

The Board of Commissioners met in regular session at 2:00 p.m., on Wednesday, September 25, 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. Administrator Jones was absent from the meeting attending the ICMA Conference.

Commissioner Banzet moved to approve the agenda as presented. Seconded by Commissioner Vail-Keller. Motion carried.

Civic organization reports were invited and heard.

Commission reports were heard.

Community Development Director reports were heard.

Financial reports were distributed.

Commissioner Vail-Keller moved to approve the consent agenda as presented consisting of minutes from the September 9, 2024 meeting; minutes from the September 16, 2024 Special Call Meeting; and Appropriation (2024) 17. Seconded by Commissioner Banzet. Motion carried.

Mayor Johnson read a proclamation designating the week of October 6th through October 12th as Fire Prevention Week 2024. The proclamation urges all citizens of the City of Neodesha to take note of this year's theme, "Smoke Alarms: Make them Work for You". Thank you Chief Fyfe and members of the Neodesha Fire & EMS Department for your service to the community.

Asst to Administrator Chris Bauman addressed the Commission regarding an ordinance that addresses updates and fees regarding franchise agreements with the City. Discussion held.

ORDINANCE NO. 1809

CHAPTER 32, ADDING ARTICLE VI, OF THE CODE OF ORDINANCES, CITY OF NEODESHA, KANSAS IS HEREBY AMENDED; AND CHAPTER 16, AMENDING SECTION 16-32, OF THE CODE OF ORDINANCES, CITY OF NEODESHA, KANSAS IS HEREBY AMENDED:

WHEREAS, the City of Neodesha, Kansas ("City") has specifically been granted authority including K.S.A. 17-1902, to establish permitting requirements for structures or equipment in the public Right-of-Way ("ROW") and the City desires to reaffirm its intent to regulate and enforce permitting requirements for use of its ROW; and

WHEREAS, the City Commission's legislative findings include that: (a) the ROW is a unique and physically limited resource; (b) the ROW is critical to the travel and transportation of persons and property in the City; (c) the ROW is intended for public uses and must be managed and controlled consistent with that intent and can be partially occupied by facilities and public service entities to the enhancement of the health, welfare, and general economic well-being of the City and its citizens; and (d) such findings require adoption of regulations to ensure coordination of users, maximize available space, reduce maintenance and costs to the public, and facilitate entry of a maximum most efficient number of ROW users that will serve the public interest; and

WHEREAS, the City has been granted the authority to enact legislation to regulate the construction, placement, and operation of facilities within and using the ROW pursuant to its zoning powers established in K.S.A. 12-753 and additionally, pursuant to its general and specific powers established by the Kansas Constitution Art. 12, § 5, and K.S.A. 12-121; and

WHEREAS, consistent with state and federal law and the City Commission's legislative findings, the City Commission desires to enact new regulations for use of the ROW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NEODESHA, KANSAS, AS FOLLOWS:

Article 1. Chapter 32 is amended, and Article VI is enacted herein to read substantially in the form of Exhibit 1, attached hereto and incorporated herein by reference.

Article 2. Chapter 16, Section 16-32, is amended herein to read substantially in the form of Exhibit 2, attached hereto and incorporated herein by reference.

Article 3. The provisions of these ordinances are severable and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of these ordinances.

Article 4. This ordinance shall be in full force and effect from and after the date of their passage and approval. *(a complete copy of this Ordinance can be obtained and/or viewed in the City Clerk's office)*

Commissioner Banzet moved to approve Ordinance 1809 as presented. Seconded by Commissioner Vail-Keller. Motion carried.

Asst to Administrator Chris Bauman along with Building Inspector Tommy John addressed the Commission regarding an update on the dangerous structure property located at 1024 Seward. This being a discussion item only, no action was taken.

Asst to Administrator Chris Bauman addressed the Commission regarding a packet from KDOT to award the bid for the Safe Routes to School project. Discussion held.

Commissioner Banzet moved to approve the KDOT submitted bid to Heck & Wicker in the amount of \$634,554 and to allow the Mayor and/or City Administrator to sign the documents, and to further approve the City to match funding in an amount of \$151,000 due and payable by November 7, 2024 for the Safe Routes to School Project. Seconded by Commissioner Vail-Keller. Motion carried.

Asst to Administrator Chris Bauman addressed the Commission regarding a request from First Step Builders to reallocate State funds for the unsold properties on McCartney Lane. Discussion held.

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Commissioner Vail-Keller moved to approve the request from First Step Builders to use the Moderate Income Housing grant funds for Heritage Estates for principal reduction payments for the existing construction loans for the homes. Seconded by Commissioner Banzet. Motion carried.

Asst to Administrator Chris Bauman addressed the Commission regarding a request for reimbursement from Rankin Library for the installation of an A/C unit from Reynolds Plumbing, Heating & Electric. Discussion held.

Commissioner Banzet moved to approve the reimbursement to Rankin Library for the installation of an A/C unit from Reynolds Plumbing, Heating & Electric, in an amount not to exceed \$12,613.10. Seconded by Commissioner Vail-Keller. Motion carried.

Commissioner Vail-Keller moved to recess to an Executive Session to include the Governing Body, City Clerk and Public Works 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 2:40 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 2:40 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 accept the resignation of Dereck Arnold effective September 27, 2024. Seconded by Commissioner Vail-Keller. Motion carried.

Commissioner Banzet moved to recess to an Executive Session to include the Governing Body, 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 2:50 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 2:50 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 Wednesday, October 9, 2024 at 2:00 p.m.

At 2:52 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