded by Commissioner Banzet. Motion carried.

Civic organization reports were invited and heard.

Commission reports were heard.

City Administrator Comments were heard.

Community Development Director reports were heard.

Financial reports were distributed.

Public Comments were invited and heard.

Commissioner Banzet moved to approve the consent agenda as presented consisting of minutes from the November 13, 2024 meeting; and Appropriation (2024) 21. Seconded by Commissioner Vail-Keller. Motion carried.

The Governing Body welcomed Tyson McGreer, KMEA, for a discussion to consider a Large Scale Solar Agreement. Discussion held.

Commissioner Banzet moved to approve the agreement with KMEA for the Ninnescah Flats Solar Agreement pending clarification of section 5.3 A of the agreement contract by KMEA and the City Attorney. Seconded by Commissioner Vail-Keller. Motion carried.

RESOLUTION NO. 24-30

A RESOLUTION OF THE CITY OF NEODESHA KANSAS, AUTHORIZING THE EXECUTION OF THE NINNESCAH FLATS SOLAR PROJECT AGREEMENT BETWEEN THE CITY OF NEODESHA KANSAS, AND THE KANSAS MUNICIPAL ENERGY AGENCY; AND MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the Kansas Municipal Energy Agency ("KMEA") is a municipal energy agency organized and existing under the laws of the State of Kansas, including K.S.A. 12-885 *et seq.*; and

WHEREAS, the City of Neodesha, Kansas (the "City") owns or operates a utility furnishing electricity (the "System") and the City is a member in good standing of KMEA; and

WHEREAS, the City is authorized to enter into contracts for the supply of electricity from any person, firm, corporation or other municipality for a period not in excess of forty (40) years under K.S.A. 12-825j; and

WHEREAS, KMEA has or expects to enter into a Power Purchase Agreement (the "Purchase Agreement") to purchase up to 90 MW of electric energy, capacity benefits, ancillary services, and excluding environmental attributes related thereto (collectively, the "Energy") from the Ninnescah Flats Solar Facility in Pratt County, Kansas (the "Facility"); and

WHEREAS, KMEA and certain member cities, including the City, desire to form a project, through which member cities who wish to participate will purchase a portion of the Energy from KMEA; and

WHEREAS, City desires to participate in the Ninnescah Flats Solar Project, pursuant to the terms and conditions set forth in the Ninnescah Flats Solar Project Agreement (the "Ninnescah Flats Agreement"), in substantially the form presented to the governing body with this Resolution;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS:

Section 1. Approval. The Ninnescah Flats Agreement is hereby approved in substantially the form presented to the governing body this date.

Section 2. Pledge of Revenues; Obligation to Make Payments. The governing body of the City hereby pledges the gross revenues (the "Revenues") of the City's electric utility system (the "System") to the City's payment obligations under the Ninnescah Flats Agreement. The payments by the City for electricity under the Ninnescah Flats Agreement shall constitute operating expenses of the System. The obligation of the City to make payments to KMEA under the Ninnescah Flats Agreement, whether or not reduced to judgment, shall not constitute general obligations of the City, and the City shall not be required to make such payments from any source other than the Revenues of the System.

Section 3. Rate Covenant. The City will fix, establish, maintain and collect such rates, fees and charges for the use and services furnished by or through the System, including all repairs, alterations, extensions, reconstructions, enlargements or improvements thereto hereafter constructed or acquired by the City, as will produce Revenues sufficient to:

(a) pay all operating expenses of the System, including the obligation to make the payments required by the payments required by the Ninnescah Flats Agreement.

(b) pay the principal of and interest on all the bonds and any other indebtedness of the System (the "System Indebtedness") as and when the same become due; and

(c) provide reasonable and adequate reserves to satisfy covenants in the resolutions authorizing System Indebtedness and for the general protection and benefit of the System.

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Section 4. Execution of N i n n e s c a h Flats Agreement. The Mayor and Clerk are hereby authorized to execute the Ninnescah Flats Agreement in substantially the form presented to the governing body this date with such changes or additions as the Mayor and Clerk shall deem necessary and appropriate, such official's signature thereon being conclusive evidence of such official's and the City's approval thereof. The Mayor and Clerk are authorized and directed to execute any and all other documents or certificates necessary to effect the purposes set forth in this Resolution and the Ninnescah Flats Agreement.

Section 5. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the governing body of the City.

Commissioner Vail-Keller moved to approve Resolution 24-30 allowing KMEA to authorize the Ninnescah Flats Solar Agreement on behalf of the City of Neodesha pending clarification of 5.3 A of the contract. Seconded by Commissioner Banzet. Motion carried.

Administrator Jones along with Building Inspector Tommy John addressed the Commission regarding the Dangerous Structures located at 1010 Carolina. This agenda item was table from the November 13, 2024 meeting for review at today's meeting. Discussion held.

Commissioner Banzet moved to proceed forward with the yard abatement resolution for the property located at 1010 Carolina Street ordering the yard abatement to commence. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Jones addressed the Commission regarding 2024 Budget Amendments. This agenda item was tabled from the November 13, 2024 meeting for further review by the City's auditors. Discussion held.

Commissioner Banzet moved to approve the 2024 budget amendment as presented. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Jones addressed the Commission regarding choosing a hearing date for the 2024 Budget Amendment. Discussion held.

Commissioner Vail-Keller moved to set the date and time of the 2024 Budget Amendment Hearing to Monday, December 23, 2024 at 4:00 p.m. Seconded by Commissioner Banzet. Motion carried.

Administrator Jones addressed the Commission regarding the publication of the Notice of Public Hearing for the 2024 Budget Amendment. This agenda item was tabled from the November 13, 2024 meeting. Discussion held.

Commissioner Banzet moved to approve the publication of the 2024 Budget Amendment Hearing to be held on Monday, December 23, 2024 at 4:00 p.m. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Jones addressed the Commission regarding the resignation of a Public Works Department employee. Discussion held.

Commissioner Vail-Keller moved to accept the resignation of Public Works Department employee Riley White effective December 6, 2024. Seconded by Commissioner Banzet. Mayor Johnson expressed well wishes and good luck to Riley with his future endeavors.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, December 11, 2024 at 2:00 p.m.

At 2:51 p.m. Commissioner Banzet moved to adjourn. Seconded by Commissioner Vail-Keller. Motion carried.

ATTEST:

/s/ Devin Johnson

Devin Johnson, Mayor

/s/ Stephanie Fyfe

Stephanie Fyfe, City Clerk