

The Board of Commissioners met in regular session at 2:00 p.m., on Wednesday, August 28, 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. Seconded by Commissioner Banzet. Motion carried.

Civic organization reports were invited and heard.

Commission reports were heard.

City Administrator reports were heard.

Community Development Director reports were heard.

Financial reports were distributed.

The Governing Body welcomed Dana Newland, member of the Wilson County Farm Bureau, who presented Chief Keenan Fyfe & the Neodesha Fire/EMS Department with the 2024 Friends of Agriculture Plaque of Appreciation for their continued dedication and service to the farmers, ranchers and members of the Wilson County Farm Bureau. Thank you Chief Fyfe and staff for all that you do.

Public comments were invited and heard.

Commissioner Banzet moved to approve the consent agenda as presented consisting of minutes from the August 14, 2024 meeting; Appropriation (2024) 15; and Water System Improvements Bond Appropriation 9. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Jones addressed the Commission regarding rescheduling the September 11, 2024 Commission Meeting so certain staff members can attend a meeting with Governor Kelly in Topeka. Discussion held.

Commissioner Banzet moved to reschedule the September 11, 2024 Commission Meeting to Monday, September 9, 2024 at 4:30 p.m. Seconded by Commissioner Vail-Keller. Motion carried.

This being the time and date published in the official newspaper for the 2025 Budget Intent to Exceed Revenue Neutral Rate Hearing, the public hearing was opened by Mayor Johnson. Public comments were heard and considered; the hearing was then closed.

Administrator Jones addressed the Commission regarding a resolution providing authority to exceed the revenue neutral rate for the 2025 Budget. Discussion held.

#### **RESOLUTION 24 - 20**

#### **A RESOLUTION FOR THE CITY OF NEODESHA, KANSAS TO LEVY A PROPERTY TAX RATE EXCEEDING THE REVENUE NEUTRAL RATE;**

**WHEREAS**, the Revenue Neutral Rate for the City of Neodesha, Kansas was calculated as 52.334 mills by the Wilson County Clerk; and

**WHEREAS**, the budget proposed by the Governing Body of the City of Neodesha, Kansas will require the levy of a property tax rate exceeding the Revenue Neutral Rate; and

**WHEREAS**, the Governing Body held a hearing on August 28, 2024 allowing all interested taxpayers desiring to be heard an opportunity to give oral testimony; and

**WHEREAS**, the Governing Body of the City of Neodesha, Kansas, having heard testimony, still finds it necessary to exceed the Revenue Neutral Rate.

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

The City of Neodesha, Kansas shall levy a property tax rate exceeding the Revenue Neutral Rate of 63.611 mills.

This Resolution shall take effect and be in force immediately upon its adoption and shall remain in effect until future action is taken by the Governing Body.

Commissioner Banzet moved approve Resolution 24-20 as presented setting the revenue neutral rate at 63.611 for the 2025 Budget. Roll call vote was conducted; Mayor Johnson – aye, Commissioner Banzet – aye, Commissioner Vail-Keller – aye. Motion carried.

This being the time and date published in the official newspaper for the 2024 Budget Hearing, the public hearing was opened by Mayor Johnson. Public comments were heard and considered; the hearing was then closed.

Administrator Jones addressed the Commission regarding the approval of the 2025 Budget as presented. Discussion held. Agenda item died due to a lack of a motion.

Administrator Jones addressed the Commission regarding the approval of an ordinance that incorporates by reference, the 2024 edition of the Standard Traffic Ordinance (STO). The STO is published by the League of Kansas Municipalities, and allows the City to incorporate by reference the various traffic offense codes applicable to most cities in Kansas. Discussion held.

#### **ORDINANCE NO. 1806**

**AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF NEODESHA, KANSAS, INCORPORATING BY REFERENCE THE “STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES”, EDITION OF 2024, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS, PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NO. 1788 AND ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

*(continued on next page)*

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS:**

**Section 1 STANDARD TRAFFIC ORDINANCE INCORPORATED.** There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Neodesha, Kansas that certain standard traffic ordinance known as the “Standard Traffic Ordinance for Kansas Cities”, Edition of 2024, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. One official copy of said Standard Traffic Ordinance shall be marked or stamped “Official Copy as Adopted by Ordinance No. 1806”, with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. The Police Department, Municipal Judge, and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

**Section 2 TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES:**

- a) An ordinance traffic infraction is a violation of any section of this ordinance that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118.
- b) All traffic violations which are included within this ordinance, and which are not ordinance traffic infractions as defined in subsection (a) of this section, shall be considered traffic offenses.

**Section 3 PENALTY FOR SCHEDULED FINES.** The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge established a fine in a fine schedule shall not be less than \$10 nor more than \$1,200. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has not been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$1,200.

**Section 4 MAXIMUM SPEED LIMITS.**

Section 33 of Article 7 of the Standard Traffic Ordinance for Kansas Cities, 2024 Edition, is hereby changed to read as follows:  
Section 33. Maximum Speed Limits

- a) Except when a special hazard exists that requires lower speed for compliance with Section 32, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits.
  - 1) Twenty (20) miles per hour in any business district;
  - 2) Twenty-five (25) miles per hour in any residential district;
  - 3) Twenty (20) miles per hour in school zones between the following hours during the school term on days school is in session: 7:30 a.m. to 8:30 a.m.; 11:30 a.m. to 1:00 p.m.; and 3:00 p.m. to 4:00 p.m.  
The following areas are school zones:  
Eighth Street between Iowa and Bell Streets Granby Street between Fourth and Tenth Streets Fourth Street between Oak and Elm Streets Idaho Street between Sixth and Seward Streets Tank Street between Sixth and Seward Streets Ninth Street between Iowa and Lincoln Streets Church Street between Eighth and Tenth Streets
  - 4) Thirty (30) miles per hour on that portion of U.S. Highway 75 between Third Street and the Eastern City limits.
  - 5) Forty-Five (45) miles per hour on that portion of U.S. Highway 75 from the Western City limits to 14<sup>th</sup> Street.
  - 6) Thirty (30) miles per hour on that portion of U.S. Highway 75 from 14<sup>th</sup> Street to 9<sup>th</sup> Street.
  - 7) Thirty (30) miles per hour on that portion of the West half of Fourth Street between Tank and Fifth Streets.
- b) Unless otherwise directed by a police officer, the driver of any vehicle within the City Limits shall obey the instructions of all signs and other traffic control devices placed within the City Limits by the City of Neodesha. This requirement is subject to the exceptions granted to the driver of an authorized emergency vehicle in this ordinance.

**Section 5 ORDINANCES REPEALED.** Ordinance No. 1788 and all or parts of ordinances in conflict herewith are hereby repealed.

**Section 6 EFFECTIVE DATE.** This ordinance shall be in full force and effect upon its publication in the official city newspaper.

Commissioner Vail-Keller moved to approve Ordinance 1806, adopting the 2024 Standard Traffic Ordinance as presented. Seconded by Commissioner Banzet. Motion carried.

Administrator Jones addressed the Commission regarding the approval of an ordinance that incorporates by reference the 2024 edition of the Uniform Public Offense Code (UPOC). The UPOC is published by the League of Kansas Municipalities, and allows the City to incorporate by reference the various criminal offense codes applicable to most cities in Kansas. Discussion held.

**ORDINANCE NO. 1807**

**AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF**

(continued on next page)

**NEODESHA, KANSAS, INCORPORATING BY REFERENCE THE “UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES,” EDITION OF 2024, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS, PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NO. 1789 AND ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS:**

**Section 1** **INCORPORATING UNIFORM PUBLIC OFFENSE CODE.** There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Neodesha, Kansas that certain code known as the “Uniform Public Offense Code,” Edition of 2024, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. One official copy of said Uniform Public Offense Code shall be marked or stamped “Official Copy as Adopted by Ordinance No. 1807”, with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours.

**Section 2** **SECTION 10.13 AMENDED.** Section 10.13 of Article 10 of the Uniform Public Offense Code, Edition of 2024, is hereby amended to read as follows:

10.13 **BARBED WIRE AND ELECTRIC FENCES.** It shall be unlawful for any person to construct, set up or maintain any barbed wire or above ground electric fence or enclosure within the City in any Residential Zone or Local Business Zone as shown on the Official City Zoning Map incorporated by Ordinance No. 1199.

**Section 3** **SECTION 10.29 OMITTED.** Section 10.29 of Article 10 of the Uniform Public Offense Code, Edition of 2024, Violation of a Public Health Order, is hereby omitted:

**Section 4** **ORDINANCE REPEALED.** Ordinance No. 1789 and all or parts of ordinances in conflict herewith are hereby repealed.

**Section 5** **EFFECTIVE DATE.** This ordinance shall be in full force and effect upon its publication in the official city newspaper.

Commissioner Banzet moved to approve Ordinance 1807, adopting the 2024 Uniform Public Offense Code as presented. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Jones addressed the Commission regarding an ordinance amending the Special Purpose Vehicle Ordinance. This ordinance removes the requirement of the need to display a slow-moving vehicle emblem. Discussion held.

**ORDINANCE NO. 1808**

**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 1786 AND SECTIONS 114.2, 114.3, 114.4 AND 114.5 OF THE STANDARD TRAFFIC ORDINANCE, AS ADOPTED BY ORDINANCE NO. 1806.**

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.

*(continued on next page)*

- (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.
- (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 8<sup>th</sup> 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 2024 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 8<sup>th</sup> 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 8<sup>th</sup> 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. – 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 34-46. – SAME; INSURANCE REQUIRED; PENALTY.**

*(continued on next page)*

- (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 2024 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 2024 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 34-47. – 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 34-46 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 person other than the person to whom the license was originally issued to have the same in his possession.
- (f) 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.
- (g) 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 34-48. – 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, 2024 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

**Section 34-49. – 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 34-50. – EXEMPTIONS.**

*(continued on next page)*

- (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 34-47.
- (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 34-47 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 34-47 shall be waived.

**Section 2. ORDINANCES AND PARTS OF ORDINANCES REPEALED.** Ordinance 1786, and Sections 114.2, 114.3, 114.4 and 114.5 of the Standard Traffic Ordinance, as adopted by Ordinance No. 1806, 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 Vail-Keller moved to adopt Ordinance 1808 as presented. Seconded by Commissioner Banzet. Motion carried. Administrator Jones addressed the Commissioner regarding the previously tabled ordinance on ROW Management. The ordinance is still pending review from the City Attorney. Discussion held.

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

Administrator Jones addressed the Commission regarding a resolution calling for a public hearing to show cause why the structure located at 1010 Carolina Street should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure. Discussion held.

#### **RESOLUTION NO. 24-21**

**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 1010 Carolina Street. LEGAL DESCRIPTION The East Seventy-five (75) feet of Lots Twenty-one (21), Twenty-two (22), Twenty-three (23) and Twenty-four (24), Block Three (3), Shutt's Second Addition to the City of Neodesha 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 1<sup>st</sup> day of July, 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 12<sup>th</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 **1010 Carolina** 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 Vail-Keller moved to approve Resolution 24-21, setting a public hearing date of October 12, 2024, for the property located at 1010 Carolina Street. Seconded by Commissioner Banzet. Motion carried.

Administrator Jones addressed the Commission regarding a request from Clayton Wheeler, property owner of 922 N 8<sup>th</sup>, to consider the cancellation of the weed notices invoiced from the City for mowing the property twice. Mr Wheeler was present for the discussion held.

Commissioner Vail-Keller moved to cancel the weed notice invoices on the 922 N 8<sup>th</sup> Street property. Seconded by Commissioner Banzet with Mayor Johnson voting nay. Motion passed 2 – 1.

Administrator Jones addressed the Commission regarding the Notice of Award for demolition of the Immediate Hazard property located at 922 N 8<sup>th</sup> Street. This agenda item was tabled from the August 14, 2024 meeting to allow the property owner time to demolish the property. As of today, the property is in process of being demolished. Discussion held. Agenda item died due to a lack of a motion.

Administrator Jones addressed the Commission regarding the Notice to Proceed for demolition of the Immediate Hazard property located at 922 N 8<sup>th</sup> Street. This agenda item was tabled from the August 14, 2024 meeting to allow the property owner time to demolish the property. As of today, the property is in process of being demolished. Discussion held. Agenda item died due to lack of a motion.

Administrator Jones addressed the Commission regarding new appointments to the Rankin Library Board resulting from the board restructuring from a 9-member board to a 7-member board. Discussion held.

Commissioner Banzet moved to appoint Stacy Jensen to a 4-year term expiring 04/30/2025; Janie Steele to a 4-year term

*(continued on next page)*

Neodesha, Kansas

August 28, 2024

*(continued from previous page)*

expiring 04/30/2026; Treva Scott to a 4-year term expiring 04/30/2026; Jeanne Sexton to a 4-year term expiring 04/30/2027; Pattie Bailey to a 4-year term expiring 04/30/2027; and Lewis Scott to a 4 year term expiring 04/30/2028. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Jones addressed the Commission regarding the presentation of a Certificate of Appreciation to Tracy Edwards. Tracy is “retiring” as Neodesha Splash Zone’s Pool Manager. Administrator Jones and Mayor Johnson presented Tracy with the certificate prior to the meeting. Thank you Tracy for your years of dedicated service.

Commissioner Vail-Keller moved to recess to an Executive Session to include the Governing Body, City Administrator, City Clerk and Fire/EMS Director 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 4:00 p.m. Seconded by Commissioner Banzet. Motion carried. The live streamed Zoom meeting was then placed on hold with audio, video and recording ceased.

At 4:00 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 Banzet moved to terminate Jesse Duncan effective immediately. Seconded by Commissioner Vail-Keller. Motion carried.

The next regular meeting of the Governing Body will be held at City Hall on Monday, September 9, 2024 at 4:30 p.m.

At 4:00 p.m. Commissioner Vail-Keller moved to adjourn. Seconded by Commissioner Banzet. Motion carried.

/s/ Devin Johnson

Devin Johnson, Mayor

ATTEST:

/s/ Stephanie Fyfe

Stephanie Fyfe, City Clerk