

# Agenda

City Commission of the City of Neodesha, KS  
November 14, 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 October 24, 2018 and November 2, 2018 Commission minutes
- Appropriation (2018) 19
- Raw Water Project Bond Appropriation 46

## Item 4: Business Items to Consider

- A. Ordinance: Special Purpose Vehicles
- B. Ordinance: Special Purpose Vehicles Fees
- C. Ordinance: Creating Active Transportation Advisory Board
- D. Ordinance: Water and Sewer Rate Structure
- E. Resolution: Raw Water Project Temp Notes
- F. Letter of Intent: Mr. John Furney
- G. Accept Resignation of Police Department Employee

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

- Wednesday, November 28, 2018, 2:00 p.m. – Regular Meeting, City Hall

## Item 6: Executive Session: Non Elected Personnel

## Item 7: Adjournment

**AGENDA COMMENTS**  
**CITY COMMISSION MEETING**  
**November 14, 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 Ordinance: Special Purpose Vehicles**

For this agenda item, Staff will present information regarding a Special Purpose Vehicle (SPV) Ordinance. This Ordinance would allow only taxing entities to use SPV's in the performance of job-related duties. Taxing entities include the Recreation Commission, the School District, and the City.

**RECOMMENDED MOTION:** *I move to approve Ordinance 1706, authorizing the use of certain Special Purpose Vehicles by taxing entities in the City of Neodesha.*

**4.B Ordinance: Special Purpose Vehicles Fees**

Should the Commission approve agenda item 4A, Staff will be asking the Commission to also approve Ordinance 1707, establishing the registration fees for Special Purpose Vehicles.

**RECOMMENDED MOTION:** *I move to approve Ordinance 1707, establishing registration fees for Special Purpose Vehicles.*

**4.C Ordinance: Creating Active Transportation Advisory Board**

Staff has been working, for quite some time, with Ms. Erica Johnson, Manager of Community Health and Wellness, towards the establishment of an Active Transportation Advisory Board (ATAB). Having an established ATAB will allow our community to qualify for various health and wellness grant funds. Once the ATAB is established, Staff will continue working with Ms. Erica to identify volunteers for the board. Recommendations for board appointments will be brought to the Commission in the near future.

**RECOMMENDED MOTION:** *I move to approve Ordinance 1708, establishing an Active Transportation Advisory Board for the City of Neodesha.*

**4.D Ordinance: Water and Sewer Rate Structure**

For this agenda item, the Commission is asked to consider modifying our Fee Ordinance. We have recently completed our work with Ranson Financial Consultants for a water and sewer rate study.

Due to pending water & sewer projects, and contemplating future debt payments for infrastructure, Staff supports a slight increase in Water and Sewer rates, 8% and 10% respectively.

**RECOMMENDED MOTION:** *I move to approve Ordinance 1709, modifying the City's rate Ordinance.*

**4.E Resolution: Raw Water Project Temp Notes**

For this agenda item, the Commission is asked to approve Resolution 18-21, authorizing \$4,750,000 in general obligation temp note financing for our water and sewer projects.

**RECOMMENDED MOTION:** *I move to approve Resolution 18-21, providing for the issuance of \$4,750,000 in temporary note financing for water and sewer project funding.*

**4.F Letter of Intent: Mr. John Furney**

Mr. John Furney is planning to establish an RV Campground and lodging facility. He is asking the Commission to approve a Letter of Intent to sell City property adjacent to the location of his proposed business.

**RECOMMENDED MOTION:** *I move to approve the Letter of Intent with Mr. John Furney as presented.*

**4.G Accept Resignation of Police Department Employee**

**RECOMMENDED MOTION:** *I move to accept the resignation of \_\_\_\_\_, effective November 9, 2018.*

**EXECUTIVE SESSION – Non Elected Personnel**

I move to recess to an Executive Session including the Governing Body, City Administrator, Assistant City Clerk, 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 \_\_\_\_ p.m.

**SPECIAL CALL FOR SPECIAL MEETING OF BOARD OF COMMISSIONERS**

Neodesha, Kansas  
November 1, 2018

To the Board of Commissioners:

The Board of Commissioners will hold a Special Call meeting Friday, November 2, 2018 at 12:00 p.m. at City Hall for the following purposes:

1. EXECUTIVE SESSION: Non Elected Personnel
2. Utility Rate Structure

The Board of Commissioners met in a Special Call session at 12:00 noon on Friday, November 2, 2018 with Mayor Harper presiding and Commissioners Moffatt and Johnson in attendance.

Commissioner Johnson moved to recess to an Executive Session including the Governing Body, City Administrator, City Clerk, Police Chief and Fire 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 12:35 p.m. Seconded by Commissioner Moffatt. Motion carried.

At 12:35 the Special Call meeting of the Governing Body reconvened in the Commission Room. No action.

Commissioner Johnson moved to extend the Executive Session until 12:55 p.m. Seconded by Commissioner Moffatt. Motion carried.

At 12:55 p.m. the Special Call meeting of the Governing Body reconvened in the Commission Room. No action.

Commissioner Moffatt moved to extend the Executive Session until 1:05 p.m. Seconded by Commissioner Johnson. Motion carried.

At 1:05 p.m. the Special Call meeting of the Governing Body reconvened in the Commission Room. No action.

Administrator Truelove addressed the Commission regarding the Water and Sewer Utility Rate Structure. Discussion was held. No action.

At 1:30 p.m. Commissioner Johnson moved to adjourn the meeting. Seconded by Commissioner Moffatt. Meeting adjourned.

ATTEST:

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

\_\_\_\_\_  
Bobby Busch, City Clerk/Finance Dir.

The Board of Commissioners met in regular session at 2:00 p.m. on Wednesday, October 24, 2018 with Mayor Harper presiding and Commissioners Moffatt and Johnson present.

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 October 10 and 19, 2018 meetings; and Appropriation (2018) 18; be approved. Seconded by Commissioner Johnson. Motion carried.

Mayor Harper read a Proclamation for *World War I Armistice Remembrance Day*. Mr. Jeff Fehr from Neodesha High School was in attendance along with some of his students to show the Commission the banners they will be hanging on Main Street showing Neodesha soldiers killed in World War I.

Erica Johnson and students in FCCLA and RESIST addressed the Commission regarding the recent park cleanup program dealing with tobacco waste. A grant was received dealing with tobacco free public areas. Maddy Tomlinson and Jadin Reese showed the Commission how many cigarette butts, packages, etc. were picked up in about an hour's time at local parks.

Commissioner Johnson moved to approve the agenda with the addition of items 4A and 4H under New Business. Seconded by Commissioner Moffatt. Motion carried.

This being the time and date published in the official newspaper for the hearing on the dangerous structures located at 1318 and 1324 N. 9<sup>th</sup>, the public hearing was opened. Discussion was held. Then the hearing was closed.

**RESOLUTION NO. 18-18**

**A RESOLUTION FINDING THAT THE STRUCTURE LOCATED ON, LEGAL DESCRIPTION: BLOCK 2, LOTS 63-67 AND THE SOUTH 7' OF LOT 68 AND NORTH 13' OF LOT 62, & BEG 6' S NW/C LT 82 E 26' S 107' W 30' N 75' E 4' N TO POB SECTION 17 TOWNSHIP 30 RANGE 16, WESTLAWN ADDITION, CITY OF NEODESHA, WILSON COUNTY, KANSAS, COMMONLY KNOWN AS 1318 N. 9<sup>TH</sup>, NEODESHA, KANSAS, IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE.**

Commissioner Moffatt moved to approve Resolution 18-18 declaring the property located at 1318 N. 9<sup>th</sup> Street as unsafe or dangerous, and allow the property owner ten (10) days from the date of publication to repair or remove the structures and make the property safe and secure. Seconded by Commissioner Johnson. Motion carried.

**RESOLUTION NO. 18-19**

**A RESOLUTION FINDING THAT THE STRUCTURE LOCATED ON, LEGAL DESCRIPTION: BLOCK 2, N 8' OF LOT 68 AND ALL OF LOTS 69 AND 70, AND THE S 7' OF LOT 71, WESTLAWN ADDITION, CITY OF NEODESHA, WILSON COUNTY, KANSAS, COMMONLY KNOWN AS 1324 N. 9<sup>TH</sup>, NEODESHA, KANSAS, IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE.**

Commissioner Johnson moved to approve Resolution 18-19 declaring the property located at 1324 N. 9<sup>th</sup> Street as unsafe or dangerous, and allow the property owner ten (10) days from the date of publication to repair or remove the structures and make the property safe and secure. Seconded by Commissioner Moffatt. Motion carried.

**ORDINANCE NO. 1704**

**AN ORDINANCE OF THE CITY OF NEODESHA, KANSAS AMENDING ORDINANCE NO. 1622. WHEREAS, the City of Neodesha, Kansas (the "City") has previously adopted Ordinance No. 1622 (the "Original Ordinance"), which Original Ordinance authorized the City to acquire and construct certain improvements to and otherwise reconstruct, improve, equip and rehabilitate the municipal water system . . . [Complete Ordinance is available at the City Clerk's office.]**

Commissioner Moffatt moved to adopt Ordinance 1704 providing for water system improvements at an estimated cost of up to \$6,500,000. Seconded by Commissioner Johnson. Motion carried.

**ORDINANCE NO. 1705**

**AN ORDINANCE OF THE CITY OF NEODESHA, KANSAS, AUTHORIZING THE CITY TO MAKE SEWER IMPROVEMENTS; AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATION BONDS IN AN APPROXIMATE PRINCIPAL AMOUNT OF \$1,500,000 TO PAY THE COSTS OF THE SEWER IMPROVEMENTS. [Complete Ordinance is available at the City Clerk's office.]**

Commissioner Johnson moved to adopt Ordinance 1705 providing for sewer system improvements at an estimated cost of up to \$1,500,000. Seconded by Commissioner Moffatt. Motion carried.

**RESOLUTION NO. 18-20**

**A RESOLUTION OF THE CITY OF NEODESHA, KANSAS, AUTHORIZING AND PROVIDING FOR THE OFFERING FOR SALE OF THE CITY'S GENERAL OBLIGATION TEMPORARY NOTES, SERIES A, 2018, IN A TOTAL APPROXIMATE PRINCIPAL AMOUNT OF \$4,750,000.** [Entire Resolution is available for viewing at the City Clerk's office.]

Commissioner Moffatt moved to approve Resolution 18-20, authorizing the sale of General Obligation Temporary Notes in the amount of \$4,750,000. Seconded by Commissioner Johnson. Motion carried.

Commissioner Johnson moved that the Commission enter into the meeting as the Neodesha Land Bank to discuss the property located at 902 and 904 N. 9<sup>th</sup> St. Seconded by Commissioner Moffatt. Motion carried.

Commissioner Johnson moved to approve the purchase of property located at 902 and 904 N. 9<sup>th</sup> Street, for a purchase price of \$4,000. Seconded by Commissioner Moffatt. Motion carried.

The Commission then resumed meeting as the Governing Body.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, November 14, 2018 at 2:00 p.m.

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

ATTEST:

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Terry M. Harper, Mayor

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Bobby Busch, City Clerk/Finance Director

**APPROPRIATION REPORT****ORDINANCE NO 19****11/14/2018**

<u>VENDOR</u>	<u>REFERENCE</u>	<u>AMOUNT</u>	<u>CHECK NO</u>	<u>CHECK DATE</u>
A & C AUTO GLASS	WINDSHIELD REPLACEMENT	212.00	52202	11/14/2018
A T & T	PHONE CHARGES	223.47	52203	11/14/2018
A T & T	PHONE CHARGES	185.07	52204	11/14/2018
A T & T	FIBER OPTIC SYSTEM	764.10	52205	11/14/2018
ACCURATE ENVIRONMENTAL LLC	LAB SUPPLIES	208.95	52206	11/14/2018
ADVANCE INSURANCE COMPANY	NOVEMBER PREMIUMS	456.88	52208	11/14/2018
ALERT	CALIBRATE RADIOS	280.00	52209	11/14/2018
ATMOS ENERGY	NOVEMBER BILLING	79.15	52210	11/14/2018
BAILEY FARM PARTNERSHIP	COMMUNICATION TOWER LAND LEASE	1,500.00	52211	11/14/2018
BEACHNER GRAIN INC	CUSTOM WEIGH	10.00	52212	11/14/2018
BOUND TREE MEDICAL LLC	MEDICAL SUPPLIES	500.00	52213	11/14/2018
CABLE ONE	INTERNET SERVICE - CITY HALL	120.34	52214	11/14/2018
CABLE ONE	INTERNET SERVICE - PD	122.53	52215	11/14/2018
CARROT-TOP INDUSTRIES	DISPLAY FLAG	168.15	52216	11/14/2018
CDW GOVERNMENT INC	TREND A/G 2	256.00	52217	11/14/2018
CINTAS FIRST AID & SAFETY	FIRST AID SUPPLIES	143.62	52218	11/14/2018
CIVIC PLUS	BALANCE DUE ANNUAL FEES	265.00	52219	11/14/2018
CULLIGAN OF INDEPENDENCE	NOVEMBER WATER SERVICE	204.08	52220	11/14/2018
D & D AUTO REPAIR & ALIGNMENT	OIL CHANGES, BATTERIES	356.09	52221	11/14/2018
DAVID DENNEY	REIMB CHILI COOK OFF EXPENSES	21.22	52222	11/14/2018
EMG	OCTOBER BILLING	1,000.00	52223	11/14/2018
F ALLEN MOORHEAD, JR, MD	PRE-EMPLOYMENT PHYSICALS	275.00	52224	11/14/2018
FASTENAL COMPANY	GLOVES, SUPPLIES	72.15	52225	11/14/2018
FIREX, INC	EXTINGUISHER SVC - GS HOUSE	54.00	52226	11/14/2018
G & W FOODS	SUPPLIES	83.38	52227	11/14/2018
GERKEN RENT-ALL	SANITATION UNITS	626.40	52228	11/14/2018

HACH COMPANY	LAB SUPPLIES	501.08	52229	11/14/2018
HAWKINS INC	CHEMICALS	10,633.66	52230	11/14/2018
HUGO'S INDUSTRIAL SUPPLY, INC	CLEANING SUPPLIES	165.91	52231	11/14/2018
INDEPENDENCE DAILY REPORTER	CLASSIFIED AD - REFUSE DRIVER	763.00	52232	11/14/2018
JERRY INGRAM FIRE & RESCUE	STOP PADDLES	75.70	52233	11/14/2018
KANSAS ONE-CALL SYSTEM, INC	OCTOBER LOCATES	43.20	52234	11/14/2018
KANSAS STATE FIREFIGHTERS ASSN	MEMBERSHIP DUES	50.00	52235	11/14/2018
KANSAS STATE TREASURER	MUNICIPAL COURT FEES	1,078.00	52236	11/14/2018
KANSAS DEPT OF HEALTH & ENVIRO LE STORE	WATER ANALYSIS FEES SUPPLIES	663.00 3.01	52237 52238	11/14/2018 11/14/2018
LEAGUE OF KS MUNICIPALITIES	CONFERENCE FEES, REGIONAL SUPPER	188.00	52239	11/14/2018
MCCARTY'S OFFICE MACHINES INC	CHAIR MAT, OFFICE SUPPLIES	668.27	52240	11/14/2018
MEDICLAIMS INC	AMBULANCE COLLECTION FEES	1,725.99	52241	11/14/2018
MELS PRINTING	BUSINESS CARDS	31.50	52242	11/14/2018
MERLE KELLY FORD, INC	AMBULANCE / RESCUE TRUCK REPAIRS	1,043.90	52243	11/14/2018
MIDWEST COMPUTER SALES	ONLINE BACK UP SERVICES	244.95	52244	11/14/2018
MyTARP.COM	MOVIE SCREEN TARP	312.94	52245	11/14/2018
NAVAL SURFACE WARFARE CENTER	NIGHT VISION GOGGLES	600.00	52246	11/14/2018
NAVRAT'S OFFICE PRODUCTS	DOG & CAT TAGS	236.21	52247	11/14/2018
NDB NEODESHA	ADD 2019 FORD	540.00	52248	11/14/2018
NEODESHA AUTO SUPPLY	AUTO PARTS & SUPPLIES	1,291.32	52249	11/14/2018
NEODESHA DERRICK	PUBLICATIONS	554.75	52250	11/14/2018
NEODESHA HOME & GARDEN SUPPLY	BLDG MATERIALS & SUPPLIES	182.65	52251	11/14/2018
O'MALLEY EQUIPMENT CO	ADAPTER	18.50	52252	11/14/2018
OPTIV SECURITY INC	TOKENS - KCJIS SYSTEM	50.84	52253	11/14/2018
PENMAC PERSONNEL SERVICES INC	TEMPORARY PERSONNEL SERVICE	2,494.34	52254	11/14/2018
PORTER DRUG STORE	STOCK MEDS FOR AMBULANCE	510.48	52255	11/14/2018
PRAIRIE FIRE COFFEE	COFFEE SERVICE	81.80	52256	11/14/2018
RANKIN MEMORIAL LIBRARY	TAX DISTRIBUTION	2,298.23	52257	11/14/2018
RANSON FINANCIAL GROUP LLC	REVIEW UTILITY RATE STRUCTURE	1,937.71	52258	11/14/2018
ROCKY HILL LLC	HEAD/CLUSTER	45.00	52259	11/14/2018



SEK COOP INC	PROPANE DELIVERY	237.75	52260	11/14/2018
SOCKET TELECOMM LLC	PHONE CHARGES	301.06	52261	11/14/2018
STANION WHOLESALE ELECTRIC	ELECTRIC SUPPLIES	251.50	52262	11/14/2018
STUDEBAKER REFRIGERATION INC	ICE MACHINE RENTAL	85.00	52263	11/14/2018
TBS ELECTRONICS INC	RADIO PARTS	295.00	52264	11/14/2018
TG TECHNICAL SERVICES	CO MONITOR	287.95	52265	11/14/2018
THOMPSON BROTHERS SUPPLY INC	OXYGEN	247.69	52266	11/14/2018
TWIGS FLORAL & GIFTS	SYMPATHY PLANTS	109.85	52267	11/14/2018
US BANK EQUIPMENT FINANCE	COPIER LEASE	775.58	52268	11/14/2018
US CELLULAR	CELL PHONE CHARGES	72.81	52269	11/14/2018
VSR DESIGN	AERIAL RENDERING - GOLF COURSE	2,000.00	52270	11/14/2018
WESTAR ENERGY	STREETLIGHTS @ OTTAWA	69.46	52271	11/14/2018
WESTERN AUTO	WEEDEATER LINE, BREAKERS, LOCKS	171.32	52272	11/14/2018
WILSON COUNTY CITIZEN	CLASSIFIED AD - REFUSE DRIVER	187.00	52273	11/14/2018
WILSON COUNTY REGISTER OF DEED	FAXED COPIES	7.00	52274	11/14/2018
WILSON MEDICAL CENTER	OCTOBER SALES TAX DISTRIBUTION	19,403.25	52275	11/14/2018
ZACH'S AUDIO FX	LOGO SIGNS, WINDOW TINT	332.50	52276	11/14/2018
<b>**** PAID TOTAL ****</b>		<b>62,056.24</b>		

**APPROPRIATION REPORT****ORDINANCE NO 19****11/14/2018**

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A T & T	PHONE CHARGES	185.07	52204	11/14/2018
A T & T	FIBER OPTIC SYSTEM	764.10	52205	11/14/2018
A T & T	PHONE CHARGES	77.02	51973	10/15/2018
A T & T	PHONE CHARGES	184.84	51974	10/15/2018
ACCURATE ENVIRONMENTAL LLC	LAB SUPPLIES	208.95	52206	11/14/2018
ADVANCE INSURANCE COMPANY	NOVEMBER PREMIUMS	456.88	52208	11/14/2018
ALERT	CALIBRATE RADIOS	280.00	52209	11/14/2018
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CABLE ONE	INTERNET SERVICE - PD	122.53	52215	11/14/2018
CABLE ONE	INTERNET SERVICE - PD	247.78	51975	10/15/2018
CABLE ONE	INTERNET SERVICE - CITY HALL	120.34	52131	10/19/2018
CARROT-TOP INDUSTRIES	DISPLAY FLAG	168.15	52216	11/14/2018
CDW GOVERNMENT INC	TREND A/G 2	256.00	52217	11/14/2018
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OPTIV SECURITY INC	TOKENS - KCJIS SYSTEM	50.84	52253	11/14/2018
PENMAC PERSONNEL SERVICES INC	TEMPORARY PERSONNEL SERVICE	2,494.34	52254	11/14/2018
PIZZA HUT	CATERING - SPECIAL CALL MEETING	92.52	52135	10/19/2018

PORTER DRUG STORE	STOCK MEDS FOR AMBULANCE	510.48	52255	11/14/2018
PRAIRIE FIRE COFFEE	COFFEE SERVICE	81.80	52256	11/14/2018
RANKIN MEMORIAL LIBRARY	TAX DISTRIBUTION	2,298.23	52257	11/14/2018
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US CELLULAR	CELL PHONE CHARGES	72.81	52269	11/14/2018
VISA CARD SERVICES	LODGING, EXPENSES, ADAPTER PLATE	3,706.61	52133	10/19/2018
VSR DESIGN	AERIAL RENDERING - GOLF COURSE	2,000.00	52270	11/14/2018
WESTAR ENERGY	STREETLIGHTS @ OTTAWA	69.46	52271	11/14/2018
WESTAR ENERGY	STREETLIGHTS @ OTTAWA	71.96	52132	10/19/2018
WESTERN AUTO	WEEDEATER LINE, BREAKERS, LOCKS	171.32	52272	11/14/2018
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WILSON MEDICAL CENTER	OCTOBER SALES TAX DISTRIBUTION	19,403.25	52275	11/14/2018
ZACH'S AUDIO FX	LOGO SIGNS, WINDOW TINT	332.50	52276	11/14/2018
<b>**** PAID TOTAL ****</b>		<b>66,557.31</b>		



**ORDINANCE NO. 1706**

**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 SECTIONS 114.2 AND 114.5 OF THE STANDARD TRAFFIC ORDINANCE, AS ADOPTED BY ORDINANCE NO. 1698.**

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. – CONDITIONS FOR OPERATION OF MICRO UTILITY TRUCKS AND WORK-SITE UTILITY VEHICLES BY TAXING ENTITIES; PROHIBITING ALL-TERRAIN VEHICLES, GOLF CARTS AND CERTAIN OTHER VEHICLES AND PROVIDING PENALTIES FOR VIOLATIONS**

**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) **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 or a motorized wheelchair, which is self-propelled.
- (f) **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.
- (g) **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.
- (h) **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.
- (i) **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.

- (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 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 34-41. - 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.
- (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 34-42. - OPERATION OF WORK-SITE UTILITY VEHICLES.**

- (a) Subject to the restrictions and conditions hereinafter indicated, taxing entities may operate work-site utility vehicles 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 (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 34-43. – PROHIBITION OF OPERATION OF ALL-TERRAIN VEHICLES, GOLF CARTS, MOTORIZED BICYCLES, MOTORIZED SCOOTERS, AND POCKET BIKES.**

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

**Section 34-44. – 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 34-45. – 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 34-46. – SAME; INSURANCE REQUIRED; PENALTY.**

- (a) Every owner of a special purpose vehicle shall provide liability coverage in accordance with Section 200 of the 2018 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect, 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 2018 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 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.

**Section 34-48. – 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 34-49. – EMERGENCY OPERATIONS.**

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. SECTIONS 114.2 AND 114.5 OF THE 2018 STANDARD TRAFFIC ORDINANCE AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH REPEALED.** Section 114.2 and 114.5 of the 2018 Standard Traffic Ordinance, as adopted by Ordinance No. 1698, 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.

**Passed by the Governing Body of the City of Neodesha, Kansas and signed by the Mayor this 14<sup>th</sup> day of November, 2018.**

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**Terry M. Harper, Mayor**

ATTEST:

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**Bobby Busch, City Clerk**

**ORDINANCE NO. 1707**

**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) Special 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 14<sup>h</sup> day of November, 2018.**

ATTEST:

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**Terry M. Harper, Mayor**

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**Bobby Busch, City Clerk**

**ORDINANCE NO. 1708**

**AN ORDINANCE CREATING AN ACTIVE TRANSPORTATION ADVISORY BOARD, DESCRIBING THE BOARD'S AUTHORITY AND DUTIES, AND PROVIDING FOR THE APPOINTMENT OF MEMBERS THEREOF IN THE CITY OF NEODESHA.**

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

Section One: Chapter 2, Article VIII, is hereby added to the City of Neodesha code as follows:

**ARTICLE VIII - ACTIVE TRANSPORTATION ADVISORY BOARD**

**Sec. 2-234 CREATION**

There is hereby created an Active Transportation Advisory Board (ATAB) for the City of Neodesha, Kansas to advise the governing body and make recommendations concerning the programs and expenditures regarding parks, trails and streets. All appointees shall be residents of the City of Neodesha.

**Sec. 2-235 PURPOSE**

The Governing Body may receive recommendations from the ATAB on all major proposals and propositions relating to construction, reconstruction and improvement of roadways, trails and sidewalks. The ATAB shall make reports and recommendations to the Governing Body on all matters referred to it within the time fixed by the Governing Body. The ATAB may review and make recommendation on all active transportation projects.

**Sec. 2-236 MEMBERSHIP**

The ATAB shall consist of seven (7) members who shall serve without compensation. The members shall be appointed by the Governing Body; three (3) of whom shall be appointed to four (4) year terms; two (2) of whom shall be appointed to three (3) year terms; and two (2) who shall be appointed to two (2) year terms. Thereafter all appointees shall be appointed to four (4) year terms.

**Sec. 2-237 QUORUM**

A majority of the ATAB shall constitute a quorum, the majority affirmation vote of which shall be necessary for any action taken by the ATAB.

**Sec. 2-238 OFFICERS**

At its organizational meeting and each annual meeting thereafter the members shall elect from its membership a chairperson, a vice chairperson and a secretary. The chairperson, vice-chairperson and secretary shall have and perform such duties as are commonly associated with respective titles and shall serve for one year and until their successors are appointed. No term restrictions shall be placed on officers elected.

**Sec. 2-239 VACANCIES**

Should any member of the ATAB resign, move from the City, or be removed by the Governing Body, the Governing Body shall appoint some other qualified individual to serve the former member's unexpired term.

**Sec. 2-240 DISQUALIFICATION**

Regular attendance is important for the efficient conduct of business by the Committee. The ATAB may, by majority consensus, recommend to the Neodesha City Commission to accept the implied resignation for any Committee member who misses three (3) consecutive meetings or four (4) meetings in a calendar year.

**Sec. 2-241 MEETINGS**

The ATAB shall have regular meetings to be established by the majority vote of the ATAB. Special meetings shall be called by the chairperson, vice-chairperson, or upon request of a majority of the members of the ATAB. Such calls for special meetings and notices shall be given at least forty-eight (48) hours before the time of the meeting so called. The request shall be read and entered into the minutes of such special meeting and no business shall be transacted except that stated in the call for special meetings.

All meetings of the ATAB shall be open to the public, with copies of the Agenda available to all interested persons at least forty-eight (48) hours in advance of the meeting. It is the intent of the Governing Body for the ATAB to encourage and promote public participation at all meetings of the ATAB.

**Sec. 2-242 MINUTES**

The ATAB shall keep minutes of its meetings, and shall keep records of its proceedings and other official actions, all of which shall be promptly filed with the City Clerk and shall be a public record.

**Sec. 2-243 REPORTS; RECOMMENDATIONS**

The Governing Body may refer to the Board proposals and propositions relating to construction, reconstruction and improvement of roadways, trails, sidewalks and parks. The Board shall make reports and recommendations to the Governing Body on all matters referred to it within the time fixed by the Governing Body. The Board further may review all future active transportation facilities and projects.

**Sec. 2-244 ADDITIONAL DUTIES**

- (a) To advise the Governing Body on interests of active transportation and parks.
- (b) To assist in the City of Neodesha with the promotion and public relations of new active transportation networks and park projects.
- (c) To assist the City of Neodesha in seeking grants and private funding for the development of active transportation and parks.

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

**Passed by the Governing Body of the City of Neodesha, Kansas and signed by the Mayor this 14<sup>th</sup> day of November, 2018.**

ATTEST:

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**Terry M. Harper, Mayor**

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

**ORDINANCE NO. 1709**

**AN ORDINANCE AMENDING SECTION 16-36 OF CHAPTER 16 OF THE CITY OF NEODESHA CODE REGARDING FEES FOR UTILITIES PROVIDED BY THE CITY OF NEODESHA, WILSON COUNTY, KANSAS AND REPEALING OLD SECTION 16-36 OF CHAPTER 16 OF THE CITY OF NEODESHA CODE.**

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

**Section One:** Section 16-36 of Chapter 16 of the City of Neodesha Code shall be amended to read as follows:

Sec. 16-36. - Utilities.

- a) Service connection fees:
  - 1. Electricity: \$50.00.
  - 2. Gas: \$50.00.
  - 3. Water: \$50.00.
- b) Transfer fee: \$25.00.
- c) Reconnect fees:
  - 1. First time account is shut off: \$50.00.
  - 2. Second time account is shut off: \$75.00.
  - 3. Third and subsequent time account is shut off: \$100.00.
- d) Returned check NSF fee: \$30.00.
- e) Natural gas:
  - 1. Residential service, monthly rates:
    - a. Meter service charge: \$14.00 per month per meter.
    - b. Commodity charge: \$8.16 per Mcf, plus the cost of gas adjustment.
  - 2. Commercial service, monthly rates:
    - a. Meter service charge: \$16.00 per month per meter.
    - b. Commodity charge: \$8.16 per Mcf, plus the cost of gas adjustment.
  - 3. Industrial service, monthly rates:
    - a. Meter service charge: \$18.00 per month per meter.
    - b. Commodity charge: \$8.16 per Mcf, plus the cost of gas adjustment.
  - 4. Large volume service. Must remain on this rate for the 12 month calendar year.
    - a. Customer charge: \$55.00 per month (includes multiple locations/meters).
    - b. Meter service charge: \$18.00 per month per meter.
    - c. Commodity charge:
      - (1) The first 50 Mcf (0—50) at \$7.95 per Mcf.
      - (2) The next 150 Mcf (51—200) at \$7.74 per Mcf.
      - (3) The next 350 Mcf (201—550) at \$7.42 per Mcf.
      - (4) All over 550 Mcf (551+) at \$7.21 per Mcf, plus the cost of gas adjustment applied to all Mcf.
- f) Water rates:
  - 1. Residential and commercial:
    - a. Customer charge: \$12.00 per month per meter.
    - b. \$5.67 per 1,000 gallons per month.
    - c. System Improvement Fee: \$1.00 per month per meter
  - 2. Industrial customers:
    - a. Customer Charge: \$12.00 per month per meter.
    - b. For the first 100,000 gallons the rate shall be \$5.67 per 1,000 gallons per month.
    - c. For all water in excess of 100,000 gallons the rate shall be \$4.86 per 1,000 gallons per month.
    - d. System Improvement Fee: \$1.00 per month per meter
  - 3. Bulk water sales at Water Plant:
    - a. 90 gallons for \$1.00
  - 4. Customers outside of City limits will pay 125% of the applicable rate.
- g) Water reconnect fees when service is terminated for violating water supply emergency restrictions:

1. First reconnection: \$50.00.
  2. Second reconnection: \$200.00.
  3. Third reconnection: \$300.00.
- h) Water backflow preventer testing fees.
1. First unit \$150.00; additional units \$100.00 each.
  2. Re-testing: \$100.00 per unit.
- i) Electric rates.
1. Residential and Urban Customers:
    - a. Customer charge: \$7.00 per month per meter.
    - b. Energy: \$0.083 per kWh.
    - c. Minimum: The customer charge.
  2. Commercial Customers:
    - a. Customer charge: \$7.50 per month per meter.
    - b. Energy: \$0.083 per kWh.
    - c. Minimum: The customer charge.
  3. Industrial Customers:
    - a. Customer charge: \$75.00 per month per meter.
    - b. Energy: \$0.075 per kWh.
    - c. Minimum: The customer charge.
  4. Large volume industrial customer rate: Large volume industrial customers shall be billed at the rate of \$0.06 per kWh for any monthly usage that exceeds 200,000 kilowatt-hours. During those months when usage exceeds 400,000 kilowatt-hours, the large volume industrial customer shall be billed at the rate of \$0.06 per kWh for all usage, and in no case shall be lower than the city's actual cost to purchase power. Large volume rates shall be subject to the same cost adjustment as all other electric rates. The rates set forth in this section are based on a standard base cost of \$0.045 per kWh.
  5. Hi-Lighters:
    - a. Installation charge: \$150.00.
    - b. Installation charge with installation of pole: \$450.00
    - c. Monthly charge: \$7.50.
- j) Sewer charges:
1. Minimum Charge shall be \$14.00 per water meter per month.
  2. User rate shall be \$3.08 per 1,000 gallons of water used.
    - a. For residential customers the monthly user charge will be based on the average monthly water usage during the months of December, January and February. If a residential customer has not established an average for December, January and February, his monthly user charge shall be the median charge of all other residential contributors.
    - b. Industrial/Commercial: User charges shall be based on the water used during the current month.
      - i. If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on a wastewater meter or separate water meter installed and maintained at the contributor's expense, and in a manner acceptable to the City.
  3. System Improvement Fee: \$1.00 per month per meter.
  4. Customers outside of City limits will pay 125% of the applicable rate.
- k) Solid waste collection and disposal:

<i>Refuse Rates</i>	<i>Monthly Rate</i>	<i>Additional Container</i>
Residential rate per dwelling unit	\$13.00	
Commercial minimum rate	\$22.00	
Shared dumpsters (one dumpster shared by two or more businesses)	\$22.00	n/a
Once a week collection (first container)	\$22.00	\$18.00
Two collections per week (first container)	\$35.00	\$31.00
Three collections per week (first container)	\$47.00	\$41.00
Four collections per week (first container)	\$58.00	\$51.00
Five collections per week (first container)	\$70.00	\$61.00
Service outside city limits (125% of the city rate)		

l) Stormwater fee: \$3.00 per water meter per month.

**Section Two:** Old Section 16-36 of Chapter 16 of the Code of the City of Neodesha is hereby repealed.

**Section Three: EFFECTIVE DATE.** This ordinance shall be in full force and effect January 1, 2019, after its publication in the official city newspaper.

**Passed by the Governing Body of the City of Neodesha, Kansas and signed by the Mayor this 14<sup>th</sup> day of November, 2018.**

ATTEST:

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**Terry M. Harper, Mayor**

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**Bobby Busch, City Clerk**

RESOLUTION NO. 18-21

A RESOLUTION PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION TEMPORARY NOTES OF THE CITY OF NEODESHA, KANSAS, IN THE TOTAL PRINCIPAL AMOUNT OF \$4,750,000, AS HERETOFORE AUTHORIZED BY ORDINANCE NO. 1622 (AS AMENDED BY ORDINANCE NO. 1704) AND ORDINANCE NO. 1705 OF THE CITY, IN ORDER TO PROVIDE FUNDS FOR THE TEMPORARY FINANCING OF THE COSTS OF CONSTRUCTION OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY AUTHORIZED BY SAID ORDINANCES; AND PROVIDING THE TERMS, DETAILS, FORM AND CONDITIONS OF SAID GENERAL OBLIGATION TEMPORARY NOTES.

WHEREAS, the governing body of the City of Neodesha, Kansas (the "City") has adopted Ordinance No. 1622 on June 11, 2014 and published on June 19, 2014 in the official City newspaper as required by law and amended by Ordinance No. 1704 adopted on October 24, 2018 and published it on November 1, 2018 (collectively, the "Water Ordinance"), and thereby (i) authorized pursuant to K.S.A. 65-162a *et seq.* the acquisition and construction of certain improvements to, and an extension of, the City's municipal water system (the "Water System"), including particularly the acquisition, construction, replacement and installation of water line improvements, plant intake structures and improvements to the water treatment plant, together with all necessary appurtenances therefor and thereto; repair of the Fall River dam; upgrade of the existing Little Bear elevated storage tank; construction of a new 200,000 gallon elevated water storage tank; replacement of existing motors with Variable Frequency Drive (VFD); and upgrade of the SCADA computer system that monitors and runs the water treatment plant, together with all necessary appurtenances therefor and thereto at an estimated cost of \$6,500,000 (the "Water Project"), (ii) authorized the payment of the final costs of the Water Project by issuance of general obligation bonds of the City, and (iii) authorized the issuance of, from time to time as required for the orderly construction of the Water Project, temporary notes for the purpose of providing temporary financing for the costs and expenses thereof during the construction period, by a duly adopted resolution or resolutions which set forth the details of said temporary notes; and

WHEREAS, the City has adopted Ordinance No. 1705 on October 24, 2018 and published it on November 1, 2018 (the "Sewer Ordinance") and thereby (i) authorized pursuant to K.S.A. 12-617 *et seq.* the acquisition and installation of sanitary sewer lines, extensions and lift stations for the City's wastewater treatment facilities, at an estimated cost of \$1,500,000 (the "Sewer Project"), (ii) authorized the payment of the final costs of the Sewer Project by issuance of general obligation bonds of the City, and (iii) authorized the issuance of, from time to time as required for the orderly construction of the Sewer Project, temporary notes for the purpose of providing temporary financing for the costs and expenses thereof during the construction period, by a duly adopted resolution or resolutions which set forth the details of said temporary notes; and



November 14, 2018

Mr. John Furney  
Bethany-Waters, LLC.  
572 Pillsbury Dr.  
Manhattan, KS 66502

RE: Letter of Intent

Dear Mr. Furney:

The purpose of this document is to formalize your request for a Letter of Intent from the City of Neodesha to provide real estate for the construction of an RV and Lodging Facility.

The City is very excited about the prospect of your company becoming an integral part of Neodesha's regional business community. It is our belief that your project fits the overall plan and scope in that area perfectly.

With this in mind, by this letter, the City agrees to the following key terms and conditions:

1. Real Estate. In its development efforts, Bethany-Waters, LLC proposes to develop an RV Campground and lodging facility on the site of the Sportsman Inn, 4265 US-75 Highway. The business plan includes acquiring ownership of, and developing, adjacent land owned by the City and commonly known as 4303 US-75 Highway. It is the intent of the City of Neodesha to sell this property to Bethany-Waters, LLC for the project at a cost of \$1.00.
2. Term. This letter will remain in effect for six (6) months from the date signed by both parties.
3. The City guarantees that it will not sell or lease this property to any other entity for a term of six (6) months. Term may be extended by written approval from both the City of Neodesha and Bethany-Waters, LLC.
4. Costs. The City and Bethany-Waters, LLC will be responsible for and bear all of their own respective costs incurred at any time in connection with the pursuit or consummation of the transactions contemplated in this letter.
5. Intent. The provisions of this letter are intended only as an expression of intent on behalf of the City and Bethany-Waters, LLC and are not intended to be legally binding on either party and are expressly subject to the execution of

a mutually acceptable agreement after approval of the governing body of the City and principals of Bethany-Waters, LLC.

6. Amendment. This letter constitutes the entire agreement between the parties and supersedes all prior oral or written agreements, understandings, representations, warranties, course of conduct and dealings between the parties on the subject matter hereof. This letter may be amended or modified only in writing that is executed by all of the parties.
7. Signing. This letter may be executed in one or more counterparts, each of which will be deemed to be an original of this letter and all of which when taken together will be deemed to constitute one and the same letter.
8. Law. The terms of this agreement shall be construed by the laws of the State of Kansas.

If the terms of this letter are agreeable to you, please sign both copies and return one original to the City of Neodesha.

CITY OF NEODESHA

BETHANY-WATERS, LLC.

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

\_\_\_\_\_  
John Furney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

ATTEST

WITNESSED

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

## **October**

### **Activity Report**

- We had no problems at the outside concert with the fireworks show
- Halloween went off without a problem
- We (I) went in uniform and patrol vehicle and participated in the trunk or treat at the Methodist Church representing the Police Department and passed out candy.
- We had a change in the schedule along with the chain of command with Roger leaving so the guys are getting ready to change schedules due to that and taking on Donnie Anderson.
- There is nothing unusual to report as far as what the officers are working. They are still staying motivated and busy and working hard on the drug game and players.
- We had a total of 18 arrests for the month being traffic and drug related mostly.
- Hailey Hurst sentencing (Schlegel murder case) was postponed till November 15<sup>th</sup>