

Agenda

City Commission of the City of Neodesha, KS
September 25, 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 September 11th and September 19th Minutes
- Appropriation (2019) 17

Item 4: Business Items to Consider

- A. Proclamation: Domestic Violence
- B. Charter Ordinance: Transient Guest Tax
- C. Ordinance: Flood Plain Management
- D. Public Hearing: Dangerous Structures 910 Iowa
- E. Public Hearing: Dangerous Structures 1322 N 3rd
- F. Resolution: Dangerous Structures 910 Iowa
- G. Resolution: Dangerous Structures 1322 N 3rd
- H. Resolution: Authority to Issue Temp Notes for Raw Water Project
- I. George K. Baum Engagement Agreement
- J. Consider Gas Consult Agreement (cont.)
- K. Approve Heckert Construction Proposal
- L. Discuss Lease of Land Bank Property
- M. Incubator Building Lease
- N. IIMC Resolution: Lana McPherson

Item 5: Date/Time of Next Regular Meeting

- Wednesday, October 9, 2019, 2:00 p.m. – Regular Meeting, City Hall

Item 6: Executive Session

Item 7: Adjournment

AGENDA COMMENTS
CITY COMMISSION MEETING
September 25, 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: Domestic Violence

4.B: Charter Ordinance: Transient Guest Tax

On March 22, 2017, the Commission approved Charter Ordinance 15, establishing a transient guest tax for the City of Neodesha. A secondary required step is for the County to pass a Resolution allowing the City to collect the transient guest tax. The required Resolution was not placed in front of the County Commission. Therefore, the Commission is asked to approve Charter Ordinance 18, establishing a transient guest tax for the City, and repealing Charter Ordinance 15.

RECOMMENDED MOTION: *I move to adopt Charter Ordinance 18 regarding transient guest tax as presented.*

4.C: Ordinance: Flood Plain Management

The City's flood plain management Ordinance has been in effect since 1998. Through the recent updates to the flood plain mapping, we are required to also update our flood plain management Ordinance. The form and content of this updated Ordinance have been approved by the Chief Engineer, Kansas Division of Water Resources.

RECOMMENDED MOTION: *I move to adopt Ordinance 1720, a flood plain management Ordinance for the City of Neodesha.*

4.D: Public Hearing: Dangerous Structures 910 Iowa

On August 14, 2019, the Commission approved Resolution 19-08, to set a public hearing date, September 25, 2019, to show cause why the structures located at 910 Iowa should not be ordered repaired or demolished as unsafe or dangerous structures. For this agenda item, the Commission will conduct a public hearing for the property located at 910 Iowa.

RECOMMENDED MOTION: *N/A*

4.E: Public Hearing: Dangerous Structures 1322 N. 3rd

On August 14, 2019, the Commission approved Resolution 19-09, to set a public hearing date, September 25, 2019, to show cause why the structures located at 1322 N. 3rd should not be ordered

repaired or demolished as unsafe or dangerous structures. For this agenda item, the Commission will conduct a public hearing for the property located at 1322 N. 3rd.

RECOMMENDED MOTION: N/A

4.F: Resolution: Dangerous Structures 910 Iowa

Depending on the outcome of agenda item 4D, The Commission is asked to approve Resolution 19-14, to declare the property as unsafe or dangerous, and directing the repair or removal of the structures, making the property safe and secure.

RECOMMENDED MOTION: *I move to approve Resolution 19-14 declaring the property located at 910 Iowa as unsafe or dangerous, and allow the property owner _____ days to repair or remove the structures and make the property safe and secure.*

4.G: Resolution: Dangerous Structures 1322 N. 3rd

Depending on the outcome of agenda item 4E, The Commission is asked to approve Resolution 19-15, to declare the property as unsafe or dangerous, and directing the repair or removal of the structures, making the property safe and secure.

RECOMMENDED MOTION: *I move to approve Resolution 19-15 declaring the property located at 1322 N. 3rd as unsafe or dangerous, and allow the property owner _____ days to repair or remove the structures and make the property safe and secure.*

4H: Resolution: Authority to Issue Temp Notes for Raw Water Project

A large portion of the temp note financing for the water/sewer projects will expire November 1, 2019. Through the work of Triplett Woolf & Garretson, Bond Counsel, the Commission is offered Resolution 19-16 to renew the temporary financing in the amount of \$2,250,000.

RECOMMENDED MOTION: *I move to approve Resolution 19-16 authorizing the City to issue Temporary Notes for the water and sewer projects.*

4I: George K. Baum Engagement Agreement

The Commission is asked to approve an agreement with George K. Baum & Company, for financial accounting services related to the temp note financing for the water/sewer projects.

RECOMMENDED MOTION: *I move to approve the engagement agreement with George K. Baum & Company as presented.*

4J: Consider Gas Consult Agreement

This agenda item was tabled by the Commission on September 11, 2019. The Commission is asked to consider approving a consulting agreement with Priority Power Management, for the management of the City's gas reserves. The City has worked with Scott Shreve and Greg Wright, EMG LLC, since 2004. EMG has now been purchased by Priority Power Management, but Scott and Greg will continue managing our gas supply and providing other utility consulting services.

RECOMMENDED MOTION: *I move to approve the agreement with Priority Power Management for utility consultant services.*

4K: Approve Heckert Construction Proposal

The Commission is asked to approve a bid from Heckert Construction for road repairs on N. 9th Street. That section of 9th Street, immediately to the west of Heller Elementary School, has been identified as a street in very poor condition.

RECOMMENDED MOTION: *I move to approve the bid from Heckert Construction for road repairs on N. 9th Street, in the amount of \$30,662.40.*

4L: Discuss Lease of Land Bank Property

For this agenda item, Staff will ask the Commission for guidance on lease terms for two proposed Land Bank leases; the property located adjacent to the Sportsman Inn, and the building located at 120 S. 4th Street.

RECOMMENDED MOTION: *N/A*

4M: Incubator Building Lease

Staff has been contacted by Mr. Mike Porter, with a request that his building lease at 409 N. Main, the Incubator Building, be terminated. Mr. Porter informs me that Uzelac Industries is interested in maintaining their office here in Neodesha.

RECOMMENDED MOTION: *I move to approve the lease of 409 Main Street to Uzelac Industries as presented.*

4N: IIMC Resolution: Lana McPherson

The Commission will welcome Ms. Lana McPherson, De Soto, KS City Clerk, for a reading of a Resolution provided by the International Institute of Municipal Clerks (IIMC) upon the retirement of Bobby Busch.

Neodesha, Kansas
September 11, 2019

The Board of Commissioners met in regular session at 2:00 p.m. on Wednesday, September 11, 2019 with Mayor Harper presiding and Commissioners Moffatt and Johnson present.

Commissioner Moffatt moved to approve the agenda as presented. 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 August 28, 2019 Commission Meeting; Appropriation (2019) 16; Raw Water Project Bond Appropriation 59; and CDBG Gas Line Appropriation 02. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the consideration of a gas consult agreement. Discussion was held.

Commissioner Moffatt moved to table this item until the September 25, 2019 meeting. Seconded by Commissioner Johnson. Motion carried.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, September 25, 2019 at 2:00 p.m.

At 3:25 p.m. Commissioner Johnson moved to adjourn. Seconded by Commissioner Moffatt. Motion carried.

ATTEST:

Terry M. Harper, Mayor

Stephanie Fyfe, City Clerk

SPECIAL CALL FOR SPECIAL MEETING OF BOARD OF COMMISSIONERS

Neodesha, Kansas
September 19, 2019

To the Board of Commissioners:

The Board of Commissioners will hold a Special Call meeting Thursday, September 19, 2019 at 12:00 p.m. for the following purposes:

1. Work Session: Police Department & City Hall buildings
2. Discuss Gary Huff Dedication Ceremony

The Board of Commissioners met in a Special Call session at 12:00 noon on Thursday, September 19, 2019 with Mayor Terry Harper presiding and Commissioner J.D. Moffatt and Commissioner Devin Johnson in attendance.

Discussion was held regarding the Police Department and City Hall possible locations, funding and particulars. No action taken.

Administrator Truelove addressed the Commission regarding the Gary Huff Dedication Ceremony to be held on Saturday, September 28, 2019. Discussion held. No action taken

At 1:55 p.m. Commissioner Moffatt moved to adjourn the meeting. Seconded by Commissioner Johnson. Meeting adjourned.

ATTEST:

Terry M. Harper, Mayor

Stephanie Fyfe, City Clerk/Finance Dir.

PROCLAMATION

Recognizing October 2019 as Domestic Violence Awareness Month in the City of Neodesha.

This proclamation recognizes that every one of our residents deserves to live a life free from violence and abuse. Through this proclamation we pledge to ensure that victims of domestic violence know they are not alone, and that our community is here to support survivors of domestic violence as they courageously move forward to enjoy full and healthy lives.

Whereas, anyone can be a victim of domestic violence regardless of age, sex, ability, ethnicity, sexual orientation, socioeconomic status, or religion; and

Whereas, children that grow up in violent homes are believed to be abused and neglected at a rate higher than the national average; and

Whereas, Domestic Violence Awareness Month provides an excellent opportunity for our community to learn more about preventing domestic violence and to show support for the numerous organizations and individuals providing critical advocacy, services, and assistance to its victims;

Now, therefore, I, Terry M. Harper, Mayor of the City of Neodesha do hereby proclaim the month of October as ***DOMESTIC VIOLENCE AWARENESS MONTH*** in the City of Neodesha as we work together to eliminate domestic violence from our community.

In witness thereof, I have hereunto set my hand and caused the Seal of the City of Neodesha to be affixed this 25th day of September, 2019.

ATTEST:

Terry M. Harper, Mayor

Stephanie Fyfe, City Clerk

CHARTER ORDINANCE NO. 18

A CHARTER ORDINANCE EXEMPTING THE CITY OF NEODESHA, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-1692 THROUGH 12-1699, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE LEVY OF A TRANSIENT GUEST TAX AND PROVIDING FOR PURPOSES FOR EXPENDITURE OF SUCH FUNDS AND REPEALING CHARTER ORDINANCE NO. 15.

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

SECTION 1. The City of Neodesha, Kansas, a city of the second class, by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself from, and makes inapplicable to it, the provisions of K.S.A. 12-1692 through 12-1699, and provide substitute and additional provisions as hereinafter set forth in this ordinance. Such referenced provisions are either enactments or a part thereof which are applicable to this city, but are not applicable uniformly to all cities.

SECTION 2. As used in this ordinance, the following words and phrases shall be defined as follows:

- (a) "*Person*" means an individual, firm, partnership, corporation, joint venture or other association of persons;
- (b) "*Hotel or motel*" means any structure or building which contains rooms furnished for the purposes of providing lodging, which may or may not also provide meals, entertainment or various other personal services to transient guests, and which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are sought for pay or compensation by transient or permanent guests and having more than two (2) bedrooms furnished for the accommodation of such guests;
- (c) "*Transient guest*" means a person who occupies a room in a hotel, motel or tourist court for not more than twenty-eight (28) consecutive days;
- (d) "*Business*" means any person engaged in the business of renting, leasing or letting living quarters, sleeping accommodations, rooms or a part thereof in connection with any hotel, motel or tourist accommodation.
- (e) "*Convention and Tourism Promotion*" means: (1) Activities to attract visitors into the community through marketing efforts, including advertising, directed to at least one of the five basic convention and tourism market segments consisting of group tours, pleasure travelers, association meetings and conventions, trade shows, and corporate meetings and travel; and (2) support of those activities and organizations which encourage increased lodging facility occupancy.
- (f) "*Accommodation Broker*" means any business which maintains an inventory of two or more rooms in one or more locations which are offered for pay to a person or persons for not more than 28 consecutive days.

SECTION 3. To provide revenues to promote tourism and conventions, a transient guest tax of six percent (6%) shall be levied in the City of Neodesha, Kansas, upon the gross rental receipts derived from or paid by transient guests for lodging or sleeping accommodations, exclusive of charges for incidental services or facilities, in any hotel or motel.

SECTION 4. The transient guest tax levied pursuant to this ordinance shall be based upon the gross rental receipts collected by any business.

SECTION 5. The tax levied pursuant to this ordinance shall be paid by the consumer or user to the business and it shall be the duty of each and every business to collect from the consumer or user the full amount of any such tax, or an amount equal as nearly possible or practicable to the average equivalent thereto. Each business collecting the tax levied hereunder shall be responsible for paying over the same to the State Department of Revenue in the manner prescribed by K.S.A. 12-1698, and amendments thereto, and the State Department of Revenue shall administer and enforce the collection of such tax.

SECTION 6. The tax levied and collected pursuant to Section 3 of this ordinance shall become due and payable and shall be paid, collected, reported, recorded, enforced, and disbursed in the manner prescribed by K.S.A. 12-1698, and amendments thereto, and K.S.A. 12-1698a, and amendments thereto. All taxes remaining after the 2 percent deduction for expenses of the Department of Revenue in administration and enforcement of the collection thereof shall be remitted to the City of Neodesha and shall be credited to the Convention and Tourism Fund hereinafter established and shall only be expended out of said fund as hereinafter provided.

SECTION 7. A Convention and Tourism Fund is hereby established to receive disbursements of money from the Secretary of Revenue of the State of Kansas as provided in subsection (c) of K.S.A. 12-1698.

SECTION 8. Moneys in the Convention and Tourism Fund shall only be expended as follows:

- (a) The Convention and Tourism Committee hereinafter established shall annually consider all requests for expenditure of transient guest tax funds and shall prepare a budget of expenditures for each year to be submitted to the Governing Body for its approval and action.
- (b) The Governing Body shall consider the expenditures proposed from the Convention and Tourism Fund by the Convention and Tourism Committee and shall adopt a budget of such expenditures that may, in the discretion of the Governing Body, vary from the proposal of the Convention and Tourism Committee. The Governing Body may at any time seek further advice and recommendations from the Convention and Tourism Committee regarding such expenditures but reserves the exclusive authority to make final decisions thereon.
- (c) Such funds may be used:
 - 1) To contract with any agency, organization, or firm to promote conventions and tourism in the City and its environs;
 - 2) To provide for the operation, maintenance, expansion, or development of City facilities connected with convention and tourism;
 - 3) To defray the cost of providing municipal services to convention and tourism functions, including police, fire, street department, or park and recreation department functions;
 - 4) To create and maintain innovative projects and activities promoting conventions and tourism;
 - 5) To promote the general economic welfare of the City and Wilson County through the attraction of tourist related industries.
 - 6) Such other purposes approved by the City Commission they deem consistent with the goals and purpose of promoting conventions and tourism.

SECTION 9. A 'Convention and Tourism Committee' is hereby established to advise the Governing Body and make recommendations concerning the programs and expenditures for convention and tourism promotion. The Committee shall consist of not less than six (6) nor more than ten (10) members appointed by the Governing Body of the City. The Governing Body of the City shall appoint such members, which terms shall not exceed four (4) years and shall be staggered to attain continuity of Committee actions. A Committee member may be appointed for successive terms. The City Commission may at any time in its sole discretion remove a member from the Committee.

SECTION 10. Each member of the Convention and Tourism Committee may be representative of one or more of the following groups:

- (a) Owners, operators, or employees of persons engaged in the hotel or motel business within the City, whether such members reside inside or outside the City.
- (b) Representatives from agencies or organizations actively engaged in promoting conventions or tourism or from facilities or organizations of historic or cultural attraction in the City or its environs.
- (c) Members of the general public.
- (d) Employees of the City or members of City boards or commissions.
- (e) Adult high school students or college students who are residents of the City of Neodesha or Wilson County.
- (f) One member of the City Commission.

SECTION 11. The Committee shall adopt, subject to City Commission review and approval, Bylaws regarding the manner in which the business of the Committee will be conducted which shall include the following:

- (a) Regular meetings at a time and place shall be established.
- (b) All meetings shall be open to the public and shall be subject to the provisions of the Kansas Open Meetings Act.
- (c) The Committee shall elect a chairperson and vice chairperson.
- (d) No member of the Committee shall receive any compensation for service thereon and provision for member attendance.
- (e) Such other provisions deemed appropriate.

SECTION 12. Charter Ordinance 15 and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 13. This ordinance shall be published once each week for two consecutive weeks in the official city paper.

SECTION 14. This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for referendum held on the ordinance as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of the State of Kansas, in which case, the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED BY THE GOVERNING BODY, NOT LESS THAN TWO-THIRDS OF THE MEMBERS-ELECT VOTING IN FAVOR THEREOF, THE 25th DAY OF SEPTEMBER, 2019.

ATTEST:

Terry M. Harper, Mayor

Stephanie Fyfe, City Clerk

ORDINANCE NO. 1720

AN ORDINANCE FOR FLOODPLAIN MANAGEMENT PURSUANT TO 44 CFR § 60.3 (D) REGULATORY FLOODWAY IDENTIFIED, K.S.A. 12-766, AND K.A.R. 5-44-1 THROUGH 5-44-7.

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF NEODESHA, KANSAS:

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES

SECTION A. STATUTORY AUTHORIZATION

1. *Approval of Draft Ordinance by Kansas Chief Engineer Prior to Adoption*

The following floodplain management regulations, as written, were approved in draft form by the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture on August 15, 2019

2. *Kansas Statutory Authorization*

The Legislature of the State of Kansas has in K.S.A. 12-741 *et seq.*, and specifically in K.S.A. 12-766, delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare of the public. Therefore, the Commission of the City of Neodesha, Kansas, ordains as follows:

SECTION B. FINDINGS OF FACT

1. *Flood Losses Resulting from Periodic Inundation*

The special flood hazard areas of Neodesha, Kansas, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

2. *General Causes of the Flood Losses*

These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

3. *Methods Used To Analyze Flood Hazards*

The Flood Insurance Study (FIS) that is the basis of this ordinance uses a standard engineering method of analyzing flood hazards, which consist of a series of interrelated steps.

a. Selection of a base flood that is based upon engineering calculations, which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this ordinance is representative of large floods, which are characteristic of what can be expected to occur on the particular streams subject to this ordinance. The base flood is the flood that is estimated to have a one percent chance of being equaled or exceeded in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials dated January 8, 2020 as amended, and any future revisions thereto.

b. Calculation of water surface profiles that are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

CITY OF NEODESHA

RESOLUTION NO. 19-14

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED ON LEGAL DESCRIPTION: BLOCK 10, LOTS 20-21, CITY OF NEODESHA, WILSON COUNTY, KANSAS, COMMONLY KNOWN AS 910 IOWA, NEODESHA, KANSAS, IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE.

WHEREAS, the Enforcing Officer of the City of Neodesha, Kansas did on the 14th day of August, 2019 file with the governing body of said City a statement in writing that a certain structure, hereinafter described, was unsafe and dangerous; and

WHEREAS, the governing body did by Resolution dated the 14th day of August, 2019, fix the time and place of a hearing at which the owner, his or her agent, any lienholders of record and any occupant of such structure could appear and show cause why such structure should not be condemned and ordered repaired or demolished, and provided for giving notice thereof as provided by law; and

WHEREAS, such Resolution was published in the official city paper on the 22nd day of August, 2019, and on the 29th day of August, 2019, and a copy of such Resolution was served on all persons entitled thereto in all respects as provided by law; and

WHEREAS, on this 25th day of September, 2019, the governing body has heard all evidence submitted by the enforcing officer of the City, the owners, agents, lienholders and occupants of such structure (having appeared or having failed to appear);

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF NEODESHA: THAT said governing body hereby finds that the structure located on Legal Description: Block 10, Lots 20-21, commonly known as 910 Iowa, Neodesha, Kansas, is unsafe and dangerous and hereby directs such structure to be removed and the premises made safe and secure. The owner of such structure is hereby given thirty (30) days from the date of publication of this Resolution within which to commence the removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, said governing body will cause the structure to be razed and removed and the costs of such razing and removing, less salvage if any, to be assessed as a special assessment against the lot or parcel of land upon which the structure is located as provided by law.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this Resolution to be published once in the official city paper and a copy mailed to the owners, agents, lienholders and occupants as provided by law.

ADOPTED AND APPROVED by the governing body of the City of Neodesha, Kansas this 25th day of September, 2019.

ATTEST:

Terry M. Harper, Mayor

Stephanie Fyfe, City Clerk

CITY OF NEODESHA

RESOLUTION NO. 19-15

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED ON LEGAL DESCRIPTION: LOTS 10-12, BLOCK 6, COOPER'S ADDITION, CITY OF NEODESHA, WILSON COUNTY, KANSAS, COMMONLY KNOWN AS 1322 N 3RD, NEODESHA, KANSAS, IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE.

WHEREAS, the Enforcing Officer of the City of Neodesha, Kansas did on the 14th day of August, 2019 file with the governing body of said City a statement in writing that a certain structure, hereinafter described, was unsafe and dangerous; and

WHEREAS, the governing body did by Resolution dated the 14th day of August, 2019, fix the time and place of a hearing at which the owner, his or her agent, any lienholders of record and any occupant of such structure could appear and show cause why such structure should not be condemned and ordered repaired or demolished, and provided for giving notice thereof as provided by law; and

WHEREAS, such Resolution was published in the official city paper on the 22nd day of August, 2019, and on the 29th day of August, 2019, and a copy of such Resolution was served on all persons entitled thereto in all respects as provided by law; and

WHEREAS, on this 25th day of September, 2019, the governing body has heard all evidence submitted by the enforcing officer of the City, the owners, agents, lienholders and occupants of such structure (having appeared or having failed to appear);

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF NEODESHA: THAT said governing body hereby finds that the structure located on Legal Description: Lots 10-12, Block 6, Cooper's Addition, City Of Neodesha, Wilson County, Kansas, commonly known as 1322 N 3rd, Neodesha, Kansas, is unsafe and dangerous and hereby directs such structure to be removed and the premises made safe and secure. The owner of such structure is hereby given thirty (30) days from the date of publication of this Resolution within which to commence the removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, said governing body will cause the structure to be razed and removed and the costs of such razing and removing, less salvage if any, to be assessed as a special assessment against the lot or parcel of land upon which the structure is located as provided by law.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this Resolution to be published once in the official city paper and a copy mailed to the owners, agents, lienholders and occupants as provided by law.

ADOPTED AND APPROVED by the governing body of the City of Neodesha, Kansas this 25th day of September, 2019.

ATTEST:

Terry M. Harper, Mayor

Stephanie Fyfe, City Clerk

RESOLUTION NO. 19-16

A RESOLUTION PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION RENEWAL TEMPORARY NOTES, SERIES A, 2019 OF THE CITY OF NEODESHA, KANSAS, IN THE TOTAL PRINCIPAL AMOUNT OF \$2,250,000, AS HERETOFORE AUTHORIZED BY ORDINANCE NO. 1622, AS AMENDED BY ORDINANCE NO. 1704 OF THE CITY, IN ORDER TO PROVIDE FUNDS TO RENEW THE PRINCIPAL AMOUNT OF THE CITY'S TEMPORARY NOTES PREVIOUSLY ISSUED FOR THE TEMPORARY FINANCING OF THE COSTS OF CONSTRUCTION OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY AUTHORIZED BY SAID ORDINANCE; AND PROVIDING THE TERMS, DETAILS, FORM AND CONDITIONS OF SAID GENERAL OBLIGATION RENEWAL TEMPORARY NOTES.

WHEREAS, the governing body of the City of Neodesha, Kansas (the "City") has adopted Ordinance No. 1622 on June 11, 2014 (published on June 19, 2014), as amended by Ordinance No. 1704 adopted on October 24, 2018 (published on November 1, 2018) (collectively, the "Water Ordinance"), and thereby (i) authorized pursuant to K.S.A. 65-162a *et seq.* the acquisition and construction of certain improvements to, and an extension of, the City's municipal water system (the "Water System"), including particularly the acquisition, construction, replacement and installation of water line improvements, plant intake structures and improvements to the water treatment plant, together with all necessary appurtenances therefor and thereto; repair of the Fall River dam; upgrade of the existing Little Bear elevated storage tank; construction of a new 200,000 gallon elevated water storage tank; replacement of existing motors with Variable Frequency Drive (VFD); and upgrade of the SCADA computer system that monitors and runs the water treatment plant, together with all necessary appurtenances therefor and thereto at an estimated cost of \$6,500,000 (the "Water Project"), (ii) authorized the payment of the final costs of the Water Project by issuance of general obligation bonds of the City, and (iii) authorized the issuance of, from time to time as required for the orderly construction of the Water Project, temporary notes for the purpose of providing temporary financing for the costs and expenses thereof during the construction period, by a duly adopted resolution or resolutions which set forth the details of said temporary notes; and

WHEREAS, pursuant to K.S.A. 10-123, the governing body of the City is authorized to issue temporary notes in anticipation of the issuance of general obligation bonds from time to time as funds are needed for orderly construction thereof; and

WHEREAS, the governing body of the City hereby finds and determines it necessary to provide for the issuance of temporary notes of the City pursuant to the authority of the above described Ordinances in the amount of \$2,250,000, which amount together with previously issued temporary notes of the City issued to finance a portion of the costs of the Water Project, does not exceed the total estimated cost of the Water Project (collectively, the "Project"), for the purpose of financing a portion of the costs of the Project during the construction thereof, and further to specify the terms, details, form and conditions of the temporary notes.

PLACEMENT AGENT ENGAGEMENT AGREEMENT

This Placement Agent Engagement Agreement (“Agreement”) is made this 25 day of September, 2019, by and between the City of Neodesha, Kansas (“Issuer”), and **GEORGE K. BAUM & COMPANY**, located at 4801 Main Street, Kansas City, Missouri 64112 (“GKB”).

PURPOSE: The Issuer has identified and desires and seeks to renew in 2019 the Issuer’s outstanding General Obligation Temporary Notes, Series B, 2017, which provided temporary construction period funding for a portion of the cost of a specific project, the improvement and extension of the City’s municipal water system (the “Project”), which may require or result in the issuance of bonds, notes, refunding bonds and the use of other financial instruments (the “Transaction”). The Issuer deems it in its best interest to engage and retain GKB, a qualified investment banking firm, to provide certain services to the Issuer for the Transaction, including but not limited to serving as structuring agent for privately placed bonds.

CONSIDERATION: Consideration for this Agreement includes the services, compensation, and mutual exchange of promises of the parties specified herein.

SPECIFIC PROVISIONS: The provisions of the above “Purpose” section are material and binding terms of this Agreement.

1. **GKB’s Obligations.** GKB shall provide the Issuer with investment banking services for and related to the Transaction, including the analysis of cost factors relative to the private placement of bonds and other instruments relative to the Project, and:
 - A. Work with the Issuer, and others as directed by the Issuer, concerning the issuance of debt securities;
 - B. Attend all meetings and be available to the Issuer, its Administration and other agents for consultation and conference at times and places mutually agreed upon throughout the Transaction proceedings;
 - C. Make recommendations as to the exact amount of the debt obligations to be issued for an related to the Transaction, maturity schedules, redemption features and provisions, and other related items, in order to formulate the most attractive and appealing investment package to the purchaser(s) of the obligations which will result in the maximum benefit and minimum net effective interest cost to the Issuer;
 - D. It is expressly understood and agreed that this Agreement does not intend, and is not under any circumstances to be construed as requiring GKB to perform services which may constitute the practice of law. GKB is retained and engaged in an expert financial capacity only;
 - E. It is expressly understood and agreed that, under this Agreement, GKB is not acting as a municipal advisor, financial advisor or fiduciary to the Issuer. GKB is engaged and retained by Issuer to act as a principal in a commercial, arm’s length transaction as the Issuer’s placement agent. As such, GKB has financial and other interests that differ from those of the Issuer;
2. **Issuer’s Obligations.** The Issuer’s obligations shall include the following:
 - A. Cooperate with GKB in the proper development of the Transaction and provide all pertinent information needed to allow GKB to provide the Issuer with appropriate private placement services and informed advice for and related to the Transaction;

Placement Agent Engagement Agreement

- C. Retain a nationally recognized firm of bond attorneys and utilize the services of the Issuer's attorney;
 - D. Pay for all costs of legal advice, printed matter (informational brochures, bond printing, Preliminary and Final Official Statements), advertising, engineering, bond ratings, bond insurance premiums, required audits and other professional services;
 - E. Reimburse GKB for all reasonable costs and expenses incurred by GKB that are related to the Transaction, including but not limited to reasonable travel expenses to meet with the Issuer, or rating agencies, if any;
 - F. Pay GKB a placement agent fee upon the closing of the Transaction, equal to 0.50% of the par amount of the debt obligation, for the services and advice provided pursuant to this Agreement.
3. **Term.** The term of this Agreement shall commence on the date indicated above and shall expire on the completion of the Transaction, subject to the termination provisions in Section 4 below.
4. **Termination.** The Issuer, at its sole discretion, may terminate this Agreement at any time by providing a written notice of termination to GKB. At the termination of this Agreement, the Issuer shall reimburse GKB such reasonable costs and expenses incurred to the date of such termination, and shall pay GKB such compensation earned to the date of such termination, which payment shall be in full satisfaction of all claims against the Issuer under this Agreement.
5. **Additional Transactions.** During the Term of this Agreement, if the Issuer decides to consider or pursue other or additional financing, either for the Project or for other separate projects the Issuer identifies from time-to-time ("Additional Transactions"), the Issuer may engage GKB to act as its investment banker for any of those Additional Transactions. The parties will execute separate written engagement agreements for each of any such Additional Transactions. Until such a separate additional agreement is in place, the parties understand and agree that GKB will not provide any advice or recommendations to the Issuer regarding any such Additional Transactions.
6. **Execution / Assignment.** This Agreement may be executed in multiple counterparts and together such counterparts will be deemed an original. GKB may assign this Agreement to any entity that acquires substantially all of the assets of GKB.

IN WITNESS WHEREOF, the parties here have executed this Agreement the day and year first above written.

AGREED TO AND ACCEPTED:

GEORGE K. BAUM & COMPANY

CITY OF NEODESHA, KANSAS

By: _____

By: _____

Printed Name: _____

Printed Name: Terry M. Harper

Title: _____

Title: Mayor

HECKERT CONSTRUCTION CO., INC.

An Asphalt Paving Contractor

PROPOSAL

June 26, 2017

City of Neodesha
1407 N. 8th Street
P.O. Box 336
Neodesha, KS 66757

RE: North Ninth Street

We are submitting the following unit prices for the milling and placement of an asphalt pavement on North Ninth Street at Heller Elementary School. The furnished material will be KDOT SM-12.5A, hot mix asphalt pavement. All work shall be as detailed below.

- 1.) Full width milling of approximately 400-feet of Ninth Street.
- 2.) Application of a bituminous tack coat.
- 3.) Placement of a hot mix asphalt surface course on the milled area to the thickness necessary to correct the drainage.


MILLING MOBILIZATION.....\$4,000.00
 MILLING.....\$2.48 per SQUARE YARD
 ASPHALT PAVEMENT.....\$91.60 per TON

Estimated quantities and cost is detailed on the attached sheet. Final payment to be made at the above unit prices for the quantities of work measured at completion.

Price quoted does not include sales tax. City of Neodesha to provide tax exempt certificate.

Respectfully submitted:
HECKERT CONSTRUCTION CO., INC.

Accepted:
CITY OF NEODESHA


Peter J. Kemmeter

This proposal is void after 30 days.

CITY OF NEODESHA
NINTH STREET @ HELLER ELEMENTARY SCHOOL

Bid

9/16/19
8:19 AM

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1.	Mobilization	1	L.S.	4,000.00	\$4,000.00
2.	Milling	2,080	S.Y.	2.48	\$5,158.40
3.	HMA Surface Course	230	TONS	91.60	\$21,068.00
TOTAL					\$30,226.40