

Neodesha, Kansas
September 8, 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, September 8, 2021 with Mayor Johnson presiding and Commissioners Moffatt and Nichol present.

Commissioner Nichol moved to approve the agenda as presented with the addition of Business Item 4K: Consider Zoning Variance: 208 Wisconsin; and Business Item 4L: Consider Purchase of Valve Exerciser: Water Department. Seconded by Commissioner Moffatt. Motion carried.

Commission and Administrator Reports were heard.

Community Development Director report was heard.

Public Comments were invited and heard.

Commissioner Moffatt moved to approve the consent agenda as presented consisting of the minutes from the August 25, 2021 Commission Meeting; and Appropriation (2021) 15. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding an Ordinance providing authority for the structures located at 201 Ohio Street to be demolished and the property to be made safe. Discussion held.

ORDINANCE NO. 1749

AN ORDINANCE AUTHORIZING AND DIRECTING THE REMOVAL OF CERTAIN UNSAFE AND DANGEROUS STRUCTURES LOCATED ON LEGAL DESCRIPTION: NEODESHA, BLOCK 074, N 73' LTS 10-12 SECTION 20 TOWNSHIP 30 RANGE 16, NEODESHA, KANSAS, COMMONLY KNOWN AS 201 OHIO, NEODESHA, KANSAS, AUTHORIZING THE FINANCING OF THE COSTS OF SUCH REMOVAL BY THE SALE OF SALVAGE FROM SUCH STRUCTURES, IF ANY, AND/OR FROM THE GENERAL FUND OF THE CITY, AND THE LEVYING OF SPECIAL ASSESSMENTS AGAINST THE LOTS ON WHICH SUCH STRUCTURE IS LOCATED.

WHEREAS, the governing body did after proper notice and hearing as provided by law make findings by Resolution 21-20 dated July 14, 2021, that the structure hereinafter described as unsafe and dangerous and did direct the owner of such structure to repair or remove the same and make the premises safe and secure, together with the statement that if the owner failed to commence the repair or removal within the time fixed by such resolution or failed to diligently prosecute the same until the work was completed, the city would cause the structure to be razed and removed, and

WHEREAS, such resolution was published in the official city newspaper and copies of such resolution were mailed to each owner, agent, lienholder of record and occupants of such structures and were otherwise served as required by law, and

WHEREAS, the owner has wholly failed to commence the repair or removal of such structures; now therefore

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

Section 1: The enforcing officer is hereby authorized and directed to cause the dwelling located on legal description: **NEODESHA, BLOCK 074, N 73' LTS 10-12 SECTION 20 TOWNSHIP 30 RANGE 16, NEODESHA, KANSAS, COMMONLY KNOWN AS 201 OHIO**, NEODESHA, KANSAS, to be razed and removed and the premises be made safe and secure and for this purpose is authorized to invite bids, negotiate a contract, or cause the work to be done by city employees.

Section 2: The enforcing officer shall keep an account of the cost of the work and may sell the salvage from such structures and shall keep an account of the receipts therefrom as provided by law.

Section 3: All costs incurred by the city in the razing and removal of such structures and the making of the premises safe and secure shall be paid from moneys received from the sale of salvage therefrom and all moneys in excess of that necessary to pay such costs shall, after the payment of all costs, be paid to the owner of the premises upon which said structures were located: **PROVIDED**, that if there is no salvageable material or if moneys received from the sale of salvage is insufficient to pay the cost of such work, such costs or any portion thereof in excess of the amount received from the sale of salvage shall be assessed as a special assessment against the lots on which the structure was located and may be financed until the assessment is paid out of the general fund of the city.

Section 4: **EFFECTIVE DATE.** This ordinance shall be in full force and effect upon its publication in the official city newspaper.

Commissioner Nichol moved to approve Ordinance 1749, directing the removal of certain dangerous and unsafe structures at 201 Ohio Street. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a Resolution for renewal of the City's Temporary Notes for the Gas Line Project. Discussion held.

RESOLUTION 21-26

A RESOLUTION PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION RENEWAL TEMPORARY NOTES OF THE CITY OF NEODESHA, KANSAS, IN THE TOTAL PRINCIPAL AMOUNT OF \$1,766,000, AS HERTOFORE AUTHORIZED BY ORDINANCE NO. 1727 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. *(a complete copy of the Resolution can be viewed in the City Clerk's office)*

Commissioner Moffatt moved to adopt Resolution 21-26 as presented.

Administrator Truelove addressed the Commission regarding a Resolution calling for a public hearing to show cause why the structure located at 1015 Oak Street should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure. Discussion held.

Commissioner Moffatt moved to adopt Resolution 21-27 setting a public hearing for October 27, 2021 as presented. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission with a request for donation of property known as the Get Fit Building. This agenda item was initially discussed by the Commission on February 20, 2021, but was tabled. The Commission again discussed this agenda item on March 10, 2021, but the motion died for lack of a 2nd. This agenda item was again tabled by the Commission on August 25, 2021 to determine if the hospital has any interest in purchasing the building. Commissioner Nichol presented a statement expressing his desire to consult the Kansas Governmental Ethics Commission regarding an opinion on conflicts of interest related to this issue. Discussion held.

Commissioner Nichol moved to table this item until the October 27, 2021 meeting. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a request from SICUT that the City vacate and deed to them a portion of Little Bear Trail. This agenda item was tabled from the August 25, 2021 meeting. Discussion held. No action taken.

Administrator Truelove addressed the Commission regarding the approval of the engagement letter with Jarred, Gilmore & Phillips PA, for the 2021 audit. Discussion held.

Commissioner Moffatt moved to approve the engagement letter with Jarred, Gilmore & Phillips PA, for completion of the 2021 audit in an amount not to exceed \$10,200. Seconded by Commissioner Nichol. Motion carried.

At 2:50 p.m. Commissioner Nichol requested a 10-minute recess. Seconded by Commissioner Moffatt. Motion carried. The live streamed Zoom meeting was then placed on hold with audio, video and recording paused.

At 3:00 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.

Administrator Truelove addressed the Commission regarding a proposed renewal of our HACH Company Service Agreement for the Water Treatment Plant. Discussion held.

Commissioner Nichol moved to approve the renewal of the service agreement with HACH Service Plus in an amount not to exceed \$8,301. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a notice that the City received from Grand River Dam Authority (GRDA), of their request to recover extraordinary power costs associated with the February 2021 extreme weather event. The City has been offered three payment options. Discussion held.

Commissioner Moffatt moved to approve the 12-month payment plan to GRDA, at a cost of \$21,745 per month. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission requesting consideration of a Special Call Meeting on Thursday, September 9, 2021 at 12:00 noon, for the purpose of selecting a Municipal Court Judge. Discussion held.

Commissioner Nichol moved to set a Special Call Commission Meeting September 9, 2021, at 12:00 p.m. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a Zoning Variance for 208 Wisconsin. The Planning and Zoning Commission met on September 7, 2021 to discuss this variance that requests a communications tower be placed on the property. The Planning Commission is recommending approval of this zoning variance. Members of the Planning Commission, Mike Porter and Mark Shiverdecker were in attendance to answer questions regarding this recommendation. Also present was John Newland, property owner, requesting the variance. Discussion held.

Commissioner Moffatt moved to table this item until the October 27, 2021 meeting. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding approval to purchase a valve exerciser for the water distribution system. Discussion held.

Commissioner Nichol moved to approve the purchase of a Hurco SD 400 Valve Exerciser at a cost not to exceed \$11,975. Seconded by Commissioner Moffatt. Motion carried.

Commissioner Nichol 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 4:00 p.m. Seconded by Commissioner Moffatt. Motion carried. The live streamed Zoom meeting was then placed on hold with audio, video and recording ceased.

At 4:00 p.m. the regular meeting of the Governing Body reconvened in the Commission Room at City Hall. The live streamed Zoom meeting then resumed with audio, video and recording. No action taken.

Commissioner Moffatt moved to appoint Paul Ramey as the interim Public Works Director. Seconded by Commissioner Nichol. Motion carried.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, September 22, 2021 at 2:00 p.m.

At 4:05 p.m. Commissioner Nichol moved to adjourn. Seconded by Commissioner Moffatt. Motion carried.

ATTEST:

/s/ Devin Johnson

Devin Johnson, Mayor

/s/ Stephanie Fyfe

Stephanie Fyfe, City Clerk