

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, October 27, 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 Item 4C: Ordinance: Amending Authority for Water and Sewer Projects. 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 October 13, 2021 Commission Meeting; minutes from the October 16, 2021 Special Call Meeting; Appropriation (2021) 18; Raw Water Project Bond Appropriation 95; and Gas Line Project Appropriation 32. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding amending the City's Code of Ethics Ordinance. Ranson Financial Group has advised the City that CDBG requires the City to maintain a Code of Ethics Ordinance that includes a reference to penalties. This Ordinance includes the suggested penalty text from the Kansas Department of Commerce. Discussion held.

### **ORDINANCE 1753**

#### **AN ORDINANCE AMENDING SECTION 2-27 OF CHAPTER 2 OF THE CITY OF NEODESHA CODE REGARDING THE CODE OF ETHICS AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.**

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

**Section 1.** Section 2-27 of Chapter 2 of the City of Neodesha Code shall be amended to read as follows:

**Sec. 2-27. – Code of Ethics.**

- (a) Declaration of Policy - The proper operation of our government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in the proper channels and that the public have confidence in the integrity of its government. In recognition of those goals, there is hereby established a Code of Ethics for all officials and employees, whether elected or appointed, paid or unpaid. The purpose of this code is to establish ethical standards by setting forth those acts or actions that are incompatible with the best interests of the city.
- (b) Responsibilities of Public Office - Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to carry out impartially the laws of the nation, state, and city and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the long-term public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.
- (c) Dedicated Service - All officials and employees of the city should be responsive to the political objectives expressed by the electorate and the programs developed to attain those objectives. Appointive officials and employees should adhere to the rule of work and performance established as the standard for their positions by the appropriate authority. Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.
- (d) Fair and Equal Treatment
  1. Interest in Appointments. Canvassing of members of the city commission, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to the municipal service shall disqualify the candidate for appointment except with reference to positions filled by appointment by the city commission.
  2. Use of Public Property - No official or employee shall request or permit the use of city-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as city policy for the use of such official or employee in the conduct of official business.
  3. Obligations to Citizens - No official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.
- (e) Conflict of Interest - No elected or appointive city official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her duties in the public interest or would tend to impair his or

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- (f) her independence of judgment or action in the performance of his or her official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association.

Specific conflicts of interest are enumerated below for the guidance of officials and employees:

1. Incompatible Employment - No elected or appointive city official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of his or her official duties.
  2. Disclosure of Confidential Information - No elected or appointive city official or employee, shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the city. Nor shall he or she use such information to advance the financial or other private interest of himself, herself or others.
  3. Gifts and Favors. - No elected or appointive city official or employee shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm, or corporation which to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the city; nor shall any such official or employee (a) accept any gift, favor or thing of value that may tend to influence him or her in the discharge of his or her duties or (b) grant in the discharge of his or her duties any improper favor, service, or thing of value. The prohibition against gifts or favors shall not apply to: (a) an occasional nonpecuniary gift, of only nominal value or (b) an award publicly presented in recognition of public service or (c) any gift which would have been offered or given to him or her if not an official or employee.
  4. Representing Private Interest Before City Agencies or Courts - No elected or appointive city official or employee whose salary is paid in whole or in part by the city shall appear in behalf of private interest before any agency of this city. He or she shall not represent private interests in any action or proceeding against the interest of the city in any litigation to which the city is a party.
- (f) Compliance with Code of Ethics – Violations of this Code of Ethics by the City’s elected officials, appointed officials, officers, employees or agents of the City shall be prosecuted to the fullest extent permitted according to Local, State and Federal law or regulations.

**Secs. 2-28—2-48. - Reserved.**

**Section 2.** Old Section 2-27 of the Neodesha City Code and all ordinances or parts of ordinances in conflict herewith are repealed.

**Section 3.** This Ordinance shall be in force and take effect from and after its adoption and publication once in the official newspaper of the City.

Commissioner Moffatt moved to approve Ordinance 1753, amending the City’s Code of Ethics Ordinance. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding an Ordinance revising the AT&T Franchise Agreement with the City. City Attorney, Doug Depew, has reviewed and modified the draft agreement. Discussion held.

#### **ORDINANCE NO. 1754**

**AN ORDINANCE GRANTING TO SOUTHWESTERN BELL TELEPHONE COMPANY D/B/A AT&T KANSAS, A CONTRACT FRANCHISE FOR THE PROVISION OF TELECOMMUNICATIONS SERVICES IN THE CITY OF NEODESHA, KANSAS AND PRESCRIBING THE TERMS OF SAID CONTRACT FRANCHISE.** *(a complete copy of this Ordinance can be viewed in the City Clerk’s office)*

Commissioner Nichol moved to approve Ordinance 1754, establishing a franchise agreement with AT&T. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding an Ordinance prepared by bond counsel, Triplett, Woolf & Garretson, which provides the authority for continued expenses to complete portions of the water projects currently underway. Discussion held.

#### **ORDINANCE NO. 1755**

**AN ORDINANCE OF THE CITY OF NEODESHA, KANSAS, AMENDING ORDINANCE NO. 1622, AS PREVIOUSLY AMENDED.**

**WHEREAS**, the City of Neodesha, Kansas (the “City”) previously adopted Ordinance No. 1622 (the “Original Ordinance”), as amended by Ordinance No. 1704 (the “2018 Amending Ordinance”), which Original Ordinance and 2018 Amending Ordinance (collectively, the “Authorizing Ordinance”) authorized the City to acquire and construct certain improvements to and otherwise reconstruct, improve, equip and rehabilitate the municipal water system (the

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“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 the existing Little Bear elevated storage tank; construction of a new 200,000 gallon elevated water storage tank; replace existing motors with Variable Frequency Drive (VFD); and upgrade the SCADA computer system that monitors and runs the water treatment plant (the “Water Project”); and

**WHEREAS**, the Authorizing Ordinance authorized, ordered and directed that the Water Project be acquired at total estimated costs of Six Million Five Hundred Thousand Dollars (\$6,500,000) which estimated costs were to be paid from the City’s general obligation bonds to be issued by the City in an amount not to exceed \$6,500,000; and

**WHEREAS**, the final costs of the Project have not yet been determined, and together with estimated fees and expenses of financing said acquisition, the current estimated costs exceed the estimate and the governing body finds and determines it desirable to acquire the Water Project at an estimated cost of \$7,300,000, including fees and expenses of financing; and

**WHEREAS**, in connection with the foregoing, the governing body of the City finds and determines it advisable to amend the Authorizing Ordinance.

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

Section 1. Amendment to Sections 2 and 3. Sections 2 and 3 of the Authorizing Ordinance (as defined above), are hereby repealed and replaced with the following:

Section 2. It is hereby authorized, ordered and directed that the Water Project be acquired, constructed and installed, all as hereinbefore described, at a total estimated cost not to exceed Seven Million Three Hundred Thousand Dollars (\$7,300,000), which estimate includes all fees and expenses of financing the Water Project.

Section 3. It is hereby further authorized, ordered and directed that the costs of acquiring, constructing and installing the Water Project shall be paid from the proceeds of the City’s general obligation bonds to be issued by the City in an amount which shall not exceed \$7,300,000; and said bonds may be issued in combination with any other bonds being issued by the City as shall be determined by the governing body at the time of such issuance to be in the City’s best interest. The City shall continue to seek and review the best possible methods of permanent financing as it proceeds with the Water Project.

Section 4. Definitions. All words and terms not otherwise defined herein shall have the meanings ascribed to them by the Authorizing Ordinance.

Section 5. Effect of Amendments. Except as specifically set forth herein, or as amended hereby, the Authorizing Ordinance is hereby ratified and confirmed and shall continue to be in effect.

Section 6. Effective Date. This Ordinance shall be in force and take effect from and after its adoption and approval and publication hereof one time in the City’s official newspaper.

Commissioner Moffatt moved to approve Ordinance 1755. 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 1015 Oak Street, the public hearing was opened. The homeowner, Jerry Hough, was present to discuss the property situation with the Governing Body. Discussion held. Then the hearing was closed.

**RESOLUTION NO. 21-29**

**A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 1015 OAK NEODESHA, KANSAS ON LEGAL DESCRIPTION: LOT 7, LESS 3 FEET OFF THE EAST SIDE, AND ALL OF LOT 8, BLOCK 2, SHUTTS SUBDIVISION, 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 8th day of September, 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 8th day of September, 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

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**WHEREAS**, such Resolution was published in the official city paper on the 16th day of September, 2021, and on the 23rd day of September, 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 27th day of October, 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 **1015 Oak**, Neodesha, Kansas on Legal Description: Lot **7**, less **3** feet off the east side, and all of lot 8, block 2, Shutts Subdivision, 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 **60** 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 21-29 declaring the property located at 1015 Oak Street as unsafe or dangerous, and allow the property owner sixty (60) days to repair or remove the structures and make the property safe and secure. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding a resolution calling for a Public Hearing on December 22, 2021, 2:00 p.m., in the Commission Room, to show cause why the structure located at 105 N 5<sup>th</sup> Street should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure. Discussion held.

**RESOLUTION NO. 21-30**

**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 AND 107 N 5th ON LEGAL DESCRIPTION: N1/2 OF LOTS 23 AND 24, BLOCK 35, 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 27th day of October, 2021, 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 22nd day of December, 2021, 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 AND 107 N 5TH, Neodesha Kansas 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 adopt Resolution 21-30 setting a public hearing for December 22, 2021 as presented. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a resolution calling for a Public Hearing on December 22, 2021, 2:00 p.m., in the Commission Room, to show cause why the structure located at 415 N 6<sup>th</sup> Street should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure. Discussion held.

**RESOLUTION NO. 21-31**

**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 415 N 6TH ON LEGAL DESCRIPTION: THE SOUTH 40 ½ FEET OF LOT 44, RESURVEY OF FORDS SUBDIVISION, 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.**

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**WHEREAS**, Ed Truelove, the Enforcement Officer of the City of Neodesha, did on the 27th day of October, 2021, 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 22nd day of December, 2021, 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 415 N 6<sup>th</sup>, Neodesha Kansas 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 Moffatt moved to adopt Resolution 21-31 setting a public hearing for December 22, 2021 as presented. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding a resolution calling for a Public Hearing on December 22, 2021, 2:00 p.m., in the Commission Room, to show cause why the structure located at 1017 Church Street should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure. Discussion held.

#### **RESOLUTION NO. 21-32**

**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 1017 CHURCH ON LEGAL DESCRIPTION: LOT 10, BLOCK 10, FORDS 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 27th day of October, 2021, 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 22nd day of December, 2021, 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 1017 Church, Neodesha Kansas 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 adopt Resolution 21-32 setting a public hearing for December 22, 2021 as presented. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a resolution calling for a Public Hearing on December 22, 2021, 2:00 p.m., in the Commission Room, to show cause why the structure located at 1529 N 1<sup>st</sup> Street should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure. Discussion held.

#### **RESOLUTION NO. 21-33**

**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 1529 N 1<sup>st</sup> STREET ON LEGAL DESCRIPTION: LOTS 31, 32, 33, AND 34, BLOCK 3, VIVIAN DEER'S SUBDIVISION OF A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (NW/4 SE/4) OF SECTION SEVENTEEN (17), TOWNSHIP THIRTY (30) SOUTH, RANGE SIXTEEN EAST OF THE SIXTH PRINCIPAL MERIDIAN, 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 27th day of October, 2021, 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 22nd day of December, 2021, 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,

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any lien holder of record and any occupant of the structure located at 1529 N 1ST, Neodesha Kansas 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 Moffatt moved to adopt Resolution 21-33 setting a public hearing for December 22, 2021 as presented. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding a resolution calling for a Public Hearing on December 22, 2021, 2:00 p.m., in the Commission Room, to show cause why the structure located at 1632 N 3<sup>rd</sup> Street should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure. Discussion held.

**RESOLUTION NO. 21-34**

**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 1632 N 3<sup>RD</sup> ON LEGAL DESCRIPTION: LOTS ONE (1) TWO (2) THREE (3) FOUR (4) AND FIVE (5) ALL IN BLOCK ONE (1), JOHN W DEER'S SUBDIVISION TO THE CITY OF NEODESHA KS PART OF THE NW ¼ OF THE SE ¼ OF SECTION 17, TOWNSHIP 30, RANGE 16, 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 27th day of October, 2021, 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 22nd day of December, 2021, 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 1632 N 3<sup>RD</sup> , Neodesha Kansas 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 Moffatt moved to adopt Resolution 21-34 setting a public hearing for December 22, 2021 as presented. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the request for donation of property for the Get Fit Building to Wilson Medical Center. This item had initially been brought before the Governing Body on February 10, 2021 and was tabled. The Commission again discussed the agenda item on March 10, 2021, but the motion died for a lack of a 2<sup>nd</sup>. The agenda item was again brought before the Commission on August 25, 2021 to determine if the hospital had any interest in purchasing the building. This item was last tabled by the Commission September 8, 2021 to consult with an attorney regarding any potential ethical considerations. Investigation by staff found two opinions, one from City Attorney, Doug Depew, and the second from legal staff at the League of Kansas Municipalities, proved there are no statutory conflicts of interest in donating the building to the Wilson Medical Center Foundation. Discussion held.

Commissioner Nichol moved to approve the ownership of the property commonly known as Get Fit and the Wilson County Rehabilitation Center be transferred to the Wilson Medical Center Foundation. Seconded by Mayor Johnson. Commissioner Moffatt voted nay. Motion passed 2 aye, 1 nay.

The Governing Body welcomed Wilson Medical Center CEO, Dennis Shelby. Mr. Shelby thanked the Commission for the years of camaraderie and support between the hospital and the City and assured the Commission that he urged the same relationship to continue with his successor. Mr. Shelby also thanked the community for the warm, open welcome and relationships he and his wife formed during their time living in Neodesha. The Governing Body wishes Dennis good luck and a happy retirement.

At 3:05 p.m. Commissioner Nichol requested a 15-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 3:20 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.

Commissioner Nichol moved to recess to an Executive Session including the Governing Body, City Administrator, Electric Superintendent Brandon Hearn; and the City Clerk in the Commission Room to discuss an individual employee's performance pursuant

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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 3:50 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 3:50 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, November 10, 2021 at 2:00 p.m.

At 3:51 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