

Agenda

City Commission of the City of Neodesha, KS
October 28, 2020 2:00 p.m.

Item 1: Opening Session

- Call to Order
- Roll Call
- Invocation
- Pledge of Allegiance
- Additions/Deletions to the Agenda
- Mayor's Report
- Commissioners' Reports
- City Administrator's Comments
- Community Development Director Report

Item 2: Public Comments

Item 3: Consent Agenda (Routine agenda items can be approved with unanimous consent of the City Commission. Any item can be removed and placed in items of business.)

- Approval of October 14, 2020 Minutes
- Appropriation (2020) 20
- Raw Water Project Bond Appropriation No. 80
- Gas Line Project Appropriation No. 16

Item 4: Business Items to Consider

- A. Discuss City Tower: Eric Vogel, KwiKom
- B. Ordinance: Open Burning
- C. Resolution: Land Bank Policy

Item 5: Date/Time of Next Regular Meeting

Wednesday, November 11, 2020 at 2:00 p.m. – Regular Meeting, City Hall

Item 6: Executive Session:

Item 7: Adjournment

AGENDA COMMENTS
CITY COMMISSION MEETING
October 28, 2020

Additions to the Agenda

RECOMMENDED MOTION: *I move to approve the agenda as presented.*

Consent Agenda

RECOMMENDED MOTION: *I move to approve the consent agenda as presented.*

Business Items to Consider

4.A: Discuss City Tower: Eric Vogel, KwiKom

The recent news on Valnet closing their business has generated quite a bit of interest on the use of our City tower. Currently, the City leases the ground from the Bailey's. We have had a lease with Valnet since 2016. With Valnet's declaration of insolvency, three companies have expressed an interest in taking over the tower lease. For this agenda item, Eric Vogel, KwiKom Operations Manager, has asked to be able to visit with the Commission on the possible use of the tower by KwiKom.

RECOMMENDED MOTION: *N/A*

4.B: Ordinance: Open Burning

This suggested Ordinance change comes from the Fire and Police Chiefs. Recently, in Municipal Court, we worked through some challenges of the existing ban on open burning. The Police Chief asked for clarity from the Ordinance on what was considered a violation. The Fire Chief has asked for some additional clarification on the uses of Recreational Fires.

RECOMMENDED MOTION: *I move to approve Ordinance 1735 regarding open burning within the City of Neodesha.*

4.C: Resolution: Land Bank Policy

On 8/12/2015, the Commission approved Ordinance 1643, establishing the Land Bank. During the same meeting, by simple motion, the Commission approved the Land Bank Policy. The intent of this agenda item is twofold; to formally adopt a Resolution for the Land Bank Policy, and to accept some needed revisions to the existing Policy. Additionally, with the recent sale of property located in Heritage Estates, Staff has been in contact with Security 1st Title in Fredonia. Security 1st Title is asking that we have a formal document in place that allows the City Administrator to sign deed paperwork for the acquisition and sale of property. A revised Land Bank Policy will be provided to the Commission during the meeting.

RECOMMENDED MOTION: *I move to adopt Resolution 20-14 regarding the Neodesha Land Bank Policy.*

The Board of Commissioners met in regular session in the great room at City Hall practicing social distancing at 2:00 p.m. on Wednesday, October 14, 2020 with Mayor Johnson presiding and Commissioners Moffatt and Nichol present.

Commissioner Nichol moved to approve the agenda with the addition of Item 4.F. Land Bank: Request for Mobile Home #24. Seconded by Commissioner Moffatt. Motion carried.

Commission and Administrator Reports were heard.

Community Development Director report was heard.

Public Comments were invited and heard.

Bret Chilcott representing AgEagle read a letter formally addressing the Governing Body expressing sincere gratitude for the years of support from the City of Neodesha. Well wishes for future endeavors from the Governing Body were given to Bret and the AgEagle Team.

Commissioner Moffatt moved to approve the Consent Agenda consisting of the minutes from the September 23, 2020 Meeting; Appropriation (2020) 19; Raw Water Project Bond Appropriation No. 79; and Gas Line Project Appropriation No. 15. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the recent fireworks show that was held on Saturday, October 10, 2020. The free fireworks display was provided by Dale McDaniel of SizzBoom Fireworks and Kansas City Area Pyrotechnicians. For this very successful event, the Commission is being asked to sign a Letter of Appreciation to Dale and SizzBoom Fireworks. Discussion held.

Commissioner Moffatt moved to approve a Letter of Appreciation to Mr. Dale McDaniel and SizzBoom Fireworks. Seconded by Commissioner Nichol. Motion carried. The letter was then presented to Dale by Mayor Johnson.

Administrator Truelove addressed the Commission regarding the public hearing for 906 Church that has been moved to November 11, 2020 to show cause why the structure should not be condemned and ordered repaired, or demolished as a dangerous or unsafe structure. Discussion held. No action taken.

Administrator Truelove addressed the Commission regarding the Coronavirus Relief Fund Memorandum of Agreement with Wilson County. Discussion held.

Commissioner Nichol moved to approve the Coronavirus Relief Fund Memorandum of Agreement with Wilson County, and authorize the Mayor to sign. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the Notice of Award for the lift station and sanitary sewer improvement projects. Discussion held.

Commissioner Nichol moved to approve the Notice of Award for the Lift Station and Sanitary Sewer Improvements, to Tri-Star Utilities, Inc., at a project cost of \$1,351,040, pending USDA approval. Seconded by Commissioner Moffatt. Motion carried.

Commissioner Moffatt moved to convene as the Neodesha Land Bank to discuss the sale of property located at 614 Main. Seconded by Commissioner Nichol. Motion carried. Discussion held.

Commissioner Nichol moved to approve the sale of 614 Main Street to the Neodesha Crossroads Church, at a sale price of \$1. Seconded by Commissioner Moffatt. Motion carried.

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

Administrator Truelove addressed the Commission regarding the approval of a small fireworks show at Barney's Field. Discussion held.

Commissioner Moffatt moved to approve the use of fireworks in the evening of October 14, 2020, at Barney's Field. Seconded by Commissioner Nichol. Motion carried.

Commissioner Moffatt moved to convene as the Neodesha Land Bank to discuss a request of obtaining ownership of Mobile Home #24, deeding property located at 120 S. 4th Street and a request to purchase the property at 1633 N. 1st Street. Seconded by Commissioner Nichol. Motion carried. Discussion held.

Commissioner Nichol moved to approve the donation of Mobile Home #24 to Dennis Gilbert. Seconded by Commissioner Moffatt. Motion carried.

Commissioner Moffatt moved to accept the donation of property located at 120 S. 4th Street into the Neodesha Land Bank. Seconded by Commissioner Nichol. Motion carried.

Commissioner Moffatt moved to table the approval of the sale of 1633 N. 1st Street until November 11, 2020. Seconded by Commissioner Nichol. Motion carried.

Commissioner Nichol 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.

Administrator Truelove addressed the Commission regarding appointments to the Neodesha Housing Authority Board. These appointments are to fill the unexpired terms of Karolyn Schultz and Barbara Shoop. Discussion held. *(continued on next page)*

Neodesha, Kansas

October 14, 2020

(continued from previous page)

Commissioner Moffatt moved to approve the appointment of Katy Rupert and Janie Steele to the Neodesha Housing Authority Board, with a term ending date of May 31, 2024. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the re-appointment of Mara Monroy to the 31st Judicial District Board. Discussion held.

Commissioner Nichol moved to re-appoint Mara Monroy to the 31st Judicial District Community Corrections Board for a two-year term, with at term-ending date of April 20, 2022. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a request for approval of a Cereal Malt Beverage License for El Mescal Restaurant. Discussion held.

Commissioner Moffatt moved approve the 2020 Cereal Malt Beverage License for El Mescal Restaurant. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the uncontrolled damage caused by shooters at the Neodesha Police shooting range and to eliminate the use of the shooting range by the public. Discussion held.

Commissioner Nichol moved to close the Neodesha shooting range for all non-City employees effective immediately. Seconded by Commissioner Moffatt. Motion carried.

The next regular meeting of the Governing Body will be held in the great room at City Hall on Wednesday, October 28, 2020 at 2:00 p.m.

At 3:30 p.m. Commissioner Nichol moved to adjourn. Seconded by Commissioner Moffatt. Motion carried.

ATTEST:

Devin Johnson, Mayor

Stephanie Fyfe, City Clerk

APPROPRIATIONS REPORT**ORDINANCE NO 20****10/28/2020**

<u>VENDOR</u>	<u>REFERENCE</u>	<u>AMOUNT</u>	<u>CHECK NO</u>	<u>CHECK DATE</u>
A T & T	PHONE CHARGES	167.56	67820	10/28/2020
CALLTOWER	PHONE CHARGES	337.30	67821	10/28/2020
CHASE PEST CONTROL LLC	EXTERMINATOR SERVICE	340.00	67822	10/28/2020
ETHAN CLARK	UNIFORM REIMBURSEMENT	68.89	67823	10/28/2020
CONSTELLATION NEWENERGY	SEPTEMBER BILLING	20,322.33	67824	10/28/2020
CUMMINS CENTRAL POWER LLC	PUMPER REPAIR	2,279.23	67825	10/28/2020
D C & B SUPPLY INC	GAS METERS	4,492.50	67826	10/28/2020
ECX SYSTEMS LLC	BARRACUDA EMAIL SECURITY 11/20	50.00	67827	10/28/2020
FED EX	SHIPPING CHARGES	33.37	67828	10/28/2020
KANSAS DEPT OF HEALTH & ENVIRO	WATER ANALYSIS Q9000	302.00	67829	10/28/2020
LEAGUE OF KS MUNICIPALITIES	LABOR LAW POSTER	31.00	67830	10/28/2020
MEDICLAIMS INC	AMBULANCE COLLECTION FEES	2,401.06	67831	10/28/2020
MELS PRINTING	LETS TALK FLYERS	685.95	67832	10/28/2020
MERIDIAN ANALYTICAL LABS LLC	WASTE WATER ANALYSIS	310.05	67833	10/28/2020
MIDWEST COMPUTER SALES	IT SERVICES	3,620.00	67834	10/28/2020
MURPHY TRACTOR & EQUIPMENT CO	EQUIPMENT REPAIR	1,135.35	67835	10/28/2020
NDB NEODESHA	INSURANCE PREMIUM	179.00	67836	10/28/2020
PENMAC PERSONNEL SERVICES INC	TEMPORARY PERSONNEL SERVICE	1,179.20	67837	10/28/2020
PITNEY BOWES	POSTAGE FOR METER	1,000.00	67838	10/28/2020
PRAIRIE FIRE COFFEE	COFFEE SERVICE	48.72	67839	10/28/2020
PRECISION DELTA CORPORATION	PD EQUIPMENT	565.31	67840	10/28/2020
PRICE AUTOMOTIVE REPAIR	SUPPLIES	18.22	67841	10/28/2020
PRIORITY POWER	SEPTEMBER BILLING	1,000.00	67842	10/28/2020
SEK COOP INC	SUPPLIES	18.00	67843	10/28/2020
SOUTHERN UNIFORM & EQUIPMENT	UNIFORMS	258.98	67844	10/28/2020
SPARKLIGHT	INTERNET SERVICE-SR CENTER	86.30	67845	10/28/2020
STARBUCK TRUCKING LLC	TOW SERVICE	805.00	67846	10/28/2020
TLC GROUNDSKEEPING INC	MAIN ST LANDSCAPE MAINTENANCE	1,361.07	67847	10/28/2020
UNIFIRST CORPORATION	UNIFORM SERVICE	1,387.37	67848	10/28/2020

WALMART COMMUNITY BRC	SUPPLIES	43.52	67849	10/28/2020
KYLE WILLIAMS	CIVIC CENTER DEPOSIT REFUND	100.00	67850	10/28/2020
CHASE WOLDUM	CIVIC CENTER DEPOSIT REFUND	50.00	67851	10/28/2020
****TOTAL****		44,677.28		

**RAW WATER PROJECT BOND
 APPROPRIATION 80
 October 28, 2020**

Vendor	Invoice No	Check No	Amount	Description
Decker Electric	PR 05	1217	13,407.50	Construction
GRAND TOTAL			<u>13,407.50</u>	

Approved the day above written.

_____ *Devin Johnson, Mayor*

Attest

_____ *Stephanie Fyfe, City Clerk*



Contractor's Application for Payment No. 5

	Application Period: RETAINAGE BILLING	Application Date: 9/16/2020
To (Owner): City of Neodesha	From (Contractor): Decker Electric, Inc.	Via (Engineer):
Project: Neodesha WTP SCADA/VFD Improvements	Contract: 35-180004-008-2005	
Owner's Contract No.: 35-180004-008-2005	Contractor's Project No.: 1908-012	Engineer's Project No.:

Application For Payment
Change Order Summary

Approved Change Orders	Number	Additions	Deductions		
				1. ORIGINAL CONTRACT PRICE.....	\$ 268,150.00
				2. Net change by Change Orders.....	\$
				3. Current Contract Price (Line 1 + 2).....	\$ 268,150.00
				4. TOTAL COMPLETED AND STORED TO DATE (Column F total on Progress Estimates).....	\$ 268,150.00
				5. RETAINAGE:	
				a. X \$268,150.00 Work Completed.....	\$
				b. 5% X Stored Material.....	\$
				c. Total Retainage (Line 5.a + Line 5.b).....	\$
				6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c).....	\$ 268,150.00
				7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....	\$ 254,742.50
				8. AMOUNT DUE THIS APPLICATION.....	\$ 13,407.50
				9. BALANCE TO FINISH, PLUS RETAINAGE (Column G total on Progress Estimates + Line 5.c above).....	\$
TOTALS					
NET CHANGE BY CHANGE ORDERS					

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;

(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and

(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor Signature

By: *Ben Jai* Date: 9-16-2020

Payment of: \$ 13,407.50
(Line 8 or other - attach explanation of the other amount)

is recommended by: *[Signature]* 10/16/2020
(Engineer) (Date)

Payment of: \$ _____
(Line 8 or other - attach explanation of the other amount)

is approved by: _____ (Date)

Approved by: _____ (Date)

Funding or Financing Entity (if applicable): _____ (Date)

**CDBG/USDA GAS LINE GRANT
 APPROPRIATION 16
 October 28, 2020**

Vendor	Invoice No	Check No	Amount	Description
NPL Construction	PR 04	1116	143,643.77	Construction
GRAND TOTAL			<u>143,643.77</u>	

Approved the day above written.

 Devin Johnson, Mayor

Attest

 Stephanie Fyfe, City Clerk



Contractor's Application for Payment No. 4

Application Period: 9/3/2020-9/24/2020		Application Date: 10/5/2020
To (Owner): City of Neodesha	From (Contractor): NPL Construction Co.	Via (Engineer): Professional Engineering Consultants, P.A.
Project: Neodesha Gas Distribution System Improvements	Contract:	
Owner's Contract No.:	Contractor's Project No.:	Engineer's Project No.: 35-171291-000-2005

**Application For Payment
Change Order Summary**

Approved Change Orders		
Number	Additions	Deductions
		-\$51,165.27
TOTALS		-\$51,165.27
NET CHANGE BY	\$51,165.27	
CHANGE ORDERS		

1. ORIGINAL CONTRACT PRICE	\$ 1,699,401.00
2. Net change by Change Orders	\$ -51,165.27
3. Current Contract Price (Line 1 ± 2)	\$ 1,648,235.73
4. TOTAL COMPLETED AND STORED TO DATE (Column F total on Progress Estimates).....	\$ 744,653.30
5. RETAINAGE:	
a. 5% X \$744,653.30 Work Completed.....	\$ 37,232.67
b. 5% X _____ Stored Material.....	\$ _____
c. Total Retainage (Line 5.a + Line 5.b).....	\$ 37,232.67
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c)	\$ 707,420.64
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)	\$ 563,776.87
8. AMOUNT DUE THIS APPLICATION	\$ 143,643.77
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G total on Progress Estimates + Line 5.c above).....	\$ 940,818.10

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Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;

(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and

(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor Signature

By: *Sam Chisley* Date: 10/5/2020

Payment of: \$ 143,643.77
(Line 8 or other - attach explanation of the other amount)

is recommended by: *Trenor Kaufman* 10/20/2020
(Engineer) (Date)

Payment of: \$ _____
(Line 8 or other - attach explanation of the other amount)

is approved by: _____
(Owner) (Date)

Approved by: _____
Funding or Financing Entity (if applicable) (Date)

Progress Estimate - Unit Price Work

Contractor's Application

For (Contract):							Application Number: 4				
Application Period: 9/3/2020-9/24/2020							Application Date: 44109				
A					B	C	D	E	F		
Item		Contract Information				Estimated Quantity Installed	Value of Work Installed to Date	Materials Presently Stored (not in C)	Total Completed and Stored to Date (D + E)	% (F / B)	Balance to Finish (B - F)
Bid Item No.	Description	Item Quantity	Units	Unit Price	Total Value of Item (\$)						
1	6" PIPE	9021	LF	\$39.95	\$360,388.95	7474	\$298,586.30		\$298,586.30	82.9%	\$61,802.65
2	4" PIPE	14492	LF	\$28.25	\$409,399.00	9532	\$269,279.00		\$269,279.00	65.8%	\$140,120.00
3	3" PIPE	36	LF	\$23.00	\$828.00						\$828.00
4	2" PIPE	850	LF	\$21.75	\$18,487.50						\$18,487.50
5	6" VALVE	32	EA	\$925.00	\$29,600.00	14	\$12,950.00		\$12,950.00	43.8%	\$16,650.00
6	4" VALVE	56	EA	\$825.00	\$46,200.00	33	\$27,225.00		\$27,225.00	58.9%	\$18,975.00
7	3" VALVE	2	EA	\$725.00	\$1,450.00						\$1,450.00
8	2" VALVE	1	EA	\$625.00	\$625.00	1	\$625.00		\$625.00	100.0%	
9	GAS SERVICE REPLACEMENT	278	EA	\$2,207.76	\$613,757.28	50	\$110,388.00		\$110,388.00	18.0%	\$503,369.28
10	CONNECT TO EXISTING PIPE	15	EA	\$3,200.00	\$48,000.00	8	\$25,600.00		\$25,600.00	53.3%	\$22,400.00
11	CONN EXIST PIPE W/TAPPING TEE	2	EA	\$1,500.00	\$3,000.00						\$3,000.00
12	CONNECT TO EXISTING SERVICE	1	EA	\$1,000.00	\$1,000.00						\$1,000.00
13	CONNECT TO EXISTING METER	1	EA	\$1,500.00	\$1,500.00						\$1,500.00
14	REGULATOR STATION, 11TH & ELM	1	LS	\$15,000.00	\$15,000.00						\$15,000.00
15	REGULATOR STATION, RAILROAD & 4TH	1	LS	\$15,000.00	\$15,000.00						\$15,000.00
16	REGULATOR STATION, MAIN & 10TH	1	LS	\$15,000.00	\$15,000.00						\$15,000.00
17	GAS LINE ABANDONMENT	1	LS	\$10,000.00	\$10,000.00						\$10,000.00
18	SITE CLEARING & RESTORATION	1	LS	\$54,000.00	\$54,000.00						\$54,000.00
19	EROSION CONTROL	1	LS	\$5,000.00	\$5,000.00						\$5,000.00
Totals					\$1,648,235.73		\$744,653.30		\$744,653.30	45.2%	\$903,582.43