

# Agenda

City Commission of the City of Neodesha, KS

October 10, 2018 2:00 p.m.

## Item 1: Opening Session

- Call to Order
- Roll Call
- Invocation
- Pledge of Allegiance
- Additions/Deletions to the Agenda
- Mayor's Report
- Commissioners' Reports
- City Administrator's Comments

## Item 2: Public Comments

Item 3: Consent Agenda (Routine agenda items can be approved with unanimous consent of the City Commission. Any item can be removed and placed in items of business.)

- Approval of the September 26, 2018 Commission minutes
- Appropriation (2018) 17
- Raw Water Bond Project Appropriation 45

## Item 4: Business Items to Consider

- A. Public Hearing: Dangerous Structures 1401 N. 2<sup>nd</sup>
- B. Resolution: Dangerous Structures 1401 N. 2<sup>nd</sup>
- C. Ordinance: Special Purpose Vehicles
- D. Ordinance: Fees for Special Purpose Vehicle Permits
- E. Sale of Timber Ridge Lots
- F. Temporary CMB Permit for Waterworks Amphitheater
- G. Appointment to the Housing Authority Board
- H. Accept Resignation of Employee

## Item 5: Date/Time of Next Regular Meeting

- Wednesday, October 24, 2018, 2:00 p.m. – Regular Meeting, City Hall

## Item 6: Executive Session

## Item 7: Adjournment

**AGENDA COMMENTS  
CITY COMMISSION MEETING  
October 10, 2018**

**Additions to the Agenda**

**RECOMMENDED MOTION:** *I move to approve the agenda as presented.*

**Consent Agenda**

**RECOMMENDED MOTION:** *I move to approve the consent agenda as presented.*

**Business Items to Consider**

**4.A Public Hearing: Dangerous Structures 1401 N. 2<sup>nd</sup>**

On August 22, 2018, the Commission approved Resolution 18-11, to set a public hearing date, October 10, 2018, to show cause why the structures located at 1401 N. 2<sup>nd</sup> should not be ordered repaired or demolished as unsafe or dangerous structures. For this agenda item, the Commission will conduct a public hearing for the property located at 1401 N. 2<sup>nd</sup>.

**RECOMMENDED MOTION:** *N/A*

**4B: Resolution: Dangerous Structures 1401 N. 2<sup>nd</sup>**

Depending on the outcome of agenda item 4A, The Commission is asked to approve Resolution 18-17, to declare the property as unsafe or dangerous, and directing the repair or removal of the structures, making the property safe and secure.

**RECOMMENDED MOTION:** *I move to approve Resolution 18-17 declaring the property located at 1401 N. 2<sup>nd</sup> as unsafe or dangerous, and allow the property owner \_\_\_\_\_ days to repair or remove the structures and make the property safe and secure.*

**4.C Ordinance: Special Purpose Vehicles**

For this agenda item, the Commission is asked to consider an Ordinance approving the use of Worksite Utility Vehicles and Micro Utility Trucks by local taxing entities. These local taxing entities include the City, USD 461, and the Recreation Commission.

**RECOMMENDED MOTION:** *I move to approve Ordinance 1704 pertaining to Special Purpose Vehicles as presented.*

#### **4.D Ordinance: Fees for Special Purpose Vehicle Permits**

If the Commission approves agenda item 4C, Staff will be asking the Commission to also approve a modification to our Fee Ordinance, setting a fee for the registration of Special Purpose Vehicles. This draft Ordinance will be provided to the Commission at the October 10<sup>th</sup> meeting.

**RECOMMENDED MOTION:** *I move to approve Ordinance 1705 establishing the fee for Special Purpose Vehicle permits as presented.*

#### **4.E Sale of Timber Ridge Lots**

The request before the Commission is to sell two Timber Ridge lots, to Mr. Don Adams, for \$10,000. Upon completion of the residential construction project, Mr. Adams will receive a rebate of \$5,000.

**RECOMMENDED MOTION:** *I move to approve the sale of lots \_\_\_\_ and \_\_\_\_, Timber Ridge Addition, to Mr. Don Adams for \$10,000, with a \$5,000 rebate upon completion of construction.*

#### **4.F Temporary CMB Permit for Waterworks Amphitheater**

The Commission has previously approved for the use of City property for a fireworks demonstration and musical concert, to be conducted on October 19<sup>th</sup> and 20<sup>th</sup>. Jay Bair, representing the Waterworks Amphitheater, is requesting that the Commission grant approval for a temporary cereal malt beverage license for a beer garden on Saturday, October 20<sup>th</sup>.

**RECOMMENDED MOTION:** *I move to approve a temporary cereal malt beverage permit for Waterworks Amphitheater on October 20, 2018.*

#### **4.G Appointment to the Housing Authority Board**

Mrs. Sharon Jackson has consented to be reappointed to the Housing Authority Board for a four-year term, ending May 31, 2022.

**RECOMMENDED MOTION:** *I move to reappoint Sharon Jackson to the Housing Authority Board for a 4-year term ending May 31, 2022.*

#### **4.H Accept Resignation of Employee**

Jonas Hoesli, Electric Department employee, has accepted a position with a private industry employer.

**RECOMMENDED MOTION:** *I move to accept Jonas Hoesli's resignation from City employment, effective October 12, 2018.*

Neodesha, Kansas  
September 26, 2018

The Board of Commissioners met in regular session at 2:00 p.m. on Wednesday, September 26, 2018 with Mayor Harper presiding and Commissioners Moffatt and Johnson present.

Commissioner Johnson moved to approve the agenda with the addition of item 4F and 4G under New Business to approve a Raw Water Intake Project Notice of Bid Award, and to accept the resignation of a Police Department Employee. Seconded by Commissioner Moffatt. Motion carried.

Commission and Administrator Reports were heard.

Public Comments were invited and heard.

Commissioner Moffatt moved that the Consent Agenda consisting of: the minutes from the September 12, 2018 meeting; and Appropriation (2018) 16; be approved. Seconded by Commissioner Johnson. Motion carried.

David Arteberry with George K. Baum, Co. addressed the Commission to update them on the timeline for acquiring temp-note financing for the Water and Sewer projects. Discussion was held. No action.

Jay Bair addressed the Commission with a request on behalf of Dale McDaniel to hold a free fireworks display for the Community in conjunction with a concert at the Waterworks Amphitheater. Discussion was held.

Commissioner Johnson moved to approve the use of City property known as the Waterworks Amphitheater for a fireworks display and concert event on October 19<sup>th</sup> and 20<sup>th</sup>, 2018. Seconded by Commissioner Moffatt. Motion carried.

Don Adams addressed the Commission regarding the purchase of lots at Timber Ridge Estates. Discussion was held. No action.

#### **ORDINANCE NO. 1703**

#### **AN ORDINANCE AMENDING CHAPTER 36, ARTICLE II, SECTION 36-21 OF THE CODE OF THE CITY OF NEODESHA, DEALING WITH UTILITY CONNECTIONS INSIDE THE CITY OF NEODESHA; AND REPEALING OLD CHAPTER 36, ARTICLE II, SECTION 36-21 OF THE CODE OF THE CITY OF NEODESHA.**

Commissioner Moffatt moved to approve Ordinance 1703 regarding utility connections within the City of Neodesha. Seconded by Commissioner Johnson. Motion carried.

Administrator Truelove addressed the Commission regarding the purchase of utility poles. Discussion was held.

Commissioner Johnson moved to approve the purchase of electric utility poles from Bridgewell Resources in an amount not to exceed \$13,000. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding approval of a project bid for the Raw Water Intake Project. Discussion was held.

Commissioner Moffatt moved to approve the Notice of Award for the Raw Water Intake Project to Crossland Heavy Contractors at a project cost of \$1,812,031.23 pending USDA approval. Seconded by Commissioner Johnson. Motion carried.

Administrator Truelove addressed the Commission regarding the resignation of a Police Department Employee. Discussion was held.

Commissioner Johnson moved to accept the resignation of Captain Roger Burnett from the Police Department effective October 11, 2018. Seconded by Commissioner Moffatt. Motion carried.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, October 10, 2018 at 2:00 p.m.

Commissioner Moffatt moved to recess to an Executive Session including the Governing Body, City Administrator, Assistant City Clerk, Fire Chief and Police Chief to discuss an individual employee's performance pursuant to the non elected personnel matter exception, KSA 75-4319(b)(1). The open meeting will resume in the Commission Room at 3:45 p.m. Seconded by Commissioner Johnson. Motion carried.

At 3:45 p.m. the regular meeting of the Governing Body reconvened in the Commission Room. No action.

At 4:00 p.m. Commissioner Johnson moved to adjourn. Seconded by Commissioner Moffatt. Motion carried.

ATTEST:

\_\_\_\_\_  
Terry M. Harper, Mayor

\_\_\_\_\_  
Stephanie Fyfe, Assistant City Clerk

**APPROPRIATION REPORT****ORDINANCE NO 17****10/10/2018**

<u>VENDOR</u>	<u>REFERENCE</u>	<u>AMOUNT</u>	<u>CHECK NO</u>	<u>CHECK DATE</u>
A T & T	PHONE CHARGES	223.47	52063	10/10/2018
A T & T	FIBER OPTIC SYSTEM	764.10	52064	10/10/2018
ADVANCE INSURANCE COMPANY	OCTOBER PREMIUMS	517.91	52066	10/10/2018
AMERICAN PUBLIC GAS ASSOC	2019 DUES - PAUL RAMEY	1,019.64	52067	10/10/2018
ATMOS ENERGY	OCTOBER BILLING	75.32	52068	10/10/2018
BARTA ANIMAL HOSPITAL	CANINE SERVICES	25.45	52069	10/10/2018
CABLE ONE	INTERNET SERVICE - ELEC SHOP	130.02	52070	10/10/2018
CERTIFIED LABORATORIES	DIESEL MATE	320.89	52071	10/10/2018
CHASE PEST CONTROL LLC	EXTERMINATOR SERVICE	443.80	52072	10/10/2018
CINTAS FIRST AID & SAFETY	FIRST AID SUPPLIES	53.24	52073	10/10/2018
CULLIGAN OF INDEPENDENCE	OCTOBER WATER SERVICE	204.07	52074	10/10/2018
D & D AUTO REPAIR & ALIGNMENT	OIL CHANGE, BATTERIES	329.17	52075	10/10/2018
D C & B SUPPLY INC	WATER & GAS METERS	3,805.07	52076	10/10/2018
ECONO SIGNS LIC	NO BICYCLES SIGNS	218.40	52077	10/10/2018
FELD FIRE	FIRE EQUIPMENT	605.44	52078	10/10/2018
FIRST NATIONAL BANK	UTILITY BILL REFUND	36.57	52079	10/10/2018
FORSYTHE'S HEATING & ELECTRIC	SERVICE CALLS, PARTS	1,084.08	52080	10/10/2018
FREDONIA TRUE VALUE HARDWARE	ELECTRIC SUPPLIES	81.94	52081	10/10/2018
GENERAL MACHINERY OF PITTSBURG	SAFETY GLASSES	60.60	52082	10/10/2018
GERKEN RENT-ALL	SANITATION UNITS	556.20	52083	10/10/2018
GUNTERSVILLE BREATHABLES	RAIN JACKET & PANTS	50.35	52084	10/10/2018
HACH COMPANY	LAB SUPPLIES	133.45	52085	10/10/2018
HARMONY LODGE	4TH QTR LEASE 2018	900.00	52086	10/10/2018
HUGO'S INDUSTRIAL SUPPLY, INC	TISSUE	94.38	52087	10/10/2018
KANSAS DEPARTMENT OF REVENUE	WATER PROTECTION FEE	1,497.18	52088	10/10/2018
KANSAS ONE-CALL SYSTEM, INC	SEPTEMBER LOCATES	49.20	52089	10/10/2018

L & S SEPTIC & SERVICE LLC	SANITATION UNITS - LB DAYS	150.00	52090	10/10/2018
LEAGUE OF KS MUNICIPALITIES	REGIONAL SUPPERS	56.00	52091	10/10/2018
LITTLE BEAR TIRE	TIRE REPAIR	84.00	52092	10/10/2018
LOCKE SUPPLY	COUPLINGS, ELBOWS	28.29	52093	10/10/2018
MCCARTY'S OFFICE MACHINES INC	OFFICE SUPPLIES	82.20	52094	10/10/2018
MELS PRINTING	PERSONNEL MANUALS, ENVELOPES	449.62	52095	10/10/2018
MID-AMERICAN RESEARCH CHEMICAL	CITRONELLA GRANUALS	104.58	52096	10/10/2018
MIDWEST COMPUTER SALES	IT SERVICES	769.92	52097	10/10/2018
MUNICIPAL CODE CORPORATION	SUPPLEMENT PAGES	2,449.44	52098	10/10/2018
NDB NEODESHA	ADD STREET SWEEPER	1,257.00	52099	10/10/2018
NEODESHA ANIMAL CARE CLINIC	KENNEL INSPECTION FEE	79.00	52100	10/10/2018
NEODESHA AUTO SUPPLY	AUTO PARTS & SUPPLIES	544.83	52102	10/10/2018
NEODESHA CHAMBER OF COMMERCE	4TH QTR FUNDING	5,000.00	52103	10/10/2018
NEODESHA DERRICK	PUBLICATIONS	582.15	52104	10/10/2018
NEODESHA HOME & GARDEN SUPPLY	BLDG MATERIALS & SUPPLIES	64.69	52105	10/10/2018
PENMAC PERSONNEL SERVICES INC	TEMPORARY PERSONNEL SERVICE	1,979.00	52106	10/10/2018
PLATINUM DESIGNS LLC	UNIFORM SHIRTS	48.00	52107	10/10/2018
PORTER DRUG STORE	MEDS FOR AMBULANCE	75.98	52108	10/10/2018
PRAIRIE FIRE COFFEE	COFFEE SERVICE, GATORADE	177.10	52109	10/10/2018
QUALITY MOTORS	INSULATORS	166.00	52110	10/10/2018
RED BUD SUPPLY INC	RAINSUIT, BOOTS	198.83	52111	10/10/2018
SANDBAGGER GOLF & TURF	BEARINGS, BOLTS	124.95	52112	10/10/2018
SCHULTE SUPPLY INC	PVC PIPE	64.40	52113	10/10/2018
SOCKET TELECOMM LLC	PHONE CHARGES	302.28	52114	10/10/2018
SOUTHERN STAR CENTRAL GP INC	AUGUST BILLING	3,459.23	52115	10/10/2018
STANION WHOLESALE ELECTRIC	ELECTRIC SUPPLIES	592.52	52116	10/10/2018
STUDEBAKER REFRIGERATION INC	ICE MACHINE RENTAL	85.00	52117	10/10/2018
SUBSURFACE SOLUTIONS	GROUND RODS	69.48	52118	10/10/2018
TG TECHNICAL SERVICES	GAS MONITOR	287.95	52119	10/10/2018
THE LARSON GROUP	SWITCH PRESS	32.15	52120	10/10/2018
THOMPSON BROTHERS SUPPLY INC	CYLINDER LEASE	184.24	52121	10/10/2018

TWIGS FLORAL & GIFTS	SYMPATHY PLANTS	109.80	52122	10/10/2018
US BANK EQUIPMENT FINANCE	COPIER LEASE	775.58	52123	10/10/2018
US CELLULAR	CELL PHONE CHARGES	72.39	52124	10/10/2018
DENISE WAGGONER	STRIP & WAX FLOORS - FD/EMS	352.50	52125	10/10/2018
WALMART COMMUNITY BRC	SUPPLIES	132.13	52126	10/10/2018
WESTAR ENERGY	AIRPORT BILLING	76.11	52127	10/10/2018
WESTERN AUTO	WEEDEATER PARTS, SUPPLIES	261.87	52128	10/10/2018
WILSON MEDICAL CENTER	SALES TAX DISTRIBUTION	18,877.92	52129	10/10/2018
WOODS LUMBER COMPANY	LUMBER, CEILING FAN	134.45	52130	10/10/2018
<b>**** PAID TOTAL ****</b>		<b>53,621.52</b>		

**RAW WATER PROJECT BOND  
APPROPRIATION 45  
OCTOBER 10, 2018**

<b>Vendor</b>	<b>Inv. #</b>	<b>Amount</b>	<b>Description</b>
PEC Engineering	518482	14,204.08	Professional Services
PEC Engineering	518483	528.00	Professional Services
PEC Engineering	518484	23,235.49	Professional Services
PEC Engineering	518485	1,139.25	Professional Services
PEC Engineering	518486	1,831.05	Professional Services
PEC Engineering	518487	2,419.09	Professional Services
PEC Engineering	518488	1,833.32	Professional Services
PEC Engineering	518489	293.30	Professional Services
PEC Engineering	518490	1,544.00	Professional Services
PEC Engineering	518491	2,030.60	Professional Services
<b>GRAND TOTAL</b>		<b>49,058.18</b>	

Approved the day above written.

\_\_\_\_\_  
*Terry M. Harper, Mayor*

Attest

\_\_\_\_\_  
*Bobby Busch, City Clerk*



**CITY OF NEODESHA**

**RESOLUTION NO. 18-17**

**A RESOLUTION FINDING THAT THE STRUCTURE LOCATED ON, LEGAL DESCRIPTION: BLOCK 3, LOTS 13-19, DEER'S SUBDIVISION, CITY OF NEODESHA, WILSON COUNTY, KANSAS, COMMONLY KNOWN AS 1401 N. 2<sup>ND</sup>, NEODESHA, KANSAS, 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 22<sup>nd</sup> day of August, 2018 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 22<sup>nd</sup> day of August, 2018, 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 August, 2018, and on the 6<sup>th</sup> day of September, 2018, 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 October, 2018, 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 located on Block 3, Lots 13-19, Deer's Subdivision, City of Neodesha, Wilson County, Kansas, commonly known as 1401 N. 2<sup>nd</sup>., Neodesha, Kansas, is unsafe and dangerous and hereby directs such structure to be removed 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 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 razed and removed and the costs of such 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.

**ADOPTED AND APPROVED** by the governing body of the City of Neodesha, Kansas this 10<sup>th</sup> day of October, 2018.

ATTEST:

\_\_\_\_\_  
Terry M. Harper, Mayor

\_\_\_\_\_  
Bobby Busch, City Clerk

**ORDINANCE NO. 1704**

**AN ORDINANCE AMENDING CHAPTER 34 OF THE CODE OF ORDINANCES OF THE CITY OF NEODESHA, KANSAS, BY ADDING NEW ARTICLE 3 ENTITLED OPERATION OF MICRO UTILITY TRUCKS AND WORK-SITE UTILITY VEHICLES BY TAXING ENTITIES; PROHIBITING THE OPERATION OF ALL-TERRAIN VEHICLES AND GOLF CARTS; PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF; AND, PROVIDING FOR THE REPEAL OF SECTION 114.2 AND 114.5 OF THE STANDARD TRAFFIC ORDINANCE, AS ADOPTED BY ORDINANCE NO. 1666.**

Be it Ordained by the Governing Body of the City of Neodesha, Kansas:

**Section 1.** Chapter 34 of the Code of Ordinances of the City of Neodesha, Kansas is hereby amended by adding a new Article 3 which reads as follows:

**ARTICLE III. – OPERATION OF MICRO UTILITY TRUCKS AND WORK-SITE UTILITY VEHICLES BY TAXING ENTITIES; 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 non-highway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, traveling on three or more non-highway tires, having a seat designed to be straddled by the operator. As used in this subsection, non-highway tire means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 14 inches or less.
- (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) **Highway** means every way or place of whatever nature open to the use of the public as a matter of right for the purpose of vehicular travel. The term highway shall not be deemed to include a roadway or driveway upon grounds owned by private owners, colleges, universities or other institutions.
- (e) **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.
- (f) **Motor vehicle** means every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled.
- (g) **Motorized Bicycle** means every device having two tandem wheels or three wheels, which may be propelled by either human power or helper motor, or by both, and which has:
  - 1. A motor which produces not more than 3.5 brake horsepower;
  - 2. A cylinder capacity of not more than 130 cubic centimeters;
  - 3. An automatic transmission; and
  - 4. The capability of a maximum design speed of no more than 30 miles per hour.
- (h) **Motorized Scooter** shall be defined as a vehicle consisting of a footboard between two small end wheels, controlled by an upright steering handle attached to the front wheel, propelled by an electric or gasoline motor.
- (i) **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.

- (j) **Recreational Off-Highway Vehicle** means any motor vehicle 64 inches or less in width, having a dry weight of 2,000 pounds or less, traveling on four or more non-highway tires, having a non-straddle seat and steering wheel for steering control.
- (k) **Special Purpose Vehicle** means utility all-terrain vehicles, golf carts, micro utility trucks, and work-site utility vehicles.
- (l) **Taxing Entity** means any division of local government created by or pursuant to state statute and operated for public purposes.
- (m) **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.
- (n) **Work-Site Utility Vehicle** means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure 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 34-43. - OPERATION OF MICRO-UTILITY TRUCKS.**

- (a) Subject to the restrictions and conditions hereinafter indicated, taxing entities may operate micro utility trucks upon the public highways, streets, roads and alleys within the corporate limits of the city. 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 waive the Registration and Licensing requirement in Section 34-50.
- (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.
- (c) 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.
- (d) 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 34-44. - OPERATION OF WORK-SITE UTILITY VEHICLES.**

- (a) Subject to the restrictions and conditions hereinafter indicated, taxing entities may operate micro utility trucks upon the public highways, streets, roads and alleys within the corporate limits of the city. 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 waive the Registration and Licensing requirement in Section 34-50.
- (b) No work-site utility vehicle shall be operated on any public highway, street, road or alley before sunrise or after sunset (or 7 p.m., whichever occurs earlier) 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.
- (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 34-45. – PROHIBITION OF OPERATION OF ALL-TERRAIN VEHICLES AND GOLF CARTS.**

- (a) The operation of all-terrain vehicles and golf carts on the streets, roads and alleys within the corporate limits of the City of Neodesha, Kansas is prohibited.

**Section 34-46. – MOTORIZED BICYCLES, MOTORIZED SCOOTERS, AND POCKET BIKES.**

Vehicle registration and driver's license shall not be required for operation of motor-assisted bicycles, motorized scooters and pocket bikes. Traffic regulations applicable to bicycles shall apply to motor-assisted bicycles, motorized scooters and pocket bikes.

**Section 34-47. – DISPLAY OF SLOW MOVING VEHICLE EMBLEM.**

- (a) It shall be illegal to operate a special purpose vehicle on any public highway, street, road or alley within the corporate limits of the City unless such vehicle displays a slow moving vehicle emblem on the rear of the vehicle.
- (b) For the purpose of this section, slow moving vehicle emblem has the same meaning as contained in K.S.A. 8-1717, and amendments thereto.
- (c) The slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.

**Section 34-48. – VALID DRIVER’S LICENSE REQUIRED; PENALTY.**

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 34-49. – SAME; INSURANCE REQUIRED; PENALTY.**

- (a) Every owner of a special purpose vehicle shall provide liability coverage in accordance with Section 200 of the 2016 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 2016 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of special purpose vehicles.

**Section 34-50. – 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 9 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 knowing the same to be fictitious or to have been canceled, revoked, suspended or altered. 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.

(h) 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 waive the Registration and Licensing requirement in Section 34-50.

**Section 34-51. – SAME; PENALTY.**

Except as specifically provided for otherwise 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, 2018 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

**Section 2.** EFFECTIVE DATE. This ordinance shall be in full force and effect upon its publication in the official city newspaper.

**Passed by the Governing Body of the City of Neodesha, Kansas and signed by the Mayor this 10<sup>th</sup> day of October, 2018.**

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**Terry M. Harper, Mayor**

ATTEST:

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**Bobby Busch, City Clerk**

**ORDINANCE NO. 1705**

**AN ORDINANCE ESTABLISHING SECTION 16-34 OF CHAPTER 16 OF THE CITY OF NEODESHA CODE REGARDING PERMIT FEES AND PENALTIES TO OPERATE SPECIAL PURPOSE VEHICLES IN THE CITY OF NEODESHA, WILSON COUNTY, KANSAS.**

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

**Section One:** Section 16-34 of Chapter 16 of the City of Neodesha Code shall be established to read as follows:

Sec. 16-34. – Traffic and Vehicles.

- a) All Purpose Vehicle Permit fees:
  - 1. \$100.00 per calendar year or portion thereof.
  - 2. \$50.00 for replacement of lost permit.

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

Passed by the Governing Body of the City of Neodesha, Kansas and signed by the Mayor this 10<sup>th</sup> day of October, 2018.

ATTEST:

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Terry M. Harper, Mayor

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Bobby Busch, City Clerk