

Agenda

City Commission of the City of Neodesha, KS

October 25, 2023 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 October 11, 2023 Minutes
- Appropriation (2023) 19

Item 4: Business Items to Consider

- A. Ordinance: Authorizing Issuance of Bonds for Municipal Water System Improvements
- B. Resolution: Authorizing Sale of GO Bonds, Series 2023-A, for Municipal Water System Improvements
- C. Financial Agreement: Stifel, Nicolaus & Company Inc
- D. Approve Notice of Award: Neodesha Fall River Dam – Southeast Abutment Repairs Project
- E. Consider Request to Conduct Public Event at Neodesha City Cemetery
- F. Consider Request for use of Civic Center for Senior Recreational Activities
- G. Consider Rescheduling November 22nd Meeting to November 29th

Item 5: Date/Time of Next Regular Meeting

Wednesday, November 8, 2023 at 2:00 p.m. – Regular Meeting, City Hall

Item 6: Executive Session: Non-elected Personnel

Item 7: Adjournment

**AGENDA COMMENTS
CITY COMMISSION MEETING
October 25, 2023**

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: Authorizing Issuance of Bonds for Municipal Water System Improvements

The Commission is asked to approve Ordinance 1800, authorizing the issuance of bonds for the City's Municipal Water System, namely the first piece being the repairs to the southeast abutment of the Neodesha Fall River Dam, and secondly, construction and installation of water line improvements. Staff is working with Triplett Woolf & Garretson LLC for the necessary paperwork to complete this process.

RECOMMENDED MOTIONS: *I move to approve Ordinance 1800 as presented.*

4.B: Resolution: Authorizing Sale of GO Bonds, Series 2023-A, for Municipal Water System Improvements

Upon the approval of Ordinance 1800 (agenda item 4A), the Commission is asked to approve Resolution 23-24, that provides the details related to the sale and delivery of the City's General Obligation Bonds, Series 2023-A.

RECOMMENDED MOTIONS: *I move to approve Resolution 23-24 as presented.*

4.C: Financial Agreement: Stifel, Nicolaus & Company Inc

Staff is working with Mr. Dave Arteberry (Stifel, Nicolaus & Company), on the need for additional finance for the dam repairs and waterline replacement project. The Commission is asked to approve a financial advisor engagement agreement with Stifel, Nicolaus & Company Inc.

RECOMMENDED MOTION: *I move to approve the Financial Advisory Agreement with Stifel, Nicolaus & Company, Inc., as presented.*

4.D: Approve Notice of Award: Neodesha Fall River Dam – Southeast Abutment Repairs Project

Bids were received and opened for the above referenced project on November 11, 2022. PEC has reviewed the bid, in the amount of \$905,000, and has determined that Koehn Construction Services LLC, is qualified for the project and is a qualified bidder. The Commission is asked to approve the Notice of Award, awarding the project to Koehn Construction Services LLC. USDA has concurred with the Recommendation of Award

for the Neodesha Fall River Dam – Southeast Abutment Repairs project contingent upon final funding approval.

RECOMMENDED MOTION: *I move to approve the Notice of Award, for the Neodesha Fall River Dam – Southeast Abutment Repairs Project, to Koehn Construction LLC at a project cost of \$905,000, pending USDA final funding approval.*

4.E: Consider Request to Conduct Public Event at the Neodesha City Cemetery

The Neodesha Area Chamber of Commerce has enlisted the City's Community Development Director to conduct a historical cemetery tour featuring certain individuals. This tour is scheduled for the evening of Monday, October 30, 2023, 7:00 p.m. to 9:00 p.m. Chris Bauman is requesting authorization to conduct the public event at the City's cemetery and to lift the cemetery curfew from 9:00 p.m. to 10:00 p.m. Ordinance 1696, Section 12-22 – Cemetery hours reads; No one shall be permitted within the cemetery between the hours of 9:00 p.m. and 6:00 a.m. without prior approval of the Cemetery Sexton.

RECOMMENDED MOTION: *I move to approve the use of the Neodesha City Cemetery for a public tour event Monday, October 30, 2023, 7:00 p.m. to 9:00 p.m. and to lift the curfew at the cemetery from 9:00 p.m. to 10:00 p.m.*

4.F: Consider Request for use of Civic Center for Senior Recreational Activities

Sue McKellar is requesting the use of the Civic Center gym for senior recreational activities the mornings it would be available during inclement weather. This request is being brought before the Commission as the group would like to play pickle-ball in the mornings during business hours of City Hall. A prior verbal agreement between Administration at City Hall and the Neodesha Rec Department prohibits loud recreational activities during business hour at City Hall which are 8:15 a.m. – 4:45 p.m., Monday through Friday.

RECOMMENDED MOTION: *To be determined.*

4.G: Reschedule November 22, 2023 Commission Meeting to November 29, 2023

Due to the Thanksgiving holiday Staff is requesting that the Commission Meeting regularly scheduled for Wednesday, November 22, 2023, be rescheduled to Wednesday, November 29, 2023.

RECOMMENDED MOTION: *I move to reschedule the November 22, 2023 Commission Meeting to November 29, 2023.*

EXECUTIVE SESSION: Non-Elected Personnel

I move to recess to an Executive Session including the Governing Body 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, October 11, 2023, in the Commission Room at City Hall conducting the meeting by live streaming with Zoom with Mayor Johnson presiding and Commissioners Moffatt and Vail-Keller present. Assistant City Clerk Rhonda Howell and Community Development Director/Assistant to City Administrator Chris Bauman were absent from the meeting.

Commissioner Moffatt moved to approve the agenda as presented. Seconded by Commissioner Vail-Keller. Motion carried.

Commission reports were heard.

Interim Administrator reports were heard.

Commissioner Vail-Keller moved to approve the consent agenda as presented consisting of minutes from the September 27, 2023 Special Call Meeting; minutes from the September 27, 2023 Meeting; minutes from the October 5, 2023 Special Call Meeting and Appropriation (2023) 18. Seconded by Commissioner Moffatt. Motion carried.

Public Comments were invited and heard.

Interim Administrator McAnarney addressed the Commission regarding an ordinance providing authority for the structures located at 1607 B Street to be demolished and the property made safe. Mr Terry Ray, owner of the property, and Garry Lambert were present for commentary related to this agenda item. Discussion held.

Commissioner Moffatt moved to table this agenda item until the April 10, 2024 meeting. Seconded by Commissioner Vail-Keller. Motion carried.

Interim Administrator McAnarney addressed the Commission regarding an ordinance providing authority for the structures located at 1611 B Street to be demolished and the property made safe. Mr Terry Ray, owner of the property, and Garry Lambert were present for commentary related to this agenda item. Discussion held.

Commissioner Vail-Keller moved to table this agenda item until the April 10, 2024 meeting. Seconded by Commissioner Moffatt. Motion carried.

Interim Administrator McAnarney addressed the Commission regarding the purchase of a server from Dell Technologies. The server is an approved 2023 capital outlay item. Discussion held.

Commissioner Moffatt moved to approve the purchase of a PowerEdge Server from Dell Technologies, in an amount not to exceed \$12,165.72. Seconded by Commissioner Vail-Keller. Motion carried.

Interim Administrator McAnarney addressed the Commission regarding the consideration of a street paving project. Public Works Director Ryan Toms was present to brief the Commission on the details. Discussion held.

Commissioner Vail-Keller moved to approve the quote from Jeff Hull Paving & Seal Coating for street repairs, in an amount not to exceed \$58,449.82. Seconded by Commissioner Moffatt. Motion carried.

Interim Administrator McAnarney addressed the Commission regarding a request from the Neodesha Senior Citizens Board to consider adding an additional member to their 7-member board. Jim Jackson representing the board was present for commentary related to this agenda item. Discussion held.

Commissioner Moffatt moved to approve the addition of an 8th member to the Neodesha Senior Citizens Board. Seconded by Commissioner Vail-Keller. Motion carried.

Interim Administrator McAnarney addressed the Commission regarding an appointment to the Neodesha Senior Citizens Board. Discussion held.

Commissioner Moffatt moved to appoint Gary Campbell to the Neodesha Senior Citizens Board, for a three-year term, with a term ending date of 12/31/2026. Seconded by Commissioner Vail-Keller. Motion carried.

Commissioner Vail-Keller moved to recess to an Executive Session to include the Governing Body, Interim City Administrator, City Clerk, and Public Works Director 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 2:50 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 2:50 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.

Commissioner Moffatt moved to recess to an Executive Session to include the Governing Body, Interim City Administrator, City Clerk, and Fire Chief 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 3:00 p.m. Seconded by Commissioner Vail-Keller. Motion carried. The live streamed Zoom meeting was then placed on hold with audio, video and recording ceased.

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. No action taken.

Commissioner Vail-Keller moved to terminate Stephen Fuller effective immediately. Seconded by Commissioner Moffatt. Motion carried.

Commissioner Vail-Keller moved to recess to an Executive Session to include the Governing Body and City Clerk in the

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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 3:30 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 3:30 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, October 25, 2023 at 2:00 p.m.

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

ATTEST:

Devin Johnson, Mayor

Stephanie Fyfe, City Clerk

APPROPRIATIONS REPORT**ORDINANCE NO 19****10/25/2023**

<u>VENDOR</u>	<u>REFERENCE</u>	<u>AMOUNT</u>	<u>CHECK NO</u>	<u>CHECK DATE</u>
AMERICAN LAW ENFORCEMENT	KUSTOM EAGLE 3/RAPTOR RP-1	360.00	72900	10/25/2023
AMERICAN RESPONSE VEHICLE INC	OXYGEN DUAL REGULATOR	543.87	72901	10/25/2023
BORDER STATES INDUSTRIES INC	ELECTRIC SUPPLIES	3,373.11	72902	10/25/2023
CANON FINANCIAL SERVICES	COPIER & PRINTER LEASE	249.75	72903	10/25/2023
CERTIFIED LABORATORIES	DIESEL MATE	314.87	72904	10/25/2023
CINTAS	FIRST AID SUPPLIES	187.17	72905	10/25/2023
COBALT BOATS	CIVIC CENTER DEPOSIT REFUND	600.00	72906	10/25/2023
COLLECTION BUREAU OF KS	SEPTEMBER COLLECTION FEES	82.83	72907	10/25/2023
DCF-LIEAP	REFUND OF LIEAP	1,048.74	72908	10/25/2023
SAM DEMEL	INTERVIEW REIMBURSEMENT	265.22	72909	10/25/2023
ECX SYSTEMS LLC	BARRACUDA EMAIL SECURITY 11/23	50.00	72910	10/25/2023
FORSYTHE'S HEATING & ELECTRIC	SERVICE CALL	826.00	72911	10/25/2023
GALLS LLC	UNIFORMS	79.06	72912	10/25/2023
GREEN ENVIRONMENTAL SVCS	DELIVERY & ROLL OFF CHARGE	200.00	72913	10/25/2023
GROEBNER & ASSOCIATES INC	SENSIT G3 TC & CAR CHARGER	3,890.38	72914	10/25/2023
HANDLE BAR HOME REPAIRS LLC	CABINET SET	647.50	72915	10/25/2023
HAWKINS INC	CHEMICALS	2,765.45	72916	10/25/2023
INTERNATIONAL INSTITUTE OF	MEMBER RENEWAL	310.00	72917	10/25/2023
KANSAS DEPARTMENT OF REVENUE	2023 WTP FEES-JULY-AUG-SEPT	1,333.91	72918	10/25/2023
KANSAS MUNICIPAL UTILITIES	3RD QTR TRAINING GROUP 4 DUES	2,038.98	72919	10/25/2023
KANSAS STATE TREASURER	LAW ENFORCEMENT TRAIN CENTER	7,827.38	72920	10/25/2023
KANSAS TURNPIKE AUTHORITY	TOLL FEE	19.25	72921	10/25/2023
LANDIS+GYR TECHNOLOGY INC	OCTOBER 2023 AMR	950.00	72922	10/25/2023
LITTLE BEAR TIRE	TIRE	188.75	72923	10/25/2023
MCCARTY'S OFFICE MACHINES INC	OFFICE SUPPLIES	291.76	72924	10/25/2023
MEDICLAIMS INC	AMBULANCE COLLECTION FEES	951.51	72925	10/25/2023
MELS PRINTING	RV PARK CAMP PERMIT	310.00	72926	10/25/2023
MIDWEST COMPUTER SALES	INSTALL DESKTOP COMPUTER	1,043.00	72927	10/25/2023
BANK OF AMERICA	ROCK	98.23	72928	10/25/2023

O'REILLY AUTOMOTIVE INC	AUTO PARTS & SUPPLIES	461.25	72929	10/25/2023
PENMAC PERSONNEL SERVICES INC	TEMPORARY PERSONNEL SVC	888.75	72930	10/25/2023
PEREGRINE CORPORATION	UNIFORM SHIRTS	87.98	72931	10/25/2023
PITNEY BOWES	POSTAGE FOR METER	1,066.76	72932	10/25/2023
PROTECTIVE EQUIPMENT TESTING L	EQUIPMENT TESTING	2,534.00	72933	10/25/2023
RANKIN MEMORIAL LIBRARY	TAX DISTRIBUTION	7,379.50	72934	10/25/2023
RODNEY M SCHLEGEL II	CONCRETE STORM WALL	2,900.00	72935	10/25/2023
ROBERT REECE	MILEAGE REIMBURSEMENT	399.55	72936	10/25/2023
SIGN DESIGN	EMBROIDERY & TRANSFERS	231.00	72937	10/25/2023
SNAP-ON CREDIT LLC	MEMBERSHIP RENEWAL NOV 2023	81.25	72938	10/25/2023
SOUTHERN UNIFORM & TACTICAL	UNIFORMS	240.96	72939	10/25/2023
STRYKER SALES, LLC	GAS CYLINDER	51.94	72940	10/25/2023
SUNDOWNER TROPHIES	NAME PLATE HOLDER	7.00	72941	10/25/2023
TLC GROUNDSKEEPING INC	MAIN ST LANDSCAPING MAINT/MOWING	18,179.96	72942	10/25/2023
UNIFIRST CORPORATION	RUG/CLEANING SUPPLY	301.86	72943	10/25/2023
UNIVERSITY OF KANSAS	HAZ MAT CERT TRAINING	90.00	72944	10/25/2023
CASH	EMPLOYEE BIRTHDAYS	60.00	72653	9/19/2023
EVERGY	AIRPORT RUNWAY LIGHTS	74.49	72654	9/19/2023
SPARKLIGHT	INTERNET SERVICE	175.73	72655	9/19/2023
WEX BANK	FUEL	11,126.40	72656	9/19/2023
TERRA BOUND SOLUTIONS	BENCHES & TABLES RIVERWALK PARK	11,415.00	72657	9/19/2023
LAUREL STREET BAKERY	FAREWELL CAKE	45.00	72658	9/19/2023
SOUTHERN STAR CENTRAL GP, INC	AUGUST BILLING	5,068.15	72659	9/19/2023
SPARKLIGHT	INTERNET SERVICE	190.06	72746	9/29/2023
VISA	TRAINING, SUPPLIES & MEMBER DUES	9,969.09	72747	9/29/2023
RWD #4	AIRPORT RURAL WATER	28.60	72748	9/29/2023
BARTA ANIMAL HOSPITAL	YEARLY KENNEL INSPECTION	179.50	72749	9/29/2023
KANSAS ALCOHOLIC BEVERAGE CONT	2023 CMB STAMP FEES	200.00	72750	9/29/2023
BELLE DICKENS	DEPOSIT & RENT	1,800.00	72751	9/29/2023
US POST OFFICE	SEPTEMBER BILLING	347.99	72752	9/29/2023
WILSON CO REGISTER OF DEEDS	DEED FILING	63.06	72753	9/29/2023

****TOTAL****

106,491.55

ACH ELECTRIC ENERGY STATEMENTS BILLED OCTOBER 2023

KMEA - SPA Hyrdro Project	September 2023 Service	2,947.78
KMEA - GRDA Power Supply Project	November 2023 Service	82,531.00
KMEA - Energy Mgmt Project No 3	September 2023 Service	98,049.90
TOTAL ACH Electric Energy Statements		183,528.68

(Published in *The Neodesha Derrick* on November 2, 2023)

ORDINANCE NO. 1800

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS DECLARING IT NECESSARY TO ACQUIRE AND CONSTRUCT CERTAIN IMPROVEMENTS TO, AND OTHERWISE RECONSTRUCT, IMPROVE, EQUIP, REHABILITATE AND EXTEND THE MUNICIPAL WATER SYSTEM IN THE CITY; AUTHORIZING AND DIRECTING THE ACQUISITION AND CONSTRUCTION OF SAID IMPROVEMENTS, AND THE RECONSTRUCTION, IMPROVEMENT, EQUIPPING, REHABILITATION AND EXTENSION OF SAID SYSTEM AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF; AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY IMPROVEMENT NOTES FROM TIME TO TIME AS FUNDS ARE NEEDED FOR THE ORDERLY CONSTRUCTION OF SAID IMPROVEMENTS.

WHEREAS, the governing body of the City of Neodesha, Kansas (the “City”) is authorized under the laws of the State of Kansas to own, operate and maintain a municipal water system and the City has previously acquired, constructed and maintains such a municipal water system (the “Water System”); and

WHEREAS, said Water System constitutes a “public water supply system” within the meaning of K.S.A. 65-162a and the governing body of said city hereby finds and determines it necessary and advisable to acquire and construct certain improvements to, and otherwise reconstruct, improve, equip, rehabilitate and extend the Water System, including, but not limited to, the acquisition, construction and installation of water line improvements, and repairs to the southeast abutment of the Neodesha Fall River Dam, together with all necessary appurtenances therefor and thereto (the “Project”); and

WHEREAS, the City is authorized by K.S.A. 65-162a *et seq.*, as amended and supplemented, K.S.A. 10-101 *et seq.*, as amended and supplemented, and K.S.A. 10-123 (collectively, the “Water Act”), to acquire, construct and install the Project; to issue the City’s general obligation bonds for the purpose of paying all or part of any costs thereof and provide for the issuance of temporary improvement notes from time to time as funds are needed for the orderly construction of the Project; and

WHEREAS, the City intends to adopt this ordinance to ensure that its declaration of its intent to reimburse additional expenditures will satisfy the “Official Intent Requirement” described in Treasury Regulations Section 1.150-2.

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

Section 1. It is hereby found and determined to be necessary and advisable to acquire, construct and install the Project (as defined above) in accordance with certain plans and specifications as previously approved by the governing body of the City.

Section 2. It is hereby authorized, ordered and directed that the Project be acquired, constructed and installed, all as hereinbefore described, at a total estimated cost not to exceed One Million Seven Hundred Seventy-Two Thousand Dollars (\$1,772,000), which estimate includes all fees and expenses of financing the Project.

Section 3. It is hereby further authorized, ordered and directed that the costs of acquiring, constructing and installing the Project shall be paid from the proceeds of the City's general obligation bonds (the "Bonds") to be issued by the City in an amount which shall not exceed \$1,772,000. The City shall continue to seek and review the best possible methods of permanent financing as it proceeds with the Project.

Section 4. It is hereby further authorized, ordered and directed that in order to temporarily finance the estimated costs of the Project until the issuance of the general obligation bonds as hereinbefore provided, there shall be issued temporary improvement notes (the "Notes"), such notes to be issued from time to time upon subsequent resolution or resolutions of the City which shall provide and set forth the details of the Notes, including the fixing of the dates, terms, denominations, interest rates and maturity dates. Such Notes shall be issued and provision shall be made therefor as funds are needed and required for the orderly construction of the Project; and the Mayor and City Clerk are hereby authorized, ordered and directed to prepare and execute each of such Notes in accordance with the terms of this Ordinance and the terms of the subsequent resolution or resolutions providing for same; and shall deliver the Notes to persons having claims against the City in connection with the improvements, or may sell the Notes at private or public sale and apply the proceeds therefrom to the payment of the actual costs and expenses of the improvements. Any Notes issued under the authority of this Section shall be issued under and will contain a recital that they are issued under the authority of K.S.A. 10-123 and K.S.A. 65-162a *et seq.*, inclusive, as amended and supplemented, and shall contain all other usual and required recitals and covenants and be in the form required therefor by said K.S.A. 10-123; and said Notes may be issued in combinations with any other temporary notes being issued by the City as shall be determined by the governing body at the time of such issuance to be in the City's best interest.

Section 5. That the City intends that this Ordinance shall serve as any and all necessary declaration pursuant to the Internal Revenue Code of 1986, as amended, and the Treasury Regulations promulgated thereunder (including Section 1.150-2) of its reasonable and official intent and expectation to pay or otherwise reimburse its costs of purchasing and acquiring the Project from the proceeds of such Notes and/or Bonds.

Section 6. That the City reasonably expects to be reimbursed for such expenditures made prior to the issuance of the Notes and/or Bonds with proceeds of Notes and/or Bonds ultimately issued for the benefit of the City (the "Reimbursement Debt").

Section 7. That the City expects that the Reimbursement Debt will be incurred no later than the later of (i) the date that is eighteen (18) months after the date on which it makes the capital

expenditures of the City intended to be reimbursed with the proceeds of the Reimbursement Debt, or (ii) the date that is eighteen months after the date on which the Project is placed in service but that is no more than three years after the original date of such expenditures; or (iii) such other date that is permitted by law.

Section 8. Effective Date. This Ordinance shall be in full force and take effect from and after its adoption and approval, and its publication one time in the official newspaper of the City.

[Remainder of Page Intentionally Left Blank]

PASSED, ADOPTED AND APPROVED by the governing body of the City of Neodesha,
Kansas on the 25th day of October, 2023.

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 meeting place in said City on October 25, 2023, at 2:00 p.m., with the Mayor Devin Johnson presiding, and the following members of the governing body present:

and the following members absent:

Among other business, there came on for consideration and discussion the following:

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS, DECLARING IT NECESSARY TO ACQUIRE AND CONSTRUCT CERTAIN IMPROVEMENTS TO, AND OTHERWISE RECONSTRUCT, IMPROVE, EQUIP, REHABILITATE AND EXTEND THE MUNICIPAL WATER SYSTEM IN THE CITY; AUTHORIZING AND DIRECTING THE ACQUISITION AND CONSTRUCTION OF SAID IMPROVEMENTS, AND THE RECONSTRUCTION, IMPROVEMENT, EQUIPPING, REHABILITATION AND EXTENSION OF SAID SYSTEM AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF; AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY IMPROVEMENT NOTES FROM TIME TO TIME AS FUNDS ARE NEEDED FOR THE ORDERLY CONSTRUCTION OF SAID IMPROVEMENTS.

After discussion, upon motion by _____, seconded by _____, the Ordinance was passed by a majority of the members elect.

A majority of the members elect having voted in favor of the passage of said Ordinance, it was designated Ordinance No. ____ and was ordered to be executed by the Mayor and by the City Clerk, and the City Clerk was directed to publish the Ordinance one time in the official city newspaper as required by law and provided herein.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I hereby certify that the foregoing is a true and correct Excerpt of Minutes of the October 25,
2023 regular meeting of the governing body of the City of Neodesha, Kansas.

[seal]

Stephanie Fyfe, City Clerk

RESOLUTION NO. 23-24

A RESOLUTION OF THE CITY OF NEODESHA, KANSAS AUTHORIZING AND PROVIDING FOR THE OFFERING FOR SALE OF THE CITY'S GENERAL OBLIGATION TEMPORARY NOTES, SERIES A, 2023, IN A TOTAL APPROXIMATE PRINCIPAL AMOUNT OF \$1,772,000.

WHEREAS, the governing body of the City of Neodesha, Kansas (the "City") has previously authorized certain capital improvements in the City under the authority of K.S.A. 65-162a *et seq.*, as amended and supplemented, and other applicable laws of the state of Kansas and has authorized the payment of all or a portion of the costs of the improvements from proceeds of general obligation bonds of the City; and

WHEREAS, the City is authorized by the provisions of K.S.A. 10-123 to sell, issue and deliver its general obligation temporary notes for the purpose of temporarily financing such improvements.

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

SECTION 1. Authorization of Note Offering. The City is authorized to proceed with offering for sale of approximately \$1,772,000 of the City's General Obligation Temporary Notes, Series A, 2023 (the "Notes"), for the purpose of temporarily financing capital improvements in the City.

SECTION 2. Authorization of Note Sale. Stifel Nicolaus & Company, Incorporated, as Municipal Advisor (the "Municipal Advisor") is authorized and directed solicit proposals from financial institutions in the City for the private placement of the Notes. The City Administrator and City Clerk are authorized and directed to work with the Municipal Advisor to select one or more such institutions to serve as purchaser for the Notes, negotiate final terms for the Notes, and deliver a final proposal to the City Council at its meeting on November 29, 2023, or such meeting as soon thereafter as practicable, where the City Council will review and consider the proposal.

SECTION 3. Authorization of Additional Actions as Required. The officers and representatives of the City, including the Mayor, City Clerk, City Administrator, Bond Counsel and Municipal Advisor are further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution. The Mayor and City Clerk are authorized to execute an Engagement Letter with Stifel Nicolaus & Company, Incorporated in substantially the form presented on this date.

SECTION 4. Effective Date. This Resolution shall be in force and take effect from and after its adoption and approval.

[Remainder of Page Intentionally Left Blank]

ADOPTED AND APPROVED by the governing body of the City of Neodesha, Kansas
on the 25th day of October, 2023.

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 meeting place in said City on October 25, 2023, at 2:00 p.m., with the Mayor Devin Johnson presiding, and the following members of the governing body present:

and the following members absent:

A Resolution was presented entitled:

A RESOLUTION OF THE CITY OF NEODESHA, KANSAS AUTHORIZING AND PROVIDING FOR THE OFFERING FOR SALE OF THE CITY'S GENERAL OBLIGATION TEMPORARY NOTES, SERIES A, 2023, IN A TOTAL APPROXIMATE PRINCIPAL AMOUNT OF \$1,772,000.

The Resolution was considered and discussed; and on motion of _____, seconded by _____, the Resolution was adopted by a majority vote of the members present and it was assigned No. 23-24.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I hereby certify that the foregoing is a true and correct Excerpt of Minutes of the October 25, 2023 meeting of the governing body of the City of Neodesha, Kansas.

[seal]

Stephanie Fyfe, City Clerk

Stephanie Fyfe, City Clerk/Finance Director
City Hall
1407 North 8th Street
Neodesha, Kansas 66757

RE: FINANCIAL ADVISORY SERVICES
General Obligation Temporary Notes, Series A, 2023

Stifel, Nicolaus & Company, Incorporated ("Stifel") presents for your acceptance this agreement to retain Stifel as financial advisor to the City of Neodesha, Kansas ("Issuer") for the proposed General Obligation Temporary Notes, Series 2023-1 (the "Notes") estimated to be issued in the aggregate principal amount of approximately \$1,772,000. This agreement will be effective on the date signed by an authorized representative of Issuer and will authorize Stifel to act as financial advisor through the completed sale of the proposed Notes, at which time this agreement will terminate. This agreement may also be terminated on thirty (30) days written notice by either party.

1. Scope of Work. Stifel agrees to perform the following services for Issuer with respect to the Notes:
 - a. Assume overall responsibility for the financial analysis and structuring recommendations for the Notes;
 - b. Draft the preliminary and final official statements, offering memoranda or term sheets ("Offering Documents") based on information provided by the Issuer as well as information derived from other sources. The information contained in the Offering Documents will be derived from the sources stated or, if not otherwise sourced, from the Issuer. Stifel makes no representation, warranty or guarantee regarding the accuracy or completeness of the information in the Offering Document, and its assistance in preparing the Offering Document should not be construed as a representation that it has independently verified such information. The Issuer will be expected to examine, approve and make certifications with respect to the information in the Offering Documents in accordance with its obligations under the federal securities laws.
 - c. Assist Issuer, as requested, in the selection of an underwriter(s) or purchaser(s), including review of underwriter or purchaser recommendations to the extent requested in writing by Issuer, and coordinate all activities of the underwriter(s) or purchaser(s);
 - d. Coordinate with consultants, accountants, Bond counsel, other attorneys and staff in connection with the sale of the Notes;
 - e. Coordinate financing time schedule, distribution of documents, preliminary and final official statement printing, wire-transfer of funds, delivery of notes and note closing;

- f. Assist Issuer on the matter of note rating(s) for the proposed issue and coordinate the preparation of credit information for submission and presentation to the rating agency(ies);
 - g. Coordinate pre-pricing discussions of note pricing and structuring, supervise the sale process, and advise on acceptability of offer to purchase notes by the underwriters or purchasers;
 - h. If requested, assist Issuer in procuring any appropriate ancillary financing-related products and services including, credit enhancement (e.g., bond insurance), paying agent/registrar/trustee, escrow agent (if applicable), escrow investments, and other such products and services as Issuer may deem necessary or desirable in connection with any financing.
 - i. Attend Issuer meetings as requested, with reasonable advance notice;
 - j. Provide such other services as are mutually agreed upon in writing by Issuer and Stifel.
2. Issuer's Obligations. Issuer agrees that, with respect to the Notes, its staff and consultants will cooperate with Stifel and make available any data in the possession of Issuer necessary to perform Stifel's financial advisory services and regulatory obligations as described in Exhibit A to this agreement.
3. Regulatory Disclosures:
- a. Issuer is aware of Section 975 of the Dodd-Frank Wall Street Reform and Consumer Protection Act and the Securities and Exchange Commission's adopted rule commonly known as the "Municipal Advisor Rule" (SEC Rule 15Ba1-1 to 15Ba1-8 - "the Rule"). Stifel will be serving as a municipal advisor to the Issuer under the Rule and this agreement documents the municipal advisory relationship between Stifel and the Issuer.
 - b. MSRB Rule G-42 requires that a municipal advisor provide its client with certain written disclosures. Please see Exhibit A to this agreement for those disclosures.

4. Compensation:

For Stifel's financial advisory services and expenses in processing the Notes to be sold in a single sale, Stifel shall be paid a fee equal to 1.00% of the principal amount of notes sold to be paid at the completion of the sale of the Notes. This amount includes all out of pocket expenses.

5. Authority to Direct Financial Advisor:

The following individuals have the authority to direct Stifel's performance of its scope of work under this agreement: Mark McAnarny, Interim City Administrator; Stephanie Fyfe, City Clerk/Finance Director.

Respectfully submitted this 25th day of October, 2023.

STIFEL, NICOLAUS & COMPANY, INCORPORATED

By: _____

Name: _____

Title: _____

ACCEPTANCE

I, Devin Johnson, Mayor, upon approval by the governing body of the City of Neodesha, Kansas, hereby accept the agreement as submitted by Stifel, Nicolaus & Company, Incorporated relative to the financial advisory services, as described herein.

By: _____

Name: Devin Johnson_____

Title: Mayor_____

Date: October 25, 2023_____

EXHIBIT A

City of Neodesha, Kansas Financial Advisory Services For General Obligation Temporary Notes, Series A, 2023

MSRB Rule G-42 Disclosures

As municipal advisor to the City of Neodesha, Kansas (“you”), Stifel Nicolaus (“Stifel” or “we”) is subject to the rules of the Municipal Securities Rulemaking Board (MSRB), including MSRB Rule G-42. The rule directs us to make certain disclosures to you. Please review the following disclosures and contact your Stifel municipal advisor if you have any questions.

Our Duties as Your Municipal Advisor

Rule G-42 describes our basic duties to you. Most importantly, we owe you a fiduciary duty, the principal element of which is a duty of loyalty. Under the duty of loyalty, we are required to deal honestly and in the utmost good faith with you and to act in your best interests without regard to our financial or other interests. We may not serve as your municipal advisor if we believe that we have any conflicts of interest that we cannot manage or mitigate so that we can act in your best interests.

Rule G-42 also provides that we owe you a duty of care. As part of that duty, we must possess the degree of knowledge and expertise needed to provide you with informed advice. Also, under that duty, when we make recommendations to you or help you to evaluate the recommendations of others, we may need to ask questions to make sure that we have all the relevant facts.

Disclosure of Conflicts

Rule G-42 requires us to disclose to you any known material, actual or potential conflicts of interest that could reasonably be expected to impair our ability to provide you with advice, including any conflicts associated with contingent fee arrangements. As described in our engagement letter, the payment of our fee will be contingent on the closing of the note issue described in the engagement letter and the amount of compensation will be based on a percentage of the principal amount of the note issue. While this form of compensation is customary in the municipal securities market, it presents a conflict of interest since we may have an incentive to recommend a transaction to you that is unnecessary or to recommend that the size of the note issue be larger than is necessary. We would, of course, be willing to discuss an alternative fee arrangement, if that is your preference.

Stifel has not identified any additional potential or actual material conflicts that require disclosure.

Legal and Disciplinary Event Disclosures

Each firm that is registered as a municipal advisor with the U.S. Securities and Exchange Commission (SEC) is required to file Form MA with the SEC and update that form periodically and as events change. The firm is also required to file a Form MA-I for each of its employees who is engaged in municipal advisory activities. Stifel’s most recent Form MA and the Form MA-I for each current Stifel municipal advisor employee may be found on the SEC’s EDGAR website using the following hyperlink: <http://www.sec.gov/cgi-bin/browse-edgar?CIK=0000094403&owner=exclude&action=getcompany&Find=Search>.

Item 9 of Form MA requires each municipal advisor firm to disclose any criminal, regulatory violations, or self-regulatory violations and certain civil litigation. Because we are a broker-dealer firm, Form MA permits us to cross-reference to our Form BD, which is available on the website of the Financial Industry Regulatory Authority (FINRA), and our Form ADV, which is available on the SEC website. For your convenience, you may access our Form BD by using the following hyperlink: <http://brokercheck.finra.org/Firm/Summary/793>. You may access our Form ADV by using the following hyperlink: <https://adviserinfo.sec.gov/firm/summary/793>. Item 6 of each Form MA-I requires comparable disclosure about a municipal advisor individual, as well as customer complaint, arbitration, investigation, termination, financial, and judgment/lien disclosure. When an individual has a disciplinary history, Form MA-I permits us to cross-reference to that individual’s Form U-4. The disciplinary history on an individual’s Form U-4 is accessible entering the individual’s name in FINRA’s “Broker-Check” service, using the following hyperlink: <http://brokercheck.finra.org/>.

On April 28, 2023, Stifel, Nicolaus & Company, Incorporated (“Stifel”) entered into a Consent Order (the “Order”) with the Enforcement Section of the Securities Division of the Office of the Secretary of the Commonwealth of Massachusetts (the “Enforcement Section” and the “Division,” respectively). In the Order, the Division stated that Stifel failed to supervise its agents as follows: (1) Stifel did not reasonably supervise a Massachusetts registered agent’s trading in customer accounts; (2) Stifel did not reasonably monitor use of off-channel electronic devices by agents to conduct Stifel business; and (3) Stifel did not reasonably review and approve retail communications prior to distribution.

Stifel was censured and ordered to pay a monetary fine of \$2,500,000. In addition to the administrative fine, Stifel was ordered to make restitution payments to certain customers in an amount not less than \$712,612.58. Stifel admitted to the Division’s statement of facts set forth in the Order, but neither admitted nor denied the alleged violation of law set forth in the Order (regarding supervision).

Stifel does not consider this matter to be material to our ability to perform municipal advisory services for our clients.

Evaluation of Recommendations/Suitability

As provided in our engagement letter, we will assist you in evaluating recommendations, whether made by Stifel or, upon your written request, by third-parties, such as underwriters. We will provide you with our evaluation of the material risks, potential benefits, structure, and other characteristics of the transaction or product. We will discuss with you why we think a recommendation we make is suitable for you. In the case of recommendations made by an underwriter or other third-party that you request in writing that we review, we will discuss with you why we think the recommended transaction or product is or is not suitable for you. We will also inform you of any other reasonably feasible alternatives considered.

In order for us to evaluate whether we think a recommendation is suitable for you, we are required to consider the following factors and we may need information from you about those factors, much as if you were opening a brokerage account:

- financial situation and needs,
- objectives,
- tax status,
- risk tolerance,
- liquidity needs,
- experience with municipal securities transactions or municipal financial products generally or of the type and complexity being recommended,
- financial capacity to withstand changes in market conditions during the term of the municipal financial product or the period that municipal securities to be issued in the municipal securities transaction were reasonably expected to be outstanding, and
- any other material information known by the municipal advisor about the client and the municipal securities transaction or municipal financial product, after reasonable inquiry.

Additional Information

We also wish to inform you that Stifel is registered as a municipal advisor with both the SEC and the MSRB. Information about the duties of a municipal advisor, as well as the procedures for filing a complaint, may be found on the MSRB’s website by clicking on the following link: <http://www.msrb.org/~media/Files/Resources/MSRB-MA-Clients-Brochure.ashx?la=en>. The general website for the MSRB is www.msrb.org. If you have any questions, please contact your municipal advisor.

NOTICE OF AWARD

Date of Issuance:

Owner: City of Neodesha

Owner's Contract No.:

Engineer: Professional Engineering Consultants, P.A.

Engineer's Project No.: 35-180004-002-2005

Project: Neodesha Fall River Dam – Southeast Abutment Repairs

Contract Name:

Bidder: Koehn Construction Services, LLC.

Bidder's Address: PO Box 420, 1111 N. 2nd, Fredonia, Kansas 66736

TO BIDDER:

You are notified that Owner has accepted your Bid dated November 11, 2022, for the above Contract, and that you are the Successful Bidder and are awarded a Contract for:

Neodesha Fall River Dam – Southeast Abutment Repairs

The Contract Price of the awarded Contract is \$905,000.00. Contract Price is subject to adjustment based on the provisions of the Contract, including but not limited to those governing changes, Unit Price Work, and Work performed on a cost-plus-fee basis, as applicable.

3 unexecuted counterparts of the Agreement accompany this Notice of Award, and one copy of the Contract Documents accompanies this Notice of Award or has been transmitted or made available to Bidder electronically.

You must comply with the following conditions precedent within 15 days of the date of receipt of this Notice of Award:

1. Deliver to Owner **3** counterparts of the Agreement, signed by Bidder (as Contractor).
2. Deliver with the signed Agreement(s) the Contract security (such as required performance and payment bonds) and insurance documentation, as specified in the Instructions to Bidders and in General Conditions, Articles 2 and 6.
3. Other conditions precedent (if any):

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within 10 days after you comply with the above conditions, Owner will return to you one fully signed counterpart of the Agreement, together with any additional copies of the Contract Documents as indicated in Paragraph 2.02 of the General Conditions.

Owner:

By (signature):

Name (printed): Devin Johnson

Title Mayor

Copy: Engineer



MEMORANDUM

DATE: October 10, 2023
TO: Michael Billings, Loan Specialist
FROM: Muhammad Khan, State Engineer
RE: **Recommendation of Award**
Neodesha Fall River Dam – Southeast Abutment Repairs

Muhammad Khan-
State Engineer

Muhammad Khan- State Engineer
cn=Muhammad Khan- State Engineer,
o=USDA, ou=Rural Development,
email=muhammad.khan4@usda.gov,
c=US
2023.10.10 09:33:19 -0500

I have reviewed the Bid Summary letter dated December 19, 2022, from Ryan Glessner, PE. of PEC Consultants Inc. **Rural Development concurs in the Recommendation of Award for the Neodesha Fall River Dam- Southeast Abutment Repairs project contingent upon final funding approval from USDA RD.**

Project	Contractor	Award Amount
Southeast Abutment Repairs	Koehn Construction Services	Total Award = \$905,000.00

The engineer should provide the required contract documents for each contract to accompany the Notice of Award (as referenced in Article 9 of the Agreement). The engineer should review the executed contract documents for completeness and assemble a minimum of five (5) sets to appropriate parties for signatures (Owner, Contractor, Engineer, and (2) Rural Development). The Certificate of Owner's Attorney will be dated the same date or before the Applicant executes the Agreement (the Attorney is to review the contracts before the applicant signs the Agreement). Rural Development will be the last to concur in the Agreement. The required documents include:

- a. Notice of Award
- b. Bid
- c. Agreement
- d. Payment Bond
- e. Performance Bond
- f. Certificate of Insurance

- g. Compliance Statement
- h. Certification of Debarment
- i. Lobbying Certification
- j. Construction Time Schedule*
- k. Certificate of Owner's Attorney
- l. List of Subcontractors

The requirements for Bonds and Insurance are outlined in Article 5 of the General Conditions of the Construction Contract. The bonds shall be executed by such surety as are named in the current list of "Department of Treasury Listing of Certified Companies" (http://www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570_a-z.htm) and be licensed in the State of Kansas.

An original Power of Attorney must accompany the Bonds. The Contract Date on the Bond Forms will match the Date of Agreement, and the Bond Date should not be earlier than the Contract Date. The Bonds must also include a bond number.

Rural Development • Kansas State Office
1303 SW First American Place, Suite 100 • Topeka, KS
66604-4040 Voice: (785) 271-2700 • Fax: (877) 470-3801

USDA is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.