

Neodesha, Kansas
December 28, 2023

The Board of Commissioners met in regular session at 2:00 p.m., on Thursday, December 28, 2023, in the Commission Room at City Hall conducting the meeting by live streaming with Zoom with Commissioner Moffatt presiding and Commissioner Vail-Keller present. Mayor Devin Johnson and Assistant City Clerk Rhonda Howell were absent from the meeting.

Commissioner Vail-Keller moved to approve the agenda as presented with the addition of Item 6: Executive Session: Non-elected Personnel. Seconded by Commissioner Moffatt. Motion carried.

Commission reports were heard.

Interim Administrator reports were heard.

Community Development Director reports were heard.

Commissioner Vail-Keller moved to approve the consent agenda as presented consisting of minutes from the December 13, 2023 meeting; Appropriation (2023) 22; and Raw Water Bond Appropriation 103. Seconded by Commissioner Moffatt. Motion carried.

Public Comments were invited and heard.

Interim Administrator McAnarney addressed the Commission regarding a resolution designating the boundary of the City of Neodesha; repealing Resolution 15-22. Discussion held.

RESOLUTION NO. 23-26

A RESOLUTION OF THE CITY OF NEODESHA, KANSAS ESTABLISHING AND DEFINING THE CITY LIMITS AND BOUNDARIES OF THE CITY OF NEODESHA, KANSAS; REPEALING RESOLUTION 15-22.

BE IT RESOLVED by the Governing Body of the City of Neodesha, Kansas:

Section 1. That the following parcels, pieces and tracts of land be and they are hereby included and brought within the Corporate Limits of the City of Neodesha, Kansas. That hereafter and until altered and changed in accordance with the law, the City Limits and the entire boundaries of the City of Neodesha, Kansas are hereby defined, ordained and determined to be as follows:

Beginning at the Southwest corner of Section 20, Township 30 South, Range 16 East of the Sixth P.M. in Neodesha, Wilson County, Kansas; thence East along the South line of said Section 20 1705 feet, more or less, to the center line of Seventh Street; thence South 450 feet, more or less, to the North line of the former St. Louis and San Francisco Railroad right of way; thence Southeasterly along said right of way 1160 feet, more or less, to a point where the East line of Fourth Street extended would intersect with said right of way; thence North along said extended East line of Fourth Street to a point 40 feet South of the Southwest corner of Block 1, William Johnson Addition; thence East 160 feet to a point 40 feet South of the Southeast corner of said Block 1; thence North along the East line of said Block 1, 790 feet, more or less, to the South line of said Section 20; thence East along said South Section line 326 feet, more or less, to the Northwest corner of the East Half of the West Half of the Northeast Quarter of Section 29, Township 30 South, Range 16 East, said corner being the Northwest corner of William Johnson's Riverside; thence South along the West line of said William Johnson's Riverside Addition 333 feet, more or less, to the Southwest corner of said addition; thence East 930 feet, more or less, to the centerline of the Verdigris River; thence along the centerline of the Verdigris River 627 feet, more or less, to the North edge of the Mill Street bridge; thence in a Northwesterly direction 95 feet, more or less, to a point on the North line of Mill Street, which is 200 feet East of the Southeast corner of Block 75, A.C. Sperry's Subdivision; thence North 370 feet to the North line of Ohio Street extended; thence West 405 feet; thence North 335 feet to the center line of Wisconsin Street extended; thence West 75 feet on said extended center line of Wisconsin Street to a point being 25 feet East of the East line of the West Half of the Southeast Quarter of Section 20, Township 30 South, Range 16 East; thence North 415 feet to the North line of Main Street extended; thence West 25 feet to the Southeast corner of Block 40 in said City of Neodesha; thence North 158 feet to the Northeast corner of Block 40 in said City of Neodesha; thence in a Northwesterly direction along the Northeast line of said City of Neodesha 1647 feet, more or less, to a point where said line intersects the Quarter section line running East and West through the center of Section 20; thence Northwesterly along the West right of way line of 4th Street to the East line of the Northwest Quarter of Section 20, Township 30 South, Range 16 East; thence North along said section line to the Southeast corner of the Northlawn Addition and the centerline of Tank Street; thence East along the centerline of Tank Street extended 544.5 feet, more or less; thence North 260.6 feet, more or less; thence West to Southeast corner of Lot 10, Block 8, Cooper's Addition; thence North along the East line of said addition to the South line of Granby Avenue; thence East along said South line 1201.9 feet, more or less; thence South 420 feet, more or less; thence East 297 feet, more or less; thence North 463 feet, more or less to the North line of Granby Avenue; thence East along the North line of Granby Avenue 154 feet, more or less to a point being 460 feet West of the Northeast

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corner of the Southeast Quarter Section 17, Township 30 South, Range 16 East; thence North to the South line of Oak Street; thence West 254 feet, more or less to a point on the extended East line of Block 1, Deer and Park's Subdivision to City of Neodesha; thence North along said East line to the Northeast corner of Block 1 of said subdivision; thence West to the Northeast corner of Block 1, Vivian Deer's Subdivision; thence North 40 feet to the North line of Fir Street; thence West along said north line to the Southwest corner of Block 7, Deer and Park's Subdivision; thence North 375 feet along the West line of said Block 7 to the Southeast corner of Block 8, Deer and Park's Subdivision; thence West 490 feet along the South line of said Block 8 to the Southwest corner of Block 8; thence South 20 feet; thence West 638 feet, more or less to the East line of the Northwest Quarter of Section 17, Township 30 South, Range 16 East; thence North along said East line of said Northwest Quarter to a point 10 feet East of the Southeast corner of Timber Ridge Estates; thence West 10 feet to the Southeast Corner of Timber Ridge Estates; thence North along said East line of Timber Ridge Estates 646.99 feet to the Northeast corner of Timber Ridge Estates; thence Westerly 669.39 feet along the North line of Timber Ridge Estates, to the Northwest corner of Timber Ridge Estates; thence South along the West line of Timber Ridge Estates, 643.04 feet to the Southwest corner of Timber Ridge Estates; thence West 153.75 feet; thence North 90.75 feet; thence West to the West line of Seventh Street; thence South to the South line of Spruce Street and the Northeast corner of Lot 1, Park's Subdivision; thence West 163 feet to the Northwest corner of Lot 1, Park's Subdivision; thence South 10 feet to the South line of Spruce Street; thence West along the South line of Spruce Street to the West line of the former Missouri Pacific Railroad right of way; thence Northeasterly along said right of way of the former Missouri Pacific Railroad to the Northeast corner of the Neodesha Cemetery; thence Northwest along the north line of the Neodesha Cemetery to the Northwest corner of Section 17, Township 30 South, Range 16 East; thence West on the North line of the Northeast Quarter of Section 18, Township 30 South, Range 16 East 363 feet, more or less to the Northwest corner of the Catholic Cemetery; thence South to the Southwest corner of the Neodesha Cemetery; thence East 363 feet, more or less to the East line of said quarter section; thence South on the East line of said quarter section to the South line of Spruce Street; thence East to the East right of way line of the former Missouri Pacific Railway; thence Southwesterly along said right of way to the extended North line of Block 6, John Deer's Ninth Street Subdivision; thence East to the Northwest corner of Block 6, John Deer's Ninth Street Subdivision; thence South along said subdivision 674.24 feet to the Southwest corner of Block 5 of said subdivision; thence West to the East line of the former Missouri Pacific Railroad right of way; thence South along said right of way to the South line of Idaho Street; thence West 81 feet to West line of the former Missouri Pacific Railroad right of way; thence South along said right of way to the north right of way line of US 75 Highway; thence West along said right of way to the West line of Water Plant Road; thence North along said West line 585 feet, more or less; thence west 150 feet; thence south 175 feet; thence Southwesterly to the centerline of the Fall River; thence Westerly along the centerline of the Fall River to the West line of the Southeast Quarter of Section 19, Township 30 South, Range 16 East; thence South along said West line to the centerline of the Fall River; thence Northwesterly along the centerline of the Fall River; thence Southwesterly continuing along the centerline of the Fall River; thence Southeasterly continuing along the centerline of the Fall River to a point on the South line of Section 19, Township 30 South, Range 16 East; thence East along the south line of said section to the Southeast corner of Section 19, Township 30 South, Range 16 East and the point of beginning.

LESS a tract of land located in a portion of the Southeast Quarter of Section 19, Township 30 South, Range 16 East of the Sixth P.M.:

Commencing at the Southeast corner of said Section 19; thence North along the East line of the Southeast Quarter of said Section 19 620 feet, more or less to a Point of Beginning; thence West 500 feet; thence North to the South Line of Wisconsin Street 300 feet; thence East along said South line 500 feet to the East line of said Southeast Quarter of Section 19; thence South along said section line 300 feet to the Point of Beginning.

And the following tracts of land are to be included in the corporate limits description of Neodesha, Wilson County, Kansas:

And, the land located in a portion of the Northeast Quarter of Section 29, and Northwest Quarter of Section 28, Township 30 South, Range 16 East of the Sixth P.M. in Neodesha, Wilson County, Kansas:

Beginning at a point on the North and South center line of Section 29, Township 30, Range 16 East, where said center line is intersected by the South right of way line of the former St. Louis San Francisco Railroad; thence South 12 feet; thence in an Easterly direction parallel with and 12 feet South from the South line of said right of way of said railroad, to a point 1146 feet East of the center line of said Section 29; thence South 338 feet, thence East to the center line of

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the Verdigris River; thence in a Southeasterly direction along the center line of said River to a point on a line 864 feet more or less North of the South line of said quarter; thence East along said line to the West line of Section 28; thence continuing East along said line to a point 20 feet West of the East line of the West Half of the Northwest Quarter of said Section 28; thence north to the South line of the former St. Louis-San Francisco Railroad right of way; thence Westerly along the South line of said railroad right of way to the point of beginning.

And, the land located in a portion of the Northeast and Southeast Quarters of Section 25, Township 30 South, Range 15 East of the Sixth P.M., in Neodesha, Wilson County, Kansas:

Commencing at the Northeast corner of the Southeast Quarter of said Section 25; Thence West to the West right of way of Ottawa Road/Old Highway 75, and the Point of Beginning; Thence South along said right of way to the North line of Varner Cemetery; thence West along the North line of said cemetery to the Northwest corner of said cemetery; thence South along the West line of said cemetery tract a distance of 66.5 feet more or less; thence West 541.5 feet more or less; thence South 110 feet more or less; thence West 298 feet more or less to the East right of way line of US Highway 400; thence North along said right of way a distance of 284 feet more or less; thence Northerly along said right of way a distance of 950 feet; thence Northerly along said right of way a distance of 806 feet more or less; thence Northerly along said right of way a distance of 874 feet more or less to the South right of way line of US Highway 75; thence Easterly along said highway right of way line 269 feet more or less; thence Northeasterly along said right of way to a point on the west right of way line of Ottawa Road/Old Highway 75, 305 feet more or less; thence Southeasterly along west right of way line of said road 336 feet more or less; thence East to the East line of the Northeast Quarter of Section 25, Township 30 South, Range 15 East; thence South along said section line to the Southeast corner of the Northeast Quarter of the Northeast Quarter of Section 25; thence West to the West line of Ottawa Road/Old Highway 75; thence South along said right of way 665 feet more or less; thence East along said right of way 5 feet; South along said right of way 657 feet, more or less, to the point of beginning.

And, also the South Half of the Southwest Quarter of Section 18, Township 30 South, Range 16 East of the Sixth P.M. in Neodesha, Wilson County, Kansas, lying West of the former St. Louis-San Francisco Railroad right of way.

And, also the South Half of the Southwest Quarter of Section 18, Township 30 South, Range 16 East of the Sixth P.M. in Neodesha, Wilson County, Kansas, lying East of the former St. Louis-San Francisco Railroad right of way.

Section 2. Resolution 15-22 is hereby repealed.

Commissioner Vail-Keller moved to adopt Resolution 23-26 as presented. Seconded by Commissioner Moffatt. Motion carried.

Interim Administrator McAnarney addressed the Commission regarding a resolution waiving the Generally Accepted Accounting Principles (GAAP) for financial statements for the year ending December 31, 2023. Discussion held.

RESOLUTION NO. 23-27

A RESOLUTION FINDING THAT FINANCIAL STATEMENTS AND REPORTS PREPARED IN CONFORMITY TO GENERALLY ACCEPTED ACCOUNTING PRINCIPLES ARE NOT RELEVANT TO THE REQUIREMENTS OF THE CASH BASIS AND BUDGET LAWS OF THE STATE AND ARE OF NO SIGNIFICANT VALUE TO THE GOVERNING BODY OR MEMBERS OF THE GENERAL PUBLIC OF THE CITY OF NEODESHA.

WHEREAS, The Governing Body of the City of Neodesha, Kansas, did on the 28th day of October, 1986, pass and approve Charter Ordinance No. 4 exempting itself from the provisions of K.S.A. 75-1120a as amended, insofar as said statutes require fixed asset records; and

WHEREAS the City of Neodesha, Kansas, has determined that the financial statements and financial reports for the year ended December 31, 2023 to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the governing body or the members of the general public of the City of Neodesha and

WHEREAS there are no revenue bond ordinances or resolutions or other ordinances or resolutions of the municipality which require financial statements and financial reports to be prepared in conformity with. K.S.A. 75-1120a(a) for the year ended December 31, 2023.

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

SECTION 1. That the Governing Body waives the requirements of K.S.A. 75-1120a(a) as they apply to the City of Neodesha for the year ended December 31, 2023.

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SECTION 2. That the Governing Body shall cause the financial statements and financial reports of the City of Neodesha to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State.

Commissioner Vail-Keller moved to adopt Resolution 23-27 as presented. Seconded by Commissioner Moffatt. Motion carried.

Interim Administrator McAnarney addressed the Commission regarding the approval of a five-year Software Service Agreement with Landis+Gyr. The current agreement is set to expire December 31, 2023. Discussion held.

Commissioner Vail-Keller moved to approve the SAAS Agreement with Landys+Gyr as presented, and to allow the Mayor to sign all necessary documents for a five-year Software Service Agreement. Seconded by Commissioner Moffatt. Motion carried.

Interim Administrator McAnarney addressed the Commission regarding board appointments that are set to expire December 31, 2023 for the Economic Development Committee; Senior Citizens Board; and the Planning & Zoning Commission. Discussion held.

Commissioner Vail-Keller moved to reappoint Drew Johnson, Francie Currie, Juanita Erickson, and Tom Hood to the Economic Development Committee for four-year terms, with a term ending date of December 31, 2027. Seconded by Commissioner Moffatt. Motion carried.

Commissioner Vail-Keller moved to reappoint Lloyd Baumwart and Mina Olson to the Senior Citizens Board for three-year terms, with a term ending date of December 31, 2026. Seconded by Commissioner Moffatt. Motion carried.

Commissioner Vail-Keller moved to reappoint Thomas Church to the Planning & Zoning Commission for a three-year term, with a term ending date of December 31, 2026. Seconded by Commissioner Moffatt. Motion carried.

Commissioner Vail-Keller moved to recess to an Executive Session to include the Governing Body, Interim City Administrator, Police Chief, and the 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 2:25 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 2:25 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.

Commissioner Vail-Keller moved to accept the resignation of Officer Byron McDonald effective immediately. Seconded by Commissioner Moffatt. Motion carried.

The next regular meeting of the Governing Body will be held at City Hall on Monday, January 8, 2023 at 2:00 p.m.

At 2:32 p.m. Commissioner Vail-Keller moved to adjourn. Seconded by Commissioner Moffatt. Motion carried.

ATTEST:

/s/ JD Moffatt

JD Moffatt, Commissioner

/s/ Stephanie Fyfe

Stephanie Fyfe, City Clerk