

-Agenda

City Commission of the City of Neodesha, KS

February 8, 2023 2:00 p.m.

ZOOM Online Access: <https://us02web.zoom.us/j/6203252828>

Item 1: Opening Session

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

Item 2: Public Comments

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

- Approval of January 25, 2023 Minutes
- Approval of January 30, 2023 Special Call Minutes
- Appropriation (2023) 02

Item 4: Business Items to Consider

- A. Resolution: Dangerous Structures 1316 N 4th Street
- B. Resolution: Dangerous Structures 1309 N 5th Street
- C. Land Bank: Consider Sale of Property
- D. BP Annual Access Agreement
- E. Approve Participation in New National Opioid Settlements
- F. Approve Purchase of Fire Department SCBA Air Packs

Item 5: Date/Time of Next Regular Meeting

Wednesday, February 22, 2023 at 2:00 p.m. – Regular Meeting, City Hall

Item 6: Executive Session

Item 7: Adjournment

**AGENDA COMMENTS
CITY COMMISSION MEETING
February 8, 2023**

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: Resolution: Dangerous Structures 1316 N. 4th Street

On November 9, 2022, after conducting an advertised public hearing regarding the property located at 1316 N. 4th Street, the Commission tabled the Abatement Resolution until February 8, 2023. The resolution was tabled due to a report that the owner had identified a buyer for the property. That buyer has not purchased the property, but the property has been deeded to a sister of the owner. Nothing in our City Code prevents the approval of the abatement resolution, even though the property has changed hands. Therefore, the Commission can approve the Resolution; or, the Commission may rescind the abatement process, and order Staff to begin a new process. The owner stated that she does not want the property. If the Commission chooses to rescind the abatement process, the Land Bank can consider a future agenda item to accept the property into the Land Bank.

RECOMMENDED MOTION: *I move to approve Resolution 23-02 declaring the property located at 1316 N. 4th Street as unsafe or dangerous, and allow the property owner _____ days to repair or remove the structures and make the property safe and secure.*

Or:

I move to rescind the abatement process for the property located at 1316 N. 4th Street due to new ownership of the property.

4.B: Resolution: Dangerous Structures 1309 N. 5th Street

On November 9, 2022, after conducting an advertised public hearing regarding the property located at 1309 N. 5th Street, the Commission tabled the Abatement Resolution until February 8, 2023. The resolution was tabled due to a report that the property was to be included in an upcoming tax sale.

RECOMMENDED MOTION: *I move to table the abatement process on 1309 N. 5th Street for _____ days to allow for the conduct of the Wilson County Tax Sale.*

4.C: Land Bank: Consider Sale of Property

The Commission is asked to convene as the Neodesha Land Bank and consider the sale of Lot #8, Timber Ridge Estates. On January 9, 2023, the Commission approved the sale of Lot #7 to Carl and Libby Boldra.

On January 25, 2023, the Commission tabled this agenda item, to obtain confirmation from the buyer that they wish to purchase Lot #8 as well.

RECOMMENDED MOTION: *I move to convene as the Neodesha Land Bank to discuss the sale of property.*

RECOMMENDED MOTIONS: *I move to approve the sale of Timber Ridge Lot #8 to Carl and Libby Boldra at a cost of \$7,000, with a 50% refund upon completion of construction.*

RECOMMENDED MOTION: *I move to adjourn as the Neodesha Land Bank Board and re-convene as the City of Neodesha Governing Body.*

4.D: BP Annual Access Agreement

Staff has been contacted by representatives of BP with a request to approve an Annual Access Agreement for monitoring well sampling activity.

RECOMMENDED MOTION: *I move to approve the 2023 Access Agreement with BP for monitoring well sampling, and authorize the City Administrator to sign the agreement.*

4.E: Approve Participation in New National Opioid Settlements

On December 28, 2021, the Commission approved Resolution 21-44, authorizing the City's participation in the Kansas Opioid Litigation Settlement Fund. The Commission is now asked to consider participating in the New National Opioid Settlements. This litigation settlement is with several large national retailers, such as Walgreens, CVS, and Walmart. Resolution 21-44 authorized participation in future settlements, but Staff thought it would be more transparent to show the City's involvement in this settlement as well.

RECOMMENDED MOTION: *I move approve the City of Neodesha participation in the New National Opioid Settlements, and authorize the Mayor to sign.*

4.F: Approve Purchase of Fire Department SCBA Air Packs

The Commission is asked to approve the purchase of Self-Contained Breathing Apparatus (SCBA) Air Packs for the Neodesha Fire Department. The old equipment is outdated, and Staff has been informed that much of the equipment cannot be serviced any longer. Chief Fyfe has obtained a few quotes, and has selected a quote that is at least \$10,000 less than the next lowest bid. This is a critical purchase for the Fire Department, and will replace other approved capital outlay items.

RECOMMENDED MOTIONS: *I move to approve the purchase of SCBA Air Pack equipment for the Fire Department, from Casco Industries, Inc., at a cost not to exceed \$138,143.*

Neodesha, Kansas
January 25, 2023

The Board of Commissioners met in regular session at 2:00 p.m., on Wednesday, January 25, 2023, in the Commission Room at City Hall conducting the meeting by live streaming with Zoom with Mayor Johnson presiding and Commissioners Moffatt and Nichol present.

Commissioner Moffatt moved to approve the agenda as presented. Seconded by Commissioner Nichol. Motion carried.

Commission reports were heard.

City Administrator reports were heard.

Public Comments were invited and heard.

Commissioner Nichol moved to approve the consent agenda as presented consisting of minutes from the January 9, 2023 Meeting; minutes from the January 16, 2023 Special Call Meeting; Appropriation (2022) 25 and Appropriation (2023) 01. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding an ordinance providing authority for the structures located at 318 S 2nd Street to be demolished and the property made safe. Discussion held.

ORDINANCE NO. 1776

AN ORDINANCE AUTHORIZING AND DIRECTING THE REMOVAL OF CERTAIN UNSAFE AND DANGEROUS STRUCTURES LOCATED AT 318 S 2ND ON LEGAL DESCRIPTION: THE NORTH SEVENTY-ONE (71) FEET OF LOTS TWENTY-TWO (22), TWENTY-THREE (23) AND TWENTY-FOUR (24), BLOCK SEVENTY-FOUR (74) CITY OF NEODESHA, WILSON COUNTY, KANSAS, AUTHORIZING THE FINANCING OF THE COSTS OF SUCH REMOVAL BY THE SALE OF SALVAGE FROM SUCH STRUCTURES, IF ANY, AND/OR FROM THE GENERAL FUND OF THE CITY, AND THE LEVYING OF SPECIAL ASSESSMENTS AGAINST THE LOTS ON WHICH SUCH STRUCTURE IS LOCATED.

WHEREAS, the governing body did after proper notice and hearing as provided by law make findings by Resolution 22-21 dated November 23, 2022, that the structure hereinafter described as unsafe and dangerous and did direct the owner of such structure to repair or remove the same and make the premises safe and secure, together with the statement that if the owner failed to commence the repair or removal within the time fixed by such resolution or failed to diligently prosecute the same until the work was completed, the city would cause the structure to be razed and removed, and

WHEREAS, such resolution was published in the official city newspaper and copies of such resolution were mailed to each owner, agent, lienholder of record and occupants of such structures and were otherwise served as required by law, and

WHEREAS, the owner has wholly failed to commence the repair or removal of such structures; now therefore

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

Section 1: The enforcing officer is hereby authorized and directed to cause the dwelling located at 318 S 2ND, on legal description: **THE NORTH SEVENTY-ONE (71) FEET OF LOTS TWENTY-TWO (22), TWENTY-THREE (23) AND TWENTY-FOUR (24), BLOCK SEVENTY-FOUR (74) CITY OF NEODESHA, WILSON COUNTY, KANSAS**, to be razed and removed and the premises be made safe and secure and for this purpose is authorized to invite bids, negotiate a contract, or cause the work to be done by city employees.

Section 2: The enforcing officer shall keep an account of the cost of the work and may sell the salvage from such structures and shall keep an account of the receipts therefrom as provided by law.

Section 3: All costs incurred by the city in the razing and removal of such structures and the making of the premises safe and secure shall be paid from moneys received from the sale of salvage therefrom and all moneys in excess of that necessary to pay such costs shall, after the payment of all costs, be paid to the owner of the premises upon which said structures were located: **PROVIDED**, that if there is no salvageable material or if moneys received from the sale of salvage is insufficient to pay the cost of such work, such costs or any portion thereof in excess of the amount received from the sale of salvage shall be assessed as a special assessment against the lots on which the structure was located and may be financed until the assessment is paid out of the general fund of the city.

Section 4: **EFFECTIVE DATE.** This ordinance shall be in full force and effect upon its publication in the official city newspaper.

Commissioner Moffatt moved to approve Ordinance 1776, directing the removal of certain dangerous and unsafe structures at 318 S 2nd Street. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding an ordinance providing authority for the structures located at 1030 Walnut Street to be demolished and the property made safe. Discussion held.

(continued on next page)

ORDINANCE NO. 1777

AN ORDINANCE AUTHORIZING AND DIRECTING THE REMOVAL OF CERTAIN UNSAFE AND DANGEROUS STRUCTURES LOCATED AT 1030 WALNUT ON LEGAL DESCRIPTION: LOTS TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15) AND SIXTEEN (16), BLOCK TWO (2), DEET AND MORRIS FIRST ADDITION TO THE CITY OF NEODESHA, WILSON COUNTY, KANSAS, AUTHORIZING THE FINANCING OF THE COSTS OF SUCH REMOVAL BY THE SALE OF SALVAGE FROM SUCH STRUCTURES, IF ANY, AND/OR FROM THE GENERAL FUND OF THE CITY, AND THE LEVYING OF SPECIAL ASSESSMENTS AGAINST THE LOTS ON WHICH SUCH STRUCTURE IS LOCATED.

WHEREAS, the governing body did after proper notice and hearing as provided by law make findings by Resolution 22-23 dated December 14, 2022, that the structure hereinafter described as unsafe and dangerous and did direct the owner of such structure to repair or remove the same and make the premises safe and secure, together with the statement that if the owner failed to commence the repair or removal within the time fixed by such resolution or failed to diligently prosecute the same until the work was completed, the city would cause the structure to be razed and removed, and

WHEREAS, such resolution was published in the official city newspaper and copies of such resolution were mailed to each owner, agent, lienholder of record and occupants of such structures and were otherwise served as required by law, and

WHEREAS, the owner has wholly failed to commence the repair or removal of such structures; now therefore

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

Section 1: The enforcing officer is hereby authorized and directed to cause the dwelling located at **1030 WALNUT**, on legal description: **LOTS TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15) AND SIXTEEN (16), BLOCK TWO (2), DEET AND MORRIS FIRST ADDITION TO THE CITY OF NEODESHA, WILSON COUNTY, KANSAS**, to be razed and removed and the premises be made safe and secure and for this purpose is authorized to invite bids, negotiate a contract, or cause the work to be done by city employees.

Section 2: The enforcing officer shall keep an account of the cost of the work and may sell the salvage from such structures and shall keep an account of the receipts therefrom as provided by law.

Section 3: All costs incurred by the city in the razing and removal of such structures and the making of the premises safe and secure shall be paid from moneys received from the sale of salvage therefrom and all moneys in excess of that necessary to pay such costs shall, after the payment of all costs, be paid to the owner of the premises upon which said structures were located: **PROVIDED**, that if there is no salvageable material or if moneys received from the sale of salvage is insufficient to pay the cost of such work, such costs or any portion thereof in excess of the amount received from the sale of salvage shall be assessed as a special assessment against the lots on which the structure was located and may be financed until the assessment is paid out of the general fund of the city.

Section 4: **EFFECTIVE DATE.** This ordinance shall be in full force and effect upon its publication in the official city newspaper.

Commissioner Nichol moved to approve Ordinance 1777, directing the removal of certain dangerous and unsafe structures at 1030 Walnut Street. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding an ordinance providing authority for the structures located at 1700 N 8th Street to be demolished and the property made safe. Discussion held.

ORDINANCE NO. 1778

AN ORDINANCE AUTHORIZING AND DIRECTING THE REMOVAL OF CERTAIN UNSAFE AND DANGEROUS STRUCTURES LOCATED AT 1700 N 8TH ON LEGAL DESCRIPTION: LOTS TWENTY-SIX (26) AND TWENTY-SEVEN (27), BLOCK ONE (1) J.H. PARK SUBDIVISION TO THE CITY OF NEODESHA, WILSON COUNTY, KANSAS, AUTHORIZING THE FINANCING OF THE COSTS OF SUCH REMOVAL BY THE SALE OF SALVAGE FROM SUCH STRUCTURES, IF ANY, AND/OR FROM THE GENERAL FUND OF THE CITY, AND THE LEVYING OF SPECIAL ASSESSMENTS AGAINST THE LOTS ON WHICH SUCH STRUCTURE IS LOCATED.

WHEREAS, the governing body did after proper notice and hearing as provided by law make findings by Resolution 22-24 dated December 14, 2022, that the structure hereinafter described as unsafe and dangerous and did direct the owner of such structure to repair or remove the same and make the premises safe and secure, together with the

(continued on next page)

statement that if the owner failed to commence the repair or removal within the time fixed by such resolution or failed to diligently prosecute the same until the work was completed, the city would cause the structure to be razed and removed, and

WHEREAS, such resolution was published in the official city newspaper and copies of such resolution were mailed to each owner, agent, lienholder of record and occupants of such structures and were otherwise served as required by law, and

WHEREAS, the owner has wholly failed to commence the repair or removal of such structures; now therefore

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

Section 1: The enforcing officer is hereby authorized and directed to cause the dwelling located at **1700 N 8TH**, on legal description: **LOTS TWENTY-SIX (26) AND TWENTY-SEVEN (27), BLOCK ONE (1) J.H. PARK SUBDIVISION TO THE CITY OF NEODESHA, WILSON COUNTY, KANSAS**, to be razed and removed and the premises be made safe and secure and for this purpose is authorized to invite bids, negotiate a contract, or cause the work to be done by city employees.

Section 2: The enforcing officer shall keep an account of the cost of the work and may sell the salvage from such structures and shall keep an account of the receipts therefrom as provided by law.

Section 3: All costs incurred by the city in the razing and removal of such structures and the making of the premises safe and secure shall be paid from moneys received from the sale of salvage therefrom and all moneys in excess of that necessary to pay such costs shall, after the payment of all costs, be paid to the owner of the premises upon which said structures were located: **PROVIDED**, that if there is no salvageable material or if moneys received from the sale of salvage is insufficient to pay the cost of such work, such costs or any portion thereof in excess of the amount received from the sale of salvage shall be assessed as a special assessment against the lots on which the structure was located and may be financed until the assessment is paid out of the general fund of the city.

Section 4: **EFFECTIVE DATE.** This ordinance shall be in full force and effect upon its publication in the official city newspaper.

Commissioner Moffatt moved to approve Ordinance 1778, directing the removal of certain dangerous and unsafe structures at 1700 N 8th Street. Seconded by Commissioner Nichol. Motion carried.

The Governing Body welcomed Darren Prince and Gerry Bieker of KMEA, for a presentation on the results of an electric rate study conducted by KMEA. Discussion held. No action taken.

The Governing Body welcomed, by Zoom, Hector Soliman-Valdez of Flock Safety, for a presentation on automated license plate recognition technology. Discussion held. No action taken.

Administrator Truelove addressed the Commission regarding the approval of the Solid Waste Agreement with Wilson County for the calendar year 2023. Discussion held.

Commissioner Nichol moved to approve the 2023 agreement with Wilson County for the disposal of solid waste, at a cost of \$16,000. Seconded by Commissioner Moffatt. Motion carried.

Commissioner Moffatt moved to convene as the Neodesha Land Bank Board to discuss the sale of property. Seconded by Commissioner Nichol. Motion carried.

Commissioner Moffatt moved to table the sale of Timber Ridge Lot No 8 until the February 8, 2023 Commission Meeting. Seconded by Commissioner Nichol. Motion carried.

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

Administrator Truelove addressed the Commission regarding the purchase of Fire Department bunker gear. Discussion held.

Commissioner Moffatt moved to approve the purchase of Fire Department bunker gear from 1st Due Emergency Response Solutions LLC, at a cost not to exceed \$36,211. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the purchase and installation of a new vehicle lift for the Public Works Department. The vehicle lift is from Wrenchers LLC and the installation is from A/C Equipment Repair. Discussion held.

Commissioner Nichol moved to approve the purchase and installation of a vehicle lift for Public Works, at a cost not to exceed \$12,500. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a resignation from the Planning & Zoning Commission. The resignation request from the individual was originally verbally requested to the Community Development Director in 2022. The City has now received a written request from this individual. Discussion held.

(continued on next page)

(continued from previous page)

Commissioner Moffatt moved to accept Claude Bockhold's resignation from the Planning & Zoning Commission, effective immediately. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding a reappointment and new appointments to the Planning & Zoning Commission. Discussion held.

Commissioner Nichol moved to reappoint Mike Porter to the Planning & Zoning Commission for a three-year term, with a term ending date of December 31, 2025. Seconded by Commissioner Moffatt. Motion carried.

Commissioner Moffatt moved to appoint Jeremy Carpenter to the Planning & Zoning Commission to a three year term, with a term ending date of December 31, 2025. Seconded by Commissioner Nichol. Motion carried.

Commissioner Nichol moved to appoint Thomas Church to the Planning & Zoning Commission to complete an unexpired term, with a term ending date of December 31, 2023. Seconded by Commissioner Moffatt. Motion carried.

At 3:45 p.m. Commissioner Moffatt requested a 5-minute recess. Seconded by Commissioner Nichol. Motion carried. The live streamed Zoom meeting was then placed on hold with audio, video and recording ceased.

At 3:50 p.m. the regular meeting of the Governing Body reconvened in the Commission Room at City Hall. The live streamed Zoom meeting then resumed with audio, video and recording.

Commissioner Nichol moved to recess to an Executive Session including the Governing Body, City Administrator, and City Clerk in the Commission Room to discuss an individual employee's performance pursuant to the non-elected personnel matter exception KSA 75-4319(b)(1) because if this matter were discussed in open session it might invade the privacy of those discussed. The open meeting will resume in the Commission Room at 4:05 p.m. Seconded by Commissioner Moffatt. Motion carried. The live streamed Zoom meeting was then placed on hold with audio, video and recording ceased.

At 4:03 p.m. the regular meeting of the Governing Body reconvened in the Commission Room at City Hall. The live streamed Zoom meeting then resumed with audio, video and recording. No action taken.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, February 8, 2023 at 2:00 p.m.

At 4:05 p.m. Commissioner Moffatt moved to adjourn. Seconded by Commissioner Nichol. Motion carried.

ATTEST:

Devin Johnson, Mayor

Stephanie Fyfe, City Clerk

SPECIAL CALL FOR SPECIAL MEETING OF BOARD OF COMMISSIONERS

Neodesha, Kansas
January 30, 2023

To the Board of Commissioners:

The Board of Commissioners will hold a Special Call meeting Monday, January 30, 2023, at 12:00 p.m., at City Hall, for the following purpose:

1. Consider a Replat of Lots 13-17, Heritage Estates Subdivision
2. Discuss Neodesha Water Distribution System

The Board of Commissioners met in a Special Call Session at 12:00 p.m. in the Commission Room at City Hall on Monday, January 30, 2023 with Mayor Johnson presiding and Commissioners Moffatt and Nichol present.

Administrator Truelove addressed the Commission regarding the consideration to replat Lots 13-17 in the Heritage Estates Subdivision. Discussion held.

Commissioner Nichol moved to approve the replat of the Heritage Estates Subdivision and to allow the Mayor to sign. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission to discuss Neodesha's Water Distribution System. JW Bair, Water/Wastewater Superintendent, aided in the discussion. No action taken.

At 12:58 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 2****2/8/2023**

<u>VENDOR</u>	<u>REFERENCE</u>	<u>AMOUNT</u>	<u>CHECK NO</u>	<u>CHECK DATE</u>
A T & T	PHONE CHARGES	308.85	71710	2/8/2023
AMERICAN EQUIPMENT COMPANY	SNOW PLOW PARTS	470.78	71711	2/8/2023
BLESSED BLOSSOMS	SYMPATHY PLANT	140.00	71712	2/8/2023
CINTAS	FIRST AID SUPPLIES	354.79	71713	2/8/2023
CNA SURETY DIRECT BILL	MAYOR & COMMISSIONERS BOND	100.00	71714	2/8/2023
CULLIGAN OF INDEPENDENCE	FEBRUARY WATER SERVICE	209.23	71715	2/8/2023
D & D AUTO REPAIR & ALIGNMENT	AUTO PARTS & REPAIR	170.90	71716	2/8/2023
ECX SYSTEMS LLC	BARRACUDA EMAIL SECURITY 2/23	50.00	71717	2/8/2023
F ALLEN MOORHEAD, JR, MD	PRE EMPLOYMENT PHYSICAL	548.00	71718	2/8/2023
FREDONIA NAPA PARTS & SERVICE	AIR FILTER	35.99	71719	2/8/2023
FREDONIA TRUE VALUE HARDWARE	LED BULBS	33.98	71720	2/8/2023
GRAINGER	TOOLS	39.20	71721	2/8/2023
HUGO'S INDUSTRIAL SUPPLY, INC	CLEANING SUPPLIES	103.92	71722	2/8/2023
JEFF HULL'S PAVING & SEAL COAT	BATTERY CHARGER	1,250.00	71723	2/8/2023
KANSAS ONE-CALL SYSTEM, INC	JANUARY LOCATES	30.00	71724	2/8/2023
LAKELAND OFFICE SYSTEMS	JANUARY COPIER MAINTENANCE	124.19	71725	2/8/2023
LAWSON PRODUCTS	PARTS	199.04	71726	2/8/2023
MCCARTY'S OFFICE MACHINES INC	OFFICE SUPPLIES	53.67	71727	2/8/2023
MEDICLAIMS INC	AMBULANCE COLLECTION FEES	2,760.55	71728	2/8/2023
MIDWEST COMPUTER SALES	ONLINE BACKUP SOLUTION	194.95	71729	2/8/2023
BANK OF AMERICA	ROCK	1,816.94	71731	2/8/2023
NDB NEODESHA	INS 2022 CHEVY SILVERADO	128.00	71732	2/8/2023
NEODESHA DERRICK NEWS	PUBLICATIONS	829.00	71733	2/8/2023
O'REILLY AUTOMOTIVE INC	AUTO PARTS	843.09	71734	2/8/2023
OMEGA RAIL MANAGEMENT INC	WW PIPELINE LEASE AGREEMENT	1,262.77	71735	2/8/2023
PATRIOT SERVICE COMPANY	SANITATION UNITS	400.00	71736	2/8/2023
PORTER DRUG STORE	MEDICATION	863.66	71737	2/8/2023
PRAIRIE FIRE COFFEE	BEVERAGE SERVICE	253.50	71738	2/8/2023
PRIORITY POWER	FEBRUARY BILLING	1,000.00	71739	2/8/2023

QUALITY MOTORS	AUTO PARTS	163.33	71740	2/8/2023
QUILL LLC	OFFICE SUPPLIES	79.20	71741	2/8/2023
SEKRPC	2023 MEMBERSHIP DUES	50.00	71742	2/8/2023
SIDENER ENVIRONMENTAL SVC	FLEX CONNECTOR	1,148.98	71743	2/8/2023
SUNBELT SOLOMON SERVICES, LLC	TRANSFORMERS	3,167.07	71744	2/8/2023
SOUTHERN UNIFORM & TACTICAL	UNIFORMS	176.99	71745	2/8/2023
SPARKLIGHT	INTERNET SERVICE	175.62	71746	2/8/2023
STANION WHOLESALE ELECTRIC	ELECTRIC SUPPLIES	2,104.45	71747	2/8/2023
US CELLULAR	CELL PHONE/TABLET CHARGES	360.31	71748	2/8/2023
EVERGY	AIRPORT RUNWAY LIGHTS	219.77	71749	2/8/2023
EVERGY	STREET LIGHTS @ OTTAWA	111.76	71750	2/8/2023
WILSON MEDICAL CENTER	JANUARY TAX DISTRIBUTION	26,851.84	71751	2/8/2023
ZOLL MEDICAL CORPORATION GPO	BATTERY	852.40	71752	2/8/2023
****TOTAL****		50,036.72		

CITY OF NEODESHA

RESOLUTION NO. 23-02

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 1316 N 4th NEODESHA, KANSAS ON LEGAL DESCRIPTION LOTS EIGHT (8) AND NINE (9), BLOCK THREE (3), E.M. COOPER'S ADDITION TO THE CITY OF NEODESHA, WILSON COUNTY, KANSAS IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE.

WHEREAS, the Enforcing Officer of the City of Neodesha, Kansas did on the 14th day of September, 2022 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 14th day of September, 2022, 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 22nd day of September, 2022, and on the 29th day of September, 2022, and a copy of such Resolution was served on all persons entitled thereto in all respects as provided by law; and

WHEREAS, on this 9th day of November, 2022, 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 at 1316 N 4th Neodesha, Kansas on Legal Description: lots eight (8) and nine (9), block three (3), E.M. Cooper's Addition to the City of Neodesha, Wilson County, Kansas is unsafe and dangerous and hereby directs such structure to be removed and the premises made safe and secure. The owner of such structure is hereby given _____ days from the date of publication of this Resolution within which to commence the removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, said governing body will cause the structure to be razed and removed and the costs of such razing and removing, less salvage if any, to be assessed as a special assessment against the lot or parcel of land upon which the structure is located as provided by law.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this Resolution to be published once in the official city paper and a copy mailed to the owners, agents, lienholders and occupants as provided by law.

ADOPTED AND APPROVED by the governing body of the City of Neodesha, Kansas this 8th day of February, 2023.

ATTEST:

Devin Johnson, Mayor

Stephanie Fyfe, City Clerk

CITY OF NEODESHA

RESOLUTION NO. 23-03

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 1309 N 5th NEODESHA, KANSAS ON LEGAL DESCRIPTION: THE NORTH FOURTEEN (14) FEET OF LOT TWENTY-TWO (22) AND ALL OF LOTS TWENTY-THREE (23) AND TWENTY-FOUR (24) AND THE SOUTH TWO (2) FEET OF LOT TWENTY-FIVE (25), BLOCK ELEVEN (11) NORTHLAWN ADDITION TO THE CITY OF NEODESHA, WILSON COUNTY, KANSAS IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE.

WHEREAS, the Enforcing Officer of the City of Neodesha, Kansas did on the 14th day of September, 2022 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 14th day of September, 2022, 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 22nd day of September, 2022, and on the 29th day of September, 2022, and a copy of such Resolution was served on all persons entitled thereto in all respects as provided by law; and

WHEREAS, on this 9th day of November, 2022, 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 at 1309 N 5th Neodesha, Kansas on Legal Description: The North fourteen (14) feet of lot twenty-two (22) and all of lots twenty-three (23) and twenty-four (24) and the South two (2) feet of lot twenty- five (25), Block eleven (11) Northlawn, Addition to the City of Neodesha, Wilson County, Kansas is unsafe and dangerous and hereby directs such structure to be removed and the premises made safe and secure. The owner of such structure is hereby given _____ days from the date of publication of this Resolution within which to commence the removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, said governing body will cause the structure to be razed and removed and the costs of such razing and removing, less salvage if any, to be assessed as a special assessment against the lot or parcel of land upon which the structure is located as provided by law.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this Resolution to be published once in the official city paper and a copy mailed to the owners, agents, lienholders and occupants as provided by law.

ADOPTED AND APPROVED by the governing body of the City of Neodesha, Kansas this 8th day of February, 2023.

ATTEST:

Devin Johnson, Mayor

Stephanie Fyfe, City Clerk

ACCESS AGREEMENT

On this 8th day of February, 2023, BP Products North America Inc., ("BP") and the City of Neodesha, as owner of City Right of Way property located in Neodesha, Kansas ("Property"), hereby agree as follows:

1. Owner grants to BP, its consulting firms, and their subcontractors ("BP's contractors") access to, and a license to use equipment on, the Property for the purpose of performing maintenance/repair and environmental sampling and monitoring activities of existing monitoring wells ("Activities"). The Activities shall be specifically limited to the well repair/maintenance activities and semi-annual groundwater sampling events. The Activities may include the collection of soil and groundwater samples. BP's contractors will provide Owner with copies of the results of any samples conducted on the property.

2. BP's contractors will conduct themselves in a business-like, professional manner and will use reasonable efforts to avoid or minimize any interruption to the business or use of the Property as a result of the Activities.

3. After the Activities on the Property are completed, BP's contractors will return the Property to substantially the same condition as prior to the Activities. BP's contractors will be responsible for the proper management, removal and disposal of all materials generated as the result of the Activities at the Property, and will ensure that any such materials are removed from the Property within a reasonable time after their generation. After the useful life of any monitoring wells installed on the Property, the wells will be properly abandoned and/or removed in accordance with Kansas Department of Health and Environment ("KDHE") standards, and the Property will be restored to substantially the same condition as before the wells were installed.

4. BP will defend, indemnify, and hold harmless Owner from third-party causes of action which arise out of the negligence of BP's contractors in their performance of the Activities on the Property.

5. BP's contractors shall have the right to permit representatives of KDHE to accompany them as appropriate during the Activities on the Property.

6. This Agreement shall expire on 12/31/23 but may be extended by mutual consent of the parties. Nothing in this Agreement shall be deemed an admission, or used as evidence, on any issue of law or fact in any dispute, proceeding or litigation.

City of Neodesha

BP Products North America Inc.

By: _____

By: 

Title: Mayor

Title: Operations Project Manager

New National Opioids Settlements: Teva, Allergan, CVS, Walgreens, and Walmart
Opioids Implementation Administrator
opioidsparticipation@rubris.com

Neodesha city, KS
Reference Number: CL-394402

TO LOCAL POLITICAL SUBDIVISIONS AND SPECIAL DISTRICTS:

THIS PACKAGE CONTAINS DOCUMENTATION TO PARTICIPATE IN THE NEW NATIONAL OPIOID SETTLEMENTS. YOU MUST TAKE ACTION IN ORDER TO PARTICIPATE.

Deadline: April 18, 2023

Five new proposed national opioid settlements ("*New National Opioid Settlements*") have been reached with **Teva, Allergan, CVS, Walgreens, and Walmart** ("*Settling Defendants*"). This *Participation Package* is a follow-up communication to the *Notice of National Opioid Settlements* recently received electronically by your subdivision or special district ("subdivision").

You are receiving this *Participation Package* because Kansas is participating in the following settlements:

- **Teva**
- **Allergan**
- **CVS**
- **Walgreens**
- **Walmart**

If a state does not participate in a particular Settlement, the subdivisions in that state are not eligible to participate in that Settlement.

This electronic envelope contains:

- *Participation Forms* for Teva, Allergan, CVS, Walgreens, and Walmart, including a release of any claims.

The *Participation Form* for each settlement must be executed, without alteration, and submitted on or before April 18, 2023, in order for your subdivision to be considered for initial participation calculations and payment eligibility.

Based upon subdivision participation forms received on or before April 18th, the subdivision participation rate will be used to determine whether participation for each deal is sufficient for the settlement to move forward and whether a state earns its maximum potential payment under the settlement. If the settlement moves forward, your release will become effective. If a settlement does not move forward, that release will not become effective.

Any subdivision that does not participate cannot directly share in the settlement funds, even if the subdivision's state is settling and other participating subdivisions are sharing in settlement funds. Any subdivision that does not participate may also reduce the amount of money for programs to remediate the opioid crisis in its state. Please note, a subdivision will not necessarily directly receive settlement funds by participating; decisions on how settlement funds will be allocated within a state are subject to intrastate agreements or state statutes.

You are encouraged to discuss the terms and benefits of the *New National Opioid Settlements* with your counsel, your Attorney General's Office, and other contacts within your state. Many states are implementing and allocating funds for these new settlements the same as they did for the prior opioid settlements with McKesson, Cardinal, Amerisource, and J&J/Janssen, but states may choose to treat these settlements differently.

Information and documents regarding the *New National Opioid Settlements* and how they are being implemented in your state and how funds will be allocated within your state allocation can be found on the national settlement website at <https://nationalopioidsettlement.com/>. This website will be supplemented as additional documents are created.

How to return signed forms:

There are three methods for returning the executed *Participation Forms* and any supporting documentation to the Implementation Administrator:

- (1) *Electronic Signature via DocuSign:* Executing the *Participation Forms* electronically through DocuSign will return the signed forms to the Implementation Administrator and associate your forms with your subdivision's records. Electronic signature is the most efficient method for returning *Participation Forms*, allowing for more timely participation and the potential to meet higher settlement payment thresholds, and is therefore strongly encouraged.
- (2) *Manual Signature returned via DocuSign:* DocuSign allows forms to be downloaded, signed manually, then uploaded to DocuSign and returned automatically to the Implementation Administrator. Please be sure to complete all fields. As with electronic signature, returning manually signed *Participation Forms* via DocuSign will associate your signed forms with your subdivision's records.
- (3) *Manual Signature returned via electronic mail:* If your subdivision is unable to return executed *Participation Forms* using DocuSign, signed *Participation Forms* may be returned via electronic mail to opioidsparticipation@rubris.com. Please include the name, state, and reference ID of your subdivision in the body of the email and use the subject line Settlement Participation Forms - [Subdivision Name, Subdivision State] - [Reference ID].

Detailed instructions on how to sign and return the *Participation Forms*, including changing the authorized signer, can be found at <https://nationalopioidsettlement.com>. You may also contact opioidsparticipation@rubris.com.

The sign-on period for subdivisions ends on April 18, 2023.

If you have any questions about executing these forms, please contact your counsel, the Implementation Administrator at opioidsparticipation@rubris.com, or Christopher Teters at the Kansas Attorney General's Office at 785-368-8429 or chris.teters@ag.ks.gov.

Thank you,

National Opioids Settlements Implementation Administrator

The Implementation Administrator is retained to provide the settlement notice required by the respective settlement agreements referenced above and to manage the collection of settlement participation forms for each settlement.

EXHIBIT K
Subdivision and Special District Settlement Participation Form

Will your subdivision or special district be signing the settlement participation forms for the Allergan and Teva Settlements at this time?

☒ Yes ☐ No

Governmental Entity: Neodesha city	State: KS
Authorized Signatory: Devin Johnson, Mayor	
Address 1: PO Box 336	
Address 2:	
City, State, Zip: Neodesha, Kansas 66757	
Phone: (620) 325-2828 City Hall / (620) 325-2632 Business Phone (Bank of Commerce)	
Email: djohnson@neodeshaks.org	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 ("Allergan Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Allergan Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Allergan Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Allergan Settlement as provided therein.
2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Allergan Settlement regarding Cessation of Litigation Activities.
3. The Governmental Entity shall, within fourteen (14) days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the MDL Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
4. The Governmental Entity agrees to the terms of the Allergan Settlement pertaining to Subdivisions and Special Districts as defined therein.
5. By agreeing to the terms of the Allergan Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the Allergan Settlement solely for the purposes provided therein.



7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Allergan Settlement.
8. The Governmental Entity has the right to enforce the Allergan Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Allergan Settlement, including, but not limited to, all provisions of **Section V (Release)**, and along with all departments, agencies, divisions, boards, commissions, Subdivisions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity whether elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist in bringing, or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Allergan Settlement are intended to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Allergan Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Allergan Settlement.
11. In connection with the releases provided for in the Allergan Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Allergan Settlement.

12. Nothing herein is intended to modify in any way the terms of the Allergan Settlement, to which the Governmental Entity hereby agrees. To the extent this Settlement Participation Form is interpreted differently from the Allergan Settlement in any respect, the Allergan Settlement controls.

I have all necessary power and authorization to execute this Settlement Participation Form on behalf of the Governmental Entity.

Signature:	_____
Name:	Devin Johnson
Title:	Mayor
Date:	02/08/2023



Page 1