

Neodesha, Kansas
July 12, 2023

The Board of Commissioners met in regular session at 2:00 p.m., on Wednesday, July 12, 2023, in the Commission Room at City Hall conducting the meeting by live streaming with Zoom with Mayor Johnson presiding, Commissioner Moffatt present and Commissioner Vail-Keller present by Zoom.

Administrator Truelove was absent from the meeting due to being on vacation.

Commissioner Moffatt moved to approve the agenda as presented with the addition of Business Item 4C: Accept Resignation of City Treasurer; restructure Business Item: Consider Interim Appointment as City Treasurer to 4:D; and the deletion of Item 6: Executive Session: Non-elected Personnel. Seconded by Mayor Johnson. Motion carried.

Commission reports were heard.

Community Development Director reports were heard.

Public Comments were invited and heard.

Commissioner Moffatt moved to approve the consent agenda as presented consisting of minutes from the June 14, 2023 meeting; minutes from the June 30, 2023 Special Call Meeting; Appropriation (2023) 12; and Raw Water Project Bond Appropriation 102. Seconded by Commissioner Vail-Keller. Motion carried.

Assistant to the City Administrator Chris Bauman addressed the Commission regarding amendments to the City's Special Purpose Vehicle Ordinance which was discussed and tabled at the June 28, 2023 Meeting. Discussion held.

ORDINANCE NO. 1786

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 34 OF THE CODE OF ORDINANCES OF THE CITY OF NEODESHA, KANSAS, AUTHORIZING THE OPERATION OF WORK-SITE UTILITY VEHICLES, MICRO UTILITY TRUCKS, AND GOLF CARTS ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF NEODESHA; PROHIBITING THE OPERATION OF ALL-TERRAIN VEHICLES AND POCKET BIKES; PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF; AND, PROVIDING FOR THE REPEAL OF ORDINANCE 1784, OLD ARTICLE III OF CHAPTER 34, AND SECTION 114.2, 114.4 AND 114.5 OF THE STANDARD TRAFFIC ORDINANCE, AS ADOPTED BY ORDINANCE NO. 1771.

Be it Ordained by the Governing Body of the City of Neodesha, Kansas:

Section 1. Article III of Chapter 34 of the Code of Ordinances of the City of Neodesha, Kansas is hereby amended to read as follows:

ARTICLE III. – OPERATION OF SPECIAL PURPOSE VEHICLES; AND PENALTIES

Section 34-40. - DEFINITIONS.

For purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them:

- (a) **All-Terrain Vehicle** means any motorized nonhighway vehicle, other than an electric-assisted bicycle, 55 inches or less in width measured from the outside of one tire rim to the outside of the other tire rim, having a dry weight of 1,500 pounds or less, and traveling on three or more nonhighway tires.
- (b) **City** means the City of Neodesha, Kansas.
- (c) **Golf Cart** means a motor vehicle that has not less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver.
- (d) **Micro-Utility Truck** means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. Micro-utility truck does not include a work-site utility vehicle or recreational off-highway vehicle.
- (e) **Motor vehicle** means every vehicle, other than a motorized bicycle, electric-assisted bicycle or a motorized wheelchair, that is self-propelled.
- (f) **Pocket Bike** shall be defined as every device having two tandem wheels, or three wheels, which may be propelled by a gasoline engine and which the headlights are lower than 24 inches, its tailpipe is lower than 15 inches, and no vehicle identification number is located on the vehicle nor can ownership of the vehicle be registered.
- (g) **Public Highway** means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. *(continued on next page)*

- (h) **Recreational Off-Highway Vehicle** means any motor vehicle not greater than 75 inches in width measured from the outside of one tire rim to the outside of the other tire rim, having a dry weight of 3,500 pounds or less, traveling on four or more nonhighway tires.
- (i) **Special Purpose Vehicle** means golf carts, micro utility trucks, and work-site utility vehicles.
- (j) **Taxing Entity** means any division of local government created by or pursuant to state statute and operated for public purposes.
- (k) **Vehicle** means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.
- (l) **Work-Site Utility Vehicle** means any motor vehicle which is not less than 48 inches in width, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more nonhighway tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. Work-site utility vehicle does not include a micro utility truck or recreational off-highway vehicle.

Section 34-41. - OPERATION OF GOLF CARTS.

- (a) Golf carts may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city; provided, however, that no golf cart may be operated upon any public highway, street, road and alley with a posted speed limit in excess of 30 miles per hour. No golf cart shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a golf cart from crossing a federal or state highway or a street or highway with a posted speed limit greater than 30 miles per hour. No golf cart may be operated upon 8th Street, from Main Street to Granby Street except when crossing at an intersection.
- (b) No golf cart shall be operated on any public highway, street, road or alley between sunset and sunrise, unless equipped with:
 - 1. Lights as required for motorcycles by Sections 183 through 188 of the 2022 Standard Traffic Ordinance, and amendments thereto; and
 - 2. A properly mounted slow-moving vehicle emblem as required by K.S.A. 8-1717, and amendments thereto.
- (c) Every person operating a golf cart on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

Section 34-42. - OPERATION OF MICRO-UTILITY TRUCKS.

- (a) Micro utility trucks may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.
- (b) No micro utility truck shall be operated on any public highway, street, road or alley, unless such truck complies with the equipment requirements under Article 17 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto. No micro utility truck shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a micro utility truck from crossing a federal or state highway. No micro-utility truck may be operated upon 8th Street, from Main Street to Granby Street except when crossing at an intersection.
- (c) Every person operating a micro utility truck on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

Section 34-43. - OPERATION OF WORK-SITE UTILITY VEHICLES.

- (a) Work-site utility vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.
- (b) No work-site utility vehicle shall be operated on any public highway, street, road or alley before sunrise or after sunset unless such vehicle is equipped with lights as required by law for motorcycles. No work-site utility vehicle shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a work-site utility vehicle from crossing a federal or state highway. No work-site utility vehicle may be operated upon 8th Street, from Main Street to Granby Street except when crossing at an intersection.
- (c) Every person operating a work-site utility vehicle on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

Section 34-44. – PROHIBITION OF OPERATION OF ALL-TERRAIN VEHICLES, AND POCKET BIKES.

The operation of all-terrain vehicles and pocket bikes on the streets, roads and alleys within the corporate limits of the City of Neodesha, Kansas is prohibited.

Section 34-45. – DISPLAY OF SLOW-MOVING VEHICLE EMBLEM.

- (a) It shall be illegal to operate a special purpose vehicle on any public highway, street, road or alley within the corporate limits of the City unless such vehicle displays a slow-moving vehicle emblem on the rear of the vehicle.
- (b) For the purpose of this section, slow moving vehicle emblem has the same meaning as contained in K.S.A. 8-1717, and amendments thereto.
- (c) The slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.

Section 34-46. – SAME; AGE RESTRICTION; VALID DRIVER’S LICENSE REQUIRED; PENALTY.

No person under the age of 16 years old shall operate a special purpose vehicle on any public highway, street, road or alley within the corporate limits of the City of Neodesha. No person shall operate a special purpose vehicle on any public highway, street, road or alley within the corporate limits of the City of Neodesha unless such person has a valid driver’s license. Violation of this section is punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment.

Section 34-47. – SAME; INSURANCE REQUIRED; PENALTY.

- (a) When operated upon the public highways, streets, roads and alleys within the corporate limits of the city every owner of a special purpose vehicle shall provide liability coverage in accordance with Section 200 of the 2022 Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, et seq., and amendments thereto.
- (b) All provisions of Section 200 of the 2022 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect, including penalty provisions, shall be applicable to all owners and operators of special purpose vehicles.

Section 34-48. – SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY.

- (a) Before operating any special purpose vehicle on any public highway, street, road or alley within the corporate limits of the city and each calendar year thereafter, the vehicle shall be registered with the city and a license shall be obtained and placed on the special purpose vehicle. The license fee shall be as established in Section 16-34, payable in advance to the City Clerk, Neodesha, Kansas. The full amount of the license fee shall be required regardless of the time of year that the application is made.
- (b) Application for registration of a special purpose vehicle shall be made by the owner, or owner’s agent, in the office of the Chief of Police. The application shall be made upon forms provided by the City and each application shall contain the name of the owner, the owner’s residence address, or bona fide place of business, a brief description of the vehicle to be registered (including make, model and serial number, if applicable). Proof of insurance, as required in Section 34-47 shall be furnished at the time of application for registration.
- (c) Prior to the issuance of the registration and license, each applicant for special purpose vehicle license shall first present such vehicle for an official inspection. The inspection shall verify that the special purpose vehicle has sufficient brakes, and has been equipped with head lights, tail and brake lights, turn signal equipment, rear view mirror, and a slow-moving vehicle sign emplaced on the rear of the vehicle.
- (d) If, upon inspection and completion of the registration application, such vehicle is found to be in safe mechanical condition, and upon establishing proof of insurance and payment of the fees herein provided, a license shall be issued to the owner who shall attach it to the vehicle. The license shall be displayed in such a manner as to be clearly visible from the rear of the vehicle. The license number on the application will be recorded and then filed in the police department.
- (e) The license issued hereunder is not transferrable. In the event of sale or other transfer of ownership of any special purpose vehicle licensed under the provisions of this section, the existing license and the right to use the numbered license shall expire, and the license shall be removed by the owner. It is unlawful for any

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- (f) person other than the person to whom the license was originally issued to have the same in his possession.
- (g) In the event a license is lost or destroyed, the City Clerk, upon proper showing by the licensee and the payment as established in Section 16-34, shall issue a new license in accordance with the provisions of this section.
- (h) It shall be unlawful for any person to:
 - 1. Operate, or for the owner thereof knowingly to permit the operation, upon a public street, road, highway, or alley within the corporate limits of the city any special purpose vehicle, as defined herein, which is not registered and which does not have attached thereto and displayed thereon the license assigned thereto by the City for the current registration year.
 - 2. Display, cause or permit to be displayed, or to have in possession, any registration receipt, registration license or registration decal that is fictitious or has been canceled, revoked, suspended or altered. A violation of this subsection (2) shall constitute an unclassified misdemeanor punishable by a fine of not less than \$100 and forfeiture of the item. A mandatory court appearance shall be required of any person violating this subsection.
 - 3. Lend to or knowingly permit the use by one not entitled thereto any registration receipt, registration license plate or registration decal issued to the person so lending or permitting the use thereof.
 - 4. Remove, conceal, alter, mark or deface the license number plate, plates or decals, or any other mark of identification upon any special purpose vehicle. Licenses shall be kept clean and placed as required by law so as to be plainly visible and legible.
 - 5. Carry or display a registered number plate or plates or registration decal upon any special purpose vehicle not lawfully issued for such vehicle.

Section 34-49. – SAME; PENALTY.

Unless specifically provided for herein, a violation of this Ordinance shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 201, 2022 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

Section 34-50. – REVOCATION OF PERMIT.

If the owner/operator of a special purpose vehicle is convicted of two (2) violations under this article in any twelve (12) month period, the permit to operate a special purpose vehicle shall be revoked for the remainder of the calendar year following the second conviction.

Section 34-51. – EXEMPTIONS.

- (a) Special purpose vehicles which are owned or leased by the City or other governmental taxing entities that are being operated for the purpose of public safety, maintaining parks, roads, right of ways or for other specific purpose as required in the performance of a job are exempt from the fee requirement in Section 34-48.
- (b) Special purpose vehicles operated in conjunction with a public event involving closed streets (i.e., parades, carnivals, festivals, etc.) can be made exempt from the restrictions of Section 34-48 with approval from the City Commission.
- (c) In support of police and fire emergency operations, the Chief of Police shall have the authority to authorize the use of any Special Purpose Vehicles, and the Registration and Licensing requirement in Section 34-48 shall be waived.

Section 2. REPEALER. Ordinance 1784, and Section 114.2, 114.4 and 114.5 of the Standard Traffic Ordinance, as adopted by Ordinance No. 1771, and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. 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 1786 as presented with Mayor Johnson voting aye and Commissioner Vail-Keller voting nay. Motion passed 2 -1.

Commissioner Moffatt moved to convene as the Neodesha Land Bank Board to discuss the purchase of property at 501 W Main Street. Seconded by Commissioner Vail-Keller. Motion carried

Commissioner Moffatt moved to approve the purchase of the property located at 501 W Main Street at a cost of \$500. Seconded by Commissioner Vail-Keller. Motion carried.

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

Assistant to the City Administrator Chris Bauman addressed the Commission regarding the resignation of City Treasurer Mike Tigner.

Commissioner Moffatt moved to accept the resignation of Mike Tigner as City Treasurer. Seconded by Commissioner Vail-Keller. Motion carried. The City of Neodesha would like to whole-heartedly thank Mike for his 39 years of dedicated service to the City.

Assistant to the City Administrator Chris Bauman addressed the Commission regarding the consideration of appointing an Interim City Treasurer. Discussion held.

Commissioner Moffatt moved to appoint Anita Buchanan as the Interim City Treasurer. Seconded by Commissioner Vail-Keller. Motion carried.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, July 26, 2023 at 2:00 p.m.

At 2:30 p.m. Commissioner Moffatt moved to adjourn. Seconded by Commissioner Vail-Keller. Motion carried.

ATTEST:

/s/ Devin Johnson

Devin Johnson, Mayor

/s/ Stephanie Fyfe

Stephanie Fyfe, City Clerk