

## **Agenda**

City Commission of the City of Neodesha, KS

March 13, 2024 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
- Civic Organization Reports

### 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 28, 2024 Minutes
- Approval of March 8, 2024 Special Call Minutes
- Appropriation (2024) 4
- Water System Improvements Bond Appropriation 4

### Item 4: Business Items to Consider

- A. Approve Software Agreement: gWorks Cloud Migration
- B. Approve Bid: Lease Purchase; Pumper Truck
- C. Approve Purchase of Pump & Drives for Main Sewer Lift Station
- D. Appoint Director 2 Position for KMEA
- E. Appoint Alternate Position for KMEA
- F. Approve Use of City Parks for Hometown Days Event
- G. Approve CMB License: Booster Club Fundraiser Event
- H. Appoint City Treasurer
- I. Library Board: Accept Resignation

### Item 5: Administration Reports & Comments

- Mayor's Report
- Commissioner's Reports
- City Administrator's Comments
- Community Development Director Report
- Financial Reports Distributed

### Item 6: Date/Time of Next Regular Meeting

Wednesday, March 27, 2024 at 2:00 p.m. – Regular Meeting, City Hall

### Item 7: Executive Session

### Item 8: Adjournment

**AGENDA COMMENTS  
CITY COMMISSION MEETING  
March 13, 2024**

**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: Approve Software Agreement: gWorks Cloud Migration**

The City's current software with gWorks is migrating modules to the Cloud. Municipal Court will remain in place until it is ready to migrate to the Cloud, free of charge. Along with this package we are obtaining a new Cemetery module to use currently and will eventually migrate to the Cloud, free of charge once it becomes available. This new agreement has been reviewed by the City Attorney. Pricing for the gWorks Core Overview Modules includes a one-time training and onboarding fee of \$1,000 with an annual fee of \$15,000. The Cemetery module has a one-time training & onboarding fee of \$1,000 with an annual fee of \$1,250. Our current annual renewal payment of \$7,822 will be applied to the prorated training and onboarding fee.

**RECOMMENDED MOTION:** *I move to approve the Software Agreement with gWorks as presented, and to allow the City Administrator to sign documents.*

**4.B: Approve Bid: Lease Purchase; Pumper Truck**

Bids were submitted to the City Clerk on Thursday, March 7<sup>th</sup> for the lease purchase of a 2024 Pumper Truck for the Fire Department. The City received one combined bid before the deadline from Community National Bank partnering with Bank of Commerce to share the lease at 6.97% interest; and to choose either a 7-year lease at \$77,917.23 per year or a 6-year lease at \$88,072.36 per year. Equity Bank submitted their bid past the deadline on Monday, March 11, 2024, which showed a bid of 7.99% on a 3-year fixed rate ballon note, with a 5 to 7-year amortization. The Governing Body approved a \$90,000 per year lease payment beginning with the 2024 Budget.

**RECOMMENDED MOTIONS:** *I move to approve the bid from \_\_\_\_\_ for the lease purchase of a 2024 Custom Pumper Fire Truck in the amount of \$ \_\_\_\_\_ per year for \_\_\_\_\_ years.*

**4.C: Approve Purchase of Pump & Drives for Main Sewer Lift Station**

Jay Bair, Water/Wastewater Director, obtained bids for a pump and drives for the Main Sewer Lift Station. Advance Control Solutions LLC submitted a bid for the drives only. Letts, Van Kirk & Associates submitted a bid for the drives and a pump.

**RECOMMENDED MOTIONS:** *I move to approve the bid from \_\_\_\_\_ for the purchase of a pump & drives in an amount not to exceed \$\_\_\_\_\_.*

**4.D: Appoint Director 2 Position for KMEA**

The City's KMEA Directors serve on a two-year basis. The Director 1 position is filled by Brandon Hearn, and expires 4/30/2023. The Director 2 term, filled by the City Administrator, will expire April 30, 2024. The Commission is asked to appoint the City Administrator as Director 2 for KMEA with the appointment to expire on April 30, 2026.

**RECOMMENDED MOTION:** *I move to appoint the City Administrator as Director 2 for KMEA.*

**4.E: Appoint Alternate Position for KMEA**

Stephanie Fyfe, City Clerk/Finance Director, is currently the KMEA Alternate Director. Her term expires April 30, 2024. For this agenda item, the Commission is asked to appoint the voting Alternate for KMEA with the appointment to expire April 30, 2026.

**RECOMMENDED MOTIONS:** *I move to appoint the City Clerk as the Alternate Director for KMEA.*

**4.F: Approve Use of City Parks for Hometown Days Event**

Robyn Pierce, Chamber Director, requests the use of City Parks for the Hometown Days Event that is scheduled for June 7<sup>th</sup> through June 9<sup>th</sup>.

**RECOMMENDED MOTION:** *I move to approve the use of \_\_\_\_\_ parks for Hometown Days to be held June 7 through June 9, 2024.*

**4.G: Approve CMB License: Booster Club Fundraiser Event**

Robyn Pierce, representing the Booster Club, is asking for the approval of a CMB License for a Booster Club Fundraising Event to be held at the Catholic Church Parish Hall on April 28, 2024.

**RECOMMENDED MOTIONS:** *I move to approve the Cereal Malt Beverage license for Robyn Pierce/Neodesha Booster Club for a fundraising event to be held on April 28, 2024.*

**4.H: Appoint City Treasurer**

At the July 12, 2023 Commission Meeting Anita Buchanan was appointed as Interim City Treasurer. The City Treasurer duties are already incorporated into the Utility Billing Supervisor Position Description she currently holds. Consulting with our Auditors, it is proper to officially appoint this position within this realm.

**RECOMMENDED MOTIONS:** *I move to appoint Anita Buchanan as City Treasurer.*

**4.I: Library Board: Accept Resignation**

Carolyn Smalley has submitted her resignation from the Library Board to assume the duties of Interim Library Director. It is her wish to request she be placed back on the Library Board once a full-time director has been hired.

**RECOMMENDED MOTIONS:** *I move to accept the resignation of Carolyn Smalley from the Library Board effective immediately.*

Neodesha, Kansas  
February 28, 2024

The Board of Commissioners met in regular session at 2:00 p.m., on Wednesday, February 28, 2024, in the Commission Room at City Hall conducting the meeting by live streaming with Zoom with Mayor Johnson presiding and Commissioners Banzet and Vail-Keller present.

Commissioner Vail-Keller moved to approve the agenda as presented with the addition of Business Item 4O: Approve Letter of Intent with Neosho Land & Development LLC; Phase 1; and Business Item 4P: Approve Agreement with Western Consultants; LMI Survey. Seconded by Commissioner Banzet. Motion carried.

Public comments were invited and heard.

Commissioner Banzet moved to approve the consent agenda as presented consisting of minutes from the February 14, 2024 meeting; Appropriation (2024) 3; and Water System Improvements Bond Appropriation 3. Seconded by Commissioner Vail-Keller. Motion carried.

The Governing Body welcomed Garrett Nordstrom of Western Consultants. Administrator Jones along with Mr Nordstrom addressed the Commission regarding an agreement to conduct an LMI Survey on behalf of the City. Discussion held.

Commissioner Banzet moved to approve the agreement with Western Consultants as presented for survey services in an amount not to exceed \$34,000. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Jones addressed the Commission regarding a resolution amending the Position Classification and Pay Plan Policy to include the addition of three, temporary part-time, Fire/EMS personnel. Discussion held.

#### **RESOLUTION 24-05**

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

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

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

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

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

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

- Amend the Fire/EMS Department organization chart to reflect the addition of three Temporary/Part-Time Firefighter/EMS Personnel.

Commissioner Vail-Keller moved to amend the Position Classification and Pay Plan Policy to add part-time Firefighter/EMS Personnel. Seconded by Commissioner Banzet. Motion carried.

Administrator Jones addressed the Commission regarding the purchase of mowers for the Parks and Street Departments. Discussion held.

Commissioner Banzet moved to approve the purchase of mowers from LDI in an amount not to exceed \$24,000. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Jones addressed the Commission regarding the ratification of the purchase amount of the turbidimeters from Hach Company that was previously approved at the February 14, 2024 meeting. The original approved price did not include shipping charges. Discussion held.

Commissioner Vail-Keller moved to approve the purchase from Hach Company in the new amount of \$9,688.20. Seconded by Commissioner Banzet. Motion carried.

The Governing Body welcomed members of the Library Board who brought forth a list of items needing repaired and other improvement requests for the library building. Discussion held. No action taken.

The Governing Body welcomed Stacie Ray, Stay Strong Live Long Wilson County Coordinator, for a presentation on the Medical Disposal Campaign. Discussion held.

Commissioner Banzet moved to approve the participation in the Medical Disposal Campaign. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Jones addressed the Commission regarding a request from the Neodesha Men's Organization and the Neodesha Area Chamber of Commerce for the use of Riverwalk Park for the Annual Easter Egg Hunt to be held on Sunday, March 31, 2024. Discussion held.

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Neodesha, Kansas  
February 28, 2024

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Commissioner Vail-Keller moved to approve the use of Riverwalk Park and/or the soccer fields for the Annual Easter Egg Hunt. Seconded by Commissioner Banzet. Motion carried.

The Governing Body welcomed Clara McCabe, Wilson Medical Center, requesting the use of Riverwalk Park for the hospital's annual Fall Festival Event to be held during the day on Saturday, September 21, 2024. Discussion held.

Commissioner Banzet moved to approve the use of Riverwalk Park by Wilson Medical Center for the Fall Festival event. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Jones addressed the Commission with a request from the Neodesha Area Chamber of Commerce for the donation use of the Civic Center for their annual Main Street Auction to be held the evening of Saturday, September 21, 2024. Discussion held.

Commissioner Vail-Keller moved to approve the donation of the Civic Center for use by the Neodesha Area Chamber of Commerce. Seconded by Commissioner Banzet. Motion carried.

The Governing Body welcomed Erica Huguenin, Rotary Member Representative, with a request to approve a Cereal Malt Beverage License for the organization's fundraising event. Discussion held.

Commissioner Vail-Keller moved to approve the Cereal Malt Beverage License for the Rotary Club fundraising event on March 8, 2024, at the Catholic Parish Hall. Seconded by Mayor Johnson with Commissioner Banzet abstaining from the vote. Motion passed 2 – 0 with one abstention.

Administrator Jones addressed the Commission regarding a resignation and an appointment to the Economic Development Committee. Discussion held.

Commissioner Banzet moved to accept the resignation of Travis Carson from the Economic Development Committee effective immediately. Seconded by Commissioner Vail-Keller. Motion carried.

Commissioner Banzet moved to approve the appointment of Terry Woodruff to the Economic Development Committee to fill the unexpired term of Travis Carson, with a term ending date of 12/31/2024. Seconded by Commissioner Vail-Keller. Motion carried.

The Governing Body welcomed Mr Douglas Reece for the presentation of a Certificate of Appreciation for his term as Museum Director for the Neodesha Historical Museum. Mr Reece had submitted his resignation to the City. Discussion held.

Commissioner Vail-Keller moved to accept the resignation of Douglas Reece effective February 24, 2024. Seconded by Commissioner Banzet. Motion carried. The Governing Body and City employees wish Doug well with his retirement.

Administrator Jones addressed the Commission regarding a request from Union Pacific Railroad to close the 11<sup>th</sup> Street crossing. Members of the community and a representative from Beachner Grain were present for the discussion. No action taken.

Administrator Jones addressed the Commission regarding setting a date and time to hold a Worksession for the upcoming 2025 Budget. Discussion held.

Commissioner Vail-Keller moved to approve a Worksession for the 2025 Budget be held on Friday, April 26, 2024 at 1:00 p.m. Seconded by Commissioner Banzet. Motion carried.

Administrator Jones addressed the Commission regarding a letter of intent with Neosho Land & Development LLC for Phase 1 of land development services. Discussion held.

Commissioner Vail-Keller moved to approve the Letter of Intent with Neosho land & Development LLC as presented. Seconded by Commissioner Banzet. Motion carried.

Commissioner Banzet moved to recess to an Executive Session to include the Governing Body, 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 4:05 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 4:05 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 Banzet moved to accept the resignation of Kayla Furr effective immediately. Seconded by Commissioner Vail-Keller. Motion carried.

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Neodesha, Kansas  
February 28, 2024  
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Commission reports were heard.  
City Administrator reports were heard.  
Community Development Director reports were heard.  
Financial Reports were distributed and discussed.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, March 13, 2024 at 2:00 p.m.  
At 4:35 p.m. Commissioner Banzet moved to adjourn. Seconded by Commissioner Vail-Keller. Motion carried.

ATTEST:

\_\_\_\_\_  
Emily Vail-Keller, Vice-Mayor

\_\_\_\_\_  
Stephanie Fyfe, City Clerk



Two Rivers. No Limits

1407 N. 8<sup>th</sup> St. • P O Box 336 • Neodesha, Kansas 66757

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**SPECIAL CALL FOR SPECIAL MEETING OF BOARD OF COMMISSIONERS**

Neodesha, Kansas  
March 8, 2024

To the Board of Commissioners:

The Board of Commissioners will hold a Special Call meeting Friday, March 8, 2024 at 2:00 p.m., at City Hall, 1407 N 8<sup>th</sup> Street, for the following purpose:

1. Discussion with Union Pacific Railroad

The Board of Commissioners met in a Special Call Session at 2:00 p.m. at City Hall, 1407 N 8<sup>th</sup> Street, on Friday, March 8, 2024 with Mayor Johnson presiding and Commissioners Banzet and Vail-Keller present.

Mayor Johnson opened the meeting for discussion. A representative for Union Pacific Railroad, Renee Cordell of Benesch, attended the meeting by Zoom; Gary Beachner and Brent Bayliff of Beachner Grain; Rod Schlegel of ReCrete Design; and other members of the business and private sector of the community were in attendance for the discussion. No action taken.

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

ATTEST:

\_\_\_\_\_  
Emily Vail-Keller, Vice-Mayor

\_\_\_\_\_  
Stephanie Fyfe, City Clerk

**APPROPRIATIONS REPORT**

<b>ORDINANCE NO 4</b>	<b>3/13/2024</b>
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<u>VENDOR</u>	<u>REFERENCE</u>	<u>AMOUNT</u>	<u>CHECK NO</u>	<u>CHECK DATE</u>
ASSESSMENT STRATEGIES LLC	PSYCH EVAL	390.00	73600	3/13/2024
BEACHNER GRAIN INC	DOG FOOD & WEEDKILLER	137.82	73601	3/13/2024
BORDER STATES INDUSTRIES INC	ELECTRIC SUPPLIES	360.98	73602	3/13/2024
CALLTOWER	PHONE CHARGES	306.86	73603	3/13/2024
CHASE PEST CONTROL LLC	EXTERMINATOR SERVICE	300.00	73604	3/13/2024
CINTAS	FIRST AID SUPPLIES	408.42	73605	3/13/2024
CLEAVER FARM & HOME	SUPPLIES	622.61	73606	3/13/2024
CONRAD FIRE EQUIPMENT INC	HYDRANT BAGS	486.60	73607	3/13/2024
CONSTELLATION NEWENERGY	JANUARY BILLING	110,107.50	73608	3/13/2024
CULLIGAN OF INDEPENDENCE	MARCH WATER SERVICE	220.97	73609	3/13/2024
D & D AUTO REPAIR & ALIGNMENT	BATTERIES	429.90	73610	3/13/2024
F ALLEN MOORHEAD, JR, MD	PRE EMPLOYMENT PHYSICAL	642.00	73611	3/13/2024
FORSYTHE'S HEATING & ELECTRIC	SERVICE CALL	138.15	73612	3/13/2024
FREDONIA TRUE VALUE HARDWARE	HOSE	35.99	73613	3/13/2024
GALLS LLC	UNIFORMS	358.37	73614	3/13/2024
HACH COMPANY	TURBIDIMETERS	10,754.60	73615	3/13/2024
HUGO'S INDUSTRIAL SUPPLY, INC	CLEANING SUPPLIES	89.54	73616	3/13/2024
INTERNAL REVENUE SERVICE	PENALTY DUE 12/31/23	644.71	73617	3/13/2024
TOMMY JOHN	CLEANING SERVICES	200.00	73618	3/13/2024
KANSAS ONE-CALL SYSTEM, INC	FEBRUARY LOCATES	52.80	73619	3/13/2024
KOONS GAS MEASUREMENT	GAS METERS	4,005.54	73620	3/13/2024
LAKELAND OFFICE SYSTEMS	COPIER MAINTENANCE MARCH	295.17	73621	3/13/2024
LANDIS+GYR TECHNOLOGY INC	FEBRUARY 2024 AMR	1,195.00	73622	3/13/2024
MEDICLAIMS INC	AMBULANCE COLLECTION FEES	1,100.36	73623	3/13/2024
MIDWEST COMPUTER SALES	IT SERVICES	2,742.09	73624	3/13/2024
BANK OF AMERICA	ROCK	4,329.93	73627	3/13/2024
NATIONAL SIGN COMPANY INC	SIGNS & POSTS	1,292.00	73628	3/13/2024
NEODESHA DERRICK NEWS	PUBLICATIONS	227.00	73629	3/13/2024
NEWTON MFG LLC	OVERHEAD DOOR REPAIR	123.78	73630	3/13/2024

NEWTON LUMBER CO INC	SUPPLIES	194.96	73631	3/13/2024
NRS	DRY SOCK/WRIST GASKET REPLACE	198.68	73632	3/13/2024
O'REILLY AUTOMOTIVE INC	AUTO PARTS & SUPPLIES	1,677.20	73634	3/13/2024
PEREGRINE CORPORATION	CITY LOGO SHIRTS	250.67	73635	3/13/2024
PLAYPOWER LT FARMINGTON	CROWDER PARK PLAYGROUND EQUIPMENT	47,726.71	73636	3/13/2024
PORTER DRUGS	STOCK MEDS FOR AMBULANCE	532.87	73637	3/13/2024
PRAIRIE FIRE COFFEE	BEVERAGE SERVICE	391.09	73638	3/13/2024
PROFESSIONAL ENGINEERING CONSU	NEODESHA ENTRY SIGN	1,680.00	73639	3/13/2024
PROTECTIVE EQUIPMENT TESTING L	GLOVE TESTING	600.04	73640	3/13/2024
R E PEDROTTI COMPANY, INC	RAW WATER PUMP STATION SERVICE	63.90	73641	3/13/2024
REYNOLDS PLUMBING & ELECTRIC	SERVICE & REPAIR	835.10	73642	3/13/2024
RURAL WATER DISTRICT 4	AIRPORT RURAL WATER	28.60	73643	3/13/2024
SEK COOP INC	PROPANE	1,060.32	73644	3/13/2024
SEW WHAT?! AND MORE	UNIFORM HEMMING	24.00	73645	3/13/2024
SHERWIN WILLIAMS INDEPENDENCE	PAINT	244.00	73646	3/13/2024
SIGN BROTHERS	PARKING SIGNS	216.00	73647	3/13/2024
SIGN DESIGN	TRANSFERS	28.00	73648	3/13/2024
SOUTH KANSAS & OKLAHOMA RR INC	LINE LEASE 2024	690.07	73649	3/13/2024
STRYKER SALES, LLC	MEDICAL SUPPLIES	1,393.01	73650	3/13/2024
THOMPSON BROTHERS SUPPLY INC	OXYGEN/CYLINDER LEASE	536.22	73651	3/13/2024
TLC GROUNDSKEEPING INC	LANDSCAPE MAINT/RIVERWALK PARK	4,489.65	73652	3/13/2024
ULINE	PLASTIC DRUM PUMP	179.22	73653	3/13/2024
UNIFIRST CORPORATION	RUG & CLEANING SUPPLIES	304.04	73654	3/13/2024
US CELLULAR	CELL PHONE/TABLET CHARGES	348.30	73655	3/13/2024
US POST OFFICE	POST OFFICE BOX SERVICE FEE	352.00	73656	3/13/2024
WILSON COUNTY COORDINATOR	LANDFILL CHARGES	2.00	73657	3/13/2024
WOODS LUMBER COMPANY	SUPPLIES	431.44	73658	3/13/2024

\*\*\*\*TOTAL\*\*\*\*

206,476.78





**Contractor's Application for Payment No. 3**

Application Period: 01/01/2024 - 01/31/2024		Application Date: 2/29/2024
To (Owner): City of Neodesha	From (Contractor): Koehn Construction Services LLC	Via (Engineer):
Project: Neodesha Fall River Dam Repairs	Contract:	
Owner's Contract No:	Contractor's Project No: 13271	Engineer's Project No.: 35-180004-002-2005

**Application For Payment  
Change Order Summary**

Approved Change Orders	Number	Additions	Deductions
	1	\$18,273.62	
TOTALS		\$18,273.62	
NET CHANGE BY CHANGE ORDERS		\$18,273.62	

  

1. ORIGINAL CONTRACT PRICE.....	\$ 905,000.00
2. Net change by Change Orders.....	\$ 18,273.62
3. Current Contract Price (Line 1 ± 2).....	\$ 923,273.62
<b>4. TOTAL COMPLETED AND STORED TO DATE</b>	
(Column F total on Progress Estimates).....	\$ 679,106.85
<b>5. RETAINAGE:</b>	
a. 5% X \$679,106.85 Work Completed.....	\$ 33,955.34
b. 5% X _____ Stored Material.....	\$ _____
c. Total Retainage (Line 5.a + Line 5.b).....	\$ 33,955.34
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c).....	\$ 645,151.51
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....	\$ 162,998.15
8. AMOUNT DUE THIS APPLICATION.....	\$ 482,153.36
9. BALANCE TO FINISH, PLUS RETAINAGE	
(Column G total on Progress Estimates + Line 5.c above).....	\$ 278,122.11

**Contractor's Certification**

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

(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;

(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and

(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents

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**Contractor Signature**

By: [Signature] Date: 02/29/24

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**Resident Project Representative (RPI/OSR) Signature**

By: [Signature] Date: 3/1/24

Payment of \$ 278,122.11  
(Line 8 or other - attach explanation of the other amount)

is recommended by: [Signature] 3/1/2024  
(Engineer) (Date)

Payment of \$ \_\_\_\_\_  
(Line 8 or other - attach explanation of the other amount)

is approved by: \_\_\_\_\_  
(Owner) (Date)

Approved by: \_\_\_\_\_  
Funding or Financing Entity (if applicable) (Date)



*Jennifer PupaneK*



## CONDITIONAL WAIVER AND RELEASE UPON PROGRESS PAYMENT

Job: Neodesha Fall River Dam Abutment Repairs

Upon receipt by the undersigned of a

Check from: **City of Neodesha**

In the sum of: **482,153.36**

Payable to: **Koehn Construction Services LLC**

and when the check has been properly endorsed and paid by the bank upon which it is drawn, this document shall become effective to release any mechanics' lien, stop notice, or bond right the undersigned has on the

Job: **Neodesha Fall River Dam Abutment Repairs**

Located at: 1400 Wisconsin  
Neodesha KS 66757

to the following extent. This release covers a progress payment for labor, service, equipment, or material furnished to **City of Neodesha** through only, and does not cover any retention held before or after the release date, or extras furnished before the release date for which payment has not been received, or extras or items furnished after the release date.

Rights based on work performed or items furnished under a written change order that have been fully executed by the parties prior to the release date are covered by this release unless specifically reserved by the claimant in this release. This release of any mechanics' lien, stop notice, or bond right shall not otherwise affect the contract rights, including rights between parties to the contract based upon a rescission, abandonment, breach of the contract, or right of the undersigned to recover compensation for furnished labor, services, equipment or material that was not compensated by the progress payment.

Before any recipient of this document relies on it, said recipient should verify evidence of payment to the undersigned.

Dated: 02/29/24

By: Koehn Construction Services LLC

*Company Name*

  
*Signature*

Dave Scholtz  
*Print Name*



# Ordering Document: City of Neodesha KS - gWorks Core + Cemetery

## City of Neodesha KS

1407 North 8th  
Neodesha, KS 66757  
United States

## Brogan Jones

bjones@neodeshaks.org  
620-325-2828

Reference: 20240215-101850303

Quote created: February 15, 2024

Quote expires: March 16, 2024

Quote created by: Sawyer Breslow

"Account Manager"

sbreslow@gworks.com

+14022524659

### Comments from Sawyer Breslow

Please review all terms and conditions below. Payment terms are included below as well. Thank you!

## Products & Services

Item & Description	Quantity	Unit Price	Total
gWorks Core - Implementation & Onboarding Fresh Start Implementation & Onboarding of gWorks Core. Included - Finance Hub (AP, BK, GL, RM), Chart of Accounts setup, Utility Billing Hub (UB, MR), FrontDesk Basic, and HR Hub Standard (payroll)  For product features, optional add-ons, our onboarding process, and support resources, see <a href="https://www.gworks.com/gworks-core-overview/">https://www.gworks.com/gworks-core-overview/</a>	1	\$1,000.00	\$1,000.00
Cemetery Management - Implementation Module Implementation	1	\$1,000.00	\$1,000.00

Item & Description	Quantity	Unit Price	Total
gWorks Core - Annual Subscription Annual Subscription of gWorks Core. Included - Finance Hub, Utility Billing Hub, FrontDesk Basic, and HR Hub Standard	1	\$15,000.00 / year	\$15,000.00 / year for 1 year
Cemetery Management - Annual Fee Annual License & Product Support Agreement Fee	1	\$1,250.00 / year	\$1,250.00 / year for 1 year
gWorks Payments - R1 (pass) Addition of gWorks Payments to FrontDesk No cost for implementation. Ongoing charges-- - Credit Card/Debit Card processing: 2.49% plus \$1.00 per transaction with a \$2 minimum - ACH Pass-through processing fees: \$1.30 per transaction up to \$50,000.00; \$3.00 per transaction greater than \$50,000.00 - Account updater service: \$5.00 per month - Account updater fees: \$0.70 per update - Per Chargeback: \$25.00 - Per Retrieval Request Processed: \$25.00 - Per Arbitration Case: \$15.00 - Per eCheck Return: \$10.00 - Per eCheck Refund: \$1.00 - Per Merchant Disbursement Failure: \$25.00	1	\$0.00	\$0.00
Annual subtotal			\$16,250.00
One-time subtotal			\$2,000.00
<b>Total</b>			<b>\$18,250.00</b>

## Purchase terms

### **Upon signature of the parties, this Order is a legally enforceable agreement.**

This Order shall be in effect as of the last date in the signature boxes below ("Effective Date") and shall continue until the end of the term of the last Service in this Order, unless earlier terminated in accordance with the express termination rights set forth in this Order, if any, and the Master Services Agreement. A Service set forth above shall be in effect from the Effective Date and shall continue for the initial term specified herein for such Service, unless earlier terminated in accordance with the express termination rights set forth in this Order, if any, and the Master Services Agreement. Web-based Services and Desktop Services terms are one-year in length from January 1 – December 31 ("Calendar Year"). If the Cohort Assignment date—that is, when gWorks assigns the Client the date Onboarding will begin—is within a Calendar Year, the initial term prorates from the Cohort Assignment month to the end of the Calendar Year. Upon expiration of the initial term of the applicable Web-based or Desktop Service, such Service will automatically renew for additional successive renewal periods of a one-year in term length aligned to the Calendar Year for such Service, unless earlier terminated in accordance with the express termination rights set forth in this Order, if any, and the Master Services Agreement or unless either party provides the other party written notice of non-renewal no less than thirty (30) days prior to the end of the then-current initial term or renewal term for such Service.

Upon termination or expiration of a Service: (a) Client shall immediately pay all outstanding amounts it owes to gWorks for such Service as set forth in the table above; (b) Client shall immediately cease using such Service; (c) gWorks may take steps to change, remove, or otherwise block Client's access to such Service; and (d) upon payment in full of all fees owed to it, gWorks shall deliver to Client any Deliverables related to such Service, in their current form as of the effective date of termination or expiration, along with all documentation, Specifications, and Client Materials in gWorks' possession related to such Service. Annual fees are nonrefundable. Notwithstanding the above, if, within thirty (30) days after the termination of a Service data export is requested by Client, gWorks shall export such data files to Client, and such services will be charged at gWorks then-standard rates. No termination or expiration of a Service, this Order, or the Master Services Agreement will affect Client's obligation to pay all amounts set forth in the table above.

Fees for all one-time Professional Onboarding or Professional Services and fees for all Web-based Services and Desktop Services are due and payable as follows:

- Professional Onboarding or Professional Services fees are due in full upon the Effective Date of this Order.
- Annual fees are payable in full or prorated based on the calendar month of the Cohort Assignment relating to this Ordering Document for the first year. For subsequent terms, the annual subscription, license, and product support fees (collectively, "annual fees") are due before or by the start of the Calendar Year term thereafter.

Invoicing of fees occurs on the Effective Date of this Order and carries a Net 15-day payment term by the Client. Failure by the Client to pay within the payment term could result in onboarding delays but do not affect the Services term or prorated term start of this Order.

Any Professional Services not defined in this Ordering Document are billable at gWorks' current hourly billable rate, or at gWorks sole discretion may be a separate Ordering Document of defined Services.

This Order, including the then-current Master Services Agreement & Terms of Service, Privacy Policy, Statement of Work, and Product Support Agreement, and all other agreements, policies, and documents incorporated herein, contains the entire agreement of the parties with respect to the subject matter hereof and shall supersede any and all prior or contemporaneous discussions, negotiations, agreements, or understandings between the parties, whether written or oral, regarding the subject matter hereof.

This Order may be executed in one or more counterparts, each of which will be deemed to be an original copy of this Order, and all of which, when taken together, will be deemed to constitute one and the same agreement. This Order may be executed and delivered via facsimile, electronic mail, or other electronic transmission methods (including pdf or any electronic signature complying with the U.S. federal E-SIGN Act of 2000), and the execution and delivery of this Order by such methods shall be deemed to be valid and effective for all purposes.

This Order is subject to the agreements, policies, and documents set forth below, all of which are incorporated herein by reference, and which include a Sub-Merchant Agreement for card processing by a third-party service provider which includes an application for such card processing services provided to such third-party by gWorks with Client's credentials, including banking information, provided by Client and captured by gWorks in a "Merchant Boarding Form" which form is available to Client by gWorks upon request. By signing this Order, the Client expressly agrees that the information in the Merchant Boarding Form is true and accurate and to all terms and conditions in the agreements, policies, and documents set forth below.

- Master Services Agreement & Terms of Service: <https://www.gworks.com/g2msatos/>
- Statement of Work: <https://www.gworks.com/legal/gcusow>
- Product Support Agreement: <https://www.gworks.com/legal/gcpsa>
- Privacy Policy: <https://www.gworks.com/privacy-policy/>
- Sub-Merchant Agreement for Card Processing Services:
  - [Bank Disclosure](#)
  - [Payment Sub-Merchant Agreement](#)

By signing this Order, the individual signing on behalf of Client certifies and warrants that they are authorized to sign on behalf of the Client, agree to the terms of this Order and any agreements and documents incorporated herein, attests that the information for this application and onboarding are correct to the best of their knowledge, and that, upon their signature, this Order and any documents incorporated herein will become the legally binding agreement of the Client.

## Signature

Before you sign this quote, an email must be sent to you to verify your identity. Find your profile below to request a verification email.

**Brogan Jones**

[bjones@neodeshaks.org](mailto:bjones@neodeshaks.org)

**Brad Whittle**

[bwhittle@gworks.com](mailto:bwhittle@gworks.com)

## Questions? Contact me



Sawyer Breslow

"Account Manager"

[sbreslow@gworks.com](mailto:sbreslow@gworks.com)

+14022524659

gWorks

3905 S 148th St

Ste 200

Omaha, NE 68144

USA



**Advance Control Solutions, LLC**  
**4602 CR 5100**  
**Cherryvale, KS 67335**  
**Phone: 620-330-1905**

**Lift Station VFD's**  
**City of Neodesha WTP**  
**Quote #240226**

Jay Bair  
Water & Wastewater Director  
City of Neodesha  
1407 N. 8th  
Neodesha, Kansas 66757

02/26/2024

Dear Jay,

Thank you for the invitation and opportunity to provide the following **Fixed Price Proposal** for the **Lift Station VFD's**. The following pages provide a complete description of the scope of our proposal and the materials and services that **Advance Control Solutions LLC(ACS)** is offering.

Again, I sincerely appreciate your interest in Advance Control Solutions and am committed to providing you the best quality services. If I can be of any further assistance, please don't hesitate to contact me.

Thank you,

Todd Medlock  
Advance Control Solutions, LLC  
4602 CR 5100  
Cherryvale, KS 67335  
(620) 330-1905  
[tmedlock@advancecontrolsolutions.net](mailto:tmedlock@advancecontrolsolutions.net)



**Advance Control Solutions, LLC**  
4602 CR 5100  
Cherryvale, KS 67335  
Phone: 620-330-1905

**Description of Work:**

Install 2 Variable Frequency Drives in the Lift Station to allow the starting and stopping of the pumps without shocking the pumps or the lines. ACS will install and startup the VFD's to achieve a smooth start and stop saving wear and tear on the pumps.

<b>Item</b>	<b>Qty.</b>	<b>Description</b>	<b>Price Each</b>	<b>Extended Price</b>
1	2	Rockwell Automation PowerFlex 400, Fan & Pump Drive. 240 (208) VAC, 3 PH. 90 Amps. 30 HP, Frame Size D, IP30 (NEMA 1 / UL Type 1)with Auxiliary Components	\$ 9,971.41	\$ 19,942.82
2	1	Installation and Startup	\$ 788.78	\$ 788.78
			<b>TOTAL</b>	<b>\$20,731.59</b>

**Notes for Consideration:**

- **At current time the Lead Time for the 2 VFD's are 3 weeks after receipt of order.**
- **ACS will need each individual pump to be de-energized for 3-4 hours during installation**
- **ACS will perform megger and ohm test on all installed wire and the motors before powering on the new VFD's**
- **Fixed price proposal is good for 30 days**

# Letts, Van Kirk & Associates

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Municipal Pumps & Equipment

February 16, 2024

To: Neodesha KS City of c/o WW Department  
1400 West Wisconsin  
Neodesha Ks 66757

Subject: Replacement Flowserve Pump and VFD option

Dear Jay,

We are pleased to propose the following equipment quote based on data from original Flowserve pump SN#11M00172, city personal and site visit.

Quantity One (1) Flowserve Model #6MSX10A FPD-Std. Dry Pit Pump  
30HP 230/460/ 3ph,1800RPM Motor with Explosion Proof Enclosure Frame23  
series 2 and 35'Power/Control Cables  
(Base Elbow with support stand not included)

Quantity Two (2) Flowserve Moisture Probe Module (Installed by others)

**Total Price FOB Factory ..... \$30,615.00**

Quantity Two (2) Allen & Bradley HD 35HP Powerflex 735 AC Drives  
Quantity Two (2) Allen & Bradley HIM Modules  
Quantity Two (2) HIM door mounting kits (Installed by others)  
Quantity Two (2) Transient Voltage Surge Suppressors (Installed/Wired by others)

(Initial Set Up and Start up is include with VFD's and Pump)

**Total Price FOB Factory ..... \$30,700.00**

Note above pricing does not include any mechanical or electrical installation, freight or applicable sales tax.

Estimated delivery is 12 to 14 weeks after approved order.

5600 INLAND DRIVE, KANSAS CITY, Ks 66106  
913-287-3900  
800-627-7800  
913-287-6641 FAX

# *Letts, Van Kirk & Associates*

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Municipal Pumps & Equipment

Prices are firm 30 days from the date of this proposal and based on LVK conditions as attached.

We appreciate the opportunity, please contact us with any questions regarding the attached proposal.

Sincerely,

BJ Stephens  
Letts Van Kirk

5600 INLAND DRIVE, KANSAS CITY, KS 66106  
913-287-3900  
800-627-7800  
913-287-6641 FAX



**CERTIFICATE – DIRECTOR-2**

**KANSAS MUNICIPAL ENERGY AGENCY  
BOARD OF DIRECTORS**

This certificate duly documents the appointment of a **Director-2** to serve on the Board of Directors of the Kansas Municipal Energy Agency (KMEA) as provided for in Article V, Section 5.1 of KMEA's Bylaws.

I, the undersigned City Clerk of the City of Neodesha, Kansas, a member of KMEA, do hereby certify that at a meeting of the City Governing Body duly held on the 13th day of March, 2024; and

Name:	<u>Brogan Jones</u>	Title:	<u>City Administrator</u>
Address:	<u>PO Box 336</u>		
City:	<u>Neodesha</u>	State:	<u>KS</u>
		Zip Code:	<u>66757</u>
Office Phone:	<u>620-325-2828</u>	Cell Phone:	<u>620-716-2809</u>
		Fax:	<u>620-325-2481</u>
Email Address:	<u>bjones@neodeshaks.org</u>		

who (a) resides within the territory served by the City's electric utility; or (b) is an employee of the City, was appointed to serve on the KMEA Board of Directors for a two-year term ending on April 30, 2026.

I further certify that the foregoing appointment is reflected in the official Minutes of the Governing Body of the City for the meeting on the date indicated above.

This certificate is given this 13th day of March, 2024.

\_\_\_\_\_  
City Clerk

Neodesha, Kansas



**CERTIFICATE – ALTERNATE**  
**KANSAS MUNICIPAL ENERGY AGENCY**  
**BOARD OF DIRECTORS**

This certificate duly documents the appointment of an **Alternate** to serve on the Board of Directors of the Kansas Municipal Energy Agency (KMEA) as provided for in Article V, Section 5.7 of KMEA's Bylaws.

I, the undersigned City Clerk of the City of Neodesha, Kansas, a member of KMEA, do hereby certify that at a meeting of the City Governing Body duly held on the 13th day of March, 2024; and

Name: <u>Stephanie Fyfe</u>	Title: <u>City Clerk/Finance Director</u>	
Address: <u>PO Box 336</u>		
City: <u>Neodesha</u>	State: <u>KS</u>	Zip Code: <u>66757</u>
Office Phone: <u>620-325-2828</u>	Cell Phone: <u>620-205-7752</u>	Fax: <u>620-325-2481</u>
Email Address: <u>sfyfe@neodeshaks.org</u>		

who (a) resides within the territory served by the City's electric utility; or (b) is an employee of the City, was appointed to serve on the KMEA Board of Directors for the term indicated below:

- Term expiring 4/30/2026 or  
 Permanent

The above appointed Alternate is  **is not**  (check one) entitled to vote on behalf of the City.

I further certify that the foregoing appointment is reflected in the official Minutes of the Governing Body of the City for the meeting on the date indicated above.

This certificate given this 13th day of March, 2024.

\_\_\_\_\_  
City Clerk  
Neodesha, Kansas