

Agenda
City Commission of the City of Neodesha, KS
November 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 November 9, 2022 Minutes
- Appropriation (2022) 21

Item 4: Business Items to Consider

- A. Proclamation: Small Business Saturday 2022
- B. Public Hearing: Dangerous Structures 318 S 2nd Street
- C. Resolution: Dangerous Structures 318 S 2nd Street
- D. Resolution: Authorizing the Financing of a Solar Generation Project
- E. Presentation: AirMed Care Air Ambulance Service
- F. Discussion: Neodesha Day Care Proposal
- G. Discussion: Employee Attendance in Non-Work-Related Settings
- H. Presentation: Neodesha Gas Utility Safety
- I. HACH Service Plus: Approve Renewal of 2023 Service Agreement
- J. Approve CMB License: El Ranchero
- K. Award Farm Lease Bid: Water Plant
- L. Consider Airport Hay Lease
- M. Appoint Public Works Director
- N. Consider Holiday Bonus
- O. Consider Closing City Hall December 7, 2022

Item 5: Date/Time of Next Regular Meeting

Wednesday, December 14, 2022 at 2:00 p.m. – Regular Meeting, City Hall

Item 6: Executive Session

Item 7: Adjournment

**AGENDA COMMENTS
CITY COMMISSION MEETING
November 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: Proclamation: Small Business Saturday 2022

4.B: Public Hearing: Dangerous Structures 318 S 2nd Street

On September 28, 2022, the Commission approved Resolution 22-16, to set a public hearing date, November 23, 2022, to show cause why the structures located at 318 S 2nd Street should not be ordered repaired or demolished as unsafe or dangerous structures. For this agenda item, the Commission will conduct a public hearing for the property located at 318 S 2nd Street.

RECOMMENDED MOTION: *N/A*

4.C: Resolution: Dangerous Structures 318 S 2nd Street

Depending on the outcome of agenda item 4B, The Commission is asked to approve Resolution 22-21, to declare the property as unsafe or dangerous, and directing the repair or removal of the structures, making the property safe and secure.

RECOMMENDED MOTION: *I move to approve Resolution 22-21 declaring the property located at 318 S 2nd Street as unsafe or dangerous, and allow the property owner _____ days to repair or remove the structures and make the property safe and secure.*

4.D: Resolution: Authorizing the Financing of a Solar Generation Project

For this agenda item, the Commission is asked to consider approving Resolution 22-22, authorizing the issuance and sale of certificates to finance a solar project at the Neodesha Airport.

RECOMMENDED MOTION: *I move to approve Resolution 22-22, authorizing the issuance and sale of certificates, not to exceed \$12,500,000, to finance a solar generation project.*

4.E: Presentation: AirMed Care Air Ambulance Service

The Commission will welcome Mr. Russell Riggins and Mr. Jeff Miller, AirMed Care air ambulance service, for a presentation on their company's air ambulance service. Staff will ask the Commission for a final determination on selecting an air ambulance service at the Commission meeting on December 14, 2022.

RECOMMENDED MOTION: N/A

4.F: Discussion: Neodesha Day Care Proposal

The Commission will welcome Ms. Susan Lockhart for a continued discussion on providing a children's Day Care facility in Neodesha. Ms. Laura Finney, KDHE, is also planning to attend the meeting, to discuss daycare issues in Neodesha.

RECOMMENDED MOTION: N/A

4.G: Discussion: Employee Attendance in Non-Work-Related Settings

At the request of Mr. Gary Larson, and the Commission, this agenda item is set to discuss allowing City employees to have paid time during their work day to attend non-city functions.

RECOMMENDED MOTION: N/A

4.H: Presentation: Neodesha Gas Utility Safety

Each year, the Public Works Department (Gas Utility), conducts a presentation to the Commission related to our Gas Utility. This presentation fulfills a requirement that our Gas Utility conduct this type of training.

RECOMMENDED MOTION: N/A

4.I: HACH Service Plus: Approve Renewal of 2023 Service Agreement

Staff will brief the Commission on a proposed renewal of our HACH company service agreement for the Water Treatment Plant. The renewal amount for the 2022-2023 service contract is \$3,971.

RECOMMENDED MOTION: *I move to approve the renewal of the service agreement with HACH Service Plus in an amount not to exceed \$3,971.*

4.J: Approve CMB License: El Ranchero

The El Ranchero Mexican Food Restaurant is under new management, and the owner is asking that he be issued a cereal malt beverage license for the current year.

RECOMMENDED MOTION: *I move to approve the cereal malt beverage license for the El Ranchero Restaurant for calendar year 2022.*

4.K: Award Farm Lease Bid: Water Plant

For this agenda item, the Commission is asked to select a bidder, and award the Water Plant Farm Lease for 2023. The City received three bids, and the high bidder is Vincent Keller.

RECOMMENDED MOTION: *I move to approve the bid from Vincent Keller for the Water Plant Farm Lease for 2023.*

4.L: Consider Airport Hay Lease

This item has been added to the Commission's agenda for discussion on available haying acreage, and to determine an outcome on available ground IF the Commission chooses not to pursue a solar project at the airport.

RECOMMENDED MOTION: *To be determined...*

4.M: Appoint Public Works Director

For this agenda item, the Commission is asked to appoint a Public Works Director.

RECOMMENDED MOTION: *I move to appoint _____ as the Public Works Director.*

4.N: Consider Holiday Bonus

RECOMMENDED MOTION: *I move to approve a holiday bonus of \$250 for all full-time and part-time employees.*

4.O: Consider Closing City Hall December 7, 2022

The City crew will gather, December 7th, for our annual Christmas party and meal. The Commission is asked to consider either: 1) close City Hall from 11am to 1pm; or 2) close City Hall at 11am for the day.

RECOMMENDED MOTION: *I move to approve closing City Hall on December 7th:*

- *From 11am to 1pm; (or)*
- *At 11am.*

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., on Wednesday, November 9, 2022, in the Commission Room at City Hall conducting the meeting by live streaming with Zoom with Mayor Johnson presiding and Commissioners Moffatt and Nichol present.

Commissioner Nichol moved to approve the agenda as presented with the addition of Business Items 4P: Approve Application for Federal Assistance: Raw Water Projects and 4Q: Approve Bids for Water/Sewer Line Projects. Seconded by Commissioner Moffatt. Motion carried.

Commission reports were heard.

City Administrator reports were heard.

Community Development Director reports were heard.

Public Comments were invited and heard.

Commissioner Moffatt moved to approve the consent agenda as presented consisting of minutes from the October 26, 2022 Meeting; minutes from the November 3, 2022 Special Call Meeting; and Appropriation (2022) 20. 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 1316 N 4th Street, the public hearing was opened. Discussion held. Then the hearing was closed.

Commissioner Moffatt moved to table Resolution 22-21 and the abatement process for 1316 N 4th Street until February 8, 2023. 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 1309 N 5th Street, the public hearing was opened. Discussion held. Then the hearing was closed.

Commissioner Nichol moved to table Resolution 22-22 and the abatement process for 1309 N 5th Street until February 8, 2023. Seconded by Commissioner Moffatt. Motion carried.

The Governing Body welcomed Bill Albright and Aaron Bradshaw of Med Flight / Air Methods Ambulance Service for a presentation on their company's air ambulance service. Discussion held. No action taken.

Administrator Truelove addressed the Commission regarding the renewal of the City's employee health and dental insurance plan for 2023. Discussion held.

Commissioner Moffatt moved to approve the KMIT Association / Blue Cross Blue Shield Comprehensive Major Medical Plan and a Blue Cross Blue Shield of Kansas Dental Plan for 2023. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the Addendum to the Project Approval Notice from Priority Power Management for the City's proposed Solar Project. This item had been discussed and originally tabled for a second time at the October 26, 2022 Commission Meeting. Representatives from Priority Power Management have informed Staff that the addendum is no longer needed. Discussion held.

Mayor Johnson called for a motion to approve the Addendum to the Project Approval Notice. The agenda item died due to a lack of motion being brought forth.

Administrator Truelove addressed the Commission regarding appointments to the Active Transportation Advisory Board. Discussion held.

Commissioner Nichol moved to reappoint Erica Johnson, Jason DeLong, and Don Adams to the Active Transportation Advisory Board for four-year terms, with a term ending date of December 31, 2026. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding appointments to the Senior Citizens Board. Discussion held.

Commissioner Moffatt moved to approve the reappointment of Bill Sexton and Pam Eury to the Senior Citizens Board for three-year terms, with a term ending date of December 31, 2025. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding appointments to the Neodesha Recreation Commission. Discussion held.

Commissioner Nichol moved to reappoint Tommy John to the Neodesha Recreation Commission for a four-year term, with a term ending date of December 31, 2026. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the bids received for the Riverwalk Park Walking Trail; one bid from RBC Concrete and two bids from ReCrete Design. Discussion held.

Commissioner Nichol moved to approve Bid No. 2 from ReCrete Design, in the amount of \$50,000, for the construction of a walking trail at Riverwalk Park. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding bids received for Farm and Hay leases for the year 2023. Discussion held.

(continued on next page)

(continued from previous page)

Commissioner Moffatt moved to approve the bid from David Bosch for the Airport Hay lease. Seconded by Commissioner Nichol. Motion carried.

Commissioner Moffatt moved to approve the bid from Jantz Brothers LLC for the lagoon farm lease. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the consideration of an alley resurfacing project. Discussion held.

Commissioner Nichol moved to approve the bid from Hull Paving for alley repairs as presented with the addition of the required surface to measure 6" deep, at a cost not to exceed \$14,307. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the consideration of the addition of the Veterans Day holiday for 2022. Discussion held.

Commissioner Moffatt moved to approve the observance of Veterans Day for all City employees on November 11, 2022. Seconded by Commissioner Nichol. Motion carried.

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

Commissioner Nichol moved to accept the resignation of Frank Hill, effective November 25, 2022. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the approval of form SF424, an application for federal assistance to finance the dam repairs, and the placement of an 8-inch waterline on Tank Street. Discussion held.

Commissioner Moffatt moved to approve the application for federal assistance on the Raw Water Project, and authorize the Mayor to sign. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the approval of bids for the placement of the 8-inch waterline on Tank Street and the repairs to the gabion wall at the City dam. Discussion held.

Commissioner Nichol moved to approve the bid from Orr Wyatt Construction for the Tank Street waterline project, pending funding approval from USDA-RD. Seconded by Commissioner Moffatt. Motion carried.

Commissioner Nichol moved to approve the bid from Koehn Construction for the gabion wall dam repair project, pending funding approval from USDA-RD. Seconded by Commissioner Moffatt. Motion carried.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, November 23, 2022 at 2:00 p.m.

At 4:00 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 21****11/23/2022**

<u>VENDOR</u>	<u>REFERENCE</u>	<u>AMOUNT</u>	<u>CHECK NO</u>	<u>CHECK DATE</u>
A T & T	PHONE CHARGES	259.20	71370	11/23/2022
ADVANCE INSURANCE COMPANY	DECEMBER PREMIUMS	495.43	71372	11/23/2022
AUTO ZONE	AIR FILTER	51.98	71373	11/23/2022
BOUND TREE MEDICAL LLC	MEDICAL SUPPLIES	994.14	71374	11/23/2022
CALLTOWER	PHONE CHARGES	329.80	71375	11/23/2022
CANON FINANCIAL SERVICES	COPIER & PRINTER LEASE	748.23	71376	11/23/2022
CARTER WATERS	COLD PATCH	2,390.51	71377	11/23/2022
CHASE PEST CONTROL LLC	EXTERMINATOR SERVICE	420.00	71378	11/23/2022
CINTAS	FIRST AID SUPPLIES	185.33	71379	11/23/2022
CITY OF CHANUTE	FIBER & SUPPLIES	3,238.16	71380	11/23/2022
CIVIC PLUS	SUPPLEMENT PAGES	1,755.50	71381	11/23/2022
FOULSTON SIEFKIN LLP	LEGAL SERVICES	2,025.00	71382	11/23/2022
G & W FOODS	SUPPLIES	399.63	71384	11/23/2022
HUBER & ASSOCIATES INC	ENTERPOL LICENSE & MAINTENANCE	4,334.00	71385	11/23/2022
INDUSTRIAL SALES COMPANY INC	GAS SUPPLIES	237.43	71386	11/23/2022
KANSAS STATE TREASURER	LOW INTEREST LOAN PYMT NO 4	138,030.37	71387	11/23/2022
NKC Tire	TIRES	142.43	71388	11/23/2022
LINN'S AIR COOLED ENGINES	CHAINSAW REPAIR	239.63	71389	11/23/2022
MEDICLAIMS INC	AMBULANCE COLLECTION FEES	1,990.65	71390	11/23/2022
MELS PRINTING	WINDOW ENVELOPES	280.20	71391	11/23/2022
MERCHANT JOB TRAINING & SAFETY	LINEMAN TRAINING BOOK 3	550.00	71392	11/23/2022
MFA OIL	PROPANE	933.97	71393	11/23/2022
NEODESHA AUTO SUPPLY	AUTO PARTS & SUPPLIES	969.06	71396	11/23/2022
PENMAC PERSONNEL SERVICES INC	TEMPORARY PERSONNEL SERVICE	566.28	71397	11/23/2022
PITNEY BOWES	POSTAGE FOR METER	65.86	71398	11/23/2022
PITNEY BOWES INC	POSTAGE SUPPLIES	507.25	71399	11/23/2022
PORTER DRUG STORE	MEDICATION/UPS CHARGES	81.36	71400	11/23/2022
PRIORITY POWER	NOVEMBER BILLING	1,000.00	71401	11/23/2022
RANKIN MEMORIAL LIBRARY	TAX DISTRIBUTION	2,453.34	71402	11/23/2022

SANDBAGGER GOLF & TURF	MOWER PARTS	238.60	71403	11/23/2022
SCHULTE SUPPLY INC	PUMP FOR WATER PITS	284.68	71404	11/23/2022
SHERWIN WILLIAMS INDEPENDENCE	PAINT	83.34	71405	11/23/2022
T & R ELECTRIC INC	POLE MOUNT TRANSFORMERS	15,021.88	71406	11/23/2022
TLC GROUNDSKEEPING INC	LAST MOW OF THE YEAR	3,597.50	71407	11/23/2022
UNIFIRST CORPORATION	RUG & CLEANING SUPPLIES	1,258.05	71408	11/23/2022
WESTERN AUTO	SUPPLIES	124.80	71409	11/23/2022
WOODS LUMBER COMPANY	SUPPLIES	230.49	71410	11/23/2022
SPARKLIGHT	INTERNET SERVICE	159.14	71094	10/10/2022
EVERGY	AIRPORT RUNWAY LIGHTS	78.91	71095	10/10/2022
EVERGY	STREET LIGHTS @ OTTAWA	115.32	71096	10/10/2022
WEX BANK	FUEL	11,638.45	71097	10/10/2022
WILSON COUNTY TREASURER	TAG	28.75	71098	10/10/2022
WILSON CO REGISTER OF DEEDS	DEED FILING	182.00	71099	10/10/2022
CASH	EMPLOYEE BIRTHDAYS	40.00	71216	10/31/2022
SPARKLIGHT	INTERNET SERVICE	171.97	71217	10/31/2022
SOUTHERN STAR CENTRAL GP INC	SEPTEMBER BILLING	14,064.52	71218	10/31/2022
MATTIX COLE	COURT PAYMENT REFUND	300.00	71219	10/31/2022
VISA	TRAINING, SUPPLIES, MEMBERSHIP DUES	7,841.63	71220	10/31/2022
KY TRANSPORTATION CABINET	DRIVING RECORD	3.00	71221	10/31/2022
A T & T	PHONE CHARGES	261.10	71222	10/31/2022
CONSTELLATION NEWENERGY	SEPTEMBER BILLING	104,437.20	71223	10/31/2022
CASH	EMPLOYEE BIRTHDAYS	40.00	71224	10/31/2022
A T & T	FIBER OPTIC SYSTEM	594.52	71225	10/31/2022
ORSCHELNS	UNIFORMS	490.41	71226	10/31/2022
WEX BANK	FUEL	9,918.71	71227	10/31/2022
US POST OFFICE	GAS PUBLIC AWARENESS FLYERS	674.40	71228	10/31/2022
US POST OFFICE	PRESORT MAILING FEE	275.00	71229	10/31/2022

****TOTAL****

337,829.11

ACH ELECTRIC ENERGY STATEMENTS BILLED NOVEMBER 2022
--

KMEA - SPA Hyrdro Project	October 2022 Service	2,517.93
KMEA - GRDA Power Supply Project	December 2022 Service	99,417.22
KMEA - Energy Mgmt Project No 3	October 2022 Service	126,380.55
TOTAL ACH Electric Energy Statements		228,315.70

City of Neodesha Proclamation "Small Business Saturday 2022"

WHEREAS: The City of Neodesha, Kansas, celebrates and recognizes the value and importance of small businesses to the health and sustainability of the local, regional, and national economy; and

WHEREAS: Neodesha's local small businesses help preserve the uniqueness of the community and give us a sense of place; and

WHEREAS: Our community should work to empower and support businesses owned by our friends and neighbors, share joy, and Shop Small year-round; and

WHEREAS: The Neodesha Area Chamber of Commerce participates in the nationally recognized Small Business Saturday that takes place on Saturday, November 26, and all holiday season long, to encourage residents to support the local business community first as part of their annual holiday shopping traditions; and

WHEREAS: Together, the Neodesha Area Chamber of Commerce and the City of Neodesha are both working towards creating an environment which is safe, fun, and festive for the holiday shopping and entertainment season;

NOW THEREFORE, I, Devin Johnson, Mayor of the City of Neodesha, Kansas, do hereby proclaim November 26, 2022 as **"Small Business Saturday"**.

ATTEST:

Devin Johnson, Mayor

Stephanie Fyfe, City Clerk



CITY OF NEODESHA

RESOLUTION NO. 22-21

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 318 S 2nd, NEODESHA, KANSAS ON LEGAL DESCRIPTION: THE NORTH SEVENTY-ONE (71) FEET OF LOTS TWENTY-TWO (22), TWENTY-THREE (23) AND TWENTY-FOUR (24), BLOCK SEVENTY-FOUR (74) 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 28th day of September, 2022 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 28th day of September, 2022, 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 6th day of October, 2022, and on the 13th day of October, 2022, and a copy of such Resolution was served on all persons entitled thereto in all respects as provided by law; and

WHEREAS, on this 23rd day of November, 2022, 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 318 S 2nd, The North Seventy-one (71) feet of Lots Twenty-two (22), Twenty- three (23), and Twenty-four (24), Block Seventy-four (74), 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 _____ 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.

ADOPTED AND APPROVED by the governing body of the City of Neodesha, Kansas this 23rd day of November, 2022.

ATTEST:

Devin Johnson, Mayor

Stephanie Fyfe, City Clerk

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF NEODESHA, KANSAS
HELD ON NOVEMBER 23, 2022**

The City Commission (the "Governing Body") met in regular session at the usual meeting place in the City, at 2:00 P.M., the following members being present and participating, to-wit:

The following members of the governing body were absent:

The Mayor declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

Thereupon, there was presented a Resolution entitled:

**A RESOLUTION OF THE CITY OF NEODESHA, KANSAS, DETERMINING
THE ADVISABILITY OF FINANCING THE ACQUISITION AND EQUIPPING
OF A SOLAR GENERATION FACILITY BY THE EXECUTION AND
DELIVERY OF A LEASE PURCHASE AGREEMENT AND AUTHORIZING
CERTAIN ACTIONS RELATED THERETO AND TO THE ISSUANCE AND
SALE OF CERTIFICATES OF PARTICIPATION THEREIN.**

Commissioner _____ moved that the the Resolution be adopted. The motion was seconded by Commissioner _____. The motion was carried by the following vote of the Governing Body:

Aye:

Nay:

The Mayor declared the Resolution duly adopted; the Clerk designating the same Resolution No. ____.

* * * * *

(Other Proceedings)

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the Governing Body of the City of Neodesha, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Clerk

RESOLUTION NO. 22-22

A RESOLUTION OF THE CITY OF NEODESHA, KANSAS, DETERMINING THE ADVISABILITY OF FINANCING THE ACQUISITION AND EQUIPPING OF A SOLAR GENERATION FACILITY BY THE EXECUTION AND DELIVERY OF A LEASE PURCHASE AGREEMENT AND AUTHORIZING CERTAIN ACTIONS RELATED THERETO AND TO THE ISSUANCE AND SALE OF CERTIFICATES OF PARTICIPATION THEREIN.

WHEREAS, the City Commission (the "Governing Body") of the City of Neodesha, Kansas (the "City") has considered the need of the City and its residents for an approximately 5MW solar generation facility (the "Project") in order to provide a firm source of energy for the City and reduce the City's exposure to pricing volatility in the energy markets, and has found and determined that the acquisition of the Project is in the public interest; and

WHEREAS, the Governing Body has considered various means of financing the acquisition of the Project, and has found and determined that it would be in the public interest to acquire, construct, furnish and equip the Project through the execution and delivery of one or more lease purchase agreements (collectively the "Lease"); and

WHEREAS, it is intended and anticipated that the City will enter into the Lease with a financial institution to be designated by the City (the "Trustee"), and that the Trustee will issue one or more series of certificates of participation (collectively, the "Certificates") in the Lease to provide a source of funding for the Project; and

WHEREAS, the Project and Lease shall together constitute an "energy conservation measure" pursuant to the provisions of K.S.A. 75-37,125 (the "Act"); and

WHEREAS pursuant to the Act, the City may enter into the Lease without regard to the cash basis law at K.S.A. 10-1101 *et seq.*; and

WHEREAS, the City has selected the firm of UMB Bank, n.a., Kansas City, Missouri (the "Purchaser"), as underwriter for the Certificates and finds it advisable to authorize the Purchaser to proceed with the offering for sale of the Certificates; and

WHEREAS, one of the duties and responsibilities of the Purchaser is to prepare and distribute a preliminary official statement relating to any series of the Certificates (collectively, the "Preliminary Official Statement") and it is necessary to authorize the Purchaser, in conjunction with the City Administrator, Clerk and Gilmore & Bell, P.C., Wichita, Kansas ("Special Tax Counsel"), to proceed with the preparation and distribution of the Preliminary Official Statement and all other preliminary action necessary to sell the Certificates; and

WHEREAS, due to the volatile nature of the municipal securities market and the desire of the City to achieve maximum benefit of timing of the sale of the Certificates, the Governing Body desires to authorize the Mayor to confirm the sale of each series of the Certificates, if necessary, prior to the next meeting of the Governing Body to adopt the necessary ordinance providing for the execution and delivery thereof.

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

Section 1. Authorization to Acquire and Equip the Project. The City is hereby authorized to complete final plans and specifications and to contract for the acquisition, construction, furnishing and equipping of the Project, at an estimated cost of \$10,730,325.

Section 2. Intent to Enter into Lease Purchase Agreement. The City shall commence negotiations to enter into the Lease and to issue the Certificates therein in one or more series to provide financing for the acquisition, construction, furnishing and equipping of the Project, including any necessary reserves and associated costs of issuance, which Lease shall contain such terms, conditions and provisions as shall be acceptable to the Governing Body.

Section 3. Conditions to Execution and Delivery of Lease Purchase Agreement and Issuance of Certificates of Participation. The execution and delivery of the Lease and issuance of the Certificates is subject to passage (by a majority vote of all governing body members) and publication of an Ordinance approving the forms and authorizing the execution of the Lease and execution and delivery of such legal documents, including a Declaration of Trust, as may be necessary in connection with it, the terms of which shall be satisfactory to the governing body and to the lessor named therein. In accordance with the Act, the execution of the Lease shall be further subject to the requirements that: (a) the City shall have been provided plans for the Project prepared by an engineer licensed to practice in Kansas; and (b) the City shall have obtained an energy audit providing that the acquisition of the Project is designed to provide energy and operational cost savings at least equivalent to the amount expended by the City for the Project over a period of not more than 30 years after the date the Project is placed in service.

Section 4. Authorization to Sell Certificates; Purchase Agreement. The Purchaser is hereby authorized to proceed with the offering for sale of the Certificates of Participation Evidencing Proportionate Interests of the Owners Thereof in Basic Rent Payments to be made by the City of Neodesha, Kansas, as Lessee Pursuant to a Lease Purchase Agreement with the Trustee, in one or more series. The offering for sale of the Certificates shall be accomplished in consultation with the City Administrator, Clerk, Special Tax Counsel, and the Purchaser. In addition to the requirements set forth in **Section 3**, the confirmation of the sale of any series of the Certificates shall be subject to the execution of a purchase agreement between the Purchaser, the Trustee and the City (collectively, the "Purchase Agreement") in a form approved by Special Tax Counsel and the City Attorney. The Mayor is hereby authorized to execute the Purchase Agreement for the Certificates subject to the following parameters: (a) the aggregate principal amount of the Certificates shall not exceed \$12,500,000; and (b) the true interest cost ("TIC") of any series of Certificates shall not exceed 5.50%.

Section 5. Expenditure of Funds in Anticipation of Financing. In order to permit and expedite the acquisition, construction, furnishing and equipping of the Project and realization of the public benefits to be derived from it, the City may expend lawfully available funds prior to execution and delivery of the Lease, to be reimbursed upon execution and delivery of the Lease. This Resolution shall constitute a declaration of official intent under Treasury Regulation Section 1.150-2.

Section 6. Preliminary Official Statement. The Purchaser, in consultation with the Mayor, the City Administrator, Clerk, the City Attorney and Special Tax Counsel, is authorized to prepare separate Preliminary Official Statements for each series of the Certificates. The City hereby consents to the use and public distribution by the Purchaser of the Preliminary Official Statement in connection with the offering for sale of the Certificates. For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"), the Mayor and

Clerk or other appropriate officers of the City are hereby authorized: (a) to approve the form of said Preliminary Official Statement, and to execute the "Certificate Deeming Preliminary Official Statement Final" in substantially the form attached hereto as **Exhibit A** as approval of the Preliminary Official Statement, such official's signature thereon being conclusive evidence of such official's and the City's approval thereof; (b) covenant to provide continuous secondary market disclosure by annually transmitting certain financial information and operating data and other information necessary to comply with the Rule to certain national repositories and the Municipal Securities Rulemaking Board, as applicable; and (c) take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the Rule.

Section 7. Compliance with Disclosure Rules. The City agrees to provide to the Purchaser within seven business days of the date of the Purchase Agreement or within sufficient time to accompany any confirmation that requests payment from any customer of the Purchaser, whichever is earlier, sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of the Rule and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 8. Further Authority. The officials of the City, the Purchaser, the City Attorney, Special Tax Counsel and other consultants are authorized to proceed with the planning and document preparation of the Project, the Lease and other legal documents necessary in order to comply with the intent of this resolution, subject to final approval of such documents by the governing body, and to take such other action as may be necessary to carry out the sale of the Certificates.

Section 9. Effective Date. This Resolution shall be in full force and effect from and after its adoption.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

ADOPTED BY the governing body of the City of Neodesha, Kansas, on November 23, 2022.

Mayor

(Seal)

ATTEST:

Clerk

EXHIBIT A

**CERTIFICATE DEEMING
PRELIMINARY OFFICIAL STATEMENT FINAL**

November 23, 2022

Re: City of Neodesha, Kansas, Certificates of Participation, Series [2022][2023]


The undersigned are the duly acting Mayor and Clerk of the City of Neodesha, Kansas (the "City"), and are authorized to deliver this Certificate to the purchaser (the "Purchaser") of the above-referenced certificates (the "Certificates") on behalf of the City. The City has previously caused to be delivered to the Purchaser copies of the Preliminary Official Statement (the "Preliminary Official Statement") relating to the Certificates.

For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission (the "Rule"), the City hereby deems the information regarding the City contained in the Preliminary Official Statement to be final as of its date, except for the omission of such information as is permitted by the Rule, such as offering prices, interest rates, selling compensation, aggregate principal amount, principal per maturity, delivery dates, ratings and other terms of the Certificates depending on such matters.

CITY OF NEODESHA, KANSAS

By: _____
Title: Mayor

By: _____
Title: Clerk

	HACH SERVICE PARTNERSHIP QUOTATION	Page : 1 of 4 Partnership Number : HACH520354
	Headquarters P.O. Box 389 5600 Lindbergh Drive Loveland, CO 80539-0389 Purchase Orders	WebSite: www.hach.com Remittance 2207 Collections Center Dr Chicago, IL 60693 Wire Transfers Bank of America 231 S. LaSalle St. Chicago, IL 60604 Account: 8765602385 Routing (ABA): 026009593




Partnership Number : HACH520354 **Version :** 0.22 **Quotation Date :** 07-NOV-22
Expiration Date : 16-NOV-22

Hach Company Contact : Topping, Christen J	Service Partnership Phone :	Service Partnership Email : ctopping@hach.com
Customer Ref : Renewal Quote Customer Phone : 3252750	Customer Fax :	Customer Contact : BAIR, JAY Customer Email : jbair@neodeshaks.org

Bill-To Account # 124018		Ship-To Account # 124018		
Customer Name	CITY OF NEODESHA	Customer Name	CITY OF NEODESHA	Payment Terms: Net 30
Address4		Address4		Billing Method: Annual-Invoices on START Date
Address1	PO BOX 336	Address1	1400 WISCONSIN ST	Currency: USD
Address2		Address2		
Address3		Address3		
City,State, PostalCode	NEODESHA-KS-66757-0336	City,State, Postalcode	NEODESHA-KS-66757	
Province/Country	US	Province/Country	US	

Line	Service Name				Line Total
	Covered Product	Start Date	End Date	Description/Serial Number	
1	PMP-SS7-2V	16-NOV-22	15-NOV-23	PMP-SURFACE SCATTER 7 TURB-2V (FRV 2:16-NOV-22:15-NOV-23	761.00
	1.1 LPV431.99.00002			SS7 HACH SENSOR ASSY ; 140700501687	
2	PMP-CL17 NEW-2V	16-NOV-22	15-NOV-23	PMP-CL17 NEW CHLRN ANLZR-2V (FRV 2):16-NOV-22:15-NOV-23 For use with CL17 part number 5440000.	1,010.00
	2.1 5440200			oo CHLORINE ANALYZER,CL17 W/KITS/NETWRK ; 131000484833	
3	PMP-SC200-1V	16-NOV-22	15-NOV-23	PMP-SC200-1V (FRV 1):16-NOV-22:15-NOV-23	375.00

	HACH SERVICE PARTNERSHIP QUOTATION	Page : 2 of 4 Partnership Number : HACH520354
	Headquarters P.O. Box 389 5600 Lindbergh Drive Loveland, CO 80539-0389 Purchase Orders	WebSite: www.hach.com Remittance 2207 Collections Center Dr Chicago, IL 60693 Wire Transfers Bank of America 231 S. LaSalle St. Chicago, IL 60604 Account: 8765602385 Routing (ABA): 026009593

3.1	LXV404.99.00552			nn sc200 CONTROLLER, AC-DC, 2 DIG, HACH ; 1406C0097758	
3.2	LXV404.99.00552			nn sc200 CONTROLLER, AC-DC, 2 DIG, HACH ; 1406C0097739	
3.3	LXV404.99.00502			nn sc200 CONTROLLER, AC-DC, DIG,HACH ; 1406C0097631	
4	PMP-2100N-2V	16-NOV-22	15-NOV-23	PMP-2100N LAB TURB-2V (FRV1):16-NOV-2022:15-NOV-2023	890.00
4.1	4700000			oo 2100N LAB TURB, EPA 1821 ; 020200007416	
5	PMP-HQD-1V	16-NOV-22	15-NOV-23	PMP-HQd Series-1V (FRV 1):16-NOV-22:15-NOV-23	373.00
5.1	HQ411D			HQ411d BENCHTOP METER, pH/mV ; 120400069832	
6	PMP-DR3900-1V	16-NOV-22	15-NOV-23	PMP-DR3900-1V (FRV1):16-NOV-22:15-NOV-23	562.00
6.1	LPV440.99.00002			aa DR3900 SPECTROPHOTOMETER W/O RFID ; 2045649	
Sub Total :					3,971.00
Tax:					0.00
Total :					3,971.00

Partnership Notes :

All purchases of Hach Company products and/or services are expressly and without limitation subject to Hach Company's Terms & Conditions of Sale ("Hach TCS"), incorporated herein by reference and published on Hach Company's website at www.hach.com/terms. Hach TCS are incorporated by reference into each of Hach's offers or quotations, order acknowledgments, and invoice and shipping documents. The first of the following acts shall constitute an acceptance of Hach's offer and not a counteroffer and shall create a contract of sale ("Contract") in accordance with the Hach TCS, subject to Hach's final credit approval: (i) Buyer's issuance of a purchase order document against Hach's offer or quotation; (ii) Hach's acknowledgement of Buyer's order; or (iii) commencement of any performance by Hach in response to Buyer's order. Provisions contained in Buyer's purchase documents that materially alter, add to or subtract from the provisions of these Terms and Conditions of Sale shall be null and void and not considered part of the Contract

Customer Name : CITY OF NEODESHA

Customer P.O. Number : _____

Customer Reference Number : _____

TERMS & CONDITIONS OF SALE FOR HACH COMPANY PRODUCTS AND SERVICES

This document sets forth the Terms & Conditions of Sale for goods manufactured and/or supplied, and services provided, by Hach Company of Loveland, Colorado ("Hach") and sold to the original purchaser thereof ("Buyer"). Unless otherwise specifically stated herein, the term "Hach" includes only Hach Company and none of its affiliates. Unless otherwise specifically stated in a previously-executed written purchase agreement signed by authorized representatives of Hach and Buyer, these Terms & Conditions of Sale establish the rights, obligations and remedies of Hach and Buyer which apply to this offer and any resulting order or contract for the sale of Hach's goods and/or services ("Products").

November 14, 2022 - 10:00 a.m.

BIDDER		FARM LEASES								HAY LEASES		
		PARCEL1		PARCEL2		PARCEL4		PARCEL5		PARCEL7		PARCEL8
		(Lagoons)		Water Plant		(Airport Hay Lease)		(Ballfields - 1300 W Tank)		(Granby / Ottawa)		(Electric Shop)
ACRES		28		37.5		58		13		17		12.5
Jantz Bros	BID ACRE			101.50								
	TOTAL			3,806.25								
Zach Mahaffey	BID ACRE			65.00								
	TOTAL			2,437.50								
Vincent Keller	BID ACRE			126.67								
	TOTAL			4,750.12								
	BID ACRE											
	TOTAL											
	BID ACRE											
	TOTAL											
	BID ACRE											
	TOTAL											