

Agenda

City Commission of the City of Neodesha, KS
November 24, 2021 2:00 p.m.

ZOOM Online Access: <https://us02web.zoom.us/j/6203252828>

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 November 10, 2021 Minutes
- Approval of November 16, 2021 Special Call Minutes
- Appropriation (2021) 20
- Raw Water Project Bond Appropriation 96
- Gas Line Project Appropriation 33

Item 4: Business Items to Consider

- A. Consider Budget Amendments for 2021
- B. Approve Budget Amendment Publication & Set Public Hearing
- C. Gas Line Project: Change Order No 5; NPL Construction

Item 5: Date/Time of Next Regular Meeting

Wednesday, December 8, 2021 at 2:00 p.m. – Regular Meeting, City Hall

Item 6: Executive Session

Item 7: Adjournment

**AGENDA COMMENTS
CITY COMMISSION MEETING
November 24, 2021**

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: Consider Budget Amendment for 2021

Due to an extraordinary fiscal year, and the major expenses caused by the February extreme weather event, Staff finds it necessary to work with the Commission to execute a budget amendment for 2021. This budget amendment will provide authority for the unforeseen expenses that occurred this year.

RECOMMENDED MOTION: *N/A*

4.B: Approve Budget Amendment Publication & Set Public Hearing

The Commission is asked to approve the publication of the 2021 budget amendment, and set a public hearing date for December 15, 2021. This date will require a Special Call Commission meeting.

RECOMMENDED MOTION: *I move to approve the publication of the 2021 budget amendment, and set December 15, 2021 for a budget public hearing.*

4.C: Gas Line Project: Change Order No 5; NPL Construction

City Staff and our engineers have been working with NPL Construction Company towards a resolution of the liquidated damages assessed under the authority of our construction contract. This Change Order reduces the number of days assessed (by providing additional contract days), and allows for the inclusion of certain cement projects under the project.

RECOMMENDED MOTION: *I move to approve Change Order #5 for the gas line project as presented.*

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, November 10, 2021 with Mayor Johnson presiding and Commissioners Moffatt and Nichol present.

Commissioner Nichol moved to approve the agenda as presented with the addition of Business Item 4J: Approve Purchase of Dock for Riverwalk Park; and Business Item 4K: Discuss Water Distribution System Equipment. Seconded by Commissioner Moffatt. Motion carried.

Commission and Administrator Reports were heard.

Community Development Director report was heard.

Public Comments were invited and heard.

Commissioner Moffatt moved to approve the consent agenda as presented consisting of the minutes from the October 27, 2021 Commission Meeting; minutes from the November 1, 2021 Special Call Meeting; and Appropriation (2021) 19. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the 2022 Employee Health Insurance Plans. Julie Yarmer, Freedom Claims Management, was present for discussion and to answer any questions. Discussion held.

Commissioner Nichol moved to approve the Freedom 105 health insurance plan utilizing a high deductible Blue Cross Blue Shield of Kansas plan and a self-insured dental plan for 2022. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the renewal of the AirMedCare insurance policy for the City. This policy provides medical airlift services to our residents. Linda Barnes, AirMedCare, was present for discussion and to answer any questions. Discussion held.

Commissioner Moffatt moved to renew the City's AirMedCare insurance policy for 2022 at a cost of \$13,562. Seconded by Commissioner Nichol. Motion carried.

The Governing Body welcomed Sarah Steele, Gilmore & Bell, by Zoom, to discuss an ordinance authorizing the issuance of taxable industrial revenue bonds for Neodesha Plastics. Discussion held.

ORDINANCE NO. 1756

AN ORDINANCE AUTHORIZING THE CITY OF NEODESHA, KANSAS TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2021 (NEODESHA PLASTICS PROJECT) FOR THE PURPOSE OF THE ACQUISITION, IMPROVING, RENOVATING AND EQUIPPING A COMMERCIAL FACILITY; AND AUTHORIZING CERTAIN OTHER RELATED DOCUMENTS AND ACTIONS. *(a complete copy of this ordinance can be viewed in the City Clerk's office and at neodesha.org once officially published in The Neodesha Derrick News)*

Commissioner Nichol moved to approve Ordinance 1756 as presented. Seconded by Commissioner Moffatt. Motion carried.

Discussion continued for the next business item with the Governing Body and Sarah Steele, Gilmore & Bell, by Zoom, to discuss an ordinance authorizing the issuance of taxable industrial revenue bonds for SICUT. Discussion held.

ORDINANCE NO. 1757

AN ORDINANCE AUTHORIZING THE CITY OF NEODESHA, KANSAS TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2021 (SICUT PROJECT) FOR THE PURPOSE OF THE ACQUISITION, RENOVATION AND EQUIPPING A COMMERCIAL FACILITY; AND AUTHORIZING CERTAIN OTHER RELATED DOCUMENTS AND ACTIONS. *(a complete copy of this ordinance can be viewed in the City Clerk's office and at neodesha.org once officially published in The Neodesha Derrick News)*

Commissioner Moffatt moved to approve Ordinance 1757 as presented. Seconded by Commissioner Nichol. Motion carried.

The Governing Body welcomed Dave Arteberry, Stifel, Nicolaus & Co, by Zoom, to discuss the approval of a resolution providing for the issuance of temporary note financing to further finance the City's water infrastructure projects. Discussion held.

RESOLUTION 21-35

A RESOLUTION PROVIDING FOR THE ISSUANCE OF TAXABLE GENERAL OBLIGATION TEMPORARY NOTES OF THE CITY OF NEODESHA, KANSAS, IN THE TOTAL PRINCIPAL AMOUNT OF \$998,000, AS HERETOFORE AUTHORIZED BY ORDINANCE NO. 1622 (AS AMENDED BY ORDINANCE NOS. 1704 AND 1755) AND ORDINANCE NO. 1705 OF THE CITY, IN ORDER TO PROVIDE FUNDS FOR THE TEMPORARY FINANCING OF THE COSTS OF CONSTRUCTION OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY AUTHORIZED BY SAID ORDINANCE; AND

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PROVIDING THE TERMS, DETAILS, FORM AND CONDITIONS OF SAID TAXABLE GENERAL OBLIGATION TEMPORARY NOTES. *(a complete copy of this ordinance can be viewed in the City Clerk's office and at neodesha.org)*

Commissioner Nichol moved to approve Resolution 21-35 as presented. Seconded by Commissioner Moffatt. Motion carried.

This being the time and date published in the official newspaper for the hearing on the Dangerous Structures located at 615 Mill Street, the public hearing was opened. No one representing this property was present for the hearing. Discussion held. Then the hearing was closed.

RESOLUTION NO. 21-36

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 615 MILL, NEODESHA, KANSAS ON LEGAL DESCRIPTION: LOTS FIVE (5) AND SIX (6), BLOCK EIGHTY-ONE (81), CITY OF NEODESHA, WILSON COUNTY, KANSAS AND COMMENCING AT A POINT 16 FEET NORTH AND 100 FEET EAST OF BOTH THE SOUTHWEST CORNER OF BLOCK 81 AND THE SOUTHWEST CORNER OF LOT 13, BLOCK 81, ORIGINAL TOWNSITE OF THE CITY OF NEODESHA, THENCE NORTH TO THE SOUTHWEST CORNER OF LOT 5, OF SAID BLOCK 81, THENCE EAST 50 FEET TO THE SOUTHEAST CORNER OF LOT 6 OF SAID BLOCK 81, THENCE SOUTH TO A POINT 16 FEET NORTH OF THE SOUTH LINE OF SAID LOT 13 ALSO OF SAID BLOCK 81 AND 50 FEET EAST OF PLACE OF BEGINNING AND THENCE WEST 50 FEET TO THE PLACE OF BEGINNING IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE.

WHEREAS, the Enforcing Officer of the City of Neodesha, Kansas did on the 16th day of September, 2021 file with the governing body of said City a statement in writing that a certain structure, hereinafter described, was unsafe and dangerous; and

WHEREAS, the governing body did by Resolution dated the 22nd day of September, 2021, fix the time and place of a hearing at which the owner, his or her agent, any lienholders of record and any occupant of such structure could appear and show cause why such structure should not be condemned and ordered repaired or demolished, and provided for giving notice thereof as provided by law; and

WHEREAS, such Resolution was published in the official city paper on the 30th day of September, 2021, and on the 7th day of October, 2021, and a copy of such Resolution was served on all persons entitled thereto in all respects as provided by law; and

WHEREAS, on this 10th day of November, 2021, the governing body has heard all evidence submitted by the enforcing officer of the City, the owners, agents, lienholders and occupants of such structure (having appeared or having failed to appear);

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF NEODESHA, THAT said governing body hereby finds that the structure located at 615 Mill, Neodesha, Kansas on Legal Description: LOTS FIVE (5) AND SIX (6), BLOCK EIGHTY-ONE (81), CITY OF NEODESHA, WILSON COUNTY, KANSAS AND COMMENCING AT A POINT 16 FEET NORTH AND 100 FEET EAST OF BOTH THE SOUTHWEST CORNER OF BLOCK 81 AND THE SOUTHWEST CORNER OF LOT 13, BLOCK 81, ORIGINAL TOWNSITE OF THE CITY OF NEODESHA, THENCE NORTH TO THE SOUTHWEST CORNER OF LOT 5, OF SAID BLOCK 81, THENCE EAST 50 FEET TO THE SOUTHEAST CORNER OF LOT 6 OF SAID BLOCK 81, THENCE SOUTH TO A POINT 16 FEET NORTH OF THE SOUTH LINE OF SAID LOT 13 ALSO OF SAID BLOCK 81 AND 50 FEET EAST OF PLACE OF BEGINNING AND THENCE WEST 50 FEET TO THE PLACE OF BEGINNING, is unsafe and dangerous and hereby directs such structure to be removed and the premises made safe and secure. The owner of such structure is hereby given **30** days from the date of publication of this Resolution within which to commence the removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, said governing body will cause the structure to be razed and removed and the costs of such razing and removing, less salvage if any, to be assessed as a special assessment against the lot or parcel of land upon which the structure is located as provided by law.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this Resolution to be published once in the official city paper and a copy mailed to the owners, agents, lienholders, and occupants as provided by law.

Commissioner Moffatt moved to approve Resolution 21-36 declaring the property located at 615 Mill Street as unsafe or dangerous, and allow the property owner 30 days to repair or remove the structures and make the property safe and secure. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding a change order from Maguire Iron related to the Raw Water Project. The change order is for a price increase due to fence installation around the new water tower, and the new logo on the water tank at Little Bear Mound. Discussion held.

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Commissioner Nichol moved to approve Change Order No. 1 from Maguire Iron at an additional cost of \$9,450. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a request from the Neodesha Area Chamber of Commerce to donate the use of the Civic Center for a Mystery Dinner Theatre to be held Saturday, November 13, 2021. For this event, the Chamber has obtained a temporary alcohol permit from the State of Kansas. Discussion held.

Commissioner Moffatt moved to approve the Chamber of Commerce use of the Civic Center, to include alcohol, on Saturday, November 13, 2021. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the purchase of a dock for Riverwalk Park. On August 25, 2021, the Commission approved the acceptance of a Kansas Wildlife & Parks grant, in the amount of \$38,370, for improvements to the Riverwalk Park area. This grant is provided through the Community Fisheries Assistance Program (CFAP), and must be used to improve fishing access at the City's Pond. Discussion held.

Commissioner Nichol moved to approve the purchase of a fishing dock from Pond King, at a cost not exceed \$38,370. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove along with Water Superintendent Jay Bair presented the Commission with information related to the water distribution system, equipment purchased, and equipment we may need in the future. Discussion held. No action taken.

Commissioner Nichol moved to recess to an Executive Session including the Governing Body, City Administrator, Public Works Director Chris Jabben, and the 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 3:40 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 3:40 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, video and recording. No action taken.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, November 24, 2021 at 2:00 p.m.

At 3:40 p.m. Commissioner Moffatt moved to adjourn. Seconded by Commissioner Nichol. Motion carried.

ATTEST:

Devin Johnson, Mayor

Stephanie Fyfe, City Clerk

SPECIAL CALL FOR SPECIAL MEETING OF BOARD OF COMMISSIONERS

Neodesha, Kansas
November 16, 2021

To the Board of Commissioners:

The Board of Commissioners will hold a Special Call meeting Tuesday, November 16, 2021 at 4:00 p.m., at City Hall, for the following purposes:

1. Approve Quote from Jeff Hull Paving for Street Repair
2. Consider Pandemic Related Paid Time-Off

The Board of Commissioners met in a Special Call Session Tuesday, November 16, 2021 at 4:00 p.m., with Mayor Johnson presiding and Commissioners Moffatt and Nichol present.

Administrator Truelove addressed the Commission regarding a quote from Jeff Hull paving for repairs to 5 intersections in town. Discussion held.

Commissioner Nichol moved to approve the quote from Jeff Hull paving for street repairs in an amount not to exceed \$32,000. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the ongoing pandemic and the need to incentivize our employees for receiving the vaccination. Discussion held.

Commissioner Nichol moved to approve the use of paid time-off for those employees who have been ordered to quarantine by the County Health Department. Seconded by Commissioner Moffatt. Motion carried.

At 4:50 p.m. Commissioner Moffatt moved to adjourn. Seconded by Commissioner Nichol. Motion carried.

ATTEST:

Devin Johnson, Mayor

Stephanie Fyfe, City Clerk

APPROPRIATIONS REPORT

ORDINANCE NO 20

11/24/2021

<u>VENDOR</u>	<u>REFERENCE</u>	<u>AMOUNT</u>	<u>CHECK NO</u>	<u>CHECK DATE</u>
AXON ENTERPRISE INC	CABLE,MOLLE MOUNT,BELT CLIP	101.60	69651	11/24/2021
BAILEY FARM PARTNERSHIP	COMMUNICATION TOWER LAND LEASE	1,500.00	69652	11/24/2021
BOUND TREE MEDICAL LLC	MEDICAL SUPPLIES	2,922.86	69653	11/24/2021
CALLTOWER	PHONE CHARGES	315.21	69654	11/24/2021
CANON FINANCIAL SERVICES	COPIER & PRINTER LEASE	667.49	69655	11/24/2021
CARTER WATERS	COLD PATCH	2,217.20	69656	11/24/2021
ECX SYSTEMS LLC	BARRACUDA EMAIL SECURITY 12/21	50.00	69657	11/24/2021
FED EX	SHIPPING CHARGES	33.61	69658	11/24/2021
FORSYTHE'S HEATING & ELECTRIC	SERVICE CALLS	903.19	69659	11/24/2021
G & W FOODS	GS COMMUNITY SERVICE	315.95	69661	11/24/2021
GALLS LLC	UNIFORMS FD	230.74	69662	11/24/2021
GERKEN RENT-ALL	SANITATION UNITS	352.00	69663	11/24/2021
HACH COMPANY	ANNUAL SERVICE AGREEMENT	8,301.00	69664	11/24/2021
INA ALERT.INC	NEW CAMERAS & DOOR SECURITY	11,046.90	69665	11/24/2021
INDUSTRIAL SALES COMPANY INC	BLACK IRON PLUG	73.18	69666	11/24/2021
MCCARTY'S OFFICE MACHINES INC	OFFICE SUPPLIES 4 NEW PD	17,806.00	69667	11/24/2021
MIDWEST COMPUTER SALES	IT SERVICES	419.99	69668	11/24/2021
OIL PATCH PUMP & SUPPLY	POLY COUPLING	698.38	69669	11/24/2021
PITNEY BOWES	POSTAGE FOR METER	1,061.11	69670	11/24/2021
QUILL CORPORATION	OFFICE SUPPLIES	233.20	69671	11/24/2021
SUBSURFACE SOLUTIONS	GPS PORTAL SUBSCRIPTION/KIT	4,380.53	69672	11/24/2021
TBS ELECTRONICS INC	RADIO & FACE PLATE	891.00	69673	11/24/2021
TURNOUT MANAGEMENT	REPAIR/CLEANING	110.64	69674	11/24/2021
****TOTAL****		54,631.78		

ACH ELECTRIC ENERGY STATEMENTS BILLED NOVEMBER 2021

KMEA - SPA Hydro Project	October 2021 Service	2,795.71
KMEA - GRDA Power Supply Project	December 2021 Service	111,113.63
KMEA - Energy Mgmt Project No 3	October 2021 Service	83,217.72
TOTAL ACH Electric Energy Statements		197,127.06

**CDBG/USDA GAS LINE GRANT
 APPROPRIATION 33
 November 24, 2021**

Vendor	Invoice No	Check No	Amount	Description
NPL Construction	92048451	1151	2,340.00	Construction
NPL Construction	92055634	1151	2,080.00	Construction
GRAND TOTAL			<u>4,420.00</u>	

Approved the day above written.

Devin Johnson, Mayor

Attest

Stephanie Fyfe, City Clerk



NPL Construction Co.
 19820 North 7th Avenue Suite 120
 Phoenix, AZ 85027

Invoice

92048451

Date:03/28/2021

To: CITY OF NEODESHA
 1407 N. 8TH ST.
 NEODESHA, KS 66757

Contract No: CITY OF NEODESHA PLU
 Description : CITY OF NEODESHA, PLUMBER
 HOURLY

Attn:

Terms : Net due in 30 days
 Location : 777000158252

"QUALITY, SAFETY, BEST COST"

Work Performed		Units	UoM	\$ Unit Price	\$ Total
Work code	Description				
NEODESHA PLUMBER	PLUMBER HOURLY	18.000	HR	130.00	2,340.00
				Total	2,340.00
				Taxes	0.00
				Invoice Total	\$2,340.00

Approved By _____ Approved By _____



NPL Construction Co.
 19820 North 7th Avenue Suite 120
 Phoenix, AZ 85027

Invoice

92055634

Date:04/11/2021

To: CITY OF NEODESHA
 1407 N. 8TH ST.
 NEODESHA, KS 66757

Attn:

Contract No: CITY OF NEODESHA PLU
 Description : CITY OF NEODESHA, PLUMBER
 HOURLY

Terms : Net due in 30 days

Location : 777000158252

"QUALITY, SAFETY, BEST COST"

Work Performed		Units	UoM	\$ Unit Price	\$ Total
Work code	Description				
NEODESHA PLUMBER	PLUMBER HOURLY	16.000	HR	130.00	2,080.00
				Total	2,080.00
				Taxes	0.00
				Invoice Total	\$2,080.00

Approved By _____ Approved By _____

40007761
COS

Change Order No. 5

11/18/21
CD

Date of Issuance: 11/17/2021 Effective Date: 04/07/2020
 Owner: City of Neodesha Owner's Contract No.:
 Contractor: NPL Construction Co. Contractor's Project No.:
 Engineer: Professional Engineering Consultants, P.A. Engineer's Project No.: 35-171291-000-2005
 Project: Neodesha Gas Distribution System Improvements Contract Name:

The Contract is modified as follows upon execution of this Change Order: Contract price increase of \$20,250.85. Contract time increase of 43 days for final completion.

Description: 43 calendar days are added to additional work associated with a 3" main extension at 1st and Granby, abandonment of 20 services due to no above ground piping, two additional service abandonments, exploratory work to locate unknown connections, and additional pavement replacements (reference attached letter and Change Order 4). Contract price increase of \$20,250.85 for additional pavement replacement as outlined in Invoice 99998522 (attached for reference).

Attachments: PEC Response Letter Regarding Request for Contract Time, Invoice 9998522

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: \$ 1,699,401.00	Original Contract Times: Substantial Completion: <u>240</u> Ready for Final Payment: <u>270</u> days
Decrease from previously approved Change Orders: \$ -31,297.18	Increase from previously approved Change Orders: Substantial Completion: <u>93</u> Ready for Final Payment: <u>63</u> days
Contract Price prior to this Change Order: \$ 1,668,103.82	Contract Times prior to this Change Order: Substantial Completion: <u>333</u> Ready for Final Payment: <u>333</u> days
Increase of this Change Order: \$ 20,250.85	Increase of this Change Order: Substantial Completion: <u>0</u> Ready for Final Payment: <u>43</u> days
Contract Price incorporating this Change Order: \$ 1,688,354.67	Contract Times with all approved Change Orders: Substantial Completion: <u>333</u> Ready for Final Payment: <u>376</u> days

RECOMMENDED:
By: Teresa Kaufman
Engineer (if required)
Title: Project Engineer
Date: 11/18/2021

ACCEPTED:
By: _____
Owner (Authorized Signature)
Title: Mayor
Date: 11/24/2021

ACCEPTED:
By: [Signature]
Contractor (Authorized Signature)
Title: Director of Operations
Date: 11-18-2021

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____