

July 10, 2024

The Board of Commissioners met in regular session at 2:00 p.m., on Wednesday, July 10, 2024, in the Commission Room at City Hall conducting the meeting by live streaming with Zoom with Mayor Johnson presiding and Commissioners Banzet and Vail-Keller present.

Commissioner Vail-Keller moved to approve the agenda as presented with the addition of Business Items 4G: Discuss 922 N 8<sup>th</sup> Street; and 4N: Consider Moving Date and/or Time of July 24<sup>th</sup> Commission Meeting. Seconded by Commissioner Banzet. Motion carried.

Civic organization reports were invited and heard.

Public comments were invited and heard.

Commissioner Banzet moved to approve the consent agenda as presented consisting of minutes from the June 26, 2024 meeting; minutes from the July 1, 2024 Special Call Meeting; and Appropriation (2024) 12. 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 1008 Tank, the public hearing was opened. Building Inspector Tommy John informed the Commission that the property was demolished by the homeowner therefore is now in compliance. The hearing was then closed. No action taken.

This being the time and date published in the official newspaper for the hearing on the Dangerous Structures located at 1007 Seward, the public hearing was opened. Owner Stan Reynolds was in attendance to visit with the Commission regarding this property. Discussion held. The hearing was then closed.

#### **RESOLUTION NO. 24-14**

**A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 1007 Seward, LEGAL DESCRIPTION: LOTS 3 & 4, BLOCK 2, BLAKESLEE'S 2<sup>ND</sup> ADDITION, 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 1st day of February, 2024 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 8th day of May, 2024, 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 30<sup>th</sup> day of May, 2024, and on the 6<sup>th</sup> day of June, 2024, and a copy of such Resolution was served on all persons entitled thereto in all respects as provided by law; and

**WHEREAS**, on this 10<sup>th</sup> day of July, 2024, 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 1007 Seward, LEGAL DESCRIPTION: LOTS 3 & 4, BLOCK 2, BLAKESLEE'S 2<sup>ND</sup> ADDITION, CITY OF NEODESHA**, to be repaired or removed and the premises made safe and secure. The owner of such structure is hereby given *120 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 approve Resolution 24-14 declaring the property located at 1007 Seward Street as unsafe or dangerous, and allow the property owner 120 days to repair or remove the structures and make the property safe and secure. Seconded by Commissioner Banzet. Motion carried.

This being the time and date published in the official newspaper for the hearing on the Dangerous Structures located at 1024 Seward, the public hearing was opened. Owner Anthony Garcia was at the June 26, 2024 Meeting to inform the Commission of his intent with the property and that he would be out of town for the public hearing. Discussion held. The hearing was then closed.

Commissioner Vail-Keller moved to table this item until the September 25, 2024 meeting. Seconded by Commissioner Banzet. Motion carried.

Administrator Jones addressed the Commission regarding a resolution to set a public hearing on the dangerous structures located at 127 Mill. The owner's aunt, Alvina Ostrander, was in attendance for the discussion.

#### **RESOLUTION NO. 24-15**

**A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS AT WHICH TIME THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF THE STRUCTURE LOCATED AT 127 Mill Street, Neodesha KS 66757; LEGAL DESCRIPTION: Beginning 250 feet East of the NW corner of that part of Block 75, City of Neodesha, that part**

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**of the block of South Mill Street, thence East 75 feet, thence South to the South side of the block, thence West 75 feet, thence North to point of beginning. MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS AN UNSAFE OR DANGEROUS STRUCTURE.**

**WHEREAS**, Brogan Jones, the Enforcement Officer of the City of Neodesha, did on the 24th day of June, 2024, file with the Governing Body of said City a statement in writing that certain unoccupied structures hereinafter described are unsafe and dangerous;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing body of the City of Neodesha that a hearing will be held on the 23<sup>rd</sup> day of October, 2024, before the Governing Body of the City at 2:00 p.m. in the Commission Room of City Hall, 1407 N. 8<sup>th</sup>; at which time the owner, his agent, any lien holder of record and any occupant of the structure located at **127 Mill Street, Neodesha KS 66757** may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure and ordered repaired or demolished.

**BE IT FURTHER RESOLVED** that the City Clerk shall cause this Resolution to be published two consecutive times and shall give notice of the aforesaid hearing in the manner provided by law.

Commissioner Banzet moved to approve Resolution 24-15 setting a public hearing for October 23, 2024 as presented for the property located at 127 Mill Street. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Jones addressed the Commission regarding the approval of the Letter of Engagement with Jarred, Gilmore & Phillips PA for the completion of the 2024 Audit. Discussion held.

Commissioner Vail-Keller moved to approve the engagement letter with Jarred, Gilmore & Phillips PA, for the completion of the 2024 Audit in an amount not to exceed \$12,300. Seconded by Commissioner Banzet. Motion carried.

Administrator Jones addressed the Commission regarding the continued participation in the National Opioid Settlement cases. The new settlement involves Kroger. Discussion held.

Commissioner Banzet moved to approve the City of Neodesha participation in the new National Opioid Settlement, and authorize the City Administrator to sign. Seconded by Commissioner Vail-Keller. Motion carried.

The Governing Body welcomed Clayton Wheeler; homeowner of Immediate Hazard property located at 922 N 8<sup>th</sup> Street. Mr. Wheeler requested an audience with the Governing Body to discuss the fate of the property. Discussion held. No action taken.

Administrator Jones addressed the Commission regarding the Notice of Award bids that were received for the Immediate Hazard property located at 922 N 8<sup>th</sup> Street. One bid was received from REcrete Designs. Discussion held.

Commissioner Vail-Keller moved to table the Notice of Award agenda item to the August 14, 2024 meeting. Seconded by Commissioner Banzet. Motion carried.

Due to the Notice of Award bid being tabled, the Notice to Proceed for the demolition of Immediate Hazard property located at 922 N 8<sup>th</sup> Street was discussed to table as well.

Commissioner Vail-Keller moved to table the Notice to Proceed agenda item to the August 14, 2024 meeting. Seconded by Commissioner Banzet. Motion carried.

Administrator Jones addressed the Commission regarding the resignation of Water Superintendent Jay Bair. Discussion held.

Commissioner Banzet moved to accept the resignation of JW Bair effective July 19, 2024. Seconded by Commissioner Vail-Keller. Motion carried. The Governing Body thanked Jay for his dedicated years of service and, along with City Staff, wished him the best with his new endeavor.

Administrator Jones along with City Clerk Stephanie Fyfe addressed the Commission regarding additional information that has come to light since the 2025 Budget Worksession held on July 1, 2024. Discussion held. No action taken.

Administrator Jones addressed the Commission regarding the approval of the publication of the Combined Notice of Public Hearing to Exceed the Revenue Neutral Rate and Budget Hearing for the 2025 Budget. Discussion held.

Commissioner Banzet moved to approve publication of the Combined Notice of Public Hearing to Exceed the Revenue Neutral Rate and Budget Hearing, setting the date for the hearing on Wednesday, August 28, 2024 at 2:00 p.m. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Jones addressed the Commission regarding the notice document required to submit to the County Clerk showing intent to exceed the Revenue Neutral Rate for the 2025 Budget. Discussion held.

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

Administrator Jones addressed the Commission regarding a request from Commissioner Vail-Keller to change the meeting date of the July 24, 2024 Commission Meeting as she would not be available to be present. Discussion held.

Commissioner Vail-Keller moved to change the next Commission Meeting, July 24, 2024, to July 22, 2024 at 4:30 p.m. Seconded by Commissioner Banzet. Motion carried.

Commission reports were heard.

City Administrator reports were heard.

Community Development Director Reports were heard.

Financial reports were distributed.

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Commissioner Banzet moved to recess to an Executive Session to include the Governing Body, City Administrator, City Clerk and Police Chief 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 4:55 p.m. Seconded by Commissioner Vail-Keller. Motion carried. The live streamed Zoom meeting was then placed on hold with audio, video and recording ceased.

At 4:55 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 Monday, July 22, 2024 at 4:30 p.m.

At 4:55 p.m. Commissioner Banzet moved to adjourn. Seconded by Commissioner Vail-Keller. Motion carried.

ATTEST:

/s/ Devin Johnson

Devin Johnson, Mayor

/s/ Stephanie Fyfe

Stephanie Fyfe, City Clerk