

# Agenda

City Commission of the City of Neodesha, KS  
April 10, 2019 2:00 p.m.

## 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

## 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 the March 27, 2019 Commission minutes
- Appropriation (2019) 06
- Raw Water Project Bond Appropriation 51

## Item 4: Business Items to Consider

- A. Proclamation: National Lineman Appreciation Day
- B. Resolution: Authorizing the Southwest Power Administration Project Agreement
- C. Resolution: Dangerous Structures; 105 N. 11<sup>th</sup> Street
- D. Audit Management Representation Letter
- E. Appointments to the Senior Citizen's Board
- F. Land Bank: Consider the sale of property

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

- Wednesday, April 24, 2019, 2:00 p.m. – Regular Meeting, City Hall

## Item 6: Executive Session: Non-Elected Personnel

## Item 7: Adjournment

**AGENDA COMMENTS**  
**CITY COMMISSION MEETING**  
**April 10, 2019**

**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: National Lineman Appreciation Day**

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

**4.B Resolution: Authorizing the Southwest Power Administration Project Agreement**

The Commission is asked to approve Resolution 19-03, authorizing the execution of the Southwest Power Administration (SWPA) project agreement between the City of Neodesha and the Kansas Municipal Energy Agency (KMEA). This Resolution will also authorize the Mayor to sign the KMEA agreement that provides for a 15-year extension of our power agreement.

**RECOMMENDED MOTION:** *I move to approve Resolution 19-03, and authorize the Mayor to sign the Southwest Power Administration agreement with KMEA.*

**4.C Resolution: Dangerous Structures; 105 N. 11<sup>th</sup> Street**

The Commission is asked to consider Resolution 19-04, calling for a Public Hearing, May 22, 2019, 2pm, in the Commission Chambers, to show cause why the structure located at 105 N. 11<sup>th</sup> Street should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure.

**RECOMMENDED MOTION:** *I move to adopt Resolution 19-04 setting a public hearing for May 22, 2019 as presented.*

**4.D Audit Management Representation Letter**

For this agenda item, the Commission is asked to authorize the Mayor to sign the Management Representation Letter required for our 2018 audit process.

**RECOMMENDED MOTION:** *I move to authorize the Mayor to sign the Management Representation Letter for the 2018 Audit.*

**4.E Appointments to the Senior Citizen's Board**

The Senior Citizen's Board has three vacancies following the tragic vehicle accident that claimed the lives of three of our Senior Citizen's Board members. The Senior Board has identified two people who have volunteered to serve; Pam Eury and Bill Sexton.

**RECOMMENDED MOTION:** *I move to appoint Pam Eury to the Senior Citizen's Board, to fill the unexpired term of Mary Compton, with a term ending date of December 31, 2021.*

**RECOMMENDED MOTION:** *I move to appoint Bill Sexton to the Senior Citizen's Board, to fill the unexpired term of Patty Chalfant, with a term ending date of December 31, 2019.*

**4F: Land Bank: Consider the sale of property**

The Commission will convene as the Neodesha Land Bank and consider the sale of property located at 15 Timber Ridge Estates.

**RECOMMENDED MOTION:** *I move to convene as the Neodesha Land Bank to discuss the property located at 15 Timber Ridge Estates.*

**RECOMMENDED MOTION:** *I move to approve the sale of property located at 15 Timber Ridge Estates, with a sale price of \$\_\_\_\_\_.*

**EXECUTIVE SESSION – Non-Elected Personnel**

I move to recess to an Executive Session including the Governing Body, City Administrator, and Assistant City Clerk to discuss an individual employee's performance pursuant to the non-elected personnel matter exception, KSA 75-4319(b)(1). The open meeting will resume in the Commission Room at \_\_\_\_ p.m.

Neodesha, Kansas

March 27, 2019

The Board of Commissioners met in regular session at 2:00 p.m. on Wednesday, March 27, 2019 with Mayor Harper presiding and Commissioners Moffatt and Johnson present.

Commissioner Moffatt moved to approve the agenda adding item 4D, Consider Extension for the Dangerous Structure at 306 Bell. Seconded by Commissioner Johnson. Motion carried.

Commission and Administrator Reports were heard.

Public Comments were invited and heard.

Commissioner Johnson moved to approve the Consent Agenda consisting of the minutes from the March 13, 2019 meeting; and Appropriation (2019) 05. Seconded by Commissioner Moffatt. Motion carried.

Mayor Harper read a proclamation designating April 2, 2019 as National Service Recognition Day. Linda Henning from RSVP Four County was in attendance.

#### **CHARTER ORDINANCE NO. 17**

#### **A CHARTER ORDINANCE OF THE CITY OF NEODESHA, KANSAS EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A. 12-1758(a) AND K.S.A. 12-1767 AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR ON THE SAME SUBJECT RELATING TO PUBLIC BUILDING COMMISSIONS.**

**WHEREAS**, the governing body of the City of Neodesha, Kansas (the "City") is authorized by Article 12, § 5 of the Kansas Constitution to determine its local affairs and government and to elect by charter ordinance that the whole or any part of a statutory enactment applicable to the City but not uniformly applicable to all cities shall not apply to the City; and

**WHEREAS**, K.S.A. 12-1758(a) and K.S.A. 12-1767 are applicable to the City but are part of enactments not uniformly applicable to all cities and the City finds and determines it necessary and advisable to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-1758(a) and K.S.A. 12-1767 and to provide substitute provisions for such statutes.

#### **NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS AS FOLLOWS:**

Section 1. Exemption from Statute. The City, pursuant to Article 12, §5 of the Kansas Constitution, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-1758(a) and K.S.A. 12-1767.

Section 2. Enactment of Substitute Provisions for K.S.A. 12-1758(a). The following provisions are enacted in substitution for K.S.A. 12-1758(a):

The City, by appropriate ordinance, may create a public building commission for the purposes of acquiring a site or sites for and constructing, reconstructing, equipping and furnishing a building or buildings or other facilities of a revenue producing character, including parking facilities, or for purchasing or otherwise acquiring such building or buildings or facilities. Such building or buildings or facilities shall be maintained and operated for (i) a county courthouse, (ii) the housing and accommodation of county offices or county business, (iii) City offices, fire stations, police stations, libraries, museums and City recreational buildings, and (iv) such other purposes as are commonly carried on in connection with such facilities or in county courthouses and general city buildings, including administrative offices for school districts and housing, accommodations and parking facilities for offices of state and federal agencies.

Section 3. Substitute Provisions for K.S.A. 12-1767. The following provisions are enacted in substitution for K.S.A. 12-1767:

Any revenue bonds proposed to be issued by a public building commission created by the City shall be issued as provided in K.S.A. 10-1201 *et seq.*, and amendments thereto, except to the extent that such statutes are in conflict with the Public Building Commission Act as exempted and amended by this Charter Ordinance. The issuance of any such revenue bonds shall not be subject to any petition or protest.

Section 4. Effective Date. This Charter Ordinance shall be published once each week for two consecutive weeks in the official City newspaper. This Charter Ordinance shall take effect sixty-one (61) days after its final publication unless a petition signed by not less than 10% of the electors who voted at the last preceding regular City election is filed with the City Clerk requiring a referendum to be held on this Charter Ordinance as provided in Article 12, § 5 (c)(3) of the Kansas Constitution, in which case this Charter Ordinance shall become effective if approved by a majority of the electors voting thereon. Upon its effective date this Charter Ordinance shall be recorded by the City Clerk in a book maintained for charter ordinances of the City and shall be filed with the Secretary of State of the State of Kansas.

Commissioner Moffatt moved to adopt Charter Ordinance 17, exempting the City of Neodesha, Kansas, from the provisions of K.S.A. 12-1758(a) and K.S.A. 12-1767 relating to Public Building Commissions and

providing substitute and additional provisions of the same subject. Seconded by Commissioner Johnson. Motion carried.

**RESOLUTION NO. 19-02**

**A RESOLUTION TO SUBMIT TO THE QUALIFIED ELECTORS OF THE CITY OF NEODESHA, KANSAS THE PROPOSITION OF LEVYING A ONE PERCENT (1.0%) RETAILERS' SALES TAX IN THE CITY OF NEODESHA, KANSAS TO ACQUIRE, CONSTRUCT, IMPROVE, AND MAINTAIN A CITY HALL, A POLICE STATION AND A RECREATIONAL TRAIL.**

**WHEREAS**, K.S.A. 12-187 et seq. and amendments thereto authorizes the Governing Body to submit to the qualified electors of the City of Neodesha, Kansas (the "City") the question of levying a retailers' sales tax to be collected by the State Department of Revenue with revenue therefrom returned to this City; and

**WHEREAS**, the Governing Body of the City has determined that additional revenue is needed to pay the cost of financing, site preparation, acquisition, construction, improvement, installation, furnishing, and equipping a new city hall, a police station and recreational trail (beginning at the Intersection of Tank Ave. and N. 4th St. at the existing tennis courts and extending south to the Intersection of Indiana St. and N. 4th St. at the existing library) within the City.

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

Section 1. A special question election shall be held in the manner prescribed by the law on the 18th day of June, 2019, for the purpose of submitting to the qualified electors of the City of Neodesha, Kansas (the "City"), the question of levying a retailers' sales tax in the amount of one percent (1.0%) in the City for the special purpose of paying the cost of financing, site preparation, acquisition, construction, improvement, installation, furnishing, and equipping a new city hall, a police station and recreational trail (beginning at the Intersection of Tank Ave. and N. 4th St. at the existing tennis courts and extending south to the Intersection of Indiana St. and N. 5th St. at the existing library) within the City, such tax to take effect on the first day of October, 2019, if approved by the majority of the electors voting thereon, and expire on the 30th day of September, 2029.

Section 2. If approved by a majority of the electors voting thereon, such tax shall be subject to all applicable state laws and administrative rules and regulations of the Kansas Department of Revenue. The services of the Kansas Department of Revenue shall be utilized to administer, enforce, and collect such tax.

Section 3. The City Clerk and Wilson County Election Commissioner shall cause notices to be published of this special question election, as provided by law.

Commissioner Moffatt moved to adopt Resolution 19-02, calling for a Special Question Election to be conducted June 18, 2019. Seconded by Mayor Harper. Motion passed with Mayor Harper voting aye; Commissioner Moffatt voting aye; and Commissioner Johnson voting nay.

Jerri Hyatt addressed the Commission requesting an extension of time to continue fixing up and repairing the Dangerous Structure at 306 Bell. Discussion was held.

Commissioner Johnson moved to extend the deadline on the repair of 306 Bell for 90 days from April 1, 2019. Seconded by Commissioner Moffatt. Motion carried.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, April 10, 2019 at 2:00 p.m.

At 4:15 p.m. Commissioner Moffatt moved to adjourn. Seconded by Commissioner Johnson. Motion carried.

ATTEST:

\_\_\_\_\_  
Terry M. Harper, Mayor

\_\_\_\_\_  
Bobby Busch, City Clerk/Finance Director

# APPROPRIATION REPORT

**ORDINANCE NO 6**

**4/10/2019**

<u>VENDOR</u>	<u>REFERENCE</u>	<u>AMOUNT</u>	<u>CHECK NO</u>	<u>CHECK DATE</u>
A T & T	PHONE CHARGES	223.47	52864	4/10/2019
ADVANCE INSURANCE COMPANY	APRIL PREMIUMS	475.02	52866	4/10/2019
ATMOS ENERGY	GAS UTILITIES @ CEMETERY	106.30	52867	4/10/2019
BORDER STATES INDUSTRIES INC	ELECTRIC SUPPLIES	2,726.33	52868	4/10/2019
CHASE PEST CONTROL LLC	EXTERMINATOR SERVICE	340.00	52869	4/10/2019
CULLIGAN OF INDEPENDENCE	APRIL WATER SERVICE	183.79	52870	4/10/2019
D C & B SUPPLY INC	GAS METERS	3,306.90	52871	4/10/2019
DELL MARKETING LP	PCU, MONITOR	1,307.75	52872	4/10/2019
DeZURIK INC	VALVE	2,272.49	52873	4/10/2019
RUSTY DUKE	BRAKE SERVICE, BATTERIES	497.64	52874	4/10/2019
FED EX	SHIPPING CHARGES	29.83	52875	4/10/2019
FEDERAL SIGNAL CORPORATION	STORM SIREN INSTALLATION	5,880.75	52876	4/10/2019
HARMONY LODGE	2ND QTR LEASE 2019	900.00	52877	4/10/2019
HAWKINS INC	CHEMICALS	1,657.83	52878	4/10/2019
INLAND TRUCK PARTS CO	SEAL	18.33	52879	4/10/2019
KANSAS ONE-CALL SYSTEM, INC	MARCH LOCATES	40.80	52880	4/10/2019
LITTLE BEAR TIRE	TIRES, REPAIR	235.50	52881	4/10/2019
LOCKE SUPPLY	ELECTRIC SUPPLIES	654.71	52882	4/10/2019
MCCARTY'S OFFICE MACHINES INC	OFFICE SUPPLIES	755.51	52883	4/10/2019
MEDICLAIMS INC	AMBULANCE COLLECTION FEES	1,642.32	52884	4/10/2019
MELS PRINTING	DAILY LOG BOOKS	138.50	52885	4/10/2019
MIDWEST COMPUTER SALES	IT SERVICES, ONLINE BACKUP	1,374.95	52886	4/10/2019
MIDWEST MINERALS, INC	ROCK	306.00	52887	4/10/2019
NEODESHA DERRICK	PUBLICATIONS	293.00	52888	4/10/2019
NEODESHA HOME & GARDEN SUPPLY	BLDG MATERIALS & SUPPLIES	21.14	52889	4/10/2019
NORTHERN TOOL & EQUIPMENT	SAFETY GLASSES	251.07	52890	4/10/2019



OIL PATCH PUMP & SUPPLY	FITTING	9.22	52891	4/10/2019
ORSCHELNS	JACKET, SUPPLIES	104.15	52892	4/10/2019
PEREGRINE CORPORATION	POLO SHIRTS, TABLE COVERS, CARDS	1,148.30	52893	4/10/2019
PORTER DRUG STORE	MEDICAL SUPPLIES	140.39	52894	4/10/2019
PRAIRIE FIRE COFFEE	COFFEE SERVICE	153.97	52895	4/10/2019
PROFESSIONAL ENGR CONSULTANTS	DOWNTOWN BUILDING INSPECTION	2,000.00	52896	4/10/2019
RANKIN MEMORIAL LIBRARY	TAX DISTRIBUTION	3,086.95	52897	4/10/2019
RED BUD SUPPLY INC	BOOTS	105.02	52898	4/10/2019
S & W HEALTHCARE CORPORATION	MEDICAL SUPPLIES	111.46	52899	4/10/2019
SANDBAGGER GOLF & TURF	MOWER PARTS	225.85	52900	4/10/2019
SEK COOP INC	PROPANE	1,113.00	52901	4/10/2019
SOCKET TELECOMM LLC	PHONE CHARGES	299.09	52902	4/10/2019
SOUTHERN UNIFORM & EQUIPMENT	UNIFORM EQUIPMENT	422.38	52903	4/10/2019
STANION WHOLESale ELECTRIC	ELECTRIC SUPPLIES	3,074.94	52904	4/10/2019
STUDEBAKER REFRIGERATION INC	ICE MACHINE RENTAL	85.00	52905	4/10/2019
THOMPSON BROTHERS SUPPLY INC	OXYGEN, CYLINDER LEASE	118.20	52906	4/10/2019
TRAFFIC CONTROL SERVICES INC	VEHICLE EQUIPMENT	2,211.46	52907	4/10/2019
UNIFIRST CORPORATION	UNIFORM SERVICE	2,515.53	52908	4/10/2019
US CELLULAR	CELL PHONE CHARGES	73.05	52909	4/10/2019
W & I ICE LLC	ICE MACHINE REPAIR	365.00	52910	4/10/2019
WESTAR ENERGY	AIRPORT BILLING	159.47	52911	4/10/2019
WESTERN AUTO	GRIND TOOL, FUEL INLET	12.98	52912	4/10/2019
WICHITA STATE UNIVERSITY	CANCELLATION FEE	76.25	52913	4/10/2019
WILSON MEDICAL CENTER	MARCH SALES TAX DISTRIBUTION	24,194.66	52914	4/10/2019
WOODS LUMBER COMPANY	WATER FILTER CARTRIDGE	11.93	52915	4/10/2019

\*\*\*\* PAID TOTAL \*\*\*\*

67,458.18

**RAW WATER PROJECT BOND  
APPROPRIATION 51  
April 10, 2019**

[illegible]

Approved the day above written.

*Terry M. Harper, Mayor*

**Attest**

*Bobby Busch, City Clerk*





ENGINEERS' JOINT CONTRACT  
DOCUMENTS COMMITTEE

# Contractor's Application for Payment No. 4

Application Period: 02/24/18 - 03/24/19		Application Date: 22-Mar-19
To: City of Needlesha	From (Contractor): Crestland Heavy Contractors	Via (Engineer): Professional Engineering Consultants, P.A.
(Owner):	Contract: Needlesha River Intake Improvements	
Project: Needlesha River Intake Improvements	Contractor's Project No.: 18K10VP	Engineer's Project No.: 331-1SE65-001-2005
Owner's Contract No.:		

## Application For Payment Change Order Summary

Approved Change Orders	Additions	Deductions
1	\$12,494.07	
TOTALS	\$12,494.07	
NET CHANGE BY CHANGE ORDERS		\$12,494.07

1. ORIGINAL CONTRACT PRICE..... \$ 1,812,031.23
2. Net change by Change Order..... \$ 12,494.07
3. Current Contract Price (Line 1 ± 2)..... \$ 1,824,525.30
4. TOTAL COMPLETED AND STORED TO DATE..... \$ 998,346.18  
(Column F total on Progress Estimates).....
5. RETAINAGE:
  - a. 5% X \$835,890.04 Work Completed..... \$ 841,794.50
  - b. 5% X \$162,456.14 Stored Material..... \$ 8,122.81
  - c. Total Retainage (Line 5.a + Line 5.b)..... \$ 849,917.31
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c)..... \$ 998,428.87
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)..... \$ 813,625.65
8. AMOUNT DUE THIS APPLICATION..... \$ 184,803.22
9. BALANCE TO FINISH, PLUS RETAINAGE  
(Column G total on Progress Estimates + Line 5.c above)..... \$ 876,096.43

### Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:  
(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;  
(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and  
(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor Signature	
By: <b>Stetson Beck</b> <small>Beck Date 2019.04.22 1327-4463007</small>	Date:

Payment of:	\$134,803.22	(Line 8 or other - attach explanation of the other amount)
is recommended by:	<i>[Signature]</i>	4/3/2019 (Engineer) (Date)
Payment of:	\$134,803.22	(Line 8 or other - attach explanation of the other amount)
is approved by:	<i>E.R. Paulson</i>	4/03/19 (Owner) (Date)
Approved by:		Funding or Financing Entity (if applicable) (Date)

### Progress Estimate - Lump Sum Work

## Contractor's Application

[illegible]

### Progress Estimate - Unit Price Work

## Contractor's Application

[illegible]



**Norris Screen & Mfg., LLC**

21405 Governor G.C. Peery Hwy.

Tazewell, VA 24651

Phone: (276) 988-8901

Fax: (276) 988-8909

**INVOICE**

Page No 1

Original

P.O. Number	Authorization	Cust #	Invoice#	Invoice Date	Terms	Order Date
SC-18K10WP-021		16098	348932	2/28/19	NET 30	11/16/18
Ship Via	Order #	Bill of Lading	Prod/Col	Ship Date	Shipped From	Salesperson
FEDEX FRT	01821100			2/27/19	TAZEWELL	HOUSE

Sold To CROSSLAND HEAVY CONTRACTORS  
501 S. EAST AVENUE  
COLUMBUS, KS 66725-2307

Ship To CROSSLAND HEAVY CONTRACTORS  
1400 W. WISCONSIN  
ATTN: JEFF WOLKEN  
NEODESHA, KS 66757

Ordered	B/O	Shipped	Our Stock #/Description/Your Part #	Unit Price	Unit	Extended Price	CD%
1		1	305 (3) INTAKE SCREENS & AIR BACKWASH SYSTEM  NEODESHA RIVER INTAKE JOB NO. 18K10WP  THANK YOU FOR YOUR ORDER	39550.0000	EA	39,550.00	
Vendor No. 014NDSCR Inv No. 348932 Date. 2-28-19 Amount. 39,550.00 Job/Code 18K10WP Stetson							
RECEIVED MAR 4 2019							
Total Shipping Weight			Sub Total	Freight	Sales Tax	Invoice Total	
			39,550.00			39,550.00	

CONDITIONS OF SALE  
No returned goods will be accepted for credit sixty days after date of shipment. By shipper's permission merchandise may be returned within sixty days from date of shipment. If shipper's fault, full credit including transportation charges will be allowed, otherwise, credit will be allowed less 15% rehandling charges and transportation charges.

Please remit WIRE or ACH Payments to: Or Mail to:  
JPMorgan Chase Bank  
Lockbox Account # 816398283  
Acct Name: ENI Collections Acct.  
c/o Norris Screen & Mfg., LLC  
Wire ABA# 07100013 ACH ABA# 021000021  
Swift: CHASUS33  
Norris Screen & Mfg., LLC  
24707 Network Place  
Chicago, IL 60673-1247



## PROCLAMATION

### National Lineman Appreciation Day 2019

**Whereas**, the City of Neodesha celebrates the profession of electrical Lineman, as this profession requires passion, dedication and ongoing training; and

**Whereas**, electrical Linemen are often first responders during storms, working to repair broken electrical lines to make the area safe for other public safety heroes; and

**Whereas**, electrical Linemen must work our power lines 24 hours a day, 365 days a year to keep electricity flowing; and they also play a vital role by maintaining and growing the electrical infrastructure; and

**Whereas**, due to the danger of their work with high voltage, electrical Linemen put their lives at risk every day for the citizens of our community; and

**Whereas**, the U. S. House of Representatives recognizes the efforts of electrical Linemen in keeping the power on and protecting public safety and has designated the celebration of a National Lineman Appreciation Day.

**Now, Therefore, Be It Proclaimed**, that I, Terry M. Harper, Mayor of the City of Neodesha, do hereby proclaim April 18, 2019 as “**National Lineman Appreciation Day**” in Neodesha; and I call upon all citizens to recognize the contribution that these public servants make every day to our health, safety, comfort, and quality of life.

**In witness thereof**, I have hereunto set my hand and caused the Seal of the City of Neodesha to be affixed this 10<sup>th</sup> day of April, 2019.

Attest:

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Terry M. Harper, Mayor

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Stephanie Fyfe, Assistant City Clerk



**CITY OF NEODESHA**

**RESOLUTION NO. 19-03**

**A RESOLUTION OF THE CITY OF NEODESHA, KANSAS AUTHORIZING THE EXECUTION OF THE SWPA PROJECT AGREEMENT BETWEEN THE CITY AND THE KANSAS MUNICIPAL ENERGY AGENCY; AND AUTHORIZING ANY OTHER ACTIONS OF THE CITY RELATED THERETO.**

**WHEREAS**, the Kansas Municipal Energy Agency ("KMEA") consists of members (the "Members") which are (i) cities organized and existing under the laws of the State, and (ii) authorized by such laws to engage in the local distribution and sale of electric power and energy; and

**WHEREAS**, KMEA is authorized by K.S.A. 12-885 *et seq.*, as amended, to plan, finance and construct projects for the purchase, sale, generation and transmission of electricity for the purpose of securing an adequate economical and reliable supply of electricity and other energy for its Members; and

**WHEREAS**, the City of Neodesha, Kansas (the "City") owns and operates a municipal electric system and is a Member in good standing of KMEA; and

**WHEREAS**, K.S.A. 12-825j authorizes the City to contract to buy from KMEA for the purchase of capacity and energy and related products to meet City's present and future requirements for a period not in excess of forty (40) years; and

**WHEREAS**, City has received allocations of Federal hydroelectric power and associated energy pursuant to the terms and conditions of the Southwestern Power Administration Final Power Allocations (1980-1988) 45 F.R. 19032 (1980); and

**WHEREAS**, KMEA intends to enter into a power sales contract to acquire hydroelectric power and energy from the United States of America, represented by the Secretary of Energy, acting by and through the Administrator, Southwestern Power Administration ("SWPA") for a period of fifteen (15) years commencing on June 1, 2019 (the "KMEA-SWPA PSC"), whereunder KMEA will purchase, on a combined basis and on behalf of certain cities in the State of Kansas, including the City (collectively, the "Participants"), the Participants' allocations of hydroelectric power and energy from reservoir projects, constructed and operated by the U.S. Corps of Engineers, as such power and energy become available; and

**WHEREAS**, the SWPA Project Agreement (the "Project Agreement") is intended to enable KMEA to pass through a share of the benefits and obligations of the KMEA-SWPA PSC to City, such that neither KMEA nor City obtains a benefit or incurs a burden or obligation due to a drafting or other difference between the Project Agreement and the KMEA-SWPA PSC; and

**WHEREAS**, City desires to utilize its allocation of federal hydroelectric power from SWPA by participating in the SWPA Project, pursuant to the terms and conditions set forth herein;

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the City of Neodesha, Kansas, as follows:

**Section 1. Approval of Project Agreement.** The City hereby finds and determines it to be advisable and in the best interests of the City and its inhabitants to enter into the Project Agreement with KMEA regarding the City's allocation of federal hydroelectric power and associated energy from SWPA.

**Section 2. Execution of Documents.** The Mayor and the City Clerk are hereby authorized and directed to execute and affix the seal of the City to the Project Agreement with KMEA in substantially the form presented



with this Resolution and to execute any other ancillary documents related thereto for and on behalf of, and as the act and deed of, the City.

**Section 3. Further Authority.** The officials, officers, agents and employees of the City are authorized and directed to take whatever action and execute whatever other documents or certificates as may be necessary or desirable to carry out the provisions of this Resolution and to carry out and perform the duties of the Issuer with respect to the Project Agreement.

**Section 4. Effective Date.** This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the City.

**ADOPTED AND APPROVED** by the governing body of the City of Neodesha, Kansas this 10<sup>th</sup> day of April, 2019.

ATTEST:

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**Terry M. Harper, Mayor**

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**Stephanie Fyfe, Assistant City Clerk**

**CITY OF NEODESHA**

**RESOLUTION NO. 19-04**

**A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS AT WHICH TIME THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF THE STRUCTURE LOCATED AT 105 N. 11<sup>TH</sup> STREET, LEGAL DESCRIPTION: THE SOUTH 39.7 FEET OF THE NORTH 96 FEET OF LOTS 6, 7, 8, 9 AND 10, BLOCK 29, LESS RAILROAD RIGHT OF WAY, CITY OF NEODESHA, MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS AN UNSAFE OR DANGEROUS STRUCTURE.**

**WHEREAS**, Ed Truelove, the Enforcement Officer of the City of Neodesha, did on the 10<sup>th</sup> of April, 2019, file with the Governing Body of said City a statement in writing that certain unoccupied structures hereinafter described are unsafe and dangerous;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing body of the City of Neodesha that a hearing will be held on the 22<sup>nd</sup> day of May, 2019, before the Governing Body of the City at 2:00 p.m. in the Commission Room of City Hall, 1407 N. 8<sup>th</sup>; at which time the owner, his agent, any lien holder of record and any occupant of the structure located at 105 N. 11<sup>th</sup> St. may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure and ordered repaired or demolished.

**BE IT FURTHER RESOLVED** that the City Clerk shall cause this Resolution to be published two consecutive times and shall give notice of the aforesaid hearing in the manner provided by law.

**ADOPTED AND APPROVED** by the governing body of the City of Neodesha, Kansas this 10<sup>th</sup> day of April, 2019.

ATTEST:

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**Terry M. Harper, Mayor**

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**Stephanie Fyfe, Assistant City Clerk**

March 30, 2019

Jarred, Gilmore & Phillips, PA  
P.O. Box 779  
Chanute, Kansas 66720

Dear Ladies & Gentlemen:

This representation letter is provided in connection with your audit of the financial statement of the City of Neodesha, Kansas, which comprise the aggregate cash and unencumbered cash balance of the funds of City of Neodesha, Kansas, as of December 31, 2018, and the aggregate cash received and expenditures paid of such funds for the year ended, taken as a whole, in accordance with the financial reporting provisions of the Kansas Municipal Audit and Accounting Guide for the year then ended, and the related notes to the financial statement, for the purpose of expressing an opinion as to whether the financial statement is presented fairly, in all material respects, in accordance with the financial reporting provisions of the Kansas Municipal Audit and Accounting Guide..

Certain representations in this letter are described as being limited to matters that are material. Items are considered material, regardless of size, if they involve an omission or misstatement of accounting information that, in light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would be changed or influenced by the omission or misstatement. An omission or misstatement that is monetarily small in amount could be considered material as a result of qualitative factors.

We confirm, to the best of our knowledge and belief, as of March 30, 2019, the following representations made to you during your audit.

#### **Financial Statement**

- 1) We have fulfilled our responsibilities, as set out in the terms of the audit engagement letter dated January 4, 2019, including our responsibility for the preparation and fair presentation of the financial statement in accordance with Kansas Municipal Audit and Accounting Guide and for preparation of the supplementary information in accordance with the applicable criteria.
- 2) The financial statement referred to above are fairly presented in conformity with Kansas Municipal Audit and Accounting Guide.
- 3) We acknowledge our responsibility for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of the financial statement that is free from material misstatement, whether due to fraud or error.
- 4) We acknowledge our responsibility for the design, implementation, and maintenance of internal control to prevent and detect fraud.
- 5) Significant assumptions we used in making accounting estimates, including those measured at fair value, are reasonable.
- 6) Related party relationships and transactions, including receipts, expenditures, loans, transfers, leasing arrangements, and guarantees, and amounts receivable from or payable to related parties have been appropriately accounted for and disclosed.
- 7) Adjustments or disclosures have been made for all events, including instances of noncompliance, subsequent to the date of the financial statement that would require adjustment to or disclosure in the financial statement.

- 8) We are in agreement with the adjusting journal entries you have proposed, and they have been posted to the City's accounts.
- 9) We are not aware of any pending or threatened litigation, claims, or assessments or unasserted claims or assessments that are required to be accrued or disclosed in the financial statement, and we have not consulted a lawyer concerning litigation, claims, or assessments.
- 10) Guarantees, whether written or oral, under which the City is contingently liable, if any, have been properly recorded or disclosed.

#### **Information Provided**

- 11) We have provided you with:
  - a) Access to all information, of which we are aware, that is relevant to the preparation and fair presentation of the financial statement, such as records, documentation, and other matters.
  - b) Additional information that you have requested from us for the purpose of the audit.
  - c) Unrestricted access to persons within the City from whom you determined it necessary to obtain audit evidence.
  - d) Minutes of the meetings of City Commission or summaries of actions of recent meetings for which minutes have not yet been prepared.
- 12) All material transactions have been recorded in the accounting records and are reflected in the financial statement.
- 13) We have disclosed to you the results of our assessment of the risk that the financial statement may be materially misstated as a result of fraud.
- 14) We have no knowledge of any fraud or suspected fraud that affects the City and involves
  - a) Management,
  - b) Employees who have significant roles in internal control, or
  - c) Others where the fraud could have a material effect on the financial statement.
- 15) We have no knowledge of any allegations of fraud or suspected fraud affecting the City's financial statement communicated by employees, former employees, regulators, or others.
- 16) We have no knowledge of instances of noncompliance or suspected noncompliance with provisions of laws, regulations, contracts, or grant agreements, or abuse, whose effects should be considered when preparing the financial statement.
- 17) We are not aware of any pending or threatened litigation, claims, or assessments or unasserted claims or assessments that are required to be accrued or disclosed in the financial statement, and we have not consulted a lawyer concerning litigation, claims, or assessments.
- 18) We have disclosed to you the identity of City's related parties and all the related party relationships and transactions of which we are aware.

## Government-specific

- 19) There have been no communications from regulatory agencies concerning noncompliance with, or deficiencies in, financial reporting practices.
- 20) We have identified to you any previous audits, attestation engagements, and other studies related to the audit objectives and whether related recommendations have been implemented.
- 21) The City has no plans or intentions that may materially affect the carrying value or classification of assets, liabilities, or unencumbered cash.
- 22) We are responsible for compliance with the laws, regulations, and provisions of contracts and grant agreements applicable to us, including tax or debt limits and debt contracts, and legal and contractual provisions for reporting specific activities in separate funds.
- 23) We have identified and disclosed to you all instances that have occurred or are likely to have occurred, of fraud and noncompliance with provisions of laws and regulations that we believe have a material effect on the financial statement or other financial data significant to the audit objectives, and any other instances that warrant the attention of those charged with governance.
- 24) We have identified and disclosed to you all instances, which have occurred or are likely to have occurred, of noncompliance with provisions of contracts and grant agreements that we believe have a material effect on the determination of financial statement amounts or other financial data significant to the audit objectives.
- 25) We have identified and disclosed to you all instances that have occurred or are likely to have occurred, of abuse that could be quantitatively or qualitatively material to the financial statement or other financial data significant to the audit objectives.
- 26) There are no violations or possible violations of budget ordinances, laws and regulations (including those pertaining to adopting, approving, and amending budgets), provisions of contracts and grant agreements, tax or debt limits, and any related debt covenants whose effects should be considered for disclosure in the financial statement, or as a basis for recording a loss contingency, or for reporting on noncompliance.
- 27) As part of your audit, you assisted with preparation of the financial statement and related notes. We acknowledge our responsibility as it relates to those nonaudit services, including that we assume all management responsibilities; oversee the services by designating an individual, preferably within senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of the services performed; and accept responsibility for the results of the services. We have reviewed, approved, and accepted responsibility for those financial statement and related notes.
- 28) The City has satisfactory title to all owned assets, and there are no liens or encumbrances on such assets nor has any asset been pledged as collateral.
- 29) The City has complied with all aspects of contractual agreements that would have a material effect on the financial statement in the event of noncompliance.
- 30) The financial statement properly classify all funds and activities.
- 31) Expenditures have been appropriately classified in or allocated to functions and programs in the financial statement and allocations have been made on a reasonable basis.
- 32) Receipts are appropriately classified in the financial statement in accordance with the financial reporting provisions of the Kansas Municipal Audit and Accounting Guide.

33) Deposits and investment securities and derivative instruments are properly classified as to risk and are properly disclosed.

34) With respect to Summary of Expenditures - Actual and Budget (Budgeted Funds Only) - Regulatory Basis, Schedules of Receipts and Expenditures - Actual and Budget - Regulatory Basis for each individual fund, and the Schedule of Receipts and Disbursements - Agency Funds - Regulatory Basis:

a) We acknowledge our responsibility for presenting the Summary of Expenditures - Actual and Budget (Budgeted Funds Only) - Regulatory Basis, Schedules of Receipts and Expenditures - Actual and Budget - Regulatory Basis for each individual fund, and the Schedule of Receipts and Disbursements - Agency Funds - Regulatory Basis in accordance with the Kansas Municipal Audit and Accounting Guide, and we believe the Summary of Expenditures - Actual and Budget (Budgeted Funds Only) - Regulatory Basis, Schedules of Receipts and Expenditures-Actual and Budget - Regulatory Basis for each individual fund, and the Schedule of Receipts and Disbursements - Agency Funds - Regulatory Basis, including its form and content, is fairly presented in accordance with the Kansas Municipal Audit and Accounting Guide. The methods of measurement and presentation of the Summary of Expenditures - Actual and Budget (Budgeted Funds Only) - Regulatory Basis, Schedules of Receipts and Expenditures-Actual and Budget - Regulatory Basis for each individual fund, and the Schedule of Receipts and Disbursements - Agency Funds - Regulatory Basis have not changed from those used in the prior period, and we have disclosed to you any significant assumptions or interpretations underlying the measurement and presentation of the supplementary information.

b) If the Summary of Expenditures - Actual and Budget (Budgeted Funds Only) - Regulatory Basis, Schedules of Receipts and Expenditures-Actual and Budget - Regulatory Basis for each individual fund, and the Schedule of Receipts and Disbursements - Agency Funds - Regulatory Basis are not presented with the audited financial statement, we will make the audited financial statement readily available to the intended users of the supplementary information no later than the date we issue the supplementary information and the auditors' report thereon.

Signed: \_\_\_\_\_

Title: Mayor

Signed: \_\_\_\_\_

Title: City Administrator

Signed: \_\_\_\_\_

Title: City Clerk