

Agenda

City Commission of the City of Neodesha, KS
November 25, 2020 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
- Community Development Director Report

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 November 11, 2020 Minutes
- Appropriation (2020) 22
- Gas Line Project Appropriation No. 18

Item 4: Business Items to Consider

- A. Ordinance: Sales Tax
- B. Ordinance: Chapter 26 Nuisances
- C. 2021 AirMedCare Agreement
- D. Approve Purchase of Ventilators
- E. Accept Resignation from Economic Development Committee
- F. Discuss Holiday Bonus for Employees
- G. Discuss COVID-19 Response

Item 5: Date/Time of Next Regular Meeting

Wednesday, December 9, 2020 at 2:00 p.m. – Regular Meeting, City Hall

Item 6: Executive Session:

Item 7: Adjournment

AGENDA COMMENTS
CITY COMMISSION MEETING
November 25, 2020

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: Sales Tax

So, the sales tax was approved by the voters. Many thanks to the voters for supporting this initiative for roads and sidewalks. Now, we must approve an Ordinance calling for the KS Department of Revenue to begin collecting the sales tax on our behalf. The sales tax will begin April 1, 2021!

RECOMMENDED MOTION: *I move to adopt Ordinance 1738, authorizing the levy of a one-percent city-wide retailers' sales tax.*

4.B: Ordinance: Chapter 26 Nuisances

Working closely with our City Attorney, we have finished the task of reworking Chapter 26 of our City Code (the Chapter on Nuisances). The Commission is asked to approve this draft Ordinance.

RECOMMENDED MOTION: *I move to adopt Ordinance 1739, amending Chapter 26 of the Neodesha City Code relating to Nuisances.*

4.C: 2021 AirMedCare Agreement

For this agenda item, the Commission is asked to renew the AirMedCare insurance policy for the City. This coverage has been used numerous times in our community, to provide medical airlift services to our residents. This year, we are seeing our first rate increase on our AirMedCare policy, an increase of \$1,769. We have had continuous coverage since 2016, and we remain the only community in Kansas to have a community-wide policy.

RECOMMENDED MOTION: *I move to renew the City's AirMedCare insurance policy for 2021 at a cost of \$13,562.*

4.D: Approve Purchase of Ventilators

Ok, this talk of purchasing EMS equipment started when we were notified that SPARKS money could be used. After all the talking, we only ended up with about 25% of the money we requested. So, therefore, with the cost of the ventilators requested by our EMS Department, we have to pay about 75% of that cost. Fire Chief Banzet received a quote for two ventilators at a cost of \$24,651.20. Our cost share at 75% will be \$18,488.40.

RECOMMENDED MOTION: *I move to approve the purchase of two ventilators for the EMS Department at a cost not to exceed \$18,500.*

4.E: Accept Resignation from Economic Development Committee

Mr. Walt Olson has asked that the Commission accept his resignation from the Economic Development Committee.

RECOMMENDED MOTION: *I move to accept Walt Olson's resignation from the Economic Development Committee, effective immediately.*

4.F: Discuss Holiday Bonus for Employees

RECOMMENDED MOTION: *To be determined...*

4.G: Discuss COVID-19 Response

In light of the recent Executive Order from the Governor (EO-68), and the increase in COVID-19 cases in Kansas, Staff would like to discuss with the Commission our ongoing response to the pandemic.

RECOMMENDED MOTION: *N/A*

The Board of Commissioners met in regular session in the great room at City Hall practicing social distancing at 2:00 p.m. on Wednesday, November 11, 2020 with Mayor Johnson presiding and Commissioners Moffatt and Nichol present.

Commissioner Moffatt moved to approve the agenda as presented with the addition of Item 4N Zoning Variance: 901 Church. Seconded by Commissioner Nichol. Motion carried.

Commission and Administrator Reports were heard.

Community Development Director report was heard.

Public Comments were invited and heard.

Commissioner Nichol moved to approve the Consent Agenda consisting of the minutes from the October 28, 2020 Special Call Meeting; October 28, 2020 Minutes; October 30, 2020 Special Call Minutes; November 4, 2020 Special Call Minutes; Appropriation (2020) 21; Raw Water Project Bond Appropriation No. 81; and Gas Line Project Appropriation No. 17. Seconded by Commissioner Moffatt. Motion carried.

The Commission welcomed Valon Jones and Sydney Cullison, USD 461, for a presentation and proposal to assist the school with the establishment of an Animal Science Learning Lab. Presentation given; discussion held. No action taken.

Administrator Truelove addressed the commission regarding Ordinance 1736 and Ordinance 1737, both of which are related to the Neodesha City Code on Court Costs and Fees. Discussion held.

ORDINANCE NO. 1736

AN ORDINANCE AMENDING SECTION 24-6 OF CHAPTER 24 – MUNICIPAL COURT OF THE NEODESHA CITY CODE DEALING WITH MUNICIPAL COURT COSTS, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

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

Section 1: Section 24-6 of Chapter 24 – Municipal Court of the Neodesha City Code is hereby amended to read as follows:

Sec. 24-6 - Court Costs and Fees.

Court costs and fees to be paid by all defendants brought before the municipal court of the city, upon a plea or finding of guilty or a plea of nolo contendere, shall be established in section 16-24.

Section 2: Old Section 24-6, of Chapter 24 – Municipal Court of the Neodesha City Code and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3: This ordinance shall take effect on December 1, 2020 after publication once in the official city newspaper.

Commissioner Moffatt moved to approve Ordinance 1736, amending Section 24-6 of the Neodesha City Code relating to Court Costs and Fee. Seconded by Commissioner Nichol. Motion carried.

ORDINANCE NO. 1737

AN ORDINANCE AMENDING SECTION 16-24 OF CHAPTER 16 OF THE NEODESHA CITY CODE DEALING WITH MUNICIPAL COURT COSTS, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

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

Section 1: Section 16-24 of Chapter 16 of the Neodesha City Code is hereby amended to read as follows:

Sec. 16-24 – Court Costs and fees.

- (a) *General costs.* Whenever a defendant, in a case before the municipal court of the city is convicted of a violation of a municipal ordinance, or ordinances, or enters into a diversion agreement concerning a violation thereof, said defendant shall be assessed court costs in the amount of \$80 plus \$23.50 state-assessed fees. Said sum shall be in addition to any fine that is imposed by the court for said violation.
- (b) *Driver's license reinstatement fees.* The municipal court judge shall assess reinstatement costs in the amount of \$122 to any defendant whose driver's license was suspended for such person's failure to appear at a scheduled hearing or to whom a driver's license suspension was ordered in sentencing.
- (c) *Diversion fees.* Whenever a defendant enters into a diversion agreement concerning a violation, a diversion fee of \$200 shall be assessed by the municipal judge as part of sentencing. Said sum shall be in addition to any fine that is imposed by the court for said violation.
- (d) *Attorney fees.* As part of the court costs, the municipal judge shall also assess to the defendant, upon conviction, the amount of attorney fees and costs expended by the city if the defendant was represented by court-appointed counsel. In determining the amount and method of payment of such sum, the court shall take into account the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may petition the court to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will constitute a hardship on the defendant or the defendant's immediate family, the court may waive payment of all or a portion of the amount due, or modify the payment amount or due date.

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- (e) *Incarceration fees.* The municipal court judge shall assess the jail costs the city incurs for each day, or portion thereof, that a convicted defendant is required to serve in jail in an amount equal to the rate the city is charged for the jail time by the Wilson County Department of Corrections.
- (f) *Medical fees.* Any costs incurred by the city for the provision of medical treatment of a defendant who is arrested and/or incarcerated pursuant to a city ordinance, or due to an order of the municipal court judge, shall be assessed against the defendant.
- (g) *Expungement fees.* In addition to any other costs, the municipal court shall assess an expungement processing fee of \$100 for each expungement petition filed with the municipal clerk.
- (h) *Notice to appear fees.* For a notice to appear issued to an individual charged in Neodesha Municipal Court, an additional fee of \$35 shall be charged to that individual to assist in the recovery of costs associated with enforcing the notice to appear.
- (i) *Warrant fees.* For a warrant issued to an individual charged in Neodesha Municipal Court for failure to appear for court, an additional fee of \$60 shall be charged to that individual to assist in the recovery of costs associated with law enforcement serving and enforcing the warrant.
- (j) *Witness fees.* All witnesses compelled to appear in the Municipal Court of the City of Neodesha, Kansas by subpoena or order of the Court shall be entitled to a witness fee of \$10 per day for any person compelled to appear in the Municipal Court. Additionally, witnesses shall be entitled to a mileage fee at a rate used by the State of Kansas actually driven in excess of fifteen (15) miles. All such fees shall be paid by the party calling the witness except in the event the defendant is found not guilty, then all fees shall be paid by the City.
- (k) If the defendant is unable to pay the costs assessed, there shall be and remain a judgment against the defendant, which may be enforced as a judgment for payment of money in civil cases.
- (l) For the purpose of determining the amount of court costs to be assessed in accordance with this article, if more than one complaint is filed against one individual arising out of the same incident, all such complaints shall be considered as one case for assessment purposes.

Section 2: Old Section 16-24, of Chapter 16 of the Neodesha City Code and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3: This ordinance shall take effect on December 1, 2020 after publication once in the official city newspaper.

Commissioner Nichol moved to adopt Ordinance 1737, amending Section 16-24 of the Neodesha City Code relating to the Court Costs and Fees. 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 906 Church, the public hearing was opened. Discussion was held. Then the hearing was closed.

RESOLUTION NO. 20-16

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED ON LEGAL DESCRIPTION: LOTS TWENTY-ONE (21) AND TWENTY-TWO (22), BLOCK SIX (6) FORD'S ADDITION TO THE CITY OF NEODESHA, WILSON COUNTY, KANSAS, COMMONLY KNOWN AS 906 CHURCH, 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 30th day of January, 2020 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 23rd day of September, 2020, 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 1st day of October, 2020, and on the 8th day of October, 2020, 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 November, 2020, 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 Legal Description: LOTS TWENTY-ONE (21) AND TWENTY-TWO (22), BLOCK SIX (6) FORD'S ADDITION TO THE CITY OF NEODESHA, WILSON COUNTY, KANSAS, COMMONLY KNOWN AS 906 CHURCH, 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 10 (ten) 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

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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 Moffatt moved to approve Resolution 20-16 declaring the property located at 906 Church as unsafe or dangerous, and allow the property owner 10 (ten) days to repair or remove the structures and make the property safe and secure. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the 2021 AirMedCare renewal. Linda Barnes from AirMedCare was present to answer questions. Discussion was held.

Commissioner Nichol moved to table the 2021 AirMedCare renewal until the November 25, 2020 meeting. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the renewal of the 2021 Employee Health Insurance Plans. Discussion held.

Commissioner Moffatt moved to approve the Freedom 105 health insurance plan utilizing a high deductible Blue Cross and Blue Shield of Kansas plan and a self-insured dental plan for 2021. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the sale or lease of the City's communication tower. Discussion held.

Commissioner Nichol moved to direct Staff to prepare a lease agreement for the Communications tower, with Wilco Wireless, for Commission consideration. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the sale of the Osage Street property to So Home Kids Foundation. Discussion held.

Commissioner Moffatt moved to approve the donation of the Osage property to So Home Kids Foundation. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the consideration of transferring the property commonly known as the City Pond into the Neodesha Land Bank. Discussion held.

Commissioner Nichol moved to approve the donation of the City Pond property to the Neodesha Land Bank. Seconded by Commissioner Moffatt. Motion carried.

Commissioner Moffatt moved to convene as the Neodesha Land Bank to discuss the sale of property located at 1633 N 1st and accepting the donation of City property commonly known as the City Pond. Seconded by Commissioner Nichol. Motion carried. Discussion held.

Commissioner Moffatt moved to table the sale of property located at 1633 N 1st Street until the December 9, 2020 meeting. Seconded by Commissioner Nichol. Motion carried.

Commissioner Nichol moved to accept the donation of the City Pond property from the City of Neodesha. Seconded by Commissioner Moffatt. Motion carried.

Commissioner Nichol moved to adjourn as the Neodesha Land Bank and reconvene as the City of Neodesha Governing Body. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the possibility of changing the November 25, 2020 Commission Meeting to another date due to the Holiday schedule. Discussion held.

Commissioner Moffatt moved to leave the November 25, 2020 Commission Meeting date as originally scheduled. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding a zoning variance request for the property located at 901 Church. Discussion held.

Commissioner Moffatt moved to accept the Planning and Zoning Boards recommendation to deny the variance request for 901 Church Street. Seconded by Commissioner Nichol. Motion carried.

Commissioner Nichol moved to recess to an Executive Session including the Governing Body, City Administrator, City Clerk and Fire Chief Duane Banzet in the Commission Room to discuss an individual employee's performance pursuant to the non-elected personnel matter exception KSA 75-4319(b)(1) because if this matter were discussed in open session it might invade the privacy of those discussed. The open meeting will resume in the great room at City Hall at 4:25 p.m. Seconded by Commissioner Moffatt. Motion carried.

At 4:25 p.m. the regular meeting of the Governing Body reconvened in the great room at City Hall. No action taken.

Commissioner Nichol moved to extend the Executive Session including the Governing Body, City Administrator, City Clerk and Fire Chief Duane Banzet in the Commission Room to discuss an individual employee's performance pursuant to the non-elected personnel matter exception KSA 75-4319(b)(1) because if this matter were discussed in open session because it might invade the privacy of those discussed. The open meeting will resume in the great room at City Hall at 4:35 p.m. Seconded by Commissioner Moffatt. Motion carried.

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At 4:35 p.m. the regular meeting of the Governing Body reconvened in the great room at City Hall. No action taken.

Commissioner Nichol moved to extend the Executive Session including the Governing Body, City Administrator, City Clerk and Fire Chief Duane Banzet in the Commission Room to discuss and individual employee's performance pursuant to the non-elected personnel matter exception KSA 75-4319(b)(1) because if this matter were discussed in open session it might invade the privacy of those discussed. The open meeting will resume in the great room at City Hall at 4:45 p.m. Seconded by Commissioner Moffatt. Motion carried.

At 4:45 p.m. the regular meeting of the Governing Body reconvened in the great room at City Hall. No action taken.

The next regular meeting of the Governing Body will be held in the great room at City Hall on Wednesday, November 25, 2020 at 2:00 p.m.

At 4:45 p.m. Commissioner Moffatt moved to adjourn. Seconded by Commissioner Nichol. Motion carried.

ATTEST:

Devin Johnson, Mayor

Stephanie Fyfe, City Clerk

APPROPRIATIONS REPORT

ORDINANCE NO 22

11/25/2020

<u>VENDOR</u>	<u>REFERENCE</u>	<u>AMOUNT</u>	<u>CHECK NO</u>	<u>CHECK DATE</u>
A T & T	PHONE CHARGES	171.18	67946	11/25/2020
ADVANCE INSURANCE COMPANY	DECEMBER PREMIUMS	520.91	67948	11/25/2020
BEACHNER GRAIN INC	FESCUE	720.00	67949	11/25/2020
BORDER STATES INDUSTRIES INC	AUTOMATED METERING	4,171.29	67950	11/25/2020
BOUND TREE MEDICAL LLC	83802758-MEDICAL SUPPLIES	1,496.43	67951	11/25/2020
CALLTOWER	PHONE CHARGES	337.30	67952	11/25/2020
CANON FINANCIAL SERVICES	COPIER & PRINTER LEASE	664.39	67953	11/25/2020
CARTER AUTO PARTS	AUTO PARTS & SUPPLIES	132.48	67954	11/25/2020
D & D AUTO REPAIR & ALIGNMENT	643-VEHICLE SERVICE	733.05	67955	11/25/2020
D C & B SUPPLY INC	GASKETS	80.11	67956	11/25/2020
ECX SYSTEMS LLC	BARRACUDA EMAIL SECURITY 12/20	50.00	67957	11/25/2020
EDELMAN-LYON COMPANY	DOOR REPAIR AT LIBRARY	698.20	67958	11/25/2020
FED EX	SHIPPING CHARGES	399.63	67959	11/25/2020
GWORKS	14817-REMOTE METERING	2,709.75	67960	11/25/2020
HACH COMPANY	LAB SUPPLIES	290.22	67961	11/25/2020
HEATH CONSULTANTS, INC	YEARLY ODORATOR CALIBRATION	412.38	67962	11/25/2020
KANSAS STATE TREASURER	LAW ENFORCEMENT TRAINING FUND	2,529.64	67963	11/25/2020
LANDIS+GYR TECHNOLOGY INC	AUTOMATED METERING	750.00	67964	11/25/2020
LOCKE SUPPLY	SUPPLIES	303.78	67965	11/25/2020
MELS PRINTING	BUSINESS CARDS-HALLMAN	36.50	67966	11/25/2020
MIDWEST COMPUTER SALES	ANITA'S COMPUTER	1,639.00	67967	11/25/2020
BANK OF AMERICA	ROCK/SAND	1,110.03	67968	11/25/2020
MURPHY TRACTOR & EQUIPMENT CO	EQUIPMENT PARTS	238.47	67969	11/25/2020
PENMAC PERSONNEL SERVICES INC	TEMPORARY PERSONNEL SERVICE	1,068.65	67970	11/25/2020
PITNEY BOWES	POSTAGE FOR METER	1,000.00	67971	11/25/2020
PRIORITY POWER	OCTOBER BILLING	2,308.00	67972	11/25/2020
RENEWABLE CONCEPTS	RAMP MAINTENANCE	350.00	67973	11/25/2020
SOUTHERN UNIFORM & EQUIPMENT	UNIFORMS	222.05	67974	11/25/2020
STARBUCK TRUCKING LLC	DEMOLITION-120 S 4TH	6,000.00	67975	11/25/2020

SUNDOWNER TROPHIES	NAME PLATES & HOLDER	18.00	67976	11/25/2020
TELEFLEX LLC	MEDICAL SUPPLIES	677.50	67977	11/25/2020
TLC GROUNDSKEEPING INC	MAIN ST LANDSCAPE MAINTENANCE	1,361.07	67978	11/25/2020
UNIFIRST CORPORATION	UNIFORM SERVICE	1,371.94	67979	11/25/2020
ZOLL MEDICAL CORPORATION GPO	MEDICAL SUPPLIES	52.45	67980	11/25/2020
****TOTAL****		34,624.40		

November 25, 2020

Vendor	Invoice No	Check No	Amount	Description
NPL Construction Co	PR 05	1118	181,576.10	Construction
Ranson Financial Group	974	1119	4,000.00	Administration
GRAND TOTAL			<u>185,576.10</u>	

Approved the day above written.

Devin Johnson, Mayor

Attest

Stephanie Fyfe, City Clerk

**Contractor's Application for Payment No. 5**

Application Period: 9/28/20-10/22/20		Application Date: 11/2/2020
To (Owner): City of Neodesha	From (Contractor): NPL Construction Co.	Via (Engineer): Professional Engineering Consultants, P.A.
Project: Neodesha Gas Distribution System Improvements	Contract:	
Owner's Contract No.:	Contractor's Project No.:	Engineer's Project No.: 35-171291-000-2005

**Application For Payment
Change Order Summary**

Approved Change Orders			1. ORIGINAL CONTRACT PRICE.....	\$ 1,699,401.00
Number	Additions	Deductions	2. Net change by Change Orders.....	\$ -51,165.27
		-51,165.27	3. Current Contract Price (Line 1 ± 2).....	\$ 1,648,235.73
			4. TOTAL COMPLETED AND STORED TO DATE	
			(Column F total on Progress Estimates).....	\$ 935,786.04
			5. RETAINAGE:	
			a. 5% X \$935,786.04 Work Completed.....	\$ 46,789.30
			b. 5% X _____ Stored Material.....	\$ _____
			c. Total Retainage (Line 5.a + Line 5.b).....	\$ 46,789.30
			6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c).....	\$ 888,996.74
			7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....	\$ 707,420.64
			8. AMOUNT DUE THIS APPLICATION.....	\$ 181,576.10
			9. BALANCE TO FINISH, PLUS RETAINAGE	
			(Column G total on Progress Estimates + Line 5.c above).....	\$ 759,238.99
TOTALS		-51,165.27		
NET CHANGE BY	\$51,165.27			
CHANGE ORDERS				

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

- (1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment.
- (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and
- (3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor Signature

By: Tom Chuby Date: 11-2-20

Payment of: \$ 181,576.10
(Line 8 or other - attach explanation of the other amount)

is recommended by: Trenor Kaufman 11/10/2020
(Engineer) (Date)

Payment of: \$ _____
(Line 8 or other - attach explanation of the other amount)

is approved by: _____
(Owner) (Date)

Approved by: _____
Funding or Financing Entity (if applicable) (Date)

Contractor's Application

EJCDC® C-620 Contractor's Application for Payment
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Ranson Financial Group LLC
200 W. Douglas, Suite 600
Wichita, KS 67202

Invoice

Date	Invoice #
11/20/2020	974

Client

City of Neodesha
Attn: Stephanie Fyfe
1407 N 8th Street
Neodesha, KS 66757

Project #	
Grant (1015)	
Description	Amount
Grant Administration Services	
Contract Amount: \$24,250.00	
LESS Statement No. 1: \$2,250.00	
LESS Statement No. 2: \$2,500.00	
LESS Statement No. 3: \$2,500.00	
LESS Statement No. 4:	4,000.00
Contract Balance: \$13,000.00	

Please make check payable to:
RANSON FINANCIAL GROUP LLC
200 W. Douglas, Suite 600
Wichita, KS 67202

Total	\$4,000.00
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Or, if you prefer ACH, transfer funds to:
Routing # 101000019
Account # 273002969
(Commerce Bank, Wichita, KS)

Phone #	E-mail
(316) 264-3400	billing@ransonfinancial.com

Together, Ranson Financial Group LLC and Citycode Financial LLC provide financial and legal advisory services to Kansas communities including bonds, grants, loans, rate reviews, municipal codes, economic development services and websites.

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY
OF THE CITY OF NEODESHA, KANSAS
HELD ON NOVEMBER 25, 2020**

The governing body met in regular session at 2:00 p.m. The Mayor presided and the following members of the governing body were present:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

An Ordinance was presented entitled:

**AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF NEODESHA,
KANSAS, AUTHORIZING THE LEVY OF A ONE PERCENT (1%) CITY-WIDE
RETAILERS' SALES TAX AND RELATED MATTERS.**

Commissioner _____ moved that the Ordinance be passed. The motion was seconded by Commissioner _____. The Ordinance was duly read and considered, and upon being put, the motion for the passage of the Ordinance was carried by the vote of the governing body as follows:

Aye:

Nay:

A majority of the Commissioners having voted in favor of the Ordinance, it was declared duly passed and the Ordinance was then duly numbered Ordinance No. 1738 and was signed by the Mayor and attested by the Clerk. The Clerk was further directed to publish the Ordinance or a summary thereof one time in the official newspaper of the City and forward a certified copy of the ordinance to the State Director of Taxation.

* * * * *

(Other Proceedings)

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CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Neodesha, Kansas held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

City Clerk

ORDINANCE NO. 1738

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS, AUTHORIZING THE LEVY OF A ONE PERCENT (1%) CITY-WIDE RETAILERS' SALES TAX AND RELATED MATTERS.

WHEREAS, pursuant to the provisions of K.S.A. 12-187 *et seq.* (the “Act”), the City of Neodesha, Kansas (the “City”) is authorized to impose a local retailers' sales tax upon all retail sales within the boundaries of the City, except as specifically exempted by the Act; and

WHEREAS, the City Commission of the City (the “Governing Body”) deemed it advisable provide for an additional source of revenue to fund infrastructure projects, including improvements to streets, sidewalks, utilities, and stormwater drainage improvements, provided the electors of the City authorize a 1% sales City-wide retailers sales tax (the “Sales Tax”) to be imposed for such purposes; and

WHEREAS, the Governing Body deemed it advisable to provide for the calling of a special question election in the City on November 3, 2020, for the purpose of submitting to the qualified electors of the City the question the following question:

Shall the following be adopted?

Shall the City of Neodesha, Kansas, be authorized to impose a one percent (1.00%) Citywide retailers' sales tax, the revenue from which will be used as follows: 0.50% for improvements to streets and sidewalks; and 0.50% for infrastructure, including utility and stormwater drainage improvements; such sales tax to expire ten (10) years after its commencement; all pursuant to the provisions of K.S.A. 12-187 *et seq.*, as amended?

WHEREAS, the question of the imposition of the Sales Tax was approved by a majority of the qualified electors of the City voting on that proposition at the special question election; and

WHEREAS, pursuant to the provisions of the Act and the special question election, the Governing Body deems it necessary and advisable to authorize the imposition of the Sales Tax for the purposes described above, which constitutes a sales tax imposed for general purposes.

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

SECTION 1. Implementation of the Sales Tax. The levy of the one percent (1%) Sales Tax and the application of the revenue received therefrom is hereby authorized. In accordance with K.S.A. 12-191, collection of the Sales Tax shall commence on April 1, 2021, or as soon thereafter as permitted by law, and shall terminate ten years after its commencement.

SECTION 2. Department of Revenue Submittal. The City Clerk, upon passage of this Ordinance, shall provide a certified copy of the same to the State Director of Taxation pursuant to K.S.A. 12-189 and request the implementation of the Sales Tax, in accordance with the provisions hereof.

SECTION 3. Effective Date. This Ordinance shall be effective upon passage by the Governing Body, execution by the Mayor and publication of this Ordinance or a summary thereof once in the official City newspaper.

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PASSED by the governing body of the City of Neodesha, Kansas on November 25, 2020, and
SIGNED by the Mayor.

(SEAL)

Mayor

ATTEST:

City Clerk

CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original Ordinance; that the Ordinance was passed on November 25, 2020; that the record of the final vote on its passage is found on page ____ of journal ____; and that the Ordinance or a summary thereof was published in the *Neodesha Derrick* on December 3, 2020.

DATED: December 3, 2020.

City Clerk

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(Published in *Neodesha Derrick* on December 3, 2020)

SUMMARY OF ORDINANCE NO. 1738

On November 25, 2020, the governing body of the City of Neodesha, Kansas (the “City”), passed an ordinance entitled:

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS, AUTHORIZING THE LEVY OF A ONE PERCENT (1%) CITY-WIDE RETAILERS' SALES TAX AND RELATED MATTERS.

The Ordinance authorizes the imposition of a one percent (1%) City-wide retailers' sales tax (the “Sales Tax”) the proceeds of which shall be used as follows: 50% to fund improvements to streets and sidewalks; and 50% for infrastructure, including utility and stormwater drainage improvements. The collection of the Sales Tax to commence on April 1, 2021, or as soon thereafter as permitted by law, and terminate 10 years after its commencement. The question of levying the Sales Tax was approved by the electors of the City at a special question election on November 3, 2020. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, City Hall, 1407 N. 8th, Neodesha, Kansas 66757. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at <http://neodesha.org/>.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: November 25, 2020.

City Attorney

ORDINANCE NO. 1739

AN ORDINANCE AMENDING CHAPTER 26 OF THE NEODESHA CITY CODE DEALING WITH NUISANCES, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

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

Section 1: Chapter 26 of the Neodesha City Code is hereby amended to read as follows:

Chapter 26 - NUISANCES

ARTICLE I. - IN GENERAL

Sec. 26-1. - Form of complaint.

A complaint charging a violation under any section of this chapter shall be in writing and signed by the city administrator, public officer, city attorney, or special assistant corporation counsel. An electronic signature shall have the same effect as that of an original signature.

Secs. 26-2—26-18. - Reserved.

ARTICLE II. - HEALTH NUISANCES

Sec. 26-19. - Nuisances unlawful; defined.

It shall be unlawful for any person to maintain or permit any nuisance within the city as defined, without limitation, as follows:

- (1) Filth, excrement, lumber, rocks, dirt, cans, paper, trash, metal or any other offensive or disagreeable thing or substance thrown or left or deposited, or run off by natural or unnatural migration upon or under the surface of any street, avenue, alley, sidewalk, park, public or private enclosure, lot or lots, whether vacant or occupied;
- (2) All dead animals not removed within 24 hours after death;
- (3) Any place or structure or substance which emits or causes any offensive, disagreeable or nauseous odors;
- (4) All stagnant ponds or pools of water;
- (5) All grass or weeds or other unsightly vegetation not usually cultivated or grown for domestic use or to be marketed or for ornamental purposes;
- (6) Abandoned iceboxes or refrigerators kept on the premises under the control of any person, or deposited on the sanitary landfill, or any icebox or refrigerator not in actual use unless the door, opening or lid thereof is unhinged, or unfastened and removed therefrom;

- (7) All articles or things whatsoever caused, kept, maintained or permitted by any person to the injury, annoyance or inconvenience of the public or of any neighborhood;
- (8) Any fence, structure, thing or substance placed upon or being upon any street, sidewalk, alley or public ground so as to obstruct the same, except as permitted by the laws of the city;
- (9) Waste, industrial waste, hazardous waste (as defined by 36-399) thrown or left or deposited or run off by natural or unnatural migration upon or under the surface of any street, avenue, alley, sidewalk, park, public or private enclosure, lot or lots, whether vacant or occupied.

Sec. 26-20. - Public officer.

The city administrator shall designate a public officer to be charged with the administration and enforcement of this article.

Sec. 26-21. - Complaints; inquiry and inspection.

The public officer shall make inquiry and inspection of premises upon receiving a complaint or complaints in writing signed by two or more persons stating that a nuisance exists and describing the same and where located or is informed that a nuisance may exist by the health officer, city administrator, chief of police or the fire chief. The public officer may also make such inquiry and inspection when he or she observes conditions which appear to constitute a nuisance. Upon making any inquiry and inspection the public officer shall make a written report of findings.

Sec. 26-22. - Right of entry.

It shall be a Class C violation of this Code to deny the public officer the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if a nuisance exists.

Sec. 26-23. - Order of violation

(a) The governing body shall serve upon the owner, any agent of the owner of the property or any other person, corporation, partnership or association found by the public officer to be in violation of section 26-19 an order stating the violation. The order shall be served on the owner or agent of such property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then by mailing the order by certified mail, return receipt requested, to the last known address of the owner.

(b) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the governing body of the city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first-class mail. (K.S.A. 12-1617e)

Sec. 26-24. – Same; contents.

The order shall state the condition(s) which is (are) in violation of section 26-19. The order shall also inform the person, corporation, partnership or association that

(a) He, she or they shall have 10 days from the receipt of the order to abate the condition(s) in violation of section 26-19; provided, however, that the governing body [or its designee named in section 26-20] shall grant one or more extensions of the 10 day period if the owner or agent of the property demonstrates that due diligence is being exercised in the abatement of the conditions in violation of section 26-19; or,

(b) He, she or they have 10 days from the receipt of the order, plus any additional time granted under subsection (a), to request a hearing before the governing body or its designated representative of the matter as provided by section 26-27;

(c) Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided by section 26-25 and/or abatement of the condition(s) by the city as provided by section 26-26.

Sec. 26-25. - Failure to comply; penalty.

Should the person, corporation, partnership or association fail to comply with the order to abate the nuisance or request a hearing the public officer may file a complaint in the municipal court of the city against such person, corporation, partnership or association and upon conviction of any violation of provisions of section 26-19, be fined in an amount not to exceed \$100 or be imprisoned not to exceed 30 days or be both fined and imprisoned. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense.

Sec. 26-26. – Abatement.

In addition to, or as an alternative to prosecution as provided in section 26-25, the public officer may seek to remedy violations of this ordinance in the following manner. If a person to whom an order has been served pursuant to section 26-23 has neither alleviated the conditions causing the alleged violation nor requested a hearing before the governing body within the time periods specified in section 26-24, the public officer may present a resolution to the governing body for adoption authorizing the public officer or other agents of the city to abate the conditions causing the violation at the end of 10 days after passage of the resolution. The resolution shall further provide that the costs incurred by the city shall be charged against the lot or parcel of ground on which the nuisance was located as provided in section 26-28. A copy of the resolution shall be served upon the person in violation in one of the following ways:

(a) Personal service upon the person in violation;

(b) Certified mail, return receipt requested; or

(c) In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the public officer and filed with the city clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises where such condition exists.

(d) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the governing body of the city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first-class mail

Sec. 26-27. – Hearing.

If a hearing is requested within the 10-day period as provided in section 26-24, such request shall be made in writing to the governing body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the public officer. The hearing shall be held by the governing body or its designated representative as soon as possible after the filing of the request therefore, and the person shall be advised by the city of the time and place of the hearing at least five days in advance thereof. At any such hearing, the person may be represented by counsel, and the person and the city may introduce such witnesses and evidence as is deemed necessary and proper by the governing body or its designated representative. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the findings of the governing body or its designated representative shall be prepared in resolution form, adopted by the governing body, and the resolution shall be served upon the person in the manner provided in section 26-26.

Sec. 26-28. – Costs assessed.

If the city abates or removes the nuisance pursuant to section 26-26, the city shall give notice to the owner or his or her agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the city. The notice shall also state that the payment is due within 30 days following receipt of the notice. The city also may recover the cost of providing notice, including any postage, required by this section. The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the

county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.

Secs. 26-29—26-35.

ARTICLE III. - ENVIRONMENTAL CODE

Sec. 26-36. - Title.

This article shall be known as the "Environmental Code."

Sec. 26-37. - Legislative finding of fact.

The governing body has found there exists within the city unsightly and hazardous conditions due to: dilapidation, deterioration or disrepair of walls, siding, fences or structure exteriors; accumulations increasing the hazards of accidents or other calamities; structural defects; uncleanness; unsightly stored or parked material, equipment, supplies, machinery, vehicles or parts thereof. Such conditions are inimical to the general welfare of the community in that they have a blighting influence on the adjoining properties, the neighborhood and the city, or are injurious to the health and safety of the residents of the city. The governing body desires to promote the public health, safety and welfare by the repair, removal, abatement, and regulation of such conditions in the manner hereafter provided.

Sec. 26-38. - Purpose.

The purpose of this article is to protect, preserve, upgrade, and regulate the environmental quality of industrial, commercial and residential neighborhoods in this city, by outlawing conditions which are injurious to the health, safety, welfare or aesthetic characteristics of the neighborhoods and to provide for the administration and enforcement thereof.

Sec. 26-39. - Rules of construction.

For the purpose of this article, the following rules of construction shall apply:

- (1) Any part thereof - Whenever the words premises, structure, building or yard are used they shall be construed as though they were followed by the words "or any part thereof."
- (2) Gender - Words of gender shall be construed to mean neuter, feminine or masculine, as may be applicable.
- (3) Number - Words of number shall be construed to mean singular or plural, as may be applicable.
- (4) Tense - Words of tense shall be construed to mean present or future, as may be applicable.
- (5) Shall - The word shall is mandatory and not permissive.

Sec. 26-40. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned motor vehicle means any motor vehicle which is:

- (1) Not currently registered or tagged pursuant to K.S.A. 8-126—8-149;
- (2) Parked in violation of this Code;
- (3) Incapable of moving under its own power; or
- (4) In a junked or wrecked condition.

Accessory structure means a secondary structure detached from the principal structure but on the same premises, including, but not limited to, garages, sheds, barns, or outbuildings.

Commercial or industrial means used or intended to be used primarily for other than residential purposes.

Dilapidation, deterioration or disrepair means any condition characterized by, but not limited to, holes, breaks, rot, decay, crumbling, cracking, peeling, or flaking paint, rusting, or other evidence of physical damage, neglect, lack of maintenance, excessive use or weathering.

Exterior means those parts of a structure which are exposed to the weather or subject to contact with the elements, including, but not limited to, sidings, facings, veneers, masonry, roofs, foundations, porches, screens, shutters, windows, doors or signs.

Garbage means, without limitation, any accumulation of animal, fruit or vegetable waste matter that results from the handling, preparation, cooking, serving, delivering, storage, or use of foodstuffs.

Person means any individual, individuals, corporation, partnership, unincorporated association, other business organization, committee, board, trustee, receiver, agent or other representative who has charge, care, control or responsibility for maintenance of any premises, regardless of status as owner, renter, tenant or lessee, whether or not in possession.

Premises means any lot, plot or parcel of land including the structures thereon. The term "premises" also means any lot, plot or parcel of land without any structures thereon.

Refuse means garbage and trash.

Residential means used or intended to be used primarily for human habitation.

Structure means anything constructed or erected which requires location on the ground or is attached to something having a location on the ground including any appurtenances belonging thereto.

Trash means combustible waste consisting of, but not limited to: papers, cartons, boxes, barrels, wood, excelsior, furniture, bedding, rags, leaves, yard trimmings, or tree branches and noncombustible waste consisting of, but not limited to: metal, tin, cans, glass, crockery, plastics, mineral matter, ashes, clinkers, or street rubbish and sweepings.

Weathered means deterioration caused by exposure to the elements.

Yard means the area of the premises not occupied by any structure.

Sec. 26-41. - Public officer.

The city administrator shall designate a public officer to be charged with the administration and enforcement of this article.

Sec. 26-42. - Enforcement standards.

No person shall be found in violation of this article unless the public officer, after a reasonable inquiry and inspection of the premises, believes that conditions exist of a quality and appearance not commensurate with the character of the neighborhood. Such belief must be supported by evidence of a level of maintenance significantly below that of the rest of the neighborhood. Such evidence shall include conditions declared unlawful under section 26-43, but shall not include conditions which are not readily visible from any public place or from any surrounding private property.

Sec. 26-43. - Unlawful acts.

It shall be unlawful for any person to allow to exist on any residential, commercial or industrial premises, conditions which are injurious to the health, safety or general welfare of the residents of the community or conditions which are detrimental to adjoining property, the neighborhood or the city. For the purpose of fair and efficient enforcement and administration, such unlawful conditions shall be classified as follows:

- (1) Exterior conditions (yard) shall include, but not be limited to, the scattering over or the parking, leaving, depositing or accumulation on the yard of any of the following:
 - a. Lumber, wire, metal, tires, concrete, masonry products, plastic products, supplies, equipment, machinery, auto parts, junk or refuse.
 - b. Abandoned motor vehicles.
 - c. Furniture, stoves, refrigerators, televisions, sinks, bicycles, lawn mowers, or other such items of personal property.
 - d. Noxious substances, carcasses of dead animals or places where animals are kept in an offensive manner.
- (2) Exterior conditions (structure) shall include, but not be limited to, deteriorated, dilapidated, or unsightly:
 - a. Exteriors of any structure;
 - b. Exteriors of any accessory structure; or
 - c. Fences, walls, or retaining walls.

Sec. 26-44. – Order of violation.

(a) The public officer shall serve upon the owner, any agent of the owner of the property or any other person, corporation, partnership or association found by the public officer to be in violation of section 26-43 an order stating the violation. The order shall be served on the owner or agent of such property by certified mail, return receipt requested, or by personal service. If the property is

unoccupied and the owner is a nonresident, then by mailing the order by certified mail, return receipt requested, to the last known address of the owner.

(b) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the governing body of the city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first-class mail. The order shall state:

(1) The condition which has caused the violation of this ordinance; and

(2) That the person in violation shall have:

(A) 10 days from the receipt of the order to alleviate the exterior conditions (yard) violation; and/or;

(B) 45 days from the receipt of the order to alleviate the exterior conditions (structure) violation; or

(C) 10 days from the receipt of the order, plus any additional time granted under subsection (c), to request, as provided in section 26-47 a hearing before the governing body or its designated representative on the matter; and;

(c) Provided, however, that the governing body [or its designee named herein] shall grant one or more extensions to the time periods stated in subsections (b)(2)(A) and (B), above, if the owner or agent of the property demonstrates that due diligence is being exercised in the abatement of the conditions which have caused the violation of this ordinance; and,

(d) That failure to alleviate the condition or to request a hearing may result in prosecution under section 26-45 and/or abatement of the condition by the city according to section 26-46 with the costs assessed against the property under section 26-49.

Sec. 26-45. - Penalty

The public officer may file a complaint in the municipal court against any person found to be in violation of section 26-43; provided, however, that such person shall first have been sent a notice as provided in section 26-44 and that the person has ~~not~~ neither alleviated the conditions causing the alleged violation nor requested a hearing before the governing body within the time periods specified in section 26-44. Upon such complaint in the municipal court, any person found to be in violation of section 26-43 shall upon conviction be punished by a fine of not less than \$50 nor more than \$100, or by imprisonment, for not more than 30 days, or by both such fine and

imprisonment, for each offense. For the purposes of this ordinance, a separate offense shall be deemed committed on each day during or on which such violation is permitted to exist.

Sec. 26-46. - Abatement.

In addition to, or as an alternative to, prosecution as provided in section 26-45, the public officer may seek to remedy violations of this section in the following manner. If a person to whom an order has been served pursuant to section 26-44 has neither alleviated the conditions causing the alleged violation nor requested a hearing before the governing body within the time periods specified in section 26-44, the public officer may present a resolution to the governing body for adoption authorizing the public officer or other agents of the city to abate the conditions causing the violation at the end of 10 days after passage of the resolution. The resolution shall further provide that the costs incurred by the city shall be charged against the lot or parcel of ground on which the nuisance was located as provided in section 26-49.

A copy of the resolution shall be served upon the person in violation in one of the following ways:

- (a) Personal service upon the person in violation;
- (b) Certified mail, return receipt requested; or
- (c) In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the public officer and filed with the city clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises where such condition exists.
- (d) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the governing body of the city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first-class mail

Sec. 26-47. - Hearing.

If a hearing is requested within the 10-day period as provided in section 26-44 such request shall be made in writing to the governing body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the public officer. The hearing shall be held by the governing body or its designated representative as soon as possible after the filing of the request therefor, and the person shall be advised by the city of the time and place of the hearing at least five days in advance thereof. At any such hearing, the person may be represented by counsel, and the person and the city may introduce such witnesses and evidence as is deemed necessary and proper by the governing body or its designated representative. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the findings of the governing body or its designated representative shall be prepared in

resolution form, adopted by the governing body, and the resolution shall be served upon the person in the manner provided in section 26-46.

Sec. 26-48. - Appeals.

Any person affected by any determination of the governing body under section 26-46 or 26-47 may appeal such determination in the manner provided by K.S.A. 60-2101.

Sec. 26-49. - Costs assessed.

If the city abates or removes the condition in violation of this article pursuant to section 26-46, the city shall give notice to the owner or his or her agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the city. The notice shall also state that the payment is due within 30 days following receipt of the notice. The city also may recover the cost of providing notice, including any postage, required by this section. The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of ground on which the nuisance was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.

Sec. 26-50. - Abrogation.

Nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of its laws, nor to prevent or punish violations thereof. The powers conferred by this article shall be in addition to and supplemental to the powers conferred by the Kansas Constitution or by any other law or ordinance.

Secs. 26-51—26-63. - Reserved.

ARTICLE IV. – JUNKED MOTOR VEHICLES ON PRIVATE PROPERTY

Sec. 26-64. - Findings of government body.

The governing body finds that junked, wrecked, dismantled, inoperative or abandoned vehicles affect the health, safety and general welfare of citizens of the city because they:

- (1) Service as a breeding ground for flies, mosquitoes, rats and other insects and rodents;
- (2) Are a danger to persons, particularly children, because of broken glass, sharp metal protrusions, insecure mounting on blocks, jacks or other supports;
- (3) Are a ready source of fire and explosion;
- (4) Encourage pilfering and theft;

- (5) Constitute a blighting influence upon the area in which they are located;
- (6) Constitute a fire hazard because they frequently block access for fire equipment to adjacent buildings and structures.

Sec. 26-65. - Definitions.

As used in this article, unless the context clearly indicates otherwise:

- (1) Inoperable means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the function or purpose for which it was originally constructed;
- (2) Vehicle means, without limitation, any automobile, truck, tractor or motorcycle which as originally built contained an engine, regardless of whether it contains an engine at any other time.

Sec. 26-66. - Nuisances unlawful; defined; exceptions.

It shall be unlawful for any person to maintain or permit any motor vehicle nuisance within the city.

- (1) A motor vehicle nuisance is any motor vehicle which is not currently registered or tagged pursuant to K.S.A. 8-126—8-149 inclusive, as amended; or parked in violation of city ordinance; or incapable of moving under its own power; or in a junked, wrecked or inoperable condition. Any one of the following conditions shall raise the presumption that a vehicle is junked, wrecked or inoperable;
 - a. Absence of a current registration plate upon the vehicle;
 - b. Placement of the vehicle or parts thereof upon jacks, blocks, or other supports;
 - c. Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon street or highway.
- (2) The provisions of this section shall not apply to:
 - a. Any motor vehicle which is enclosed in a garage or other building;
 - b. To the parking or storage of a vehicle inoperable for a period of 30 consecutive days or less; or
 - c. To any person conducting a business enterprise in compliance with existing zoning regulations or who places such vehicles behind screening of sufficient size, strength and density to screen such vehicles from the view of the public and to prohibit ready access to stored vehicles by children. However, nothing in this subsection shall be construed to authorize the maintenance of a public nuisance.

Sec. 26-67. - Public officer.

The city administrator shall designate a public officer to be charged with the administration and enforcement of this article.

Sec. 26-68. - Complaints; inquiry and inspection.

The public officer shall make inquiry and inspection of premises upon receiving a complaint or complaints in writing signed by two or more persons stating that a nuisance exists and describing the same and where located or is informed that a nuisance may exist by the board of health, chief of police or the fire chief. The public officer may make such inquiry and inspection when he observes conditions which appear to constitute a nuisance. Upon making any inquiry and inspection the public officer shall make a written report of findings.

Sec. 26-69. - Right of entry.

It shall be a Class C violation of this article to deny the public officer the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if a nuisance exists.

Sec. 26-70. - Order of violation

(a) The governing body shall serve upon the owner, any agent of the owner of the property or any other person, corporation, partnership or association found by the public officer to be in violation of section 26-66 an order stating the violation. The order shall be served on the owner or agent of such property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then by mailing the order by certified mail, return receipt requested, to the last known address of the owner.

(b) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the governing body of the city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first-class mail. (K.S.A. 12-1617e)

Sec. 26-71. - Same; contents.

The notice shall state the condition(s) which is (are) in violation of section 26-66. The notice shall also inform the person, corporation, partnership or association that:

- (1) He, she or they shall have ten days from receipt of the order to abate the condition(s) in violation of section 26-66; or
- (2) He, she or they have ten days from receipt of the order to request a hearing before the governing body or its designated representative of the matter as provided by section 26-75;
- (3) Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided by section 26-72 and/or abatement of the condition(s) by the city as provided by section 26-73.

Sec. 26-72. – Failure to comply; penalty.

Should the person fail to comply with the notice to abate the nuisance or request a hearing, the public officer may file a complaint in the municipal court of the city against such person and

upon conviction of any violation of provisions of section 26-66, be fined in an amount not to exceed \$100 or be imprisoned not to exceed 30 days or be both fined and imprisoned. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense.

Sec. 26-73. – Abatement.

In addition to, or as an alternative to prosecution as provided in section 26-72, the public officer may seek to remedy violations of this ordinance in the following manner. If a person to whom an order has been sent pursuant to section 26-70 has neither alleviated the conditions causing the alleged violation or requested a hearing before the governing body within the time period specified in section 26-71, the public officer may present a resolution to the governing body for adoption authorizing the public officer or other agents of the city to abate the conditions causing the violation at the end of 10 days after passage of the resolution.

The resolution shall further provide that the costs incurred by the city shall be charged against the lot or parcel of ground on which the nuisance was located as provided in section 26-76. A copy of the resolution shall be served upon the person in violation in one of the following ways:

- (a) Personal service upon the person in violation;
- (b) Service by certified mail, return receipt requested; or
- (c) In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the public officer and filed with the city clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises where such condition exists.
- (d) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the governing body of the city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first-class mail

Sec. 26-74. – Disposition of vehicle; recovery of vehicle.

- (a) Disposition of any motor vehicle removed and abated from private property pursuant to this ordinance shall be as provided by K.S.A. Supp. 8-1102, as amended.
- (b) Any person attempting to recover a motor vehicle impounded as provided in this ordinance, shall show proof of valid registration and ownership of the motor vehicle before the motor vehicle shall be released. In addition, the person desiring the release of the motor vehicle shall pay all

reasonable costs associated with the impoundment of the motor vehicle, including transportation and storage fees, prior to the release of the motor vehicle.

Sec. 26-75. – Hearing.

If a hearing is requested within the 10-day period as provided in section 26-71, such request shall be made in writing to the governing body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the public officer. The hearing shall be held by the governing body or its designated representative as soon as possible after the filing of the request therefore, and the person shall be advised by the city of the time and place of the hearing at least five days in advance thereof. At any such hearing, the person may be represented by counsel, and the person and the city may introduce such witnesses and evidence as is deemed necessary and proper by the governing body or its designated representative. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the findings of the governing body or its designated representative shall be prepared in resolution form, adopted by the governing body, and the resolution shall be served upon the person in the matter provided in section 26-73.

Sec. 26-76. – Costs assessed.

If the city abates or removes the nuisance pursuant to section 10, the city shall give notice to the owner or his or her agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the city. The notice shall also state that the payment is due within 30 days following receipt of the notice. The city also may recover the cost of providing notice, including any postage, required by this section. The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.

Secs. 26-77—26-84. - Reserved.

ARTICLE V. – WEEDS

Sec. 26-85. - Weeds to be removed.

It shall be unlawful for any owner, agent, lessee, tenant, or other person occupying or having charge or control of any premises to permit weeds to remain upon said premises or any area between the property lines of said premises and the centerline of any adjacent street or alley, including but not specifically limited to sidewalks, streets, alleys, easements, rights-of-way and all

other areas, public or private. All weeds as hereinafter defined are hereby declared a nuisance and are subject to abatement as hereinafter provided.

Sec. 26-86. - Definitions.

Weeds as used herein, means any of the following:

- (1) Brush and woody vines;
- (2) Weeds and grasses which may attain such large growth as to become, when dry, a fire menace to adjacent improved property;
- (3) Weeds which bear or may bear seeds of a downy or wingy nature;
- (4) Weeds which are located in an area which harbors rats, insects, animals, reptiles, or any other creature which either may or does constitute a menace to health, public safety or welfare;
- (5) Weeds and grasses on or about residential property which, because of its height, has a blighting influence on the neighborhood. Any such weeds and indigenous grasses shall be presumed to be blighting if they exceed eight inches in height.

Sec. 26-87. - Public officer; notice to remove.

(a) The city administrator shall designate a public officer to be charged with the administration and enforcement of this article. The public officer or an authorized assistant shall give written notice to the owner, occupant or agent of such property by certified mail, return receipt requested, or by personal service, to cut or destroy weeds; provided, however, that if the property is unoccupied and the owner is a nonresident, such notice shall be sent by certified [mail], return receipt requested, to the last known address of the owner. Such notice shall only be given once per calendar year.

(b) The notice to be given hereunder shall state:

- (1) That the owner, occupant or agent in charge of the property is in violation of the city weed control law;
- (2) That the owner, occupant, or agent in control of the property is ordered to cut or destroy the weeds within ten days of the receipt of notice;
- (3) That the owner, occupant or agent in control of the property may request a hearing before the governing body or its designated representative within five days of the receipt of the notice or, if the owner is unknown or a nonresident, and there is no resident agent, 10 days after notice has been published by the city clerk in the official city newspaper;
- (4) That if the owner, occupant or agent in control of the property does not cut or destroy the weeds or fails to request a hearing within the allowed time, the city or its authorized agent will cut or destroy the weeds and assess the cost of the cutting or destroying the weeds,

including a reasonable administrative fee, against the owner, occupant or agent in charge of the property.

(5) That the owner, occupant or agent in control of the property will be given an opportunity to pay the assessment, and if it is not paid within 30 days of such notice, it will be added to the property tax as a special assessment.

(6) That no further notice shall be given prior to removal of weeds during the current calendar year.

(7) That the public officer should be contacted if there are any questions regarding the order.

(c) If there is a change in the record owner of title to property subsequent to the giving of notice pursuant to this section, the city may not recover any costs or levy an assessment for the costs incurred by the cutting or destruction of weeds on such property, unless the new record owner of title to such property is provided notice as required by this ordinance.

Sec. 26-88. - Abatement; assessment of costs.

(a) If the owner, occupant or agent in charge of the property has neither alleviated the conditions causing the alleged violation nor requested a hearing within the time periods specified in section 26-87, the public officer or an authorized assistant shall abate or remove the conditions causing the violation.

(b) If the city abates or removes the nuisance pursuant to this section, the city shall give notice to the owner, occupant or agent in charge of the premises by certified mail, return receipt requested, of the total cost of abatement or removal incurred by the city. The notice shall also state that the payment is due within 30 days following receipt of the notice. The city also may recover the cost of providing notice, including any postage, required by this section.

(c) The notice shall also state that if the costs of removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as a special assessment for such cost against the lot or parcel of land on which the nuisance was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and any applicable interest has been paid in full. (K.S.A 12-1617f)

Sec. 26-89. - Right of entry.

The public officer, and the public officer's authorized assistants, employees, contracting agents or other representatives are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of cutting, destroying and/or removing such weeds in a manner not inconsistent with this ordinance.

Sec. 26-90. - Unlawful interference.

It shall be unlawful for any person to interfere with or to attempt to prevent the public officer or the public officer's authorized representative from entering upon any such lot or piece of ground or from proceeding with such cutting and destruction. Such interference shall constitute a Class C Code violation.

Sec. 26-91. - Noxious weeds.

(a) Nothing in this ordinance shall affect or impair the rights of the city under the provisions of Chapter 2, Article 13 of the Kansas Statutes Annotated, relating to the control and eradication of certain noxious weeds.

(b) For the purpose of this article, the term noxious weeds shall mean kudzu (*Pueraria lobata*), field bindweed (*Convolvulus arvensis*), Russian knapweed (*Centaurea repens*), hoary cress (*Cardaria draba*), Canada thistle (*Cirsium arvense*), quackgrass (*Agropyron repens*), leafy spurge (*Euphorbia esula*), bur ragweed (*Ambrosia grayii*), pignut (*Hoffmannseggia densiflora*), musk (nodding) thistle (*Carduus nutans* L.), Johnson grass (*Sorghum halepense*), and sericea lespedeza (*Lespedeza cuneata*) (K.S.A. 2-1314)

Section 2: Old Chapter 26 of the Neodesha City Code 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 25th day of November, 2020.

ATTEST:

Devin Johnson, Mayor

Stephanie Fyfe, City Clerk



Plan Code: 9641

**AirMedCare Network Municipal Site Membership
For City of Neodesha, KS**

Organization: City of Neodesha, KS
Physical Address: 1407 N 8th Street
Neodesha, KS 66757

Contact: Devin Johnson, Mayor
Phone: 620-325-2828
Email: sfyfe@neodeshaks.org
County: Wilson

Membership Sales Manager/Base: Linda Barnes MT126

Covered Individuals and Transports:

Any individual who resides within the boundaries of City of Neodesha, KS when transported for medical necessity by MedTrans Corporation (or any AirMedCare Network Provider) will be covered under the standard terms and conditions for an AirMedCare Network membership (attached), except:

- Transport must be from a pickup location in Wilson County, KS; and
- If the covered individual transported is uninsured at the time of transport, MedTrans Corporation will bill the covered individual at the "Medicare Allowable Rate" for the transport.

Fees:

City of Neodesha, KS will pay to AirMedCare Network a total of \$13,562.00 annual.

Upgrade Benefit to Covered Individuals:

Any individual who resides within the boundaries of City of Neodesha, KS may elect to obtain a full household membership (which eliminates the exceptions listed above) by completing an application and paying the following fees:

Standard Annual Rate	*Senior Annual Rate
\$45	\$35
<i>*Senior rate is available to the primary and secondary household member if they are 60 years of age or older.</i>	

Duration:

This agreement will be effective upon AirMedCare Network's receipt of (a) this agreement signed by the participating Organization AND (b) payment of the amount as provided above. This agreement will be effective for one (1) year, and will be evaluated by both parties for renewal at least thirty (30) days prior to the end of the one (1) year term.





Terms and Conditions

AirMedCare Network is an alliance of affiliated air ambulance providers* (each a “**Company**”). An AirMedCare Network membership automatically enrolls you as a member in each Company’s membership program. Membership ensures the patient will have no out-of-pocket flight expenses if flown by a Company by providing prepaid protection against a Company’s air ambulance costs that are not covered by a member’s insurance or other benefits or third party responsibility, subject to the following terms and conditions:

1. Patient transport will be to the closest appropriate medical facility for medical conditions that are deemed by AMCN Provider attending medical professionals to be life- or limb-threatening, or that could lead to permanent disability, and which require emergency air ambulance transport. A patient’s medical condition, not membership status, will dictate whether or not air transportation is appropriate and required. Under all circumstances, an AMCN Provider retains the sole right and responsibility to determine whether or not a patient is flown.
2. AMCN Provider air ambulance services may not be available when requested due to factors beyond its control, such as use of the appropriate aircraft by another patient or other circumstances governed by operational requirements or restrictions including, but not limited to, equipment manufacturer limitations, governmental regulations, maintenance requirements, patient condition, age or size, or weather conditions. FAA restrictions prohibit most AMCN Provider aircraft from flying in inclement weather conditions. The primary determinant of whether to accept a flight is always the safety of the patient and medical flight crews. Emergent ground ambulance transport of a member by an AMCN Provider will be covered under the same terms and conditions.
3. Members who have insurance or other benefits, or third party responsibility claims, that cover the cost of ambulance services are financially liable for the cost of AMCN Provider services up to the limit of any such available coverage. In return for payment of the membership fee, the AMCN Provider will consider its air ambulance costs that are not covered by any insurance, benefits or third party responsibility available to the member to have been fully prepaid. The AMCN Provider reserves the right to bill directly any appropriate insurance, benefits provider or third party for services rendered, and members authorize their insurers, benefits providers and responsible third parties to pay any covered amounts directly to the AMCN Provider. Members agree to remit to the AMCN Provider any payment received from insurance or benefit providers or any third party for air medical services provided by the AMCN Provider, not to exceed regular charges. Neither the Company nor AirMedCare Network is an insurance company. Membership is not an insurance policy and cannot be considered as a secondary insurance coverage or a supplement to any insurance coverage. **Neither the Company nor AirMedCare Network will be responsible for payment for services provided by another ambulance service.**
4. Membership starts 15 days after the Company receives a complete application with full payment; however, the waiting period will be waived for unforeseen events occurring during such time. Members must be natural persons. Memberships are non-refundable and non-transferable.
5. Some state laws prohibit Medicaid beneficiaries from being offered membership or being accepted into membership programs. By applying, members certify to the Company that they are not Medicaid beneficiaries.
6. These terms and conditions supersede all previous terms and conditions between a member and the Company or AirMedCare Network, including any other writings, or verbal representations, relating to the terms and conditions of membership.

*Air Evac EMS, Inc. / Guardian Flight, LLC / Med-Trans Corporation / REACH Air Medical Services, LLC — These terms and conditions apply to all AirMedCare Network participating provider membership programs, regardless of which participating provider transports you.





Agreed to by:

_____ Signature	_____ Signature
_____ Devin Johnson	_____ Keith Hovey
_____ Printed Name	_____ Printed Name
_____ Mayor	_____ Vice President
_____ Title	_____ Title
_____ City of Neodesha, KS	_____ Membership
_____ Organization Name	_____ Division
_____ 11/25/2020	_____ Date
_____ Date	





P.O. Box 948
West Plains, MO 65775

800-793-0010 • Fax 866-299-3303
membership@airmedcarenetwork.com

Invoice

City of Neodesha, KS
1407 N 8th Street
Neodesha, KS 66757

For: AMCN Membership
Invoice #: 9641-11032020
Tuesday, November 03, 2020

Quantity	Type	Names and Dates	Amount
1	Municipal Site Membership	12/31/2020 – 12/31/2021	\$13,562.00
Total Amount			\$13,562.00

Please make all checks payable to Air Med Care Network.

FedEx Code: 4804-1874-3
Mail to: 1800 Air Medical Drive, Suite 1
West Plains, MO 65775
-OR-
Send by regular mail
Mail to: PO Box 948
West Plains, MO 65775

If you have any questions concerning this invoice, please contact
Jennifer Gallamore at 417-257-1697 or email Jennifer.Gallamore@gmr.net





PHILIPS

Philips Healthcare
3000 Minuteman Road, MS 2214
Andover, MA 01810-1099

Email PO to: Healthcare.Orders@philips.com

or

Fax PO to: 1-800-947-3299

or

Mail PO to:
Philips Healthcare
Order Processing, MS2214
Andover, MA 01810-1099

800-934-7372

QUOTE DATE

11/19/2020

QUOTE NUMBER

2301130734

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LAST UPDATED

11/19/2020

TIME

17:52:58

EXPIRATION DATE

01/19/2021

INCOTERMS

FOB DESTINATION

PAYMENT TERMS

Net 30 Days

Subject to Credit Approval

FORMAL QUOTE

CUSTOMER:

Attention:

City of Neodesha
1407 N 8th St
NEODESHA KS 66757-1234
UNITED STATES

Customer Number : 94669337

SALES REPRESENTATIVE

Tony Mengwasser

Ph: 573-880-2797

Fax:

QUOTE CONTACT

Federal EIN: 13-3429115

#	Product	Description	Qty	UoM	Unit Net	Total Net Currency USD
SPECIAL COMMENTS Philips Order Booking Policy Requires the following information to be on all Purchase Orders, omission of any information will result in processing delays: -Ship-to address clearly marked -Bill-to address clearly marked -Reference to Formal Quote (not expired) and/or Contract # -Net Payment terms to match Formal Quote and/or Contract (N30 is standard) -Requested Delivery Date for orders with installation -Serial Numbers for orders with Upgrades -Orders should be emailed to Healthcare.Orders@philips.com ; copy sales rep						
10	DS2200X11B 989805661881	Trilogy EV300, USA	2	PCE	12,133.10	24,266.20
		Dollar Commit Disc. included in net -30.000 %				24,266.20
20	1134430 989805662301	(10) Particulate Filter	1	PCE	100.00	100.00
		Dollar Commit Disc. included in net -30.000 %				100.00
30	1134591 989805662311	(10) Air Inlet Foam Filter	1	PCE	5.00	5.00

THIS QUOTATION CONTAINS CONFIDENTIAL AND PROPRIETARY INFORMATION OF PHILIPS HEALTHCARE AND IS INTENDED FOR USE ONLY BY THE CUSTOMER WHOSE NAME APPEARS ON THIS QUOTATION. IT MAY NOT BE DISCLOSED TO THIRD PARTIES WITHOUT PRIOR WRITTEN CONSENT OF PHILIPS HEALTHCARE.



PHILIPS

Philips Healthcare
3000 Minuteman Road, MS 2214
Andover, MA 01810-1099

QUOTE DATE

11/19/2020

QUOTE NUMBER

2301130734

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LAST UPDATED

11/19/2020

TIME

17:52:58

EXPIRATION DATE

01/19/2021

INCOTERMS

FOB DESTINATION

FORMAL QUOTE**REPRINT**

#	Product	Description	Qty	UoM	Unit Net	Total Net Currency USD
		Dollar Commit Disc. included in net -30.000 %				5.00
40	1134668 989805662341	FiO2 Sensor Assembly	2	PCE	140.00	280.00
		Dollar Commit Disc. included in net -30.000 %				280.00
		Total Quotation List Price				35,216.00
		Less All Applicable Discounts				-10,564.80
		Total Quotation Net Price				24,651.20
<p>Philips Healthcare is pleased to inform you that financing of its products and services is available to qualified applicants. To obtain more information contact Philips Medical Capital @ 866-513-4PMC.</p> <p>*</p> <p>The discount quoted herein is a Special Negotiated Discount of 30%.</p> <p>*</p> <p>If no contract is identified in the previous sentence or the products and/or services are not covered by this contract, this quotation is issued pursuant to, and any PO for the items herein will be accepted subject to the Philips Terms and Conditions of Sale posted at https://www.usa.philips.com/healthcare/about/terms-conditions and the terms herein</p> <p>*</p> <p>MD Buyline -- Please be aware that MD Buyline utilizes Philips current list prices as the basis of calculation for discount comparisons. If you are a customer utilizing a GPO contract with fixed pricing, it is likely that the list price on this quotation is based on an older published price list, and may be considerably less than the current list pricing that MD Buyline uses in its analysis. As such, the MD Buyline discount recommendation may be higher than the Philips offering for your particular purchase. If you have a question, please ask your Sales Representative for clarification. Should you have concerns or want additional information relative to how discount comparisons are calculated at MD Buyline, please call your analyst at MD Buyline.</p> <p>*</p> <p>All work is scheduled within normal working hours; Monday through Friday, 8 a.m. to 5 p.m. excluding Philips holidays.</p> <p>All pricing is based on travel zones 1-3. For travel zones beyond 1-3, consult your Philips sales rep for alternate pricing.</p> <p>It is the customers responsibility to provide Philips with the access necessary to complete the quoted work in a continuous start to finish manner.</p>						

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#	Product	Description	Qty	UoM	Unit Net	Total Net Currency USD
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Excessive delays and multiple visits will result in additional charges.
All prices are based upon 'adequate access' to work areas that are free from obstruction.
If it is determined, during the implementation that asbestos removal is required; Philips will suspend performance until the Customer remediates the asbestos.
Philips will work with the customers staff to reduce the downtime during the system transition.

*

*

Products are for USA end-use only. Taxes, if applicable, are not included unless noted but will be added to the invoice. The Purchase Order must reference the Quote Number and your Purchase Agreement.

Please indicate your requested delivery date and your preference, if any, to accept and pay for partial shipments. If this quote includes Value-Added Services, they may be invoiced separately. Additional sold training must be completed within twelve months of delivery/installation. System cabling, if included, is specified at the standard grade unless noted otherwise.

*

This quote specifically excludes Licensing & Permit Fees, Prevailing Wage Compensation and Union Labor.

*

IMPORTANT NOTICE: Health care providers are reminded that if the transactions herein include or involve a loan or a discount (including a rebate or other price reduction), they must fully and accurately report such loan or discount on cost reports or other applicable reports or claims for payment submitted under any federal or state health care program, including but not limited to Medicare and Medicaid, such as may be required by state or federal law, including but not limited to 42 CFR 1001.952(h).

PHILIPS

Philips Healthcare
3000 Minuteman Road, MS 2214
Andover, MA 01810-1099

QUOTE DATE

11/19/2020

QUOTE NUMBER

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FOB DESTINATION

FORMAL QUOTE

REPRINT

This quotation is issued pursuant to, and any PO for the items herein will be accepted subject to the Terms of any current Contract with the customer. If there is no contract in place, this quotation is issued pursuant to, and any PO for the items herein will be accepted subjected to Philips Terms and Conditions of sale posted at <http://www.usa.philips.com/healthcare/about/terms-conditions> and the terms herein.

This quotation contains confidential and proprietary information of Philips Healthcare and is intended for use only by the customer whose name appears on this quotation. It may not be disclosed to third parties without prior written consent of Philips Healthcare

BILL TO:
THE CITY OF NEODESHA

P.O. BOX 336
Phone: (620) 325-2828

NEODESHA, KANSAS 66757

CHARGE TO _____

DATE _____

PURCHASE ORDER
THIS NO. MUST APPEAR ON ALL
PACKAGES, CORRESPONDENCE,
B/L'S AND INVOICES.

No. 7396

VENDOR **Phillips Healthcare**
• 3000 Minuteman Road MS 2214
Andover, MA 01810-1099

SHIP TO **Neodesha Fire Department**
112 South 4th Street
Neodesha, KS 66757

Quote Number 2301130734

TERMS		F.O.B.	VIA		SHIP ON	
	QUANTITY	DESCRIPTION			PRICE	
	2	Trilogy Ev300 USA Unit price \$12,133.10 DS2200X11B 989805661881 Dollar Commit Disc. included in net -30.00%			24,266	20
	1	(10) Particulate Filter Unit price \$100.00 1134430 989805662301 Dollar Commit Disc included in net 30.00%			100	00
	1	Air inlet Foam Filter Unit price \$500 Dollar Commit Disc included in net 30.00% 1134591 989805662311			5	00
	2	FiO2 Sensor Assembly \$140.00 Dollar Commit Disc included in net 30% 1134668 989805662341			280	00
Total Quote					35,216	00
List price					10,564	80
Discounts						
Total Net price					24,651	20

INSTRUCTIONS TO VENDOR

- PLEASE ACKNOWLEDGE EACH ORDER PROMPTLY AND GIVE THE SHIPPING DATE.
- FORWARD A SHIPPING NOTICE ON DATE OF SHIPMENT TO THE INVOICE ADDRESS INDICATED ABOVE.
- INVOICE EACH ORDER SEPARATELY ON DAY OF SHIPMENT.
- THE COMPLETE PURCHASE ORDER NUMBER, INCLUDING PREFIX AND SUFFIX, MUST BE SHOWN ON ALL INVOICES, SHIPPING PAPERS, SHIPPING CONTAINERS AND FREIGHT BILLS.
- PREPAY ALL ALLOWED FREIGHT.

- UNLESS OTHERWISE PROVIDED HEREIN, ANY WRITTEN ACKNOWLEDGMENT OF THIS ORDER OR THE DELIVERY OF ANY MATERIALS OR SERVICES IN ACCORDANCE WITH THIS PURCHASE SHALL CONSTITUTE ACCEPTANCE BY THE SELLER, SUBJECT TO ALL SPECIFICATIONS, TERMS AND CONDITIONS ON THE FACE OF THIS ORDER WHICH ARE MADE A PART HEREOF AND ALSO ALL ATTACHMENTS HERETO.

THE CITY OF NEODESHA

BY _____

ERT