

Neodesha, Kansas  
January 25, 2023

The Board of Commissioners met in regular session at 2:00 p.m., on Wednesday, January 25, 2023, in the Commission Room at City Hall conducting the meeting by live streaming with Zoom with Mayor Johnson presiding and Commissioners Moffatt and Nichol present.

Commissioner Moffatt moved to approve the agenda as presented. 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 January 9, 2023 Meeting; minutes from the January 16, 2023 Special Call Meeting; Appropriation (2022) 25 and Appropriation (2023) 01. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding an ordinance providing authority for the structures located at 318 S 2<sup>nd</sup> Street to be demolished and the property made safe. Discussion held.

**ORDINANCE NO. 1776**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE REMOVAL OF CERTAIN UNSAFE AND DANGEROUS STRUCTURES LOCATED AT 318 S 2<sup>ND</sup> ON LEGAL DESCRIPTION: THE NORTH SEVENTY-ONE (71) FEET OF LOTS TWENTY-TWO (22), TWENTY-THREE (23) AND TWENTY-FOUR (24), BLOCK SEVENTY-FOUR (74) CITY OF NEODESHA, WILSON COUNTY, 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 22-21 dated November 23, 2022, 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 318 S 2<sup>ND</sup>, on legal description: **THE NORTH SEVENTY-ONE (71) FEET OF LOTS TWENTY-TWO (22), TWENTY-THREE (23) AND TWENTY-FOUR (24), BLOCK SEVENTY-FOUR (74) CITY OF NEODESHA, WILSON COUNTY, 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 Moffatt moved to approve Ordinance 1776, directing the removal of certain dangerous and unsafe structures at 318 S 2<sup>nd</sup> Street. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding an ordinance providing authority for the structures located at 1030 Walnut Street to be demolished and the property made safe. Discussion held.

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**ORDINANCE NO. 1777**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE REMOVAL OF CERTAIN UNSAFE AND DANGEROUS STRUCTURES LOCATED AT 1030 WALNUT ON LEGAL DESCRIPTION: LOTS TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15) AND SIXTEEN (16), BLOCK TWO (2), DEET AND MORRIS FIRST ADDITION TO THE CITY OF NEODESHA, WILSON COUNTY, 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 22-23 dated December 14, 2022, 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 **1030 WALNUT**, on legal description: **LOTS TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15) AND SIXTEEN (16), BLOCK TWO (2), DEET AND MORRIS FIRST ADDITION TO THE CITY OF NEODESHA, WILSON COUNTY, 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 1777, directing the removal of certain dangerous and unsafe structures at 1030 Walnut Street. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding an ordinance providing authority for the structures located at 1700 N 8<sup>th</sup> Street to be demolished and the property made safe. Discussion held.

**ORDINANCE NO. 1778**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE REMOVAL OF CERTAIN UNSAFE AND DANGEROUS STRUCTURES LOCATED AT 1700 N 8<sup>TH</sup> ON LEGAL DESCRIPTION: LOTS TWENTY-SIX (26) AND TWENTY-SEVEN (27), BLOCK ONE (1) J.H. PARK SUBDIVISION TO THE CITY OF NEODESHA, WILSON COUNTY, 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 22-24 dated December 14, 2022, 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

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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 **1700 N 8<sup>TH</sup>**, on legal description: **LOTS TWENTY-SIX (26) AND TWENTY-SEVEN (27), BLOCK ONE (1) J.H. PARK SUBDIVISION TO THE CITY OF NEODESHA, WILSON COUNTY, 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 Moffatt moved to approve Ordinance 1778, directing the removal of certain dangerous and unsafe structures at 1700 N 8<sup>th</sup> Street. Seconded by Commissioner Nichol. Motion carried.

The Governing Body welcomed Darren Prince and Gerry Bieker of KMEA, for a presentation on the results of an electric rate study conducted by KMEA. Discussion held. No action taken.

The Governing Body welcomed, by Zoom, Hector Soliman-Valdez of Flock Safety, for a presentation on automated license plate recognition technology. Discussion held. No action taken.

Administrator Truelove addressed the Commission regarding the approval of the Solid Waste Agreement with Wilson County for the calendar year 2023. Discussion held.

Commissioner Nichol moved to approve the 2023 agreement with Wilson County for the disposal of solid waste, at a cost of \$16,000. Seconded by Commissioner Moffatt. Motion carried.

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

Commissioner Moffatt moved to table the sale of Timber Ridge Lot No 8 until the February 8, 2023 Commission Meeting. Seconded by Commissioner Nichol. Motion carried.

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

Administrator Truelove addressed the Commission regarding the purchase of Fire Department bunker gear. Discussion held.

Commissioner Moffatt moved to approve the purchase of Fire Department bunker gear from 1<sup>st</sup> Due Emergency Response Solutions LLC, at a cost not to exceed \$36,211. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the purchase and installation of a new vehicle lift for the Public Works Department. The vehicle lift is from Wrenchers LLC and the installation is from A/C Equipment Repair. Discussion held

Commissioner Nichol moved to approve the purchase and installation of a vehicle lift for Public Works, at a cost not to exceed \$12,500. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a resignation from the Planning & Zoning Commission. The resignation request from the individual was originally verbally requested to the Community Development Director in 2022. The City has now received a written request from this individual. Discussion held.

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Commissioner Moffatt moved to accept Claude Bockhold's resignation from the Planning & Zoning Commission, effective immediately. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding a reappointment and new appointments to the Planning & Zoning Commission. Discussion held.

Commissioner Nichol moved to reappoint Mike Porter to the Planning & Zoning Commission for a three-year term, with a term ending date of December 31, 2025. Seconded by Commissioner Moffatt. Motion carried.

Commissioner Moffatt moved to appoint Jeremy Carpenter to the Planning & Zoning Commission to a three year term, with a term ending date of December 31, 2025. Seconded by Commissioner Nichol. Motion carried.

Commissioner Nichol moved to appoint Thomas Church to the Planning & Zoning Commission to complete an unexpired term, with a term ending date of December 31, 2023. Seconded by Commissioner Moffatt. Motion carried.

At 3:45 p.m. Commissioner Moffatt requested a 5-minute recess. Seconded by Commissioner Nichol. 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.

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 4:05 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 4:03 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 8, 2023 at 2:00 p.m.

At 4:05 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