

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, August 10, 2022 with Mayor Johnson presiding and Commissioners Moffatt and Nichol present. City Clerk Stephanie Fyfe was absent from the meeting due to illness. Community Development Director Jeri Hammerschmidt was also absent due to a prior commitment.

Commissioner Moffatt moved to approve the agenda with the addition of Business Item 4I: Discuss Lease Property; 3762 Water Plant Road. Seconded by Commissioner Nichol. Motion carried.

Commission Reports were heard.

City Administrator reports were heard.

Public Comments were invited and heard.

Commissioner Nichol moved to approve the consent agenda as presented consisting of minutes from the July 27, 2022 Commission Meeting; and Appropriation (2022) 14. Seconded by Commissioner Moffatt. Motion carried.

This being the time and date published in the official newspaper for 2023 Budget Hearing, the public hearing was opened by Mayor Johnson. Being there were no public comments, the hearing was then closed. Discussion held.

Commissioner Moffatt moved to adopt the Budget for the 2023 calendar year as presented. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding an ordinance to adopt the Standard Traffic Ordinance (STO), incorporating by reference the 2022 edition of the Standard Traffic Ordinance that is published by the League of Kansas Municipalities. Discussion held

#### **ORDINANCE NO. 1771**

**AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF NEODESHA, KANSAS, INCORPORATING BY REFERENCE THE “STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES”, EDITION OF 2022, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS, PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NO. 1732 AND ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

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

**Section 1: STANDARD TRAFFIC ORDINANCE INCORPORATED.** There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Neodesha, Kansas that certain standard traffic ordinance known as the “Standard Traffic Ordinance for Kansas Cities”, Edition of 2022, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. One official copy of said Standard Traffic Ordinance shall be marked or stamped “Official Copy as Adopted by Ordinance No. 1771”, with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. The Police Department, Municipal Judge, and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

**Section 2: TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES:**

- a) An ordinance traffic infraction is a violation of any section of this ordinance that prescribes or requires the same behavior as that prescribed or required by a statutory revision that is classified as a traffic infraction in K.S.A. 8-2118.
- b) All traffic violations which are included within this ordinance, and which are not ordinance traffic infractions as defined in subsection (a) of this section, shall be considered traffic offenses.

**Section 3: PENALTY FOR SCHEDULED FINES.** The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge established a fine in a fine schedule shall not be less than \$10 nor more than \$1,200. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$1,200.

**Section 4: MAXIMUM SPEED LIMITS.**

Section 33 of Article 7 of the Standard Traffic Ordinance for Kansas Cities, 2022 Edition, is hereby changed to read as follows:  
Section 33. Maximum Speed Limits

- a) Except when a special hazard exists that requires lower speed for compliance with Section 32, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits.
  - 1) Twenty (20) miles per hour in any business district;
  - 2) Twenty-five (25) miles per hour in any residential district;
  - 3) Twenty (20) miles per hour in school zones between the following hours during the school term on days school is in session: 7:30 a.m. to 8:30 a.m.; 11:30 a.m. to 1:00 p.m.; and 3:00 p.m. to 4:00 p.m.

The following areas are school zones:

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Eighth Street between Iowa and Bell Streets Granby Street between Fourth and Tenth Streets Fourth Street between Oak and Elm Streets Idaho Street between Sixth and Seward Streets Tank Street between Sixth and Seward Streets Ninth Street between Iowa and Lincoln Streets Church Street between Eighth and Tenth Streets

- 4) Thirty (30) miles per hour on that portion of U.S. Highway 75 between Third Street and the Eastern City limits.
  - 5) Forty-Five (45) miles per hour on that portion of U.S. Highway 75 from the Western City limits to 14<sup>th</sup> Street.
  - 6) Thirty (30) miles per hour on that portion of U.S. Highway 75 from 14<sup>th</sup> Street to 9th Street.
  - 7) Thirty (30) miles per hour on that portion of the West half of Fourth Street between Tank and Fifth Streets.
- b) Unless otherwise directed by a police officer, the driver of any vehicle within the City Limits shall obey the instructions of all signs and other traffic control devices placed within the City Limits by the City of Neodesha. This requirement is subject to the exceptions granted to the driver of an authorized emergency vehicle in this ordinance.

**Section 5:** ORDINANCES REPEALED. Ordinance No. 1732 and all or parts of ordinances in conflict herewith are hereby repealed.

**Section 6:** 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 1771, adopting the 2022 Standard Traffic Ordinance as presented. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding an ordinance to adopt the Uniform Public Offense Code (UPOC), incorporating by reference the 2022 edition of the Uniform Public Offense Code that is published by the League of Kansas Municipalities. Discussion held

#### **ORDINANCE NO. 1772**

**AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF NEODESHA, KANSAS, INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES," EDITION OF 2022, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS, PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NO. 1733 AND ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

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

**Section 1:** INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Neodesha, Kansas that certain code known as the "Uniform Public Offense Code," Edition of 2022, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. One official copy of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 1772", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours.

**Section 2:** SECTION 10.13 AMENDED. Section 10.13 of Article 10 of the Uniform Public Offense Code, Edition of 2022, is hereby amended to read as follows:

10.13 BARBED WIRE AND ELECTRIC FENCES. It shall be unlawful for any person to construct, set up or maintain any barbed wire or above ground electric fence or enclosure within the City in any Residential Zone or Local Business Zone as shown on the Official City Zoning Map incorporated by Ordinance No. 1199.

**Section 3:** SECTION 10.29 OMITTED. Section 10.29 of Article 10 of the Uniform Public Offense Code, Edition of 2022, Violation of a Public Health Order, is hereby omitted:

**Section 4:** ORDINANCE REPEALED. Ordinance No. 1733 and all or parts of ordinances in conflict herewith are hereby repealed.

**Section 5:** 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 1772 adopting the Uniform Public Offense Code as presented. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding a resolution that authorizes the issuance of bonds to retire the temporary note financing for the costs of constructing the new police department building. Dave Arteberry of Stifel, Nicolaus & Company was present by Zoom for the discussion held.

#### **ORDINANCE NO. 1773**

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2022-B, OF THE CITY OF NEODESHA, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO. (a complete copy of this Ordinance can be obtained and viewed in the City Clerk's Office)**

Commissioner Nichol moved to approve Ordinance 1773 as presented. Seconded by Commissioner Moffatt. Motion carried.

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Administrator Truelove addressed the Commission regarding a Resolution that will provide details related to the sale and delivery of the City's General Obligation Bonds, Series 2022-B. Discussion held.

**RESOLUTION NO. 22-13**

**A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION BONDS, SERIES 2022-B, OF THE CITY OF NEODESHA, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 1773 OF THE ISSUER; 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 obtained and viewed in the City Clerk's Office)*

Commissioner Moffatt moved to approve Resolution 22-13 as presented. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding an amendment to the original submission of a grant request on September 23, 2020 to the Kansas Housing Resources Commission (KHRC). This infrastructure grant request was subsequently approved by KHRC in the amount of \$400,000, to be split (in partnership), with the City of Independence. The Amended Grant Agreement to be considered by the Commission would increase the City of Neodesha housing infrastructure grant amount to \$500,000. Discussion held.

Commissioner Nichol moved to approve the Amended Grant Agreement with Kansas Housing Resources Commission as presented. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the sale of property in the West Granby Business Park to SICUT North America, Inc.

Commissioner Moffatt moved to convene as the Neodesha Land Bank to discuss the sale of property. Seconded by Commissioner Nichol. Motion carried.

Commissioner Nichol moved to approve the sale of West Granby Business Park property to SICUT North America, Inc, at a sale price of \$40,000, and authorize the City Administrator to execute the sale documents. Seconded by Commissioner Nichol. Motion carried.

Commissioner Moffatt moved to adjourn as the Neodesha Land Bank and re-convene as the City of Neodesha Governing Body. Seconded by Commissioner Nichol. Motion carried.

Commissioner Moffatt moved to recess to an Executive Session including the Governing Body, City Administrator, Police Chief, and Assistant 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 3:12 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 3:12 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 Moffatt moved to extend the Executive Session to 3:25 p.m., and to include the Fire Chief. Seconded by Commissioner Nichol. Motion carried. The live streamed Zoom meeting was then placed on hold with audio, video and recording ceased.

At 3:25 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, August 24, 2022 at 2:00 p.m.

At 3:26 p.m. Commissioner Nichol moved to adjourn. Seconded by Commissioner Moffatt. Motion carried.

/s/ Devin Johnson

Devin Johnson, Mayor

ATTEST:

/s/ Rhonda Howell

Rhonda Howell, Assistant City Clerk