

Neodesha, Kansas  
July 14, 2021

The Board of Commissioners met in regular session at 2:00 p.m. in the Commission Room at City Hall conducting the meeting by live streaming with Zoom on Wednesday, July 14, 2021 with Mayor Johnson presiding and Commissioners Moffatt and Nichol present.

Commissioner Moffatt moved to approve the agenda as presented with the addition of Business Items 4Q. Consider Purchase of Water Meters and 4R. Accept Resignation of Police Department Employee. 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 as presented consisting of the minutes from the June 23, 2021 meeting; minutes from the July 12, 2021 Special Call Meeting; Appropriation (2021) 11; and Raw Water Project Bond Appropriation 92. Seconded by Commissioner Moffatt. Motion carried.

The Governing Body welcomed Rose Mary Saunders of Ranson Financial virtually by Zoom to discuss items related to the close out of the gas line project and also to brief the Governing Body on the American Rescue Plan Act. Discussion held. No action taken.

The Governing Body welcomed Gary Larson for a discussion regarding a request to allow a back-to-school function for students at the Neodesha Splash Zone on August 18, 2021. Mr. Larson also requested that the north parking lot of the Splash Zone be used for a concert, and that the City Electric crew be allowed to set up the electrical wiring for such a concert. Discussion held.

Commissioner Moffatt moved to approve the August 18<sup>th</sup> back-to-school function at the Neodesha Splash Zone. Seconded by Commissioner Nichol. Motion carried.

The Governing Body welcomed Tom Siata of KMEA with a power point presentation on a plan to bring internal power generation back to Neodesha. Discussion held. No action taken.

The Governing Body welcomed Kari Truskett, Donna Sandbothe and Jacob Sandbothe, representatives of USD 461, with a request to place a clay shooting range within the City. Discussion held. No action taken.

Administrator Truelove addressed the Commission regarding a new draft of the City's Peddlers and Canvassers Ordinance. Discussion held.

#### **ORDINANCE NO. 1747**

**AN ORDINANCE AMENDING CHAPTER 10, ARTICLE IV, OF THE CODE OF THE CITY OF NEODESHA RELATING TO SOLICITORS AND PEDDLERS AND REPEALING PRIOR ARTICLE IV OF CHAPTER 10, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH. (a complete copy of the Ordinance can be viewed in the City Clerk's office)**

Commissioner Nichol moved to adopt Ordinance 1747, a Peddlers and Canvassers Ordinance with the deletion of the permanently established house to house representatives as presented. Seconded by Commissioner Moffatt. Motion carried.

This being the time and date published in the official newspaper for the hearing on the Dangerous Structures located at 201 Ohio, the public hearing was opened. No representatives for this property were present. Discussion held. The hearing was then closed.

#### **RESOLUTION NO. 21-20**

**A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 201 OHIO ON LEGAL DESCRIPTION: NEODESHA, BLOCK 074, N 73' LTS 10-12 SECTION 20 TOWNSHIP 30 RANGE 16, 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 26th day of May, 2021 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 26<sup>th</sup> day of May, 2021, 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 3<sup>rd</sup> day of June, 2021, and on the 10<sup>th</sup> day of June, 2021, and a copy of such Resolution was served on all persons entitled thereto in all respects as provided by law; and

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**WHEREAS**, on this 14<sup>th</sup> day of July, 2021, 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 at 201 Ohio on Legal Description: **NEODESHA, BLOCK 074, N 73' LTS 10-12 SECTION 20 TOWNSHIP 30 RANGE 16**, 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 **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.

Commissioner Moffatt moved to approve Resolution 21-20 declaring the property located at 201 Ohio as unsafe or dangerous, and allow the property owner 30 days to repair or remove the structures and make the property safe and secure. Seconded by Commissioner Nichol. Motion carried.

This being the time and date published in the official newspaper for the hearing on the Dangerous Structures located at 911 Illinois, the public hearing was opened. No representatives for this property were present. Discussion held. The hearing was then closed.

**RESOLUTION NO. 21-21**

**A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 911 ILLINOIS ON LEGAL DESCRIPTION: LOTS FIVE (5) AND SIX (6), BLOCK FOURTEEN (14), FORD'S ADDITION TO THE CITY OF NEODESHA, WILSON COUNTY, 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 11<sup>th</sup> day of March, 2021 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 12<sup>th</sup> day of May, 2021, 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 20<sup>th</sup> day of May, 2021, and on the 27<sup>th</sup> day of May, 2021, and a copy of such Resolution was served on all persons entitled thereto in all respects as provided by law; and

**WHEREAS**, on this 14<sup>th</sup> day of July, 2021, 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 at 911 Illinois on Legal Description: **LOTS FIVE (5) AND SIX (6), BLOCK FOURTEEN (14), FORD'S ADDITION TO THE CITY OF NEODESHA, WILSON COUNTY, 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 **45** 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.

Commissioner Nichol moved to approve Resolution 21-21 declaring the property located at 911 Illinois as unsafe or dangerous, and allow the property owner 45 days to repair or remove the structures and make the property safe and secure. Seconded by Commissioner Moffatt. Motion carried.

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This being the time and date published in the official newspaper for the hearing on the Dangerous Structures located at 421 N 9th, the public hearing was opened. No representatives for this property were present. Discussion held. The hearing was then closed. No action taken.

Administrator Truelove addressed the Commission regarding the consideration of a Resolution that provides guidance for the naming/renaming of public places and facilities. Discussion held.

**RESOLUTION 21-22**

**A RESOLUTION ADOPTING AND ESTABLISHING A POLICY FOR THE NAMING OR RENAMING OF PUBLIC PLACES AND FACILITIES FOR THE CITY OF NEODESHA, KANSAS AND RESCINDING ANY NAMING OR RENAMING POLICIES THAT MAY HAVE HERETOFORE BEEN ADOPTED BY THE NEODESHA CITY COMMISSION.**

**WHEREAS**, Kansas statutes provide that a City may exercise the powers of home rule to determine its local affairs, and the City of Neodesha, Kansas is a City of the Second Class as defined by Kansas Statute; and

**WHEREAS**, it is the intent of the City of Neodesha to establish a policy for the naming or renaming of public places and facilities for the Neodesha City Commission as a policy directive to guide the City Administrator and any citizen that has an interest in the naming or renaming of a public place or facility, consistent with the permissible exercise of home rule powers;

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

The Policy for Naming/Renaming of Public Places and Facilities for the City of Neodesha dated July 14, 2021 is hereby adopted effective as of the date of this resolution.

Commissioner Moffatt moved to approve Resolution 21-22 as presented. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding quotes and information provided by Fire Chief Landon Woodward for new ambulances. Discussion held.

Commissioner Nichol moved to direct Staff to obtain finance quotes for the lease/purchase of ambulance equipment. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove along with Police Chief Sam Tomlinson addressed the Commission regarding a request to purchase new cameras and door security hardware for the police department. Discussion held.

Commissioner Moffatt moved to approve the purchase of camera and door security equipment for the Police Department, at a cost not exceed \$45,000. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding notification from Superior Construction, who stated they are contracted by AT & T to emplace a new fiberoptic cable in town. This notification prompted Staff to research the current status of a franchise agreement with AT & T. Finding there was no current, valid franchise agreement, Staff contacted an area manager with AT & T who reports that he will begin the process of reestablishing a franchise agreement with the City. Should a current franchise agreement been in place, the franchisee would have had the necessary authority to emplace cable infrastructure. For the time being, instruction was given to Superior Construction to complete a building permit, describing the work desired. Discussion held.

Commissioner Nichol moved to approve the building permit for Superior Construction as presented. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the appointments to the Planning & Zoning Commission. Discussion held.

Commissioner Moffatt moved to approve the reappointment of Mark Shiverdecker to the Planning & Zoning Commission with at term ending date of 12/31/2023, and to appoint Mike Porter to the Planning & Zoning Commission with a term ending date of 12/31/2022, and to appoint Claude Bockhold to the Planning & Zoning Commission with a term ending date of 12/31/2023. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding setting a date for a Special Call Meeting for a budget worksession. Discussion held.

Commissioner Nichol moved to set a budget worksession for the City Commission at noon, Friday, July 16, 2021. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the purchase of water meters for the conversion of AMI. Discussion held.

Commissioner Moffatt moved to approve the purchase of water meters from Landis & Gyr at a cost not to exceed \$20,000. Seconded by Commissioner Nichol. Motion carried.

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Administrator Truelove along with Police Chief Sam Tomlinson addressed the Commission regarding the resignation of a Police Department employee. Discussion held.

Commissioner Nichol moved to accept the resignation of Officer Matt Norton, effective July 23, 2021. Seconded by Commissioner Moffatt. Motion carried.

Commissioner Moffatt moved to recess to an Executive Session including the Governing Body, City Administrator and City Clerk 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 4:35 p.m. Seconded by Commissioner Nichol. Motion carried. The live streamed Zoom meeting was then placed on hold with audio, video and recording ceased.

At 4:35 p.m. the regular meeting of the Governing Body reconvened in the Commission Room at City Hall. The live streamed Zoom meeting then resumed with audio, video and recording. No action taken.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, July 28, 2021 at 2:00 p.m.

At 4:37 p.m. Commissioner Moffatt moved to adjourn. Seconded by Commissioner Nichol. Motion carried.

ATTEST:

/s/ Devin Johnson

Devin Johnson, Mayor

/s/ Stephanie Fyfe

Stephanie Fyfe, City Clerk