

The Board of Commissioners met in regular session at 2:00 p.m., on Wednesday, December 11, 2024, in the Commission Room at City Hall conducting the meeting by live streaming with Zoom with Mayor Johnson presiding and Commissioner Banzet present. Commissioner Vail-Keller was absent from the meeting.

Commissioner Banzet moved to approve the agenda as presented with the addition of modifying Business Item 4.H. to add Le'Store to Approve CMB Licenses 2025; and Business Item 4.L.: Consider Request for Extended Stay at Riverwalk Park RV Site. Seconded by Mayor Johnson. Motion carried.

Civic organization reports were invited and heard.

Commission reports were heard.

City Administrator Comments were heard.

Community Development Director reports were heard.

Financial reports were distributed.

Public Comments were invited and heard.

Commissioner Banzet moved to approve the consent agenda as presented consisting of minutes from the November 27, 2024 meeting; and Appropriation (2024) 22. Seconded by Mayor Johnson. Motion carried.

Chris Jabben, duly elected Commissioner of the City of Neodesha on the 5th day of November, 2024, having subscribed to his Oath of Office, will take his seat on the Neodesha City Commission January 2025.

Administrator Jones along with Chief Tomlison addressed the Commission regarding an ordinance that addresses "Disturbing the Peace" and/or Loud Noises. Discussion held.

ORDINANCE NO. 1812

AN ORDINANCE PROHIBITING DISTURBING THE PEACE; PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH. BE IT ORDAINED BY THE GOVERNING BODY OF NEODESHA, KANSAS:

SECTION 1. DISTURBANCE OF THE PEACE UNLAWFUL.

- A. It shall be unlawful for any person to make, continue, maintain or cause to be made or continue any excessive, unreasonable or unusually loud noise which disturbs, injures, endangers the repose, health, peace or safety of other people of ordinary sensitivity within the vicinity of the noise.
- B. It shall be unlawful for any person to use, operate or permit the use or operation of any electronic device, radio, receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet or repose of the neighboring inhabitants of ordinary sensitivity.
- C. No person shall participate in or be in any party or gathering of people from which sound emanates at a sufficient volume so as to disturb the peace, quiet or repose of the neighboring inhabitants of ordinary sensitivity. A police officer may order all such persons present at any such party or gathering to immediately disperse from the vicinity of any such party or gathering in lieu of being charged under this ordinance; provided; however, owners or tenants are not required to leave their own dwelling unit. Owners or tenants residing in the dwelling unit where the party or gathering occurs shall, upon request of a police officer, cooperate fully in abating the disturbance, and failing to do so shall be in violation of this ordinance.
- D. For the purposes of this ordinance, the term "neighboring inhabitants" includes those persons in single family dwellings, multiple family dwellings, boarding house rooms, hotel rooms or motel rooms within the vicinity of the noise.

SECTION 2. EXEMPTIONS.

The requirements of Section 1, above, shall not apply to the following:

- (1) Emergency work necessary to restore property to a safe condition or to protect a person and property from imminent danger;
- (2) Emergency vehicles;
- (3) Alarm systems;
- (4) Trash and waste pickup operations;
- (5) Aircraft or railroads;
- (6) Noise resulting from the activities of a temporary duration planned by school/university, governmental or community groups;
- (7) Air conditioners and lawn care equipment;
- (8) Construction operations; and
- (9) Church bells and campanile chimes.
- (10) No provision of Section 1, above, shall be construed to limit or abridge the rights of any person to speak, peacefully assemble and express opinions. It is the purpose of this ordinance to protect individuals from unreasonable intrusions caused by excessive, unnecessary or unusually loud noises.

SECTION 3. PENALTIES. Violation of any of the provisions of Section One, above, shall be a Class C violation the sentence which
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shall be a definite term of confinement in the county jail which shall be fixed by the court and shall not exceed one month. In addition to, or instead of, a sentence of confinement, the violator may be sentenced to pay a fine which shall be fixed by the court in a sum not exceeding \$500.00.

SECTION 4. NO VIOLATION OF DISTURBING THE PEACE IF VIOLATION OF AMPLIFIED SOUND FROM VEHICLES ORDINANCE. The provisions of this ordinance shall not apply to violations of Section 28-4 of the Neodesha City Code prohibiting Amplified sound from vehicles.

SECTION 5. ORDINANCES REPEALED. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. EFFECTIVE DATE. This ordinance shall be in full force and effect upon passage by the governing body and publication in the official city newspaper.

Commissioner Banzet moved to approve Ordinance 1812 as presented. Seconded by Mayor Johnson. Motion carried.

Administrator Jones along with Building Inspector Tommy John addressed the Commission regarding a resolution addressing yard abatement at 1010 Carolina. Discussion held.

RESOLUTION NO. 24-31

A RESOLUTION FINDING THAT THE PROPERTY 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, IS FOUND TO BE IN VIOLATION OF THE CITY OF NEODESHA ENVIROMENTAL CODE, ARTICLE 3, SECTION 26-43. THE PREMISES HAS BEEN DETERMINED UNSAFE AND A BLIGHTING INFLUENCE AND IS DIRECTED TO BE MADE SAFE AND SECURE.

WHEREAS, the Enforcing Officer of the City of Neodesha, Kansas did on the 1st day of July, 2024 file with the governing body of said City a statement in writing that a certain premises, hereinafter described, was unsafe and causing a blighting influence; and

WHEREAS, the governing body did by Resolution dated the 9th day of September, 2024, direct the enforcing officer or other agents of the city to abate the conditions causing the violation, and provided for giving notice thereof as provided by law; and

WHEREAS, such Resolution was published in the official city paper on the 12th day of September, 2024, and on the 19th day of September, 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 11th day of December, 2024, the governing body has heard all evidence submitted by the enforcing officer of the city, the owners, agents, lienholders, and occupants of such premises (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 premises is unsafe and causing a blighting influence and hereby directs such premises **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**, to be repaired or abated 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 abatement and/or clean up of such property within the time stated or fails to diligently prosecute the same until the work is completed, said governing body will cause the premises to be repaired or abated and the costs of such repair or abatement, 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 Banzet moved to approve Resolution 24-31 as presented, allowing the property owner 30 days to remove yard violations. Seconded by Mayor Johnson. Motion carried.

Administrator Jones along with Building Inspector Tommy John addressed the Commission regarding a resolution addressing junked and abandoned vehicles at 1010 Carolina. Discussion held.

RESOLUTION NO. 24-32

A RESOLUTION FINDING THAT THE PREMISES 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 IS FOUND TO BE IN VIOLATION OF THE CITY OF NEODESHA ENVIROMENTAL CODE ATRICLE 4, SECTION 26-66, AND IS UNSAFE OR CAUSING A BLIGHTING INFLUENCE AND DIRECTING THE VIOLATION TO BE ABATED 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 July, 2024 file with the governing body of said City a statement in writing that a certain premises, hereinafter described, was unsafe and causing a blighting influence; and

WHEREAS, the governing body did by Resolution dated the 9th day of September, 2024, instruct the enforcing officer or other agent of the city to abate the conditions causing the violation, and provided for giving notice thereof as provided by law; and

WHEREAS, such Resolution was published in the official city paper on the 12th day of September, 2024, and on the 19th day of

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September, 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 11th day of December, 2024, the governing body has heard all evidence submitted by the enforcing officer of the city, the owners, agents, lienholders, and occupants of such premises (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 premises is unsafe and causing a blighting influence and hereby directs such premises **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,** to be abated and the premises made safe and secure. The owner of such premises is hereby given **30 days** from the date of publication of this Resolution within which to commence the repair or removal of such violation on the premises within the time stated or fails to diligently prosecute the same until the work is completed, said governing body will cause the premises to be repaired or abated and removed and the costs of such repair, abatement and removing, less salvage if any, to be assessed as a special assessment against the lot or parcel of land upon which the premises 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 Banzet moved to approve Resolution 24-32 as presented, allowing the property owner 30 days to remove junked and abandoned vehicles. Seconded by Mayor Johnson. Motion carried.

Administrator Jones addressed the Commission regarding a resolution waiving the Generally Accepted Accounting Principles (GAAP) for financial statements for the year ending December 31, 2024. Discussion held.

Commissioner Banzet moved to adopt Resolution 24-33 as presented. Seconded by Mayor Johnson. Motion carried.

Administrator Jones addressed the Commission regarding utility rate increase options. Discussion held.

Commissioner Banzet moved to table this agenda item to the December 23, 2024 meeting modifying the refuse option to reflect the 2027/2028 rates to 2025/2026; select Option 5 from KMEA recommendation for electric rate increases; and an effective date for all changes to the Ordinance be realized for the February 28, 2025 billing date. Seconded by Mayor Johnson. Motion carried.

Administrator Jones along with Building Inspector Tommy John addressed the Commission regarding the dangerous structure property located at 1007 Seward. Discussion held. Motion died to due a lack of a motion.

Administrator Jones addressed the Commission regarding the approval of 2025 Cereal Malt Beverage licenses. Discussion held.

Mayor Johnson moved to approve the 2025 Cereal Malt Beverage licenses for Casey's General Store; AKAS Inc (Jumpstart); Le'Store; Little Bear Trading Company Inc; and G & W Foods Inc. Seconded by Commissioner Banzet. Motion carried.

Administrator Jones addressed the Commission regarding a request to consider a variance for non-traditional fencing materials for the property located at 552 S 5th Street. Discussion held.

Commissioner Banzet moved to approve the variance for Caleb Berger for the use of non-traditional building supplies for the property located at 552 S 5th Street. Seconded by Mayor Johnson. Motion carried.

Administrator Jones addressed the Commission regarding the consideration of Splash Zone pass price increases. Discussion held.

Commissioner Banzet moved to approve the new Neodesha Splash Zone pass prices for the 2025 pool season. Seconded by Mayor Johnson. Motion carried.

Administrator Jones addressed the Commission regarding the consideration of closing City Hall for the Holiday Party Luncheon. Discussion held.

Commissioner Banzet moved to close City Hall December 18, 2024, from 11:00 a.m. to 1:30 p.m. Seconded by Mayor Johnson. Motion carried.

Administrator Jones addressed the Commission regarding a request for an extended stay at Riverwalk RV Park. Discussion held.

Commissioner Banzet moved to approve the request of an extended stay at Riverwalk RV Park for Gaines Civil Construction to May 18, 2025. Seconded by Mayor Johnson. Motion carried.

The next regular meeting of the Governing Body will be held at City Hall on Monday, December 23, 2024 at 4:00 p.m.

At 3:20 p.m. Commissioner Banzet moved to adjourn. Seconded by Mayor Johnson. Motion carried.

/s/ Devin Johnson

Devin Johnson, Mayor

ATTEST:

/s/ Stephanie Fyfe

Stephanie Fyfe, City Clerk