

The Board of Commissioners met in regular session in the great room at City Hall practicing social distancing at 2:00 p.m. on Wednesday, August 26, 2020 with Mayor Johnson presiding and Commissioners Moffatt and Nichol present.

Commissioner Moffatt moved to approve the agenda as presented. Seconded by Commissioner Nichol. Motion carried.

Commission and Administrator Reports were heard.

Community Development Director report was heard.

Public Comments were invited and heard.

Commissioner Nichol moved to approve the Consent Agenda consisting of the minutes from the August 12, 2020 Meeting; minutes from the August 17, 2020 Special Call Meeting; minutes from the August 21, 2020 Special Call Meeting; Appropriation (2020) 16; Raw Water Project Bond Appropriation No. 76; and Gas Line Project Appropriation No. 12. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a resolution that was tabled from the August 21, 2020 Special Call Meeting. The Governing Body will consider the language change on the ballot for a Special Election Question, calling for a 1% Sales Tax to be considered November 3, 2020, during the regular election. Discussion held.

**RESOLUTION NO. 20-09**

**A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CALLING OF A SPECIAL QUESTION ELECTION IN THE CITY OF NEODESHA, KANSAS, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY THE QUESTION OF IMPOSING A ONE PERCENT (1%) CITYWIDE RETAILERS' SALES TAX; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID ELECTION.**

**WHEREAS**, K.S.A. 12-187 *et seq.*, as amended (the "Act"), authorizes the governing body (the "Governing Body") of the City of Neodesha, Kansas (the "City") to submit to the electors of the City the question of imposing Citywide retailers' sales taxes, which may be in an amount not to exceed two-percent (2%) for general purposes or in an additional amount not to exceed one percent (1%) for special purposes, provided sales taxes for special purposes shall expire not later than ten (10) years from the initial date of collection thereof; and

**WHEREAS**, the Governing Body hereby further deems it advisable to provide for an additional source of revenue to fund infrastructure projects, including improvements to streets, sidewalks, utilities, and stormwater drainage improvements, provided the electors of the City authorize such sales tax at an election held in the City for such purposes; and

**WHEREAS**, the Governing Body deems it advisable to provide for the calling of a special question election in the City for the purpose of submitting to the qualified electors of the City the question of imposing a one percent (1%) Citywide retailers' sales tax (the "Sales Tax"); and

**WHEREAS**, in order to authorize the Sales Tax, it is deemed advisable to call a special question election in the City on November 3, 2020; and

**WHEREAS**, if approved, the Sales Tax will constitute a sales tax imposed for special purposes, as said term is described in K.S.A. 12-189, as amended.

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

**SECTION 1. Public Purpose; Implementation of Sales Tax.** It is hereby deemed necessary and advisable and in the best interests of the citizens of the City to authorize and impose the Sales Tax, the revenue from which will be used to fund infrastructure projects, including improvements to streets, sidewalks, utilities and stormwater drainage improvements. Collection of the Sales Tax, if approved by the electors of the City, shall commence on April 1, 2021, or as soon thereafter as permitted by law, and shall terminate or as soon thereafter as permitted by the Act, and to terminate 10 years after its commencement. All proceeds of the Sales Tax shall be applied for the purposes set forth in this *Section 1*; provided, however, in the event that other City funds are required to be utilized for such purposes, such City funds may be reimbursed from the proceeds of the Sales Tax.

**SECTION 2. Special Question Election.** It is hereby authorized, ordered and directed that a special question election shall be and is hereby called to be held in the City on November 3, 2020, at which time there shall be submitted to the qualified electors of the City the following proposition:

Shall the following be adopted?

Shall the City of Neodesha, Kansas, be authorized to impose a one percent (1.00%) Citywide retailers' sales tax, the revenue from which will be used as follows: 0.50% for improvements to streets and sidewalks; and 0.50% for infrastructure, including utility and stormwater drainage improvements; such sales tax to expire ten (10) years after its commencement; all pursuant to the provisions of K.S.A. 12-187 *et seq.*, as amended?

**SECTION 3. Special Question Election Procedures.** The vote at said special question election shall be by ballot, and the proposition stated above shall be printed on the ballot, together with voting instructions as provided by law. The City Clerk shall transmit a copy of this Resolution to the Wilson County Clerk to give notice of the special question election as provided by law by publishing a Notice of Special Question Election in substantially the form attached hereto as *Exhibit A* once each week for two (2) consecutive weeks in a

*(continued on next page)*

newspaper of general circulation in the City, with the first publication to be not less than twenty-one (21) days prior to the date of the special question election, and the last publication shall be not more than ninety (90) days prior to the date of the special question election.

**SECTION 4. Effective Date.** This Resolution shall be effective from and after adoption by the Governing Body.

Commissioner Moffatt moved to approve Resolution No. 20-09 as presented. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding a resolution calling for a public hearing, October 14, 2020, in the Commission Chambers, to show cause why the structure located at 906 Church should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure. Discussion held.

**RESOLUTION NO. 20-10**

**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 906 CHURCH STREET, LEGAL DESCRIPTION: LOTS TWENTY-ONE (21) AND TWENTY-TWO (22), BLOCK SIX (6) FORD'S ADDITION TO THE CITY OF NEODESHA, WILSON COUNTY, KANSAS, 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 26<sup>th</sup> day of August, 2020, 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 14<sup>th</sup> day of October, 2020, 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 906 Church Street 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.

Commissioner Nichol moved to approve Resolution No. 20-10 as presented. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the Notice of Award for the Water Tower Construction. Discussion held.

Commissioner Moffatt moved to approve the Notice of Award, for the Water Tower Construction Project, to Maguire Iron at a project cost of \$1,171,000, pending USDA approval. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the purchase of a phone system upgrade and equipment from Midwest Computer Sales. Discussion held.

Commissioner Nichol moved to approve the quote from Midwest Computer Sales, for phone system upgrades, at a cost not to exceed \$14,659. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding an Engagement Letter for the 2020 Audit from Jarred, Gilmore & Phillips, PA. Discussion held.

Commissioner Moffatt moved to approve the engagement letter with Jarred, Gilmore & Phillips, PA, for completion of the 2020 audit in an amount not to exceed \$9,700. Seconded by Commissioner Nichol. Motion carried.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, September 9, 2020 at 2:00 p.m.

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

/s/ Devin Johnson  
Devin Johnson, Mayor

ATTEST:

/s/ Stephanie Fyfe  
Stephanie Fyfe, City Clerk