

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 Monday, January 26, 2022 with Mayor Johnson presiding and Commissioners Moffatt and Nichol present.

Commissioner Moffatt moved to approve the agenda as presented with the following additions and modifications: Item 4C: Resolution: USDA Loan Resolution; Item 4I: Resolution: Dangerous Structures 905 Carolina; Item 4J: Resolution: Dangerous Structures 221 N 11th; and Item 4P: Approve Purchase of Fire/EMS Department Radio Equipment. 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 January 10, 2022 Commission Meeting; Appropriation (2021) 24; Appropriation (2022) 01; and Raw Water Bond Appropriation 99. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding an Ordinance for the Gas Line Project, authorizing the issuance of GO Bonds in the amount of \$1,766,000. Discussion held.

ORDINANCE NO. 1759

AN ORDINANCE OF THE CITY OF NEODESHA, KANSAS AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS, SERIES 2022-A, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,766,000, FOR THE PURPOSE OF FINANCING THE COSTS OF ACQUIRING AND CONSTRUCTING IMPROVEMENTS TO THE CITY'S GAS UTILITY SYSTEM; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO. *(a complete copy of this Ordinance can be viewed in the City Clerk's Office)*

Commissioner Moffatt moved to approve Ordinance 1759 as presented. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding a Resolution for the Gas Line Project that provides the form and details of the bond issue and authorizes the sale and delivery of GO Bonds in the principal amount of \$1,766,000. Discussion held.

RESOLUTION NO. 22-04

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION BONDS, SERIES 2022-A, IN THE TOTAL AGGREGATE PRINCIPAL AMOUNT OF \$1,766,000, OF THE CITY OF NEODESHA, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 1759 OF THE CITY; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH. *(a complete copy of this Resolution can be viewed in the City Clerk's office)*

Commissioner Nichol moved to adopt Resolution 22-04 as presented. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a Loan Resolution document, on USDA Form RD 1942-47, required by USDA. The completion of this form signifies that the City understands we are incurring debt to help pay for the natural gas system improvements. This USDA Loan Resolution will be identified as Neodesha Resolution 22-05. Discussion held.

RESOLUTION 22-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEODESHA AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS NATURAL GAS SYSTEM IMPROVEMENTS FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE. *(a complete copy of this Resolution can be viewed in the City Clerk's office)*

Commissioner Moffatt moved to adopt the USDA Loan Resolution, Resolution 22-05, as presented. Seconded by Commissioner Nichol. Motion carried.

This being the time and date published in the official newspaper for the Gas Line Project; Project Performance Hearing, the public hearing was opened. The Governing Body welcomed Crystal Hinnen of Ranson Financial by Zoom to present information regarding the CDBG grant close out. Public comments were invited, none were given. Discussion held. No action taken. The hearing was then closed.

Administrator Truelove addressed the Commission regarding documents necessary to close out the CDBG grant paperwork. Crystal Hinnen of Ranson Financial continued her attendance by Zoom for the discussion held.

Commissioner Nichol moved to approve the necessary documents for closing the CDBG grant for the gas line project, and authorize the City Clerk and the Mayor to sign and seal. Seconded by Commissioner Moffatt. Motion carried. *(continued on next page)*

Administrator Truelove addressed the Commission regarding an Ordinance providing authority for the structures located at 615 Mill Street to be demolished and the property to be made safe. This item was originally brought before the Governing Body on December 22, 2021 and was tabled. Discussion held.

ORDINANCE NO. 1760

AN ORDINANCE AUTHORIZING AND DIRECTING THE REMOVAL OF CERTAIN UNSAFE AND DANGEROUS STRUCTURES LOCATED AT 615 MILL, NEODESHA KS ON LEGAL DESCRIPTION: LOTS FIVE (5) AND SIX (6), BLOCK EIGHTY-ONE (81), CITY OF NEODESHA, WILSON COUNTY, KANSAS AND COMMENCING AT A POINT 16 FEET NORTH AND 100 FEET EAST OF BOTH THE SOUTHWEST CORNER OF BLOCK 81 AND THE SOUTHWEST CORNER OF LOT 13, BLOCK 81, ORIGINAL TOWNSITE OF THE CITY OF NEODESHA, THENCE NORTH TO THE SOUTHWEST CORNER OF LOT 5, OF SAID BLOCK 81, THENCE EAST 50 FEET TO THE SOUTHEAST CORNER OF LOT 6 OF SAID BLOCK 81, THENCE SOUTH TO A POINT 16 FEET NORTH OF THE SOUTH LINE OF SAID LOT 13 ALSO OF SAID BLOCK 81 AND 50 FEET EAST OF PLACE OF BEGINNING AND THENCE WEST 50 FEET TO THE PLACE OF BEGINNING 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 21-36 dated November 10, 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 at 615 Mill, on legal description: **LOTS FIVE (5) AND SIX (6), BLOCK EIGHTY-ONE (81), CITY OF NEODESHA, WILSON COUNTY, KANSAS AND COMMENCING AT A POINT 16 FEET NORTH AND 100 FEET EAST OF BOTH THE SOUTHWEST CORNER OF BLOCK 81 AND THE SOUTHWEST CORNER OF LOT 13, BLOCK 81, ORIGINAL TOWNSITE OF THE CITY OF NEODESHA, THENCE NORTH TO THE SOUTHWEST CORNER OF LOT 5, OF SAID BLOCK 81, THENCE EAST 50 FEET TO THE SOUTHEAST CORNER OF LOT 6 OF SAID BLOCK 81, THENCE SOUTH TO A POINT 16 FEET NORTH OF THE SOUTH LINE OF SAID LOT 13 ALSO OF SAID BLOCK 81 AND 50 FEET EAST OF PLACE OF BEGINNING AND THENCE WEST 50 FEET TO THE PLACE OF BEGINNING**, 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 Moffatt moved to table Ordinance 1760, directing the removal of certain dangerous and unsafe structures at 615 Mill Street until the March 23, 2022 meeting. 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 502 N 6th Street, the public hearing was opened. Clarence Snyder, City Code Enforcement Officer, was in attendance for the hearing and to report on the property. Public comment was invited, none was given. Discussion held. Then the hearing was closed.

RESOLUTION NO. 22-06

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 502 N 6th NEODESHA, KANSAS ON LEGAL DESCRIPTION: THE NORTH 50 FEET OF LOT FORTY-SIX (46), RECOVERY OF FORD'S 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 December, 2021 file with the governing body of said City a statement in writing that a certain structure, hereinafter described, was unsafe and dangerous; and (continued on next page)

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WHEREAS, the governing body did by Resolution dated the 8th day of December, 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 16th day of December, 2021, and on the 23rd day of December, 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 26th day of January, 2022, 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 **502 N 6th**, Neodesha, Kansas on Legal Description: THE NORTH 50 FEET OF LOT FORTY-SIX (46), RECOVERY OF FORD'S 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 **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 Nichol moved to approve Resolution 22-06 declaring the property located at 502 N 6th Street as unsafe and dangerous, and allow the property owner 30 days to repair or remove the structures and make the property safe and secure. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding Resolution 22-07, calling for a public hearing, to show cause why the structure located at 905 Carolina Street should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure. Clarence Snyder, Code Enforcement Officer, was in attendance for this discussion and reported that this property had come into compliance prior to this meeting. Discussion held.

RESOLUTION NO. 22-07

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 905 CAROLINA LEGAL DESCRIPTION: LOTS 4 (4) AND FIVE (5) BLOCK TWO (2) SHUTT'S ADDITION TO THE CITY OF NEODESHA, WILSON COUNTY, KANSAS, COMMONLY KNOWN AS 905 CAROLINA, NEODESHA KS. 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 26th day of January, 2022, 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 14th day of April, 2022, before the Governing Body of the City at 2:00 p.m. in the Commission Room of City Hall, 1407 N. 8th; at which time the owner, his agent, any lien holder of record and any occupant of the structure located at 905 Carolina, 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 rescind Resolution 22-07 regarding the abatement process for the property located at 905 Carolina Street as it has now come into compliance. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding a resolution, calling for a public hearing, to show cause why the structure located at 221 N 11th Street should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure. Clarence Snyder, Code Enforcement Office, was in attendance for this discussion and reported that he and City Staff had been in contact with the property owner to discuss the abatement process. Discussion held.

RESOLUTION NO. 22-08

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 221 N 11TH LEGAL DESCRIPTION: NORTH 50' OF LOTS 2, 3, 4, AND 5, BLOCK 18, CITY OF NEODESHA, WILSON COUNTY, KANSAS, COMMONLY KNOWN AS 221 N 11TH, NEODESHA KS. 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 26th day of January, 2022, 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 14th day of April, 2022, before the Governing Body of the City at 2:00 p.m. in the Commission Room of City Hall, 1407 N. 8th; at which time the owner, his agent, any lien holder of record and any occupant of the structure located at 221 N 11th, 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 table this item until the March 23, 2022 meeting. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the 2022 Contract for 4th of July Fireworks. This item was tabled from the December 22, 2021 meeting and then again at the January 10, 2022 Meeting. Discussion held.

Commissioner Moffatt moved to approve the contract with Stellar Fireworks, at a cost of \$9,000. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the appointment for a Director 2 Position for KMEA. Discussion held.

Commissioner Nichol moved to appoint the City Administrator as Director 2 for KMEA. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the appointment for an Alternate Position with KMEA. Discussion held.

Commissioner Moffatt moved to appoint the City Clerk as the Alternate Director for KMEA. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the paid time-off for employees who are ordered quarantined by the Wilson County Health Department that was previously approved by the Governing Body at the November 16, 2021 meeting. This policy has been assumed to apply to not only the employee, but to any member of the family ordered quarantined where the quarantine would apply to the employee due to their proximity to the positive case. Due to recent changes in contact tracing, specifically the elimination of contact tracing, the Wilson County Health Department is now only tracking the isolation of those who have tested positive for pandemic-related illnesses. Therefore, Staff believes that the paid time-off policy is now invalidated by the changes in contact tracing. Discussion held.

Commissioner Nichol moved to terminate the pandemic-related paid time-off policy effective February 1, 2022. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the purchase of a police vehicle. Discussion held.

Commissioner Moffatt moved to approve the purchase of a police vehicle from Rusty Eck Ford, at a cost not to exceed \$38,000. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the purchase of Fire/EMS Department radio equipment. Discussion held.

Commissioner Nichol moved to approve the purchase of radio equipment from TBS Electronics Inc, at a cost not to exceed \$20,000. Seconded by Commissioner Moffatt. Motion carried.

Commissioner Moffatt moved to recess to an Executive Session including the Governing Body, City Administrator, and the 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 3:15 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 3:15 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, February 9, 2022 at 2:00 p.m.

At 3:15 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