

## **Agenda**

City Commission of the City of Neodesha, KS

February 23, 2022 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 February 9, 2022 Minutes
- Appropriation (2022) 03

### Item 4: Business Items to Consider

- A. Public Hearing: USDA-RD Grant for Police Vehicles
- B. Land Bank: Deed Property to City of Neodesha
- C. BP Annual Access Agreement
- D. Consider Purchase of F350 Truck for Public Works
- E. Consider Purchase of Mowing Equipment for Public Works
- F. Consider Purchase of Rotary Cutter for Electric Department

### Item 5: Date/Time of Next Regular Meeting

Wednesday, March 9, 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  
February 23, 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: Public Hearing: USDA-RD Grant for Police Vehicles**

The City of Neodesha has filed a pre-application with USDA-RD for financial assistance to purchase police vehicles. The City of Neodesha is required to conduct a public hearing in support of our grant application.

**RECOMMENDED MOTION:** *N/A*

**4.B: Land Bank: Deed Property to City of Neodesha**

The Commission is asked to convene as the Neodesha Land Bank, and consider deeding property to the City of Neodesha. The property to be deeded is the open lot south of the new Police Department. Deeding this property to the City will allow staff to submit a tax exemption application to the Board of Tax Appeals.

**RECOMMENDED MOTION:** *I move to convene as the Neodesha Land Bank to discuss deeding property to the City of Neodesha.*

**RECOMMENDED MOTION:** *I move to approve deeding the property located at 4<sup>th</sup> & Wisconsin to the City of Neodesha.*

**RECOMMENDED MOTION:** *I move to adjourn as the Neodesha Land Bank Board and reconvene as the City of Neodesha Governing Body.*

**4.C: BP Annual Access Agreement**

Staff has been contacted by representatives of BP with a request to approve an Annual Access Agreement for monitoring well sampling activity.

**RECOMMENDED MOTION:** *I move to approve the 2022 Access Agreement with BP for monitoring well sampling, and authorize the City Administrator to sign the agreement.*

**4.D: Consider Purchase of F350 Truck for Public Works**

The Commission is asked to approve the purchase of an F350 truck from Quality Motors. The quote is in the amount of \$60,336.60. The purchase of an F450 dump truck was approved by the Commission

during the 2022 budget season, but Public Works would like to complete the purchase of an F350 that was begun nearly a year ago. For the F350, the purchase price is approximately \$4,000 over the planned purchase amount for 2022.

**RECOMMENDED MOTION:** *I move to approve the purchase of a Ford F350 from Quality Motors at a cost not to exceed \$60,336.60.*

**4.E: Consider Purchase of Mowing Equipment for Public Works**

The Commission is asked to approve the purchase of mowing equipment for Public Works. This is a 2022 budgeted item on the capital outlay plan, for \$15,200. The quote is in the amount of \$15,124.17.

**RECOMMENDED MOTION:** *I move to approve the purchase of mowing equipment from Fredonia Outdoor Equipment LLC, at a cost not to exceed \$15,200.*

**4.F: Consider Purchase of Rotary Cutter for Electric Department**

The Commission is asked to approve the purchase of a rotary cutter for the Electric Department. This equipment will be attached to the skid steer the Commission recently approved for the Electric Department. The quote is in the amount of \$15,950, but taxes are not included in the quote.

**RECOMMENDED MOTION:** *I move to approve the purchase of rotary cutter from Prairie Land Partners LLC, at a cost not to exceed \$18,000.*

**Item 6: Executive Session:**

**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.

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, February 9, 2022 with Mayor Johnson presiding and Commissioner Nichol present. Commissioner Moffatt attended by telephone.

Commissioner Nichol moved to approve the agenda as presented. 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 January 26 Commission Meeting; minutes from the January 31, 2022 Special Call Meeting; Appropriation (2022) 02; Raw Water Bond Appropriation 100; and Gas Line Project Appropriation 35. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding an Ordinance providing authority for the structures located at 105 N 5<sup>th</sup> Street to be demolished and the property made safe. Discussion held.

#### **ORDINANCE NO. 1760**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE REMOVAL OF CERTAIN UNSAFE AND DANGEROUS STRUCTURES LOCATED AT 105 AND 107 N 5TH ON LEGAL DESCRIPTION: N ½ OF LOTS 23 AND 24, BLOCK 35, CITY OF NEODESHA, WILSON COUNTY, KANSAS 21-38 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 21-38 dated December 22, 2022, 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 105 and 107 N 5<sup>th</sup>, on legal description: N ½ of Lots 23 and 24, Block 35, the City of Neodesha, Wilson County, 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 Nichol moved to approve Ordinance 1760, directing the removal of certain dangerous and unsafe structures at 105 N 5<sup>th</sup> Street. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the purchase of electric poles from Bridgewell Resources. Discussion held.

Commissioner Moffatt moved to approve the purchase of electric poles from Bridgewell Resources at a cost not to exceed \$21,000. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the purchase of a skid steer from John Deere. Discussion held.

Commissioner Nichol moved to approve the purchase of a skid steer from John Deere, at a cost not to exceed \$47,000. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the status of the City's ambulance fees. Discussion held. No action taken.

Administrator Truelove addressed the Commission regarding an unused franchise agreement with Kansas Fiber Net (KSFiberNet), that was originally approved in December 2015. Discussion held. No action taken.

At 2:55 p.m. Commissioner Nichol requested a 5-minute recess. Seconded by Commissioner Moffatt. Motion carried. The live streamed Zoom meeting was then placed on hold with audio, video and recording paused. *(continued on next page)*

At 3:00 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.

Commissioner Nichol moved to recess to an Executive Session including the Governing Body, City Administrator, 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 3:22 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 3:22 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, February 23, 2022 at 2:00 p.m.

At 3:22 p.m. Commissioner Moffatt moved to adjourn. Seconded by Commissioner Nichol. Motion carried.

ATTEST:

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Devin Johnson, Mayor

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Stephanie Fyfe, City Clerk

**APPROPRIATIONS REPORT**

**ORDINANCE NO 3**

**2/23/2022**

<u>VENDOR</u>	<u>REFERENCE</u>	<u>AMOUNT</u>	<u>CHECK NO</u>	<u>CHECK DATE</u>
A T & T	PHONE CHARGES	240.71	70120	2/23/2022
BOUND TREE MEDICAL LLC	MEDICATION & SUPPLIES	1,700.38	70121	2/23/2022
CALLTOWER	PHONE CHARGES	370.61	70122	2/23/2022
CANON FINANCIAL SERVICES	COPIER & PRINTER LEASE	745.82	70123	2/23/2022
CARTER WATERS	COLD PATCH	2,306.80	70124	2/23/2022
CNA SURETY DIRECT BILL	MAYOR & COMMISSIONERS BOND	100.00	70125	2/23/2022
CONRAD FIRE EQUIPMENT INC	RADIATOR	4,909.16	70126	2/23/2022
CONSTELLATION NEWENERGY	JANUARY BILLING	196,636.80	70127	2/23/2022
DELL MARKETING LP	COMPUTER	1,695.08	70128	2/23/2022
ECX SYSTEMS LLC	BARRACUDA EMAIL SECURITY 3/22	50.00	70129	2/23/2022
FASTENAL COMPANY	PARTS	39.74	70130	2/23/2022
FED EX	SHIPPING CHARGES	101.70	70131	2/23/2022
FREDONIA TRUE VALUE HARDWARE	SUPPLIES	373.42	70132	2/23/2022
GERKEN RENT-ALL	SANITATION UNITS	352.00	70133	2/23/2022
HACH COMPANY	LAB SUPPLIES	98.20	70134	2/23/2022
HAWKINS INC	CHEMICALS	5,886.91	70135	2/23/2022
INDEPENDENCE DAILY REPORTER	CLASSIFIED ADS	245.25	70136	2/23/2022
INDUSTRIAL SALES COMPANY INC	GAS SUPPLIES	802.02	70137	2/23/2022
KACM	2022 MEMBERSHIP DUES	75.00	70138	2/23/2022
KANSAS STATE TREASURER	WMC BOND INTEREST PAYMENT	3,262.50	70139	2/23/2022
NKC Tire	TIRES	259.54	70140	2/23/2022
BRITNI LAWRENCE	CIVIC CENTER DEPOSIT REFUND	200.00	70141	2/23/2022
LEAGUE OF KS MUNICIPALITIES	FINANCE/BUDGET VIRTUAL TRAINING	50.00	70142	2/23/2022
LUMINOUS NEON INC	SIGNAGE FOR NEW PD	2,696.80	70143	2/23/2022
MIDWEST COMPUTER SALES	IT SERVICES	546.25	70144	2/23/2022
MURPHY TRACTOR & EQUIPMENT CO	PARTS	579.98	70145	2/23/2022
NEODESHA AUTO SUPPLY	SOCKET/RATCHET/ADAPTER	776.51	70147	2/23/2022
PRIORITY POWER	JANUARY BILLING	1,000.00	70148	2/23/2022
SCHULTE SUPPLY INC	SUPPLIES	596.95	70149	2/23/2022

UNIFIRST CORPORATION	RUG & CLEANING SUPPLIES	983.04	70150	2/23/2022
WESTERN AUTO	GARDEN HOSE & KEYS	122.63	70151	2/23/2022

**\*\*\*\*TOTAL\*\*\*\*** **227,803.80**

**ACH ELECTRIC ENERGY STATEMENTS BILLED FEBRUARY 2022**

KMEA - SPA Hyrdro Project	January 2022 Service	3,614.82
KMEA - GRDA Power Supply Project	March 2022 Service	115,635.20
KMEA - Energy Mgmt Project No 3	January 2022 Service	125,615.64
<b>TOTAL ACH Electric Energy Statements</b>		<b>244,865.66</b>

**ACCESS AGREEMENT**

On this 23<sup>rd</sup> day of February, 2022, BP Products North America Inc., ("BP") and the City of Neodesha, as owner of City Right of Way property located in Neodesha, Kansas ("Property"), hereby agree as follows:

1. Owner grants to BP, its consulting firms, and their subcontractors ("BP's contractors") access to, and a license to use equipment on, the Property for the purpose of performing maintenance/repair and environmental sampling and monitoring activities of existing monitoring wells ("Activities"). The Activities shall be specifically limited to the well repair/maintenance activities and semi-annual groundwater sampling events. The Activities may include the collection of soil and groundwater samples. BP's contractors will provide Owner with copies of the results of any samples conducted on the property.

2. BP's contractors will conduct themselves in a business-like, professional manner and will use reasonable efforts to avoid or minimize any interruption to the business or use of the Property as a result of the Activities.

3. After the Activities on the Property are completed, BP's contractors will return the Property to substantially the same condition as prior to the Activities. BP's contractors will be responsible for the proper management, removal and disposal of all materials generated as the result of the Activities at the Property, and will ensure that any such materials are removed from the Property within a reasonable time after their generation. After the useful life of any monitoring wells installed on the Property, the wells will be properly abandoned and/or removed in accordance with Kansas Department of Health and Environment ("KDHE") standards, and the Property will be restored to substantially the same condition as before the wells were installed.

4. BP will defend, indemnify, and hold harmless Owner from third-party causes of action which arise out of the negligence of BP's contractors in their performance of the Activities on the Property.


5. BP's contractors shall have the right to permit representatives of KDHE to accompany them as appropriate during the Activities on the Property.

6. This Agreement shall expire on 12/31/22 but may be extended by mutual consent of the parties. Nothing in this Agreement shall be deemed an admission, or used as evidence, on any issue of law or fact in any dispute, proceeding or litigation.

City of Neodesha

BP Products North America Inc.

By: \_\_\_\_\_

By:  \_\_\_\_\_

Title: Mayor \_\_\_\_\_

Title: Operations Project Manager



# Quality Motors Inc.

2022 W. Main Street  
Independence, KS 67301  
(620) 331-6090

Quote

## INVOICE

### Customer

Name CITY OF NEODESHA  
Address P.O. BOX 336  
City NEODESHA State KS ZIP 66757  
Phone

Date 2/9/2022  
Order No.  
Rep  
FOB

Qty	Description	Unit Price	TOTAL
1	2022 F350 4X4 SUPERCAB 168' CAB & CHASSIS	\$45,921.60	\$45,921.60
1	5108 SERVICE BODY INSTALLED ON TRUCK	\$14,415.00	\$14,415.00

ETA 16-24 WEEKS  
ETA IS NOT A GURANTEE DELIVERY

PAYMENT IS DUE UPON PICKUP

### Payment Details

- Cash  
 Check  
 Credit Card

Name  
CC #

Expires

SubTotal	\$60,336.60
Shipping & Handling	\$0.00
Taxes State	
<b>TOTAL</b>	<b>\$60,336.60</b>

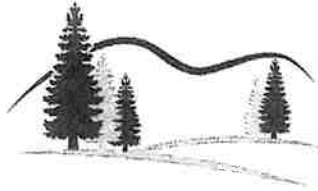
For more information, contact  
Marsha Loveless at 620-331-6090

Thank You!

# Bid

*Fredonia Outdoor Equipment LLC*  
*1500 N 2<sup>nd</sup> Street*  
*Fredonia KS 66736*  
*620-378-3171*

Date: 2/3/2022  
City of Neodesha



Fredonia Outdoor Equipment LLC

Qty	Description	Bid Price
1	Grasshopper 329b 52" Mower	\$11,333.75
1	Gravely Pro-Stance Mower 32"	\$6,790.42
1	Grasshopper 329 Trade in mower (52" with 1024 hrs)	-\$3,000.00
<b>Subtotal</b>		\$15,124.17
<b>Tax</b>		\$0.00
<b>Total</b>		\$15,124.17



**JOHN DEERE**

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**Quote Summary**

**Prepared For:**

CITY OF NEODESHA PUBLIC WORKS  
PO BOX 336  
NEODESHA, KS 66757  
Business: 620-325-2828

**Prepared By:**

Larry Greve  
PrairieLand Partners, LLC  
3182 Hwy 160 W  
Independence, KS 67301  
Phone: 620-331-2350  
larryg@plpjd.com

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**Quote Id:** 26075916  
**Created On:** 14 February 2022  
**Last Modified On:** 14 February 2022  
**Expiration Date:** 28 February 2022

<b>Equipment Summary</b>	<b>Suggested List</b>	<b>Selling Price</b>	<b>Qty</b>	<b>Extended</b>
2021 JOHN DEERE RX84 ROTARY CUTTER - 1T0RX84XPM0000270	\$ 17,663.00	\$ 15,950.00 X	1 =	\$ 15,950.00

**Equipment Total** **\$ 15,950.00**

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<b>Quote Summary</b>	
Equipment Total	\$ 15,950.00
SubTotal	\$ 15,950.00
Est. Service Agreement Tax	\$ 0.00
<b>Total</b>	<b>\$ 15,950.00</b>
Down Payment	(0.00)
Rental Applied	(0.00)
<b>Balance Due</b>	<b>\$ 15,950.00</b>

Salesperson : X \_\_\_\_\_

Accepted By : X \_\_\_\_\_