

Agenda

City Commission of the City of Neodesha, KS

January 10, 2022 2:00 p.m.

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

Item 1: Opening Session

- Call to Order
- Roll Call
- Commissioner Oath of Office
- 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 December 22, 2021 Minutes
- Approval of December 28, 2021 Special Call Minutes
- Appropriation (2021) 23
- Raw Water Project Bond Appropriation 98

Item 4: Business Items to Consider

- A. Ordinance: Dangerous Structures 1015 Oak Street
- B. Gas Line Project: Financial Update; Dave Arteberry, Stifel, Nicolaus & Co. Inc
- C. Resolution: Redemption of Gas Line Project Temp Notes
- D. Resolution: Amend City Procurement Policy
- E. Resolution: Amend Position Classification & Pay Plan Policy
- F. Consider Purchase of Electric Transformers
- G. 2022 Contract for 4th of July Fireworks
- H. Discuss Water Distribution System
- I. Discuss City Software Applications

Item 5: Date/Time of Next Regular Meeting

Wednesday, January 26, 2022 at 2:00 p.m. – Regular Meeting, City Hall

Item 6: Executive Session: Non-elected Personnel

Item 7: Adjournment

AGENDA COMMENTS
CITY COMMISSION MEETING
January 10, 2022

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: Ordinance: Dangerous Structures 1015 Oak Street

The Commission is asked to approve Ordinance 1758, providing authority for the structures located at 1015 Oak Street to be demolished and the property to be made safe.

RECOMMENDED MOTION: *I move to approve Ordinance 1758, directing the removal of certain dangerous and unsafe structures at 1015 Oak Street.*

4.B: Gas Line Project: Financial Update; Dave Arteberry, Stifel, Nicolaus & Co. Inc

The Commission will welcome Dave Arteberry, Stifel, Nicolaus & Company Inc., for a discussion related to project finance for the Gas Line Project. During the January 10th and 26th Commission meetings, the Commission will take steps to close out the temporary note financing, and move towards a final bond issue on the project.

RECOMMENDED MOTION: *N/A*

4.C: Resolution: Redemption of Gas Line Project Temp Notes

This Resolution has been prepared by bond counsel, Triplett Woolf & Garretson, and provides the necessary Commission authorization for closing out the City's temp note financing for the Gas Line Project.

RECOMMENDED MOTION: *I move to approve Resolution 22-01 as presented.*

4.D: Resolution: Amend City Procurement Policy

On February 8, 2017, the Commission approved Resolution 17-02, our current procurement policy. At this time, the Commission is asked to amend the procurement policy to add certain spending authority for the Assistant to the City Administrator.

RECOMMENDED MOTION: *I move to adopt Resolution 22-02, amending the City of Neodesha Procurement Policy.*

4.E: Resolution: Amend Position Classification & Pay Plan Policy

Staff will present to the Commission certain suggested changes to the Position Classification and Pay Plan. For the most part, these changes are necessary due to the realignment of work responsibilities, and the placement of the water distribution system work in the Water/Wastewater Department. Also included in this Resolution is a 2-percent COLA pay increase for all positions. This was approved by the Commission in the 2022 budget. Prior to the Commission approving these changes, however, Staff is requesting a 15-minute executive session for non-elected personnel matters.

EXECUTIVE SESSION: Non-Elected Personnel

I move to recess to an Executive Session including the Governing Body, City Administrator, and City Clerk 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 ____ p.m.

RECOMMENDED MOTION: *I move to approve Resolution 22-03, amending the Position Classification and Pay Plan.*

4.F: Consider Purchase of Electric Transformers

Electric Superintendent Hearn is requesting that the Commission approve the purchase of electric transformer equipment. This purchase will also provide a transformer to SICUT, and a reserve transformer in the same capacity as that used by SICUT.

RECOMMENDED MOTION: *I move to approve the purchase of transformer equipment from T&R Electric at a cost not to exceed \$76,120.*

4.G: 2022 Contract for 4th of July Fireworks

This agenda item was tabled by the Commission on December 22, 2021. Staff has been in contact with the fireworks provider, and we have not received the draft contract. With the need for legal review by the City Attorney, Staff is requesting that the Commission table this agenda item until January 26, 2022.

RECOMMENDED MOTION: *I move to table the fireworks contract until January 26, 2022.*

4.H: Discuss Water Distribution System

Staff will present information to the Commission regarding the current condition of our water distribution system.

RECOMMENDED MOTION: *N/A*

4.I: Discuss City Software Applications

Staff will present information to the Commission regarding the City's current software applications, and the perceived need to change software providers.

RECOMMENDED MOTION: *N/A*

OATH/AFFIRMATION OF OFFICE
STATE OF KANSAS, WILSON COUNTY
CITY OF NEODESHA

I, **Tom Nichol**, do solemnly affirm that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of **City Commissioner** for the City of Neodesha. So help me God.

K.S.A. 54-106; K.S.A. 75-4308

Signature

Subscribed and sworn before me this 10th day of January, 2022.

Stephanie Fyfe, City Clerk/Finance Director

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, December 22, 2021 with Mayor Johnson presiding and Commissioners Moffatt and Nichol present.

Commissioner Moffatt moved to approve the agenda as presented. Seconded by Commissioner Nichol. Motion carried. Commission and Administrator Reports were heard.

Commissioner Moffatt reported that he received word of the passing of former retired City employee Lynn Marten. Upon hearing this sad news, the Commission and City Employees expressed sincere condolences to Lynn's family.

Commissioner Nichol would like to recognize Assistant City Clerk, Rhonda Howell, for all of her efforts and talents to host snack festivities and Christmas décor for the Commission Meeting and all who attended. Thank you Rhonda!

Community Development Director report was heard.

Public Comments were invited and heard.

Commissioner Nichol moved to approve the consent agenda as presented consisting of the minutes from the December 8, 2021 Commission Meeting; minutes from the December 15, 2021 Special Call Meeting; and Appropriation (2021) 22. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding an Ordinance providing authority for the structures located at 615 Mill Street to be demolished and the property to be made safe. Discussion held.

ORDINANCE NO. 1758

AN ORDINANCE AUTHORIZING AND DIRECTING THE REMOVAL OF CERTAIN UNSAFE AND DANGEROUS STRUCTURES LOCATED AT 615 MILL, NEODESHA KS 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 AUTHORIZING THE FINANCING OF THE COSTS OF SUCH REMOVAL BY THE SALE OF SALVAGE FROM SUCH STRUCTURES, IF ANY, AND/OR FROM THE GENERAL FUND OF THE CITY, AND THE LEVYING OF SPECIAL ASSESSMENTS AGAINST THE LOTS ON WHICH SUCH STRUCTURE IS LOCATED.

WHEREAS, the governing body did after proper notice and hearing as provided by law make findings by Resolution 21-36 dated November 10, 2021, that the structure hereinafter described as unsafe and dangerous and did direct the owner of such structure to repair or remove the same and make the premises safe and secure, together with the statement that if the owner failed to commence the repair or removal within the time fixed by such resolution or failed to diligently prosecute the same until the work was completed, the city would cause the structure to be razed and removed, and

WHEREAS, such resolution was published in the official city newspaper and copies of such resolution were mailed to each owner, agent, lienholder of record and occupants of such structures and were otherwise served as required by law, and

WHEREAS, the owner has wholly failed to commence the repair or removal of such structures; now therefore
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS:

Section 1: The enforcing officer is hereby authorized and directed to cause the dwelling located at 615 Mill, 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**, to be razed and removed and the premises be made safe and secure and for this purpose is authorized to invite bids, negotiate a contract, or cause the work to be done by city employees.

Section 2: The enforcing officer shall keep an account of the cost of the work and may sell the salvage from such structures and shall keep an account of the receipts therefrom as provided by law.

Section 3: All costs incurred by the city in the razing and removal of such structures and the making of the premises safe and secure shall be paid from moneys received from the sale of salvage therefrom and all moneys in excess of that necessary to pay such costs shall, after the payment of all costs, be paid to the owner of the premises upon which said structures were located: **PROVIDED**, that if there is no salvageable material or if moneys received from the sale of salvage is insufficient to pay the cost of such work, such costs or any portion thereof in excess of the amount received from the sale of salvage shall be assessed as a special assessment against the lots on which the structure was located and may be financed until the assessment is paid out of the general fund of the city.

Section 4: EFFECTIVE DATE. This ordinance shall be in full force and effect upon its publication in the official city newspaper.

Commissioner Moffatt moved to table Ordinance 1758, directing the removal of certain dangerous and unsafe structures at 615 Mill Street until the January 26, 2022 meeting. Seconded by Commissioner Nichol. Motion carried. *(continued on next page)*

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This being the time and date published in the official newspaper for the hearing on the Dangerous Structures located at 105 N 5th Street, the public hearing was opened. Owner Carol Clubine and son, Patrick Roach, were in attendance to visit with the Commission regarding this property. Discussion held. Then the hearing was closed.

RESOLUTION NO. 21-38

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 105 AND 107 N 5TH, NEODESHA, KANSAS ON LEGAL DESCRIPTION: N ½ OF LOTS 23 AND 24, BLOCK 35, CITY OF NEODESHA, WILSON COUNTY, KANSAS 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 27 day of October, 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 27th day of October, 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 4th day of November, 2021, and on the 11 day of November, 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 22nd day of December, 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 105 AND 107 N 5th, Neodesha, Kansas on Legal Description: N ½ of Lots 23 and 24, Block 35, the City of Neodesha, Wilson County Kansas, 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 Nichol moved to approve Resolution 21-38 declaring the property located at 105 N 5th 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 Moffatt. Motion carried.

This being the time and date published in the official newspaper for the hearing on the Dangerous Structures located at 415 N 6th Street, the public hearing was opened. Clarence Snyder, City Code Enforcement Officer, was in attendance for the hearing and reported that the owner of this property notified him of ongoing progress and the plan to move the house out in to the County. Discussion held. Then the hearing was closed.

RESOLUTION NO. 21-39

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 415 N 6th, NEODESHA, KANSAS ON LEGAL DESCRIPTION THE SOUTH 40 ½ FEET OF LOT 44, RESURVEY OF FORDS SUBDIVISION, CITY OF NEODESHA WILSON COUNTY, KANSAS 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 27 day of October, 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 27th day of October, 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 4th day of November, 2021, and on the 11 day of November, 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 22nd day of December, 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 415 N 6th, Neodesha, Kansas on Legal Description: The South 40 ½ feet of lot 44, Resurvey of Fords Subdivision, City of Neodesha KS Wilson County, 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 90 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.

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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 21-39 declaring the property located at 415 N 6th Street as unsafe or dangerous, and allow the property owner 90 days to repair or remove the structures and make the property safe and secure. Seconded by Commissioner Nichol. Motion carried.

This being the time and date published in the official newspaper for the hearing on the Dangerous Structures located at 1017 Church Street, the public hearing was opened. Clarence Snyder, City Code Enforcement Officer, was in attendance for the hearing and reported the owner of this property notified him of progress and plans for cleaning up this property. Discussion held. Then the hearing was closed.

RESOLUTION NO. 21-40

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 1017 CHURCH, NEODESHA, KANSAS ON LEGAL DESCRIPTION LOT 10, BLOCK 10, FORDS ADDITION TO THE CITY OF NEODESHA, WILSON COUNTY, KANSAS 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 27 day of October, 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 27th day of October, 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 4th day of November, 2021, and on the 11 day of November, 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 22nd day of December, 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 1017 Church, Neodesha, Kansas on Legal Description: Lot 10, Block 10, Fords Addition to the City of Neodesha, Wilson County Kansas, 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 90 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 Nichol moved to approve Resolution 21-40 declaring the property located at 1017 Church Street as unsafe or dangerous, and allow the property owner 90 days to repair or remove the structures and make the property safe and secure. 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 1529 N 1st Street, the public hearing was opened. Calvin Latham, owner, was present to discuss progress and plans for clean-up of the property. Discussion held. Then the hearing was closed.

RESOLUTION NO. 21-41

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 1529 N 1st, NEODESHA, KANSAS ON LEGAL DESCRIPTION: LOTS 31, 32, 33, AND 34, BLOCK 3, VIVIAN DEER'S SUBDIVISION OF A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (NW/4 SE/4) OF SECTION SEVENTEEN (17), TOWNSHIP THIRTY (30) SOUTH, RANGE SIXTEEN EAST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF NEODESHA, WILSON COUNTY, KANSAS 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 27 day of October, 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 27th day of October, 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 4th day of November, 2021, and on the 11 day of November, 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 22nd day of December, 2021, the governing body has heard all evidence submitted by the enforcing officer of the

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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 1529 N 1st, Neodesha, Kansas on Legal Description: LOTS 31, 32, 33, AND 34, BLOCK 3, VIVIAN DEER'S SUBDIVISION OF A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (NW/4 SE/4) OF SECTION SEVENTEEN (17), TOWNSHIP THIRTY (30) SOUTH, RANGE SIXTEEN EAST OF THE SIXTH PRINCIPAL MERIDIAN, the City of Neodesha, Wilson County Kansas, 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 90 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 21-41 declaring the property located at 1529 N 1st Street as unsafe or dangerous, and allow the property owner 90 days to repair or remove the structures and make the property safe and secure. Seconded by Commissioner Nichol. Motion carried.

This being the time and date published in the official newspaper for the hearing on the Dangerous Structures located at 1632 N 3rd Street, the public hearing was opened. Diane Bowen Cabral, owner, was present to discuss progress and plans for clean-up of the property. Discussion held. Then the hearing was closed.

RESOLUTION NO. 21-42

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 1632 N 3RD, NEODESHA, KANSAS ON LEGAL DESCRIPTION: LOTS ONE (1) TWO (2) THREE (3) FOUR (4) AND FIVE (5) ALL IN BLOCK ONE (1), JOHN W DEER'S SUBDIVISION TO THE CITY OF NEODESHA KS PART OF THE NW ¼ OF THE SE ¼ OF SECTION 17, TOWNSHIP 30, RANGE 16, NEODESHA, KS WILSON COUNTY, 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 27 day of October, 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 27th day of October, 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 4th day of November, 2021, and on the 11 day of November, 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 22nd day of December, 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 1632 N 3rd, Neodesha, Kansas on Legal Description: **Lots one (1) two (2) three (3) four (4) and five (5) all in block one (1), John W Deer's subdivision to the City of Neodesha KS part of the NW ¼ of the SE ¼ of section 17, Township 30, Range 16 Neodesha KS Wilson County**, 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 90 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 Nichol moved to approve Resolution 21-42 declaring the property located at 1632 N 3rd Street as unsafe or dangerous, and allow the property owner 90 days to repair or remove the structures and make the property safe and secure. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the commission regarding Resolution 21-43. The GAAP (Generally Accepted Accounting Procedures) waiver is an annual requirement for cities using the Cash Basis of Accounting, instead of GAAP. Discussion held.

RESOLUTION NO. 21-43

A RESOLUTION FINDING THAT FINANCIAL STATEMENTS AND REPORTS PREPARED IN CONFORMITY TO GENERALLY ACCEPTED ACCOUNTING PRINCIPLES ARE NOT RELEVANT TO THE REQUIREMENTS OF THE CASH BASIS AND BUDGET LAWS OF THE STATE AND ARE OF NO SIGNIFICANT VALUE TO THE GOVERNING BODY OR MEMBERS OF THE GENERAL PUBLIC OF THE CITY OF NEODESHA.

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WHEREAS, The Governing Body of the City of Neodesha, Kansas, did on the 28th day of October, 1986, pass and approve Charter Ordinance No. 4 exempting itself from the provisions of K.S.A. 75-1120a as amended, insofar as said statutes require fixed asset records; and

WHEREAS the City of Neodesha, Kansas, has determined that the financial statements and financial reports for the year ended December 31, 2021 to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the governing body or the members of the general public of the City of Neodesha and

WHEREAS there are no revenue bond ordinances or resolutions or other ordinances or resolutions of the municipality which require financial statements and financial reports to be prepared in conformity with K.S.A. 75-1120a(a) for the year ended December 31, 2020.

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

SECTION 1. That the Governing Body waives the requirements of K.S.A. 75-1120a(a) as they apply to the City of Neodesha for the year ended December 31, 2021.

SECTION 2. That the Governing Body shall cause the financial statements and financial reports of the City of Neodesha to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State.

Commissioner Moffatt moved to adopt Resolution 21-43 regarding the GAAP waiver as presented. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the consideration of a Letter of Intent with Origin Development LLC, to pursue a hotel project.

Commissioner Nichol moved to approve the Letter of Intent with Origin Development LLC, as presented. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a 2022 Contract for the 4th of July Fireworks show. Staff is asking the Commission to finalize details of the contract which includes a proposed price increase and confirmation of the date of the show. Discussion held.

Commissioner Moffatt moved to table this item until the January 10, 2022. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the approval of Cereal Malt Beverage License requests for 2022. Discussion held.

Commissioner Nichol moved to approve the 2022 Cereal Malt Beverage Licenses for: Casey's General Store; Le'Store; AKAS, Inc. (Jumpstart); Pizza Hut; G&W Foods, Inc; El Mescal; and Little Bear Trading Company, Inc. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the renewal of certain farm and hay leases on City property. Discussion held.

Commissioner Moffatt moved to approve the lease renewal with Zack Mahaffey for farming purposes at the City Lagoons and Water Plant; a lease renewal with Ethan Seller for farming purposes at the Airport; and a hay lease renewal with Dan Mahaffey at the Neodesha City Airport. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding two positions that are expiring December 31, 2021 on the Economic Development Committee. The City has not been able to identify anyone to fill the positions. Shane Stanfill's position is also unfilled and the Commission is being asked to appoint Travis Carson to fill this unexpired term. Discussion held.

Commissioner Nichol moved to appoint Travis Carson to the Economic Development Committee, with a term ending date of December 31, 2024. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding an appointment to the Recreation Commission. The City currently has one City-appointed position that is expiring at the end of 2021. Discussion held.

Commissioner Moffatt moved to reappoint Marty Kelly to the Recreation Commission, with a term ending December 31, 2025. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding appointments to the Senior Citizens Board. The board has three positions that are expiring at the end of 2021. Discussion held.

Commissioner Nichol moved to appoint Pattie Bailey, and reappoint Jim Jackson and Juanita Erickson to the Senior Citizens Board, with a term ending date of December 31, 2024. Seconded by Commissioner Moffatt. Motion carried.

At this time the Governing Body welcomed Brent Wheeler, Public Works Department, Utility Foreman, to present to the Governing Body the Annual Gas Presentation. No action taken.

Administrator Truelove addressed the Commission regarding a request from representatives from Airosol Company to consider a building expansion project for their company. Discussion held. No action taken.

The next regular meeting of the Governing Body will be held at City Hall on Monday, January 10, 2022 at 2:00 p.m.

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

(continued on next page)

ATTEST:

Devin Johnson, Mayor

Stephanie Fyfe, City Clerk

SPECIAL CALL FOR SPECIAL MEETING OF BOARD OF COMMISSIONERS

Neodesha, Kansas
December 28, 2021

To the Board of Commissioners:

The Board of Commissioners will hold a Special Call meeting Tuesday, December 28, 2021 at 12:00 p.m., at City Hall, for the following purposes:

1. Resolution: Kansas Opioid Litigation Settlement Fund
2. Amended Notice & Assignment of Site Lease & Project Lease: Neodesha Plastics IRB's

The Board of Commissioners met in a Special Call Session Tuesday, December 28, 2021 at 12:00 noon with Mayor Johnson presiding and Commissioner Moffatt present. Commissioner Nichol phoned in at 12:00 p.m.

Administrator Truelove addressed the Commission regarding a resolution related to the Kansas Opioid Settlement Fund and the steps necessary to participate in receiving settlement funds. Discussion held.

RESOLUTION NO. 21-44

A RESOLUTION OF THE CITY OF NEODESHA, KANSAS, APPROVING THE EXECUTION AND DELIVERY OF AN AGREEMENT TO RELEASE AND ASSIGN THE CITY'S OPIOID CLAIMS TO THE KANSAS ATTORNEY GENERAL AND CERTIFYING COSTS ATTRIBUTABLE TO SUBSTANCE ABUSE AND ADDICTION MITIGATION IN EXCESS OF \$500.

WHEREAS, in 2021, the Kansas Legislature enacted HB 2079, the Kansas Fights Addiction Act (the "Act"), authorizing litigating municipalities such as the City of Neodesha to access opioid litigation settlement funds and become eligible for certain state grants by entering an agreement releasing the city's opioid litigation claims to the Attorney General and assigning any future opioid litigation claims to the Attorney General (the "Agreement"); and

WHEREAS, the City of Neodesha sustained damages related to the opioid epidemic; and

WHEREAS, the City of Neodesha desires to enter an Agreement releasing and assigning its Claims to the Attorney General in order to access opioid litigation settlement funds and become eligible for certain state grants;

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS:

Section 1. Authorization of the Agreement. City hereby authorizes the release of its legal claims arising from covered conduct to the Attorney General, and the assignment of any future legal claims arising from covered conduct to the Attorney General, pursuant to the Agreement by and between the Attorney General and the City in substantially the form presented to and reviewed by the governing body at this meeting (copies of this document shall be on file in the records of the City), with such changes therein as shall be reviewed by the City Attorney and the officials of the City executing such documents.

(continued on next page)

Section 2. Execution of the Agreement. The Mayor, City Administrator, City Attorney and City Clerk are hereby authorized and directed to execute, seal, attest and deliver the Agreement in substantially the form presented to and reviewed by the governing body at this meeting and such other settlement agreements, documents, certificates and instruments as may be necessary and desirable to carry out and comply with the intent of this Resolution, for and on behalf of the City.

Section 3. Certification of Costs and Expenses. The City hereby certifies that it has incurred costs and expenses related to substance abuse or addiction mitigation in excess of \$500 and the City can utilize the opioid litigation settlement funds for the lawful purposes established in the Kansas Fights Addiction Act and the settlement agreements. The City Administrator and City Attorney are hereby authorized to execute, seal, attest and deliver such other documents, certificates and instruments as may be necessary and desirable to certify these costs and expenses or similar costs and expenses, for and on behalf of the City.

Section 4. Effective Date. This Resolution shall be in full force and effect from and after its adoption.

Commissioner Moffatt moved to adopt Resolution 21-44 regarding the Kansas Opioid Settlement Agreement. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding approved Ordinance 1756, authorizing the issuance of taxable Industrial Revenue Bonds for Neodesha Plastics. It was discovered that some of the property related to the site lease and project lease were not included in the original bond documents. Staff and bond counsel, Gilmore & Bell, have taken steps to correct this oversight. Discussion held.

Commissioner Moffatt moved to approve the Corrected Notice, and Assignment, of Site Lease and Project Lease as presented. Seconded by Commissioner Nichol. Motion carried.

At 12:27 p.m. Commissioner Moffatt moved to adjourn. Seconded by Commissioner Nichol. Motion carried.

ATTEST:

Devin Johnson, Mayor

Stephanie Fyfe, City Clerk

1000

Vendor	Invoice No	Check No	Amount	Description
Maguire Iron Inc	PR 12	1249	107,662.50	Construction
Attorney General's Office	LG21001683	1250	225.00	Administration
GRAND TOTAL			<u>107,887.50</u>	

Approved the day above written.

Devin Johnson, Mayor

Attest

Stephanie Fyfe, City Clerk

Contractor's Application for Payment No. 12

Application Period: 11/01/2021 - 12/31/2021		Application Date: 12/31/2021
To (Owner): City of Neodesha, KS	From (Contractor): Maguire Iron, Inc.	Via (Engineer): Professional Engineering Consultants
Project: New 200,000 Gallon Elevated Water Storage Tank	Contract:	
Owner's Contract No.: N/A	Contractor's Project No.: N/A	Engineer's Project No.: 35-180004-012-2005

**Application For Payment
Change Order Summary**

Approved Change Orders			
Number	Additions	Deductions	
1	\$3,600.00		1. ORIGINAL CONTRACT PRICE..... \$ \$1,171,000.00
1	\$5,850.00		2. Net change by Change Orders..... \$ \$9,450.00
			3. Current Contract Price (Line 1 ± 2)..... \$ \$1,180,450.00
			4. TOTAL COMPLETED AND STORED TO DATE
			(Column F total on Progress Estimates)..... \$ \$1,180,450.00
			5. RETAINAGE:
			a. X <u>\$1,180,450.00</u> Work Completed..... \$
			b. 5% X <u> </u> Stored Material..... \$
			c. Total Retainage (Line 5.a + Line 5.b)..... \$
			6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c)..... \$ \$1,180,450.00
			7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)..... \$ \$1,072,787.50
			8. AMOUNT DUE THIS APPLICATION..... \$ \$107,662.50
			9. BALANCE TO FINISH, PLUS RETAINAGE
			(Column G total on Progress Estimates + Line 5.c above)..... \$
TOTALS	\$9,450.00		
NET CHANGE BY CHANGE ORDERS	\$9,450.00		

Contractor's Certification

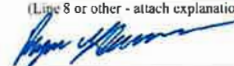
The undersigned Contractor certifies, to the best of its knowledge, the following:

- (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:  Date: 12/31/2021

Payment of: \$ **107,662.50**
(Line 8 or other - attach explanation of the other amount)

is recommended by:  **1/6/2022**
(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 - Lump Sum Work

Contractor's Application

For (Contract): New 200,000 Gallon Elevated Water Storage Tank				Application Number: 12				
Application Period: 11/01/2021 - 12/31/2021				Application Date: 12/31/2021				
A		B	Work Completed		E	F		G
Item No.	Description	Scheduled Value (\$)	C	D	Materials Presently Stored (not in C or D)	Total Completed and Stored to Date (C + D + E)	% (F / B)	Balance to Finish (B - F)
1	200,000 Gallon EST							
1.1	Design Drawings, Insurance, Bonds	\$75,000.00	\$75,000.00			\$75,000.00	100.0%	
1.2	Foundation	\$194,000.00	\$194,000.00			\$194,000.00	100.0%	
1.3	Steel Receipt	\$79,000.00	\$79,000.00			\$79,000.00	100.0%	
1.4	Shop Fabrication	\$268,250.00	\$268,250.00			\$268,250.00	100.0%	
1.5	Shop Preparation and Painting	\$15,000.00	\$15,000.00			\$15,000.00	100.0%	
1.6	Steel Delivery	\$15,000.00	\$15,000.00			\$15,000.00	100.0%	
1.7	EST Erection	\$143,000.00	\$143,000.00			\$143,000.00	100.0%	
1.8	Field Painting	\$80,000.00	\$80,000.00			\$80,000.00	100.0%	
1.9	Electrical	\$51,000.00	\$51,000.00			\$51,000.00	100.0%	
2	Little Bear Tank Rehab	\$190,000.00	\$190,000.00			\$190,000.00	100.0%	
3	Concrete Pavement	\$7,150.00	\$7,150.00			\$7,150.00	100.0%	
4	Fencing	\$6,600.00		\$6,600.00		\$6,600.00	100.0%	
5	Erosion Control	\$500.00	\$250.00	\$250.00		\$500.00	100.0%	
6	Site Clearing and Restoration	\$1,500.00	\$750.00	\$750.00		\$1,500.00	100.0%	
7	Demolition	\$40,000.00		\$40,000.00		\$40,000.00	100.0%	
A2	Water Tower Logo	\$5,000.00	\$5,000.00			\$5,000.00	100.0%	
CO	Larger Fence Area	\$3,600.00		\$3,600.00		\$3,600.00	100.0%	
CO	Logo For Little Bear Tank	\$5,850.00	\$5,850.00			\$5,850.00	100.0%	
	Totals	\$1,180,450.00	\$1,129,250.00	\$51,200.00		\$1,180,450.00		



**STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL**

DEREK SCHMIDT
ATTORNEY GENERAL

December 1, 2021

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.AG.KS.GOV

RETURN A COPY OF THIS STATEMENT WITH REMITTANCE

INVOICE NO. LG-21-001683

BILLING STATEMENT

Municipality: City of Neodesha, Kansas
Description: Taxable General Obligation Temporary Note
Series: B, 2021
Dated: December 1, 2021
Aggregate Amount: \$998,000.00

Review Time Spent on Issue: 1.5

Rate Per Hour: \$150.00

TOTAL AMOUNT DUE: \$225.00

MAKE CHECK PAYABLE TO ATTORNEY GENERAL'S OFFICE

MAIL PAYMENT TO:
Attorney General's Office
Attn: Bond Division
120 SW 10th Ave., Second Floor
Topeka, KS 66612-1597

PLEASE RETURN A COPY OF THIS STATEMENT WITH REMITTANCE

ORDINANCE NO. 1758

AN ORDINANCE AUTHORIZING AND DIRECTING THE REMOVAL OF CERTAIN UNSAFE AND DANGEROUS STRUCTURES LOCATED AT 1015 OAK ON LEGAL DESCRIPTION: LOT 7, LESS 3 FEET OFF THE EAST SIDE, AND ALL OF LOT 8, BLOCK 2, SHUTTS SUBDIVISION, CITY OF NEODESHA, WILSON COUNTY, KANSAS, AUTHORIZING THE FINANCING OF THE COSTS OF SUCH REMOVAL BY THE SALE OF SALVAGE FROM SUCH STRUCTURES, IF ANY, AND/OR FROM THE GENERAL FUND OF THE CITY, AND THE LEVYING OF SPECIAL ASSESSMENTS AGAINST THE LOTS ON WHICH SUCH STRUCTURE IS LOCATED.

WHEREAS, the governing body did after proper notice and hearing as provided by law make findings by Resolution 21-29 dated October 27th, 2021, that the structure hereinafter described as unsafe and dangerous and did direct the owner of such structure to repair or remove the same and make the premises safe and secure, together with the statement that if the owner failed to commence the repair or removal within the time fixed by such resolution or failed to diligently prosecute the same until the work was completed, the city would cause the structure to be razed and removed, and

WHEREAS, such resolution was published in the official city newspaper and copies of such resolution were mailed to each owner, agent, lienholder of record and occupants of such structures and were otherwise served as required by law, and

WHEREAS, the owner has wholly failed to commence the repair or removal of such structures; now therefore

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

Section 1: The enforcing officer is hereby authorized and directed to cause the dwelling located at 1015 Oak Street, on legal description: Lot 7, less 3 feet off the East Side, and all of Lot 8, Block 2, Shutts Subdivision, City of Neodesha, Wilson County, Kansas to be razed and removed and the premises be made safe and secure and for this purpose is authorized to invite bids, negotiate a contract, or cause the work to be done by city employees.

Section 2: The enforcing officer shall keep an account of the cost of the work and may sell the salvage from such structures and shall keep an account of the receipts therefrom as provided by law.

Section 3: All costs incurred by the city in the razing and removal of such structures and the making of the premises safe and secure shall be paid from moneys received from the sale of salvage therefrom and all moneys in excess of that necessary to pay such costs shall, after the payment of all costs, be paid to the owner of the premises upon which said structures were located: PROVIDED, that if there is no salvageable material or if moneys received from the sale of salvage is insufficient to pay the cost of such work, such costs or any portion thereof in excess of the amount received from the sale of salvage shall be assessed as a special assessment against the lots on which the structure was located and may be financed until the assessment is paid out of the general fund of the city.

Section 4: EFFECTIVE DATE. This ordinance shall be in full force and effect upon its publication in the official city newspaper.

Passed by the Governing Body of the City of Neodesha, Kansas and signed by the Mayor this 10th day of January, 2022.

ATTEST:

Devin Johnson, Mayor

Stephanie Fyfe, City Clerk

RESOLUTION NO. 22-01

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS DECLARING IT NECESSARY AND ADVISABLE TO PROVIDE FOR THE GIVING OF NOTICE OF REDEMPTION OF THE CITY'S GENERAL OBLIGATION RENEWAL TEMPORARY NOTES, SERIES A, 2021.

WHEREAS, the City of Neodesha, Kansas (the "City") has previously issued its General Obligation Renewal Temporary Notes, Series A, 2021 (the "2021 Notes") in the original principal amount of \$1,766,000; and

WHEREAS, the improvements financed with the proceeds of the 2021 Notes are complete and in connection with the permanent financing thereof it is necessary and desirable to provide for the refunding and redemption of the 2021 Notes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF NEODESHA, KANSAS AS FOLLOWS:

SECTION 1. The City hereby indicates its intent to redeem and refund the 2021 Notes (as defined above) on February 28, 2022 or as soon thereafter as practicable. The City's intent is conditioned upon the issuance of the City's general obligation bonds for such purpose on or before the date indicated.

SECTION 2. The Mayor and City Clerk are hereby authorized and directed to take all such other actions not inconsistent herewith as may be appropriate or desirable to accomplish the purposes contemplated by this Resolution, including, but not limited to, providing any necessary notice of the City's intent to redeem the 2021 Notes and waiving any notice which may otherwise be required and the execution of the Fiduciary Engagement Agreement with the Financial Advisor.

SECTION 3. This Resolution shall take effect and be in force from and after its adoption.

[Remainder of Page Intentionally Left Blank]

PASSED, ADOPTED AND APPROVED by the governing body of the City of Neodesha,
Kansas on the 10th day of January, 2022.

CITY OF NEODESHA, KANSAS

[seal]

By _____
Devin Johnson, Mayor

ATTEST:

By _____
Stephanie Fyfe, City Clerk

EXCERPT OF MINUTES

The governing body of the City of Neodesha, Kansas met in regular session, at the usual place in the City on January 10, 2022 at 2:00 p.m., with Mayor Devin Johnson presiding, and the following members of the governing body present:

and the following members absent:

Thereupon, there was presented to the governing body a Resolution entitled:

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS DECLARING IT NECESSARY AND ADVISABLE TO PROVIDE FOR THE GIVING OF NOTICE OF REDEMPTION OF THE CITY'S GENERAL OBLIGATION RENEWAL TEMPORARY NOTES, SERIES A, 2021.

Upon motion made by _____, and seconded by _____, the Resolution was approved by a majority of the governing body present and was duly adopted. The Resolution was directed to be signed by the Mayor and attested by the City Clerk and was given Resolution No. 22-01. The City Clerk was directed to send a request for redemption to the State Treasurer (the Paying Agent of the 2021 Notes).

**CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES**

I hereby certify that the foregoing is a true and correct Excerpt of Minutes of the proceedings
at the January 10, 2022 meeting of the governing body of the City of Neodesha, Kansas.

[seal]

Stephanie Fyfe, City Clerk

NOTICE OF REDEMPTION

**CITY OF NEODESHA, KANSAS
GENERAL OBLIGATION RENEWAL TEMPORARY NOTES
SERIES A, 2021, DATED SEPTEMBER 30, 2021**

Subject to the provisions of the last paragraph of this Notice, notice is hereby given that, pursuant to the provisions of Resolution No. 21-26 of the City of Neodesha, Kansas, all of the outstanding above-mentioned General Obligation Renewal Temporary Notes, Series A, 2021 (the "Notes"), maturing October 1, 2022, will be redeemed prior to their stated maturity on February 28, 2022 (the "Redemption Date"). The outstanding principal amount of the Notes so called for redemption is as follows:

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
10/01/2022	\$1,766,000	2.75%

The Notes shall become due and payable on the Redemption Date, at a redemption price of 100% of the principal amount thereof, plus accrued interest thereon to the Redemption Date, without premium. Notes should be presented for redemption and payment at the principal office of the Treasurer of the State of Kansas (the "Paying Agent").

On and after the Redemption Date, all interest on the Notes so called for redemption will cease to accrue.

This Notice of Redemption, and the payment of the principal of and interest on the aforesaid Notes on the specified Redemption Date, are subject to the issuance and delivery by the City of its general obligation bonds (the "Bonds") on or before such Redemption Date in an amount which, when combined with other available funds, if any, shall be sufficient to provide funds to pay the specified redemption price of the Notes. In the event such Bonds have not been issued by the Redemption Date, this notice shall be null and void and of no force and effect, the Notes delivered for redemption shall be returned to the respective owners thereof, and said Notes shall remain outstanding as though this Notice of Redemption had not been given.

Dated January 10, 2022.

CITY OF NEODESHA, KANSAS

By _____
Stephanie Fyfe, City Clerk

CITY OF NEODESHA

RESOLUTION NO. 22-02

A RESOLUTION AMENDING THE CITY OF NEODESHA PROCUREMENT POLICY; ESTABLISHING AND CREATING A PURCHASE AND BIDDING PROCEDURE FOR THE PROCUREMENT OF GOODS AND/OR SERVICES BY THE CITY OF NEODESHA.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS.

Section 1. The governing body of the City of Neodesha, Kansas hereby adopts a procurement procedure policy to read as follows:

PURPOSE

The purpose of this Procurement Policy is to provide a complete source of purchasing information and detailed procedures for the centralized purchasing of all commodities, contractual services, and equipment, and that such purchases be obtained efficiently and economically, in compliance with local, state and federal laws. The policy serves as a guide to those who are granted purchasing privileges on behalf of the City of Neodesha. City employees/elected officials will follow established ethical and conflict of interest policies as set forth in the Code of the City of Neodesha.

APPLICATION

This policy applies to the procurement of all supplies, equipment, construction, and services of and for the City of Neodesha.

POLICY

I. General

- A. The following Department Directors and staff are authorized to make purchases for the city up to \$2,000.

Assistant to the City Administrator
Electric Superintendent
Fire Chief
Police Chief
Public Works Superintendent
Water/Wastewater Superintendent

Any purchase exceeding \$2,000 or for professional services, telecommunications, computers and technology, or fixed assets must be approved either by the City Administrator or City Commission prior to making the purchase. Quotes received for purchases \$1,000 and under can be accomplished via phone, in person, in writing or via fax, but need to be recorded on the purchase order. When practical, Department Directors should obtain three quotes prior to making purchases. Department Directors have the responsibility to remain within annual budget limitations.

- B. The City Clerk and Assistant City Clerk are authorized to make purchases for the City of Neodesha up to \$5,000.
- C. The City Administrator is authorized to make purchases for the City of Neodesha up to \$7,500. Any purchase exceeding \$7,500 must be approved by the City Commission prior to making the purchase. Bids and the purchases of fixed equipment \$7,500 or more, not included in the budget, require City Commission approval.
- D. The City of Neodesha utilizes a formal purchase order system, requiring a purchase order number, for all purchases over \$500. Once an item is received, the Department Director who purchased the item verifies that the city is being invoiced for the correct item. The Department Director reviews the purchase order, initials it and codes it for payment. The Administration Department enters the invoices for payment into the accounting system. Once the warrant register is printed, the warrant register is

reviewed by the City Clerk, City Administrator, and a Commission member. The warrant register is taken to the City Commission for approval.

- E. Upon approval of the warrant register by Commission, the checks are printed and mailed the following day. The City Administrator and the City Clerk must sign the checks. In the absence of the City Administrator and/or City Clerk, a Commission member and/or City Treasurer must sign the checks.
- F. Ethics In Purchasing: Any attempt to realize personal gain through public employment is a breach of public trust and grounds for disciplinary action up to and including termination. It shall be a breach of ethical standards for any employee or public official to knowingly use confidential information or the City's purchasing ability for personal gain, or the personal gain of others. It shall be a breach of public ethics to reap personal gain through City purchasing decisions such as cash, goods, gifts, or discounts. It is unacceptable for one Department Director to negotiate on behalf of another Department Director without his or her consent.

2. Methods of Procurement

A. Small Purchases – This method is used when goods or services do not cost in the aggregate more than \$10,000.

- (1) Price or rate quotes are obtained from an adequate number of qualified sources. (Generally, three). Written specifications are provided, normally 30 days in advance, to assure all responders are bidding on the same product or service. Bid requests will be published at a minimum in the City of Neodesha Official Newspaper, at a minimum 30 days prior to bid date, except with approval of the City Commission. All bids shall be opened publicly at the time and place stated in the Invitation for Bids.
- (2) Documentation regarding the businesses contacted and the prices submitted shall be maintained in the project folder or procurement file.
- (3) Written documentation regarding basis for selection and cost shall be maintained.
- (4) The City of Neodesha has the right to accept or reject any or all bids with or without cause in the discretion of the Governing Body. All unsuccessful bidders must be notified in writing.

B. Competitive Sealed Bids – Competitive sealed bids are initiated by publishing an Invitation for Bids (IFB) when the cost is estimated to be over \$25,000, and two or more responsible suppliers are willing and able to compete effectively for the City of Neodesha business. Invitation to Bid notices will be published once, at a minimum, in the City of Neodesha Official Newspaper and the publications at a minimum of 30 days prior to bid date, except with approval of the City Commission. The City Commission is the approving authority for all competitive sealed bids. All bids shall be opened publicly at the time and place stated in the Invitation for Bids.

- (1) Detailed specifications for the goods or services to be procured shall be approved by City Commission prior to advertising.
- (2) All bids received are tabulated and reviewed according to the written criteria given to prospective bidders. The primary basis for award shall be cost.
- (3) A firm-fixed-price contract award shall be made by written notice to the responsible bidder whose bid, conforming to the Invitation for Bids, is lowest. Where specified in the bidding documents, factors such as discounts, transportation costs and life cycle costs shall be considered in determining which bid is lowest.
- (4) Preparation and signing of a contract formalizing a scope of work and the terms of compensation is required after confirming the contractor is not on the Federal Debarred List.
- (5) Any and all bids may be rejected with or without cause in the discretion of the Governing Body. All unsuccessful bidders must be notified in writing.
- (6) A bid guarantee equal to at least five percent (5%) of the proposed contract amount and should be secured through a bid loan or a certified check. A 100 percent (100%) "performance bond" on the part of the contractor to secure fulfillment of all the contractor's obligations under the contract; and a 100 percent (100%) "payment bond on the part of the contractor to assure payment, as required by law, of all persons supplying labor and materials as part of work provided under the contract. In the discretion of the Governing Body the requirement of a performance bond and/or payment bond may be waived in writing.
- (7) Bonds shall be from a surety company registered and licensed to do business in Kansas and countersigned by a Kansas agent.

C. Competitive Negotiations – Competitive Negotiations are initiated by publishing a Request for Proposals (RFP) or Request for Qualifications (RFQ). Responses shall be solicited from an adequate number of

qualified sources to permit reasonable competition consistent with the nature and requirements of the procurement. The RFP is used when price is a factor in selection; the RFQ is used when price is considered after selection (this is usually applicable only for architectural and engineering services). Adequate time is allowed for preparation of RFP or RFQ for at least 30 days.

- (1) In both the RFP and RFQ, the services to be procured are clearly defined, as are the factors to be used in evaluation and selection. A written basis of selection must be prepared.
 - (2) All proposals received are to be reviewed according to the written criteria given to prospective bidders and the review should be in writing. The basis of selection must be documented.
 - (3) For RFQ's, an invitation is made to one or more respondents to negotiate a price or fee.
 - (4) Awards may be made to the responsible bidder whose proposal will be most advantageous to the City, with price and other factors considered.
 - (5) Preparation and signing of a contract formalizing a scope of work and the terms of compensation is required.
 - (6) All unsuccessful bidders must be notified in writing.
- D. Non-Competitive Negotiations – Non-competitive negotiations are used only when 1) the use of competitive negotiations is not feasible, such as having only one supplier; 2) there is a public emergency; or 3) the results of the competitive negotiations are inadequate.
- (1) Negotiations are conducted with the selected company regarding a scope of work and price.
 - (2) Preparation and signing of a contract formalizing a scope of work and the terms of compensation is required.
 - (3) Sole source purchases must be approved by the City Administrator or City Commission.

3. Emergency or Urgent Situations

- A. It is recognized that emergency or urgent situations occasionally arise in City operations. In emergency or urgent situations, it is up to the judgment of the City Administrator to make a responsible decision regarding obtaining required goods and services.
- B. These emergency or urgent situations arise when an immediate decision may preclude excessive costs at a later date and in some situations even prevent injuries or the loss of life. The City Administrator is charged with the responsibility to determine if an emergency or urgent situation exists and to make necessary decisions if higher authority is unavailable.
- C. All purchases outside the normal purchasing procedures must be reported to the Governing Body as soon as possible.

4. Contracts

- A. Preparation and signing of a contract formalizing a scope of work and the terms of compensation is required for all contracts over \$2,000.
- B. The City Commission shall be the approving authority for all formal contracts exceeding \$2,000. For all other contracts, the City Administrator shall be the approving authority.
- C. At the discretion of the City Administrator, formal contracts may be drafted, or reviewed, by the City Attorney.
- D. Contract Pricing – The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used.
- E. Contracts must include the following:
 - (1) Effective date of contract;
 - (2) Name and addresses of the locality and firm;
 - (3) Names of representatives of locality and firm who will act as liaison for administration of the contract;
 - (4) Citation of the authority of the city under whom the contract is entered into and source of funds.
 - (5) Conditions and terms under which the contract may be terminated by either party, both termination for cause and termination for convenience, and remedies for violation/breach of contract.

5. Miscellaneous Financial Issues

- A. Procedures for claiming of travel related expenditures are identified in the City of Neodesha Personnel Policy Handbook.
- B. The City of Neodesha shall perform some form of cost/price analysis for every procurement action, including modifications or change orders.
- C. The City Staff shall make every reasonable effort to purchase goods and services from suppliers located within the City of Neodesha if the goods or services needed by the City are available from such suppliers

- at a competitive price, and if the goods and services are of the level of quality expected by the City. Local bids will be considered reasonable if they are no greater than 15% above the lowest bid.
- D. All procurements will be reviewed to avoid unnecessary and duplicate purchases and to ensure costs are “reasonable.”
 - E. The City of Neodesha will make every effort to ensure small, minority and/or female-owned businesses are included in the bid process.
 - F. Invitation for Bids or Requests for Proposals must be clearly written and describe the technical requirements of the equipment or services.
 - G. The City of Neodesha is exempt from all local and state sales taxes or federal excise taxes. Purchases made for any of the Utility Departments other than the Water Utility, however, are subject to all local and state sales taxes or federal excise taxes. For these tax reasons, it is not acceptable to purchase personal items through the City’s purchasing system. A W-9 must be sent to vendors along with the purchase order for any purchase over \$500.
 - H. Formal bids will contain the following language: The Governing Body of the City of Neodesha reserves the right to waive irregularities in bids, to reject any and all bids with or without cause in the discretion of the Governing Body, and to award the bid that it determines to be in the best interest of the City of Neodesha. The City of Neodesha does not discriminate on the basis of race, color, national origin, sex, religion, age, or handicapped status in employment or provision of service.

Section 2. The Governing Body of the City of Neodesha, Kansas, by majority vote, may waive any provisions of this Resolution when deemed in the best interest of the City.

Section 3. Nothing in this Procurement Policy shall exempt the City from the requirements of K.S.A. 10-1101 et seq., the Kansas Cash Basis Law.

Section 4. This Resolution shall take effect and be in force from and after its passage and adoption.

ADOPTED AND APPROVED by the governing body of the City of Neodesha, Kansas this 10th day of January, 2022.

ATTEST:

Devin Johnson, Mayor

Stephanie Fyfe, City Clerk

CITY OF NEODESHA

RESOLUTION 22-03

A RESOLUTION AMENDING THE POSITION CLASSIFICATION AND PAY PLAN FOR THE CITY OF NEODESHA, KANSAS, AS ADOPTED BY THE NEODESHA CITY COMMISSION BY RESOLUTION 18-14.

WHEREAS, K.S.A. 12-101 provides that a city may exercise the powers of home rule in determination of local affairs, and the City of Neodesha is a City of the Second Class as defined by Kansas Statute; and

WHEREAS, the management of the City of Neodesha regarding personnel rules, employee classification plans, compensation and related administrative procedures and policies are a permissible exercise of home rule powers, pursuant to K.S.A. 12-101a; and

WHEREAS, the City of Neodesha Governing Body established a pay plan and position descriptions for all City of Neodesha employees in the form of a Position Classification and Pay Plan document to establish an equitable pay system based upon merit performance to be administered by the City Administrator:

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

That the following amendments be made to the adopted Position Classification and Pay Plan for the City of Neodesha:

- Inclusion of job description for a Water/Wastewater Distribution Operator.
- Addition of two Water/Wastewater Distribution Operators to the Water/Wastewater Department organization chart.
- Inclusion of job description for an Electric Groundman.
- Amend the Electric Department organization chart to reflect three Lineman positions.
- Deletion of job description for Assistant Cemetery Sexton/Parks Foreman.
- Deletion of job description for Administrative Assistant/Laborer.
- Amend the Public Works Department organization chart to reflect two Equipment Operator positions.
- Amend Section 4 Pay Tables, to add Water/Wastewater Distribution Operator to Grade 3, and Electric Groundman to Grade 4.
- Amend Section 4 Pay Tables, to remove the Assistant Cemetery Sexton/Parks Foreman, and the Administrative Assistant/Laborer.
- Amend Section 4 Pay Tables, to add a two-percent Cost of Living Adjustment (COLA) for Budget Year 2022.
- Amend Table of Contents, organization charts, and page numbers to reflect the above-mentioned changes.

ADOPTED AND APPROVED by the governing body of the City of Neodesha, Kansas this 10th day of January, 2022.

ATTEST:

Devin Johnson, Mayor

Stephanie Fyfe, City Clerk

**T&R ELECTRIC**SUPPLY COMPANY INCORPORATED
BOX 180, COLMAN, SOUTH DAKOTA 57017*"The Transformer People"***When Every Minute Counts**Call Toll Free 800-843-7994
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FAX 605-534-3861
Website <http://t-r.com>**Quote Rev. 90054-2**

Date: 01/03/2022

Contact: BRANDON HEARN

Company: NEODESHA LIGHT POWER

Phone: 620-205-7721

Fax:

Email: bhearn@neodeshaks.org**Quote Summary**

#	Item	Type	Qty	Category	Ph	KVA	Primary	Secondary	Price	Total
1	0	RC	2	PAD MOUNT	3	1500	13200Y/7620	480Y/277	\$23,453.00 USD	\$46,906.00 USD
2	0	RC	18	POLE MOUNT	1	25	7620	120/240	\$879.00 USD	\$15,822.00 USD
3	0	RW	6	POLE MOUNT	1	25	2400 X 7620	120/240	\$2,232.00 USD	\$13,392.00 USD
Grand Total										\$76,120.00 USD

Additional Notes

1. All quotes are subject to the "Standard Terms and Conditions of Sale".
2. This quote is valid for 15 days.
3. Estimated manufacturing lead-time is a best estimate at time of quotation and may vary.
4. Upon completion of order, immediate shipment is available plus freight on a common carrier. Unless otherwise specified, freight on quotes is prepaid and allowed in the contiguous US on our next available truck going to your area.
5. Electrical Test reports available upon request.
6. Prices subject to change. Due to the current volatility of the transformer components market (including copper), prices are subject to change in the event a rapid or extreme fluctuation in price occurs between the time of order placement and sourcing of materials. A rapid or extreme fluctuation occurs when a component part increases by more than 5% from the time the order is placed, and the time materials are ordered. T&R Electric agrees to use its best efforts to obtain advantageous pricing from materials suppliers. In the event there is a price increase through no fault of T&R Electric, we will notify the customer as soon as practicable.
7. Note: In order for a Purchase Order to be entered into the work queue and receive a designated time slot for production, these conditions must be accepted, and a note of acknowledgement must be present on said purchase order.

If you have any questions or need any additional information please call me at 800-843-7994. You may also email me at tommy@trelectric.com.

Sincerely,
Tommy McGuire
Sales Representative