

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, May 11, 2022 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 4N: Resolution: Pool Fill Policy. Seconded by Commissioner Nichol. Motion carried.

Commission and Administrator Reports were heard.

Community Development Director reports were heard.

Public Comments were invited and heard.

Commissioner Nichol moved to approve the consent agenda as presented consisting of the minutes from the April 27, 2022 Commission Meeting; and Appropriation (2022) 08. Seconded by Commissioner Moffatt. Motion carried.

Mayor Johnson read a proclamation designating the week of May 15 through May 21, 2022 as National Police Week; and to observe Sunday, May 15, 2022, as Peace Officers' Memorial Day. A special thank you was given to Chief Sam Tomlinson, the Neodesha Police Department and to all law enforcement officers whose duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

Mayor Johnson read a proclamation designating May 15 through May 21, 2022 as Emergency Medical Services Week: Rising to the Challenge. A special thank you was given to Chief Landon Woodward, the Neodesha Fire/EMS Department and all emergency medical service entities that consist of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers, and the members of emergency medical services teams, whether career or volunteer, who engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills.

The Governing Body welcomed former Fire Chief Duane Banzet and Valon Jones, USD 461, for a presentation regarding a fire science training program at the high school. Discussion held. No action taken.

Administrator Truelove addressed the Commission regarding an ordinance that would repeal Ordinance 1765 related to the Dangerous Structure located at 615 Mill that was approved at the April 27, 2022 Commission Meeting. The property has now been sold and the new owner has plans to rehabilitate the property. Discussion held.

ORDINANCE NO. 1766

AN ORDINANCE REPEALING ORDINANCE 1765 OF THE CITY OF NEODESHA, WILSON COUNTY, KANSAS.

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

Section 1: That ordinance 1765 is hereby repealed.

Section 2: EFFECTIVE DATE. This ordinance shall be in full force and effect upon its publication in the official city newspaper.

Commissioner Moffatt moved to approve Ordinance 1766, repealing Ordinance 1765. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding a resolution in support of the Safe Routes to Schools application. Discussion held.

RESOLUTION NO. 22-07

A RESOLUTION DECLARING THE ELIGIBILITY OF THE CITY OF NEODESHA TO SUBMIT AN APPLICATION TO THE KANSAS DEPARTMENT OF TRANSPORTATION FOR USE OF TRANSPORTATION ALTERNATIVES PROGRAM FUNDS FOR THE NEODESHA SAFE ROUTES TO SCHOOL – PHASE 2 PROJECT IN THE CITY OF NEODESHA AND AUTHORIZING THE MAYOR TO SIGN THIS APPLICATION.

Whereas, the City of Neodesha, Kansas, has the legal authority to apply for, receive, and administer federal, state, and other monies through Home Rule Power under the Constitution of the State of Kansas and authorized by K.S.A. 12-1662, regarding the expenditure of federal-aid to public agencies; and

Whereas, the City of Neodesha, Kansas, is submitting an application to the Kansas Department of Transportation for Transportation Alternatives (TA) Program funds in the amount of \$864,739.00 as outlined in KDOT's Transportation Alternatives Program Guidance & Application Packet for Federal Fiscal Year 2023-24; and

Whereas, the City of Neodesha, Kansas, is participating as an eligible Project Sponsor in the Kansas Department of Transportation's TA Program; and

Whereas, Federal monies are available under a Transportation Alternatives Program, administered by the State of Kansas, Department of Transportation, for the purpose of creating and promoting the planning and development of active transportation facilities and programs in Kansas; and

Whereas, the City of Neodesha, Kansas, acknowledges availability of the required local match of no less than 20% and the

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availability of funds to pay all upfront costs, since the TA Program is a cost reimbursement program; and,

Whereas, the City of Neodesha, Kansas, agrees to pay any costs that exceed the project amount if the application is selected for funding; and,

Whereas, after appropriate public input and due consideration, the Governing Body of City of Neodesha, Kansas, has recommended that an application be submitted to the State of Kansas for the Neodesha Safe Routes to School – Phase 2 project.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE City of Neodesha, KANSAS:

SECTION 1. That the City of Neodesha, Kansas, does hereby authorize Mayor to submit an application to the Kansas Department of Transportation for Transportation Alternatives Program funds on behalf of the citizens of City of Neodesha, Kansas.

SECTION 2. That the City of Neodesha, Kansas, hereby assures the Kansas Department of Transportation that sufficient funding for a minimum 20% match and all non-reimbursable expenses, e.g., PE, ROW, utilities, etc. for the Neodesha Safe Routes to School – Phase 2 project is available, as the Transportation Alternatives Program is a reimbursement program.

SECTION 3. That the City of Neodesha, Kansas, hereby assures the Kansas Department of Transportation that sufficient funding for the operation and maintenance of the Neodesha Safe Routes to School – Phase 2 project will be available for the life of the project.

SECTION 4. That the City of Neodesha, Kansas, hereby assures the Kansas Department of Transportation that the City of Neodesha, Kansas, will have title or permanent easement to the Neodesha Safe Routes to School – Phase 2 project by the time of project letting, if necessary.

SECTION 5. That the CEO of City of Neodesha, Kansas, is authorized to sign the application to the Kansas Department of Transportation for Transportation Alternatives Program funds on behalf of the citizens of City of Neodesha, Kansas. The CEO is also authorized to submit additional information as may be required and act as the official representative of the City of Neodesha in this and subsequent related activities.

SECTION 6. That the City of Neodesha, Kansas, hereby assures the Kansas Department of Transportation that the City of Neodesha, Kansas, is willing and able to, if the Neodesha Safe Routes to School – Phase 2 project is selected for funding, administer all activities involved with the Neodesha Safe Routes to School – Phase 2 project.

Commissioner Nichol moved to approve Resolution 22-07 as presented. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the consideration of a partnership with KMEA for the acquisition of three MW Caterpillar generators for internal power generation for the City. Discussion held. No action taken.

Administrator Truelove addressed the Commission regarding the approval of the project application for Safe Routes to Schools, and authorize the Mayor to sign. This application is for the construction phase of the project. Discussion held.

Commissioner Moffatt moved to approve the Safe Routes to Schools project application, and authorize the Mayor to sign. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding a street paving project from Jeff Hull Paving & Seal Coating for repairs to city streets. Discussion held.

Commissioner Nichol moved to approve the quote from Jeff Hull Paving & Seal Coating for street repairs, in an amount not to exceed \$147,865. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the purchase of replacement tables at the Neodesha Splash Zone. Discussion held.

Commissioner Moffatt moved to approve the quote from Terra Bound for replacement picnic tables, at a cost of \$7,000. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding a reappointment to the Library Board for a four-year term. Discussion held.

Commissioner Nichol moved to reappoint Pattie Bailey to the Library Board for a four-year term, with a term ending date of May 31, 2026. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the resignation of a member of the Economic Development Committee. Discussion held.

Commissioner Moffatt moved to accept the resignation of Terry Harper from the Economic Development Committee, effective immediately. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the appointment of a City Commission member to the Economic Development Committee. Discussion held.

Commissioner Moffatt moved to appoint Devin Johnson to the Economic Development Committee. Seconded by Commissioner Nichol. Motion carried.

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Administrator Truelove addressed the Commission regarding the resignation of a Public Works Department employee. Discussion held.

Commissioner Nichol moved to accept the resignation of David Denney, effective May 20, 2022. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a resolution to formalize policy regarding a service the Neodesha Fire Department provides to citizens requesting to fill their private swimming pools. Discussion held.

RESOLUTION 22-08

A RESOLUTION ADOPTING AND ESTABLISHING A POOL FILL POLICY FOR THE CITY OF NEODESHA, KANSAS AND RESCINDING ANY POOL FILL POLICIES THAT MAY HAVE HERETOFORE BEEN ADOPTED BY THE NEODESHA CITY COMMISSION.

WHEREAS, K.S.A. 12-101 provides 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 filling of private pools by the Neodesha Fire Department as a policy directive to guide the Fire Chief and any citizen that has an interest in the filling of private pools, consistent with the permissible exercise of home rule powers;

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

The Pool Fill Policy for the City of Neodesha dated May 11, 2022 is hereby adopted effective as of the date of this resolution.

Commissioner Moffatt moved to approve Resolution 22-08 as presented. Seconded by Commissioner Nichol. Motion carried.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, May 25, 2022 at 2:00 p.m.

At 3:40 p.m. Commissioner Nichol moved to adjourn. Seconded by Commissioner Moffatt. Motion carried.

/s/ Devin Johnson

Devin Johnson, Mayor

ATTEST:

/s/ Stephanie Fyfe

Stephanie Fyfe, City Clerk