

The Board of Commissioners met in regular session at 2:00 p.m., on Wednesday, August 23, 2023, in the Commission Room at City Hall conducting the meeting by live streaming with Zoom with Mayor Johnson presiding and Commissioners Moffatt and Vail-Keller present.

Commissioner Moffatt moved to approve the agenda as presented with the addition of Business Item 4G: Approve Republication of Notice of Public Hearing: 2024 Budget; 4H: Approve Republication of Notice of Hearing to Exceed Revenue Neutral Rate; 4I: Approve Notice of Revenue Neutral Rate Intent; and 4M: Accept Resignation of Public Works Employee. Seconded by Commissioner Vail-Keller. Motion carried.

Commission reports were heard.

City Administrator reports were heard.

Community Development Director reports were heard.

Public Comments were invited and heard.

Commissioner Vail-Keller moved to approve the consent agenda as presented consisting of minutes from the August 9, 2023 meeting; minutes from the August 14, 2023 Special Call Meeting; and Appropriation (2023) 15. Seconded by Commissioner Moffatt. Motion carried.

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

This being the time and date published in the official newspaper for the hearing on the Dangerous Structures located at 611 Church Street, the public hearing was opened. Public comments were heard and considered; the hearing was then closed.

#### **RESOLUTION NO. 23-19**

**A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 611 Church Street, LEGAL DESCRIPTION: West 75' of North 100' of Lot 33 and further described as Beginning at the NW corner of Lot 33 then running South 100', East 75', North 100' and West 75' to point of beginning Resurvey of Ford's Subdivision, City of Neodesha, 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 20<sup>th</sup> day of April, 2023 file with the governing body of said City a statement in writing that a certain structure, hereinafter described, was unsafe and dangerous; and

**WHEREAS**, the governing body did by Resolution dated the 28<sup>th</sup> day of June, 2023, 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 13<sup>th</sup> day of July, 2023, and on the 20<sup>th</sup> day of July, 2023, and a copy of such Resolution was served on all persons entitled thereto in all respects as provided by law; and

**WHEREAS**, on this 23<sup>rd</sup> day of August, 2023, 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 is unsafe and dangerous and hereby directs such structure located at **611 Church Street, LEGAL DESCRIPTION: West 75' of North 100' of Lot 33 and further described as Beginning at the NW corner of Lot 33 then running South 100', East 75', North 100' and West 75' to point of beginning Resurvey of Ford's Subdivision, City of Neodesha**, to be repaired or 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 repair or 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 repaired or razed and removed and the costs of such repair, 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 Moffatt moved to adopt Resolution 23-19 declaring the property located at 611 Church Street as unsafe or dangerous, and allow the property owner 30 days to repair or remove the structures and make the property safe and secure. Seconded by Commissioner Vail-Keller. Motion carried.

This being the time and date published in the official newspaper for the hearing on the Dangerous Structures located at 1316 N 4<sup>th</sup> Street, the public hearing was opened. Public comments were heard and considered; the hearing was then closed.

#### **RESOLUTION NO. 23-20**

**A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 1316 N 4<sup>th</sup> Street, on LEGAL DESCRIPTION: Lots 8 and 9, Block 3, E.M. Cooper's Addition, 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 10<sup>th</sup> day of May, 2023 file with the governing body of said City a statement in writing that a certain structure, hereinafter described, was unsafe and dangerous; and

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**WHEREAS**, the governing body did by Resolution dated the 28<sup>th</sup> day of June, 2023, 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 13<sup>th</sup> day of July, 2023, and on the 20<sup>th</sup> day of July, 2023, and a copy of such Resolution was served on all persons entitled thereto in all respects as provided by law; and

**WHEREAS**, on this 23<sup>rd</sup> day of August, 2023, 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 is unsafe and dangerous and hereby directs such structure located at *1316 N 4<sup>th</sup>* on **LEGAL DESCRIPTION: Lots 8 and 9, Block 3, E.M. Cooper's Addition, City of Neodesha, Wilson County, Kansas**, to be repaired or 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 repair or 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 repaired or razed and removed and the costs of such repair, 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 Vail-Keller moved to adopt Resolution 23-20 declaring the property located at 1316 N 4<sup>th</sup> Street as unsafe or 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 a resolution in support of the Blue Cross Blue Shield, Pathways to a Healthy Kansas grant for playground equipment at Crowder Park. Discussion held.

#### **RESOLUTION NO. 23-21**

**A RESOLUTION OF THE CITY OF NEODESHA, KANSAS, SUPPORTING IMPROVEMENTS TO CROWDER PARK;**

**WHEREAS**, the City of Neodesha, Kansas, owns, operates and maintains Crowder Park, located at 1<sup>st</sup> Street and Ohio Street, to provide residents opportunities to be physically active and participate in community activities; and

**WHEREAS**, the City of Neodesha, Kansas, desires to apply for funding for a Placemaking project to make improvements at Crowder Park from *Pathways to a Healthy Kansas (Pathways)*, a Blue Cross and Blue Shield of Kansas (BCBSKS) initiative in partnership with Live Long, Stay Strong Wilson County; and

**WHEREAS**, the City of Neodesha hereby affirms its commitment to providing greater access to healthy living options for community members, that its involvement with the *Pathways* initiative helps to establish strong community norms for healthier living, and that it is willing to learn more about making healthy environment and health policy changes to help community members live a longer and better quality of life; and

**WHEREAS**, the City of Neodesha acknowledges that it plays an integral role in creating opportunities for community members to be physically active and provide opportunities for community members to come together in public spaces; and

**WHEREAS**, Crowder Park is a key community resource used by families with children, aged citizens, and other residents for outdoor activities, physical activity, and community events; and

**WHEREAS**, due to budget constraints, the facilities at Crowder Park are outdated and need to be replaced and/or repaired; and

**WHEREAS**, the *Pathways* initiative is structured in terms of "community pathways" that are designed to help the coalition take a holistic, community-wide approach to improving health outcomes by addressing the social determinants of health, including community-based Placemaking projects; and

**WHEREAS**, the *Pathways* initiative defines Placemaking as the shaping of a place by creatively applying arts, culture, and social context to jump-start economic development, promote community pride and morale, and encourage people to be physically active; and

**WHEREAS**, *Pathways* requires an emphasis and targeted benefits for "populations of focus" outlined by BCBSKS as part of Placemaking efforts supported by a *Pathways* implementation grant; and

**WHEREAS**, the residential area surrounding Crowder Park is a low resourced neighborhood, including older and abandoned homes and several vacant property sites; and

**WHEREAS**, Stay Strong, Live Long Wilson County Coalition surveyed residents living close to Crowder Park to identify and prioritize improvements for Crowder Park; and

**WHEREAS**, the results of this input show strong support for the installation of playground equipment for children, swings, and a slide in Crowder Park; and

**WHEREAS**, the City of Neodesha is seeking funding through a *Pathways* implementation grant to provide these improved facilities at Crowder Park; and

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**WHEREAS**, the anticipated cost of these improvements is approximately \$62,726.71 (See attached budget); and  
**WHEREAS**, the City of Neodesha is seeking a *Pathways* implementation grant in the amount of \$48,850 for the costs of the Park improvements; and

**WHEREAS**, the City of Neodesha will provide any funding needed to pay for costs for the improvements to Crowder Park beyond the \$48,850 *Pathways* implementation grant and also provide in-kind labor, project oversight, and maintenance for the Park improvements; and

**WHEREAS**, if Stay Strong, Live Long Wilson County Coalition has additional available implementation funds of up to \$1,150 for the City of Neodesha Placemaking initiative in Crowder Park, the City will work with the Coalition to ensure that these funds are used to support the Placemaking effort; and

**WHEREAS**, the Governing Body of the City of Neodesha, Kansas, supports the submission of a *Pathways* implementation grant application by the City Administrator.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS:**

**SECTION 1.** The Governing Body of the City of Neodesha, Kansas, does hereby authorize Ed Truelove, City Administrator, to apply for implementation grant funding from the *Pathways* initiative to fund a Placemaking initiative at Crowder Park on behalf of the citizens of Neodesha, Kansas.

**SECTION 2.** The Governing Body of the City of Neodesha, Kansas hereby establishes a Placemaking Policy in relation to *Pathways* funds and commits to:

1. Apply for *Pathways* implementation funds, not to exceed \$48,850 to fund Crowder Park improvements as detailed, above;
2. Provide funding needed to pay for costs for the improvements to Crowder Park beyond the \$48,850 *Pathways* implementation grant and provide in-kind labor, project oversight, and maintenance for the Park improvements;
3. Promote the new amenities at Crowder Park to encourage active living and community pride;
4. Develop a written policy that Crowder Park is a commercial tobacco-free place, and install signage to promote the space being commercial tobacco free, including vaping;
5. Recognize financial contributions provided by Blue Cross and Blue Shield of Kansas through *Pathways to a Healthy Kansas* initiative and acknowledge this financial contribution in signage, social media, written documentation, or other forms of communication regarding the activities;
6. Maintain new or improved local facilities paid for with *Pathways* funds for at least five years after installation;
7. Use the hashtag #BCBSKSPathways in social media promotion relating to this effort; and
8. Complete an Impact Report one year after grant funding is approved to share your impact, successes, challenges and other lessons learned so that BCBSKS continues to improve its work with and support communities throughout the state. The report request will be sent via email and can be completed by logging in to the BCBS portal.

Commissioner Moffatt moved to adopt Resolution 23-21 as presented. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Truelove addressed the Commission regarding the republication of Notice of Public Hearing for the 2024 Budget. Discussion held.

Commissioner Vail-Keller moved to approve republication of the Notice of Hearing, and set the 2024 budget public hearing for September 13, 2023, at 2:00 p.m. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the republication of Notice of Hearing to Exceed Revenue Neutral Rate. Discussion held.

Commissioner Moffatt moved to approve the republication of the Notice of Hearing to Exceed the Revenue Neutral Rate as presented. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Truelove addressed the Commission regarding the reapproval of the Notice of Revenue Neutral Rate Intent. Discussion held.

Commissioner Vail-Keller moved to approve the Notice of Revenue Neutral Rate Intent as presented. Seconded by Commissioner Moffatt. Motion carried.

Commissioner Vail-Keller moved to convene as the Neodesha Land Bank Board to discuss the donation of property at 920 Grant Street. Seconded by Commissioner Moffatt. Motion carried.

Commissioner Moffatt moved to approve the donation of property located at 920 Grant Street to USD 461. Seconded by Commissioner Vail-Keller. Motion carried.

Commissioner Vail-Keller 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 required repairs to a fire truck. The repair was conducted under the emergency clause of the City's Procurement Policy. Discussion held.

Commissioner Moffatt moved to approve the fire truck repairs by Emergency Apparatus Maintenance, at a cost of \$8,045.12. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Truelove addressed the Commission regarding setting a time and date for a Special Call Commission Meeting to consider an agreement for interim City Administrator. Discussion held.

Commissioner Vail-Keller moved to set a Special Call Commission Meeting for August 28, 2023 at 12:00 p.m., at City Hall. Seconded by Commissioner Moffatt. Motion carried.

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

Commissioner Moffatt moved to accept Tret Bailey's resignation, effective September 8, 2023. Seconded by Commissioner Vail-Keller. Motion carried.

Commissioner Vail-Keller moved to recess to an Executive Session to include the Governing Body, City Administrator, City Clerk, and Fire and Police Chiefs 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 4:20 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 4:07 p.m. Fire Chief Fyfe and Police Chief Tomlinson exited the Executive Session and Electric Superintendent Brandon Hearn joined the Executive Session.

At 4:20 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.

Commissioner Moffatt moved to terminate Drew Rising effective immediately. Seconded by Commissioner Vail-Keller. Motion carried.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, September 13, 2023 at 2:00 p.m.

At 4:23 p.m. Commissioner Vail-Keller moved to adjourn. Seconded by Commissioner Moffatt. Motion carried.

ATTEST: /s/ Devin Johnson  
Devin Johnson, Mayor

/s/ Stephanie Fyfe  
Stephanie Fyfe, City Clerk