

Agenda

City Commission of the City of Neodesha, KS

July 12, 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
- 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 June 28, 2023 Minutes
- Approval of June 30, 2023 Special Call Minutes
- Appropriation (2023) 12
- Raw Water Project Bond Appropriation 102

Item 4: Business Items to Consider

- A. Ordinance: Amend Special Purpose Vehicle Ordinance
- B. Land Bank: Approve Purchase of Property
- C. Consider Interim Appointment as City Treasurer

Item 5: Date/Time of Next Regular Meeting

Wednesday, July 26, 2023 at 2:00 p.m. – Regular Meeting, City Hall

Item 6: Executive Session: Non-elected Personnel

Item 7: Adjournment

**AGENDA COMMENTS
CITY COMMISSION MEETING
July 12, 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: Ordinance: Amend Special Purpose Vehicle Ordinance

On June 28, 2023, Staff presented to the Commission some potential amendments to the Special Purpose Vehicle Ordinance. Staff requested that the Commission table the draft ordinance, to allow additional time to learn if any other portions of the SPV ordinance should be amended. The draft ordinance presented to the Commission today will accomplish the following:

- Add an age restriction to operators of SPV's (age 16);
- Update certain definitions in Section 34-40, to be in line with the definitions in the Standard Traffic Ordinance;
- Add a fee exemption, in Section 34-51, for taxing entities.

RECOMMENDED MOTIONS: *I move to approve Ordinance 1786 as presented.*

4.B: Land Bank: Approve Purchase of Property

The Commission is asked to convene as the Land Bank and consider the purchase of the property located at 501 Main Street.

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

RECOMMENDED MOTIONS: *I move to approve the purchase of the property located at 501 Main Street at a cost of \$500.*

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

4.C: Consider Interim Appointment as City Treasurer

Prior to considering this agenda topic, the Commission is asked to recess to Executive Session for non-elected personnel.

The Commission is asked to appoint an interim City Treasurer. An interim appointment will allow time for Staff to begin planning for the final disposition of this position. Options for a final disposition would be to incorporate the City Treasurer's functions in-house, or to continue this position as a paid consultant. This interim appointment is necessary to meet the deadline for the next quarterly Treasurer's Report.

RECOMMENDED MOTION: *I move to appoint Anita Buchanan as the Interim City Treasurer.*

Item 6: Executive Session:

EXECUTIVE SESSION: Non-Elected Personnel

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

The Board of Commissioners met in regular session at 2:00 p.m., on Wednesday, June 28, 2023, in the Commission Room at City Hall conducting the meeting by live streaming with Zoom with Mayor Johnson presiding and Commissioners Moffatt and Vail-Keller present.

Commissioner Moffatt moved to approve the agenda as presented with the addition of Business Item 4M: School Resource Officer Agreement with USD 461. Seconded by Commissioner Vail-Keller. Motion carried.

Commission reports were heard.

City Administrator reports were heard.

Community Development Director reports were heard.

Public Comments were invited and heard.

Commissioner Vail-Keller moved to approve the consent agenda as presented consisting of minutes from the June 14, 2023 meeting; and Appropriation (2023) 11. Seconded by Commissioner Moffatt. Motion carried.

This being the time and date published in the official newspaper for 2023 Budget Amendment Hearing, the public hearing was opened by Mayor Johnson. Being there were no public comments, the hearing was then closed. Discussion held.

Commissioner Moffatt moved to approve the 2023 budget amendment as presented. Seconded by Commissioner Vail-Keller. Motion carried.

The Governing Body welcomed Neil Phillips of Jarred, Gilmore & Phillips, PA, for a presentation of the 2022 Audit. Discussion held.

Commissioner Vail-Keller moved to accept the 2022 Audit as presented. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding an ordinance to amend the Driver's License Requirements for Special Purpose Vehicles. Discussion held.

Commissioner Moffatt moved to table the Special Purpose Vehicle Ordinance to July 12th, to consider additional amendments. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Truelove addressed the Commission regarding a resolution calling for a public hearing to show cause why the structure located at 611 Church Street should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure. Discussion held.

RESOLUTION NO. 23-13

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS AT WHICH TIME THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF THE STRUCTURE LOCATED AT 611 Church Street LEGAL DESCRIPTION: West 75' of North 100' of Lot 33 and further described as Beginning at the NW corner of Lot 33 then running South 100', East 75', North 100' and West 75' to point of beginning Resurvey of Ford's Subdivision, City of Neodesha, MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS AN UNSAFE OR DANGEROUS STRUCTURE.

WHEREAS, Ed Truelove, the Enforcement Officer of the City of Neodesha, did on the 20th day of April, 2022 file with the Governing Body of said City a statement in writing that certain unoccupied structures hereinafter described are unsafe and dangerous;

NOW, THEREFORE, BE IT RESOLVED by the Governing body of the City of Neodesha that a hearing will be held on the 23rd day of August 2023, before the Governing Body of the City at 2:00 p.m. in the Commission Room of City Hall, 1407 N. 8th; at which time the owner, his agent, any lien holder of record and any occupant of the structure located at **611 Church Street** may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure and ordered repaired or demolished.

BE IT FURTHER RESOLVED that the City Clerk shall cause this Resolution to be published two consecutive times and shall give notice of the aforesaid hearing in the manner provided by law.

Commissioner Vail-Keller moved to adopt Resolution 23-13 setting a public hearing for August 23, 2023 as presented. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a resolution calling for a public hearing to show cause why the structure located at 1316 N 4th Street should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure. Discussion held.

RESOLUTION NO. 23-14

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING

(continued on next page)

BEFORE THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS AT WHICH TIME THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF THE STRUCTURE LOCATED AT 1316 N 4th on LEGAL DESCRIPTION: Lots 8 and 9, Block 3, E.M. Cooper's Addition, City of Neodesha, Wilson County, Kansas, MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS AN UNSAFE OR DANGEROUS STRUCTURE.

WHEREAS, Ed Truelove, the Enforcement Officer of the City of Neodesha, did on the 10th day of May, 2023, file with the Governing Body of said City a statement in writing that certain unoccupied structures hereinafter described are unsafe and dangerous;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Neodesha that a hearing will be held on August 23, 2023 before the Governing Body of the City at 2:00 p.m. in the Commission Room at City Hall, 1407 N 8th Street, at which time the owner, his agent, any lien holder of record and any occupant of the structure located at **1316 N 4th**, Neodesha, Kansas may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure and ordered repaired or demolished.

BE IT FURTHER RESOLVED that the City Clerk shall cause this Resolution to be published two consecutive times and shall give notice of the aforesaid hearing in the manner provided by law.

Commissioner Moffatt moved to adopt Resolution 23-14 setting a public hearing for August 23, 2023 as presented. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Truelove addressed the Commission regarding the Consulting Agreement with First Step Builders. This agreement was tabled from the May 24, 2023 meeting upon the preface of changing the clause for terminating the agreement. Jeri Hammerschmidt, First Step Builders, was in attendance to answer any questions. Discussion held.

Mayor Johnson called for a motion to approve the consulting agreement with First Step Builders. The agenda item died due to a lack of motion being brought forth.

Administrator Truelove addressed the Commission regarding a contract for grant writing from Clara McCabe, Brambling & Co LLC. Discussion held.

Commissioner Vail-Keller moved to table this item to a Special Call Meeting on June 30, 2023, at 10:00 a.m. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the purchase of electric poles from Thomasson Company. Discussion held.

Commissioner Moffatt moved to approve the purchase of electric poles from the Thomasson Company, at a cost not to exceed \$14,700. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Truelove addressed the Commission regarding an appointment to the Economic Development Committee. Discussion held.

Commissioner Vail-Keller moved to appoint Tom Hood to the Economic Development Committee, to complete an unexpired term, with a term ending date of December 31, 2023. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the designation of a fire lane in the 100 block of South 4th Street, adjacent to the Fire Station. Chief Keenan Fyfe and Chief Sam Tomlinson were present to aid in the discussion. Several members of the Eagles Community were present to voice their comments. Discussion held. No action taken.

Administrator Truelove addressed the Commission regarding the consideration of certain City Departments going to a 4.5-day work week. Discussion held. No action taken.

Administrator Truelove addressed the Commission regarding an amendment to the School Resource Officer Agreement with USD 461. This amendment will extend the agreement for the 2023-2024 school year. Discussion held.

Commissioner Moffatt moved to approve the amendment to the School Resource Officer Agreement with USD 461 as presented. Seconded by Commissioner Vail-Keller. Motion carried.

At 4:13 p.m. Commissioner Vail-Keller requested a 5-minute recess. Seconded by Commissioner Moffatt. Motion carried. The live streamed Zoom meeting was then placed on hold with audio, video and recording paused.

At 4:18 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 Vail-Keller moved to recess to an Executive Session including the Governing Body, City

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Neodesha, Kansas

June 28, 2023

(continued from previous page)

Administrator, and the 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 4:30 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 4:30 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, July 12, 2023 at 2:00 p.m.

At 4:33 p.m. Commissioner Moffatt moved to adjourn. Seconded by Commissioner Vail-Keller. Motion carried.

ATTEST:

Devin Johnson, Mayor

Stephanie Fyfe, City Clerk

SPECIAL CALL FOR SPECIAL MEETING OF BOARD OF COMMISSIONERS

Neodesha, Kansas
June 29, 2023

To the Board of Commissioners:

The Board of Commissioners will hold a Special Call meeting Friday, June 30, 2023 at 10:00 am for the following purposes:

1. Consider Contract for Grant Writing Services
2. Approve Purchase of Gas Meters
3. Consider Request for Sidewalk Project Cost Share

The Board of Commissioners met in a Special Call Session at 10:00 a.m. in the Commission Room at City Hall on Friday, June 30, 2023 with Mayor Johnson presiding and Commissioners Moffatt and Vail-Keller present. Administrator Truelove phoned in for the meeting.

Administrator Truelove addressed the Commission regarding information obtained related to grant writing services for the City. Discussion held.

Commissioner Moffatt moved to direct Staff to work with SEKRPC for the gas grant project. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Truelove addressed the Commission regarding the purchase of gas meters from Koons Gas Measurement. This purchase was previously approved at the April 12, 2023 meeting for a lesser amount. Re-approval is being sought to account for shipping charges previously not considered. Discussion held.

Commissioner Vail-Keller moved to approve the purchase of gas meters from Koons Gas Measurement at a cost not to exceed \$47,119.40. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a request that the City consider sharing in the cost of replacing a residential sidewalk. Discussion held.

Commissioner Moffatt moved to consider a new cost share program for sidewalk replacement in the new budget year 2024. Seconded by Commissioner Vail-Keller. Motion carried.

At 10:14 p.m. Commissioner Moffatt moved to adjourn. Seconded by Commissioner Vail-Keller. Motion carried.

/s/ Devin Johnson

Devin Johnson, Mayor

ATTEST:

/s/ Stephanie Fyfe

Stephanie Fyfe, City Clerk

APPROPRIATIONS REPORT

ORDINANCE NO 12

7/12/2023

<u>VENDOR</u>	<u>REFERENCE</u>	<u>AMOUNT</u>	<u>CHECK NO</u>	<u>CHECK DATE</u>
A T & T	PHONE CHARGES	372.08	72400	7/12/2023
ALTEC INDUSTRIES INC	TOOLS	2,668.84	72401	7/12/2023
APCO INTERNATIONAL INC	LICENSE RENEWAL	125.00	72402	7/12/2023
BEACHNER GRAIN INC	SUPPLIES	122.00	72403	7/12/2023
BORDER STATES INDUSTRIES INC	ELECTRIC SUPPLIES	14,913.53	72404	7/12/2023
BOUND TREE MEDICAL LLC	MEDICAL SUPPLIES	157.08	72405	7/12/2023
CALLTOWER	PHONE CHARGES	297.65	72406	7/12/2023
CASCO INDUSTRIES, INC	FIRE HOSE	8,650.00	72407	7/12/2023
CLEAVER FARM & HOME	SUPPLIES	1,973.65	72408	7/12/2023
CORE & MAIN	SUPPLIES	3,411.32	72409	7/12/2023
CULLIGAN OF INDEPENDENCE	JULY WATER SERVICE	280.19	72410	7/12/2023
D & D AUTO REPAIR & ALIGNMENT	AUTO PARTS	608.61	72411	7/12/2023
LEE DIGGS	RV PARK RENTAL REFUND	150.00	72412	7/12/2023
DITCH WITCH	LID	39.32	72413	7/12/2023
FASTENAL COMPANY	ELECTRIC SUPPLIES	348.44	72414	7/12/2023
FREDONIA OUTDOOR EQUIPMENT	PARTS & SUPPLIES	317.59	72415	7/12/2023
FREDONIA READY MIX INC	CEMENT	744.00	72416	7/12/2023
FTP MEDICAL SOLUTIONS	MEDICAL EQUIPMENT	990.00	72417	7/12/2023
GRAFIX	REFLECTIVE GRAPHIC KITS	258.87	72418	7/12/2023
HARMONY LODGE	3RD QTR LEASE 2023	900.00	72419	7/12/2023
HAWKINS INC	CHEMICALS	1,612.23	72420	7/12/2023
HUGO'S INDUSTRIAL SUPPLY, INC	CLEANING/OFFICE SUPPLY	946.16	72421	7/12/2023
JARRED, GILMORE & PHILLIPS, PA	FINAL AUDIT BILLING	8,500.00	72422	7/12/2023
KANSAS DEPARTMENT OF REVENUE	2023 WTP FEES-APRIL-MAY-JUNE	891.56	72423	7/12/2023
KANSAS MUNICIPAL UTILITIES	3RD QTR TRAINING GROUP 4 DUES	2,038.98	72424	7/12/2023
KANSAS ONE-CALL SYSTEM, INC	JUNE LOCATES	54.00	72425	7/12/2023
NKC Tire	TIRES	212.00	72426	7/12/2023
KEY EQUIPMENT & SUPPLY CO	SEGMENT SET	499.62	72427	7/12/2023
KOONS GAS MEASUREMENT	REBUILT DIAPHRAGM METER	47,119.40	72428	7/12/2023

LAKELAND OFFICE SYSTEMS	MAY OVERAGE STATEMENT	205.74	72429	7/12/2023
MCCARTY'S OFFICE MACHINES INC	OFFICE SUPPLIES	629.74	72430	7/12/2023
MELS PRINTING	MOVE TICKETS	168.20	72431	7/12/2023
BANK OF AMERICA	ROCK	364.25	72432	7/12/2023
NDB NEODESHA	2023 FIREWORKS LIABILITY	371.00	72433	7/12/2023
NEODESHA AUTO SUPPLY	AUTO SUPPLIES	680.38	72435	7/12/2023
NEODESHA DERRICK NEWS	PUBLICATIONS	2,258.50	72436	7/12/2023
ORSCHELNS	SUPPLIES	61.28	72437	7/12/2023
PENMAC PERSONNEL SERVICES INC	TEMPORARY PERSONNEL SVC	3,768.37	72438	7/12/2023
PRAIRIE FIRE COFFEE	BEVERAGE SERVICE	1,214.56	72439	7/12/2023
QUILL LLC	OFFICE SUPPLIES	200.31	72440	7/12/2023
SUNBELT SOLOMON SERVICES, LLC	TRANSFORMERS	3,070.00	72441	7/12/2023
SPARKLIGHT	INTERNET SERVICE	175.73	72442	7/12/2023
STANION WHOLESALE ELECTRIC	ELECTRIC SUPPLIES	8,973.39	72443	7/12/2023
TBS ELECTRONICS INC	REMOTE SPEAKER MIC	209.00	72444	7/12/2023
THOMPSON BROTHERS SUPPLY INC	OXYGEN/CYLINDER LEASE	839.54	72445	7/12/2023
TLC GROUNDSKEEPING INC	MAY & JUNE BILLING	6,692.00	72446	7/12/2023
ULINE	SAFETY GLASSES	184.01	72447	7/12/2023
US CELLULAR	CELL PHONE/TABLET CHARGES	370.63	72448	7/12/2023
USD 461	POOL CONCESSIONS	606.41	72449	7/12/2023
VESERIS	MOSQUITO KONTROL	1,155.00	72450	7/12/2023
WALMART COMMUNITY BRC	SUPPLIES	277.39	72451	7/12/2023
EVERGY	STREET LIGHTS @ OTTAWA	109.00	72452	7/12/2023
WESTERN AUTO	SUPPLIES	336.20	72453	7/12/2023
WILSON MEDICAL CENTER	JUNE TAX DISTRIBUTION	26,834.34	72454	7/12/2023
WOODS LUMBER COMPANY	SUPPLIES	775.81	72455	7/12/2023
ZOLL MEDICAL CORPORATION GPO	ELECTRODES	351.00	72456	7/12/2023

****TOTAL****

160,083.90

RAW WATER PROJECT BOND
APPROPRIATION 102
July 12, 2023

Vendor	Invoice No	Check No	Amount	Description
Stifel, Nicolaus & Company	06.27.2023	1254	7,485.00	Administration
Attorney General	LG-23-000661	1255	300.00	Administration
GRAND TOTAL			<u>7,785.00</u>	

Approved the day above written.

Devin Johnson, Mayor

Attest

Stephanie Fyfe, City Clerk

Stifel, Nicolaus & Company, Incorporated

One Financial Plaza
Accounting Department - Attn: Brittany Palmer
501 North Broadway
St. Louis, MO 63102

DATE: June 27, 2023
INVOICE #
MuniBOND IR# 63637
FOR: *Municipal Advisory Fee*

Bill To:

Attn: Stephanie Fyfe
City of Neodesha
1407 N. 8th Street
P.O. Box 336
Neodesha, Kansas 66757-0336

DESCRIPTION	AMOUNT
City of Neodesha, Kansas General Obligation Bonds Series 2023-A (USDA Rural Development Loan) Municipal Advisory Fee	\$ 7,485.00
TOTAL	\$ 7,485.00

Make all checks payable to **Stifel, Nicolaus & Company, Incorporated**

If you have any questions concerning this invoice, contact:

David Arteberry
816-203-8733
arteberryd@stifel.com

Wire Instructions are as follows:

Bank of America, New York, N.A.
ABA Routing #: 026009593
Beneficiary: Stifel, Nicolaus & Company, Incorporated
Acct: 4451211211
Attn: Public Finance -- 63637 - 8MR
Deal Name: City of Neodesha, Kansas
Attn: Chelsea Renner, Angela Ocker, Corporate Accounting



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

KRIS W. KOBACH
ATTORNEY GENERAL

June 27, 2023

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.AG.KS.GOV

RETURN A COPY OF THIS STATEMENT WITH REMITTANCE

INVOICE NO. LG-23-000661

BILLING STATEMENT

Municipality: City of Neodesha, Kansas

Description: Taxable General Obligation Bond

Series: 2023-A

Dated: June 27, 2023

Aggregate Amount: \$998,000.00

Review Time Spent on Issue: 2

Rate Per Hour: \$150.00

TOTAL AMOUNT DUE: \$300.00

MAKE CHECK PAYABLE TO ATTORNEY GENERAL'S OFFICE

MAIL PAYMENT TO:
Attorney General's Office
Attn: Bond Division
120 SW 10th Ave., Second Floor
Topeka, KS 66612-1597

PLEASE RETURN A COPY OF THIS STATEMENT WITH REMITTANCE

AN ORDINANCE OF THE CITY OF NEODESHA, KANSAS AUTHORIZING THE ISSUANCE OF THE CITY'S TAXABLE GENERAL OBLIGATION BONDS, SERIES 2023-A, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$998,000, FOR THE PURPOSE OF FINANCING THE COSTS OF ACQUIRING AND CONSTRUCTING IMPROVEMENTS TO THE CITY'S WATER SYSTEM AND SEWER SYSTEM, PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

WHEREAS, the governing body of the City of Neodesha, Kansas (the "City"), pursuant to Ordinance No. 1622, as amended by Ordinance No. 1701, Ordinance No. 1703, and Ordinance No. 1705, has previously (i) determined it necessary and advisable to acquire, construct, replace and install improvements to the City's water system including water line improvements, plant line improvements and improvements to the water treatment plant, together with all necessary appurtenances thereto and thereby repair the Fall River dam; upgrade the existing Lake Erie storage tank; construct a new 200,000 gallon elevated water storage tank; replace existing meters with Variable Frequency Drive (VFD); and upgrade the SCADA computer system that monitors and runs the water treatment plant (the "Water Project"); (ii) determined it necessary and advisable to acquire and install sanitary sewer lines, manholes and lift stations for the City's wastewater treatment facilities (the "Sewer Project"); and (iii) declared its intention to issue general obligation bonds of the City in order to pay a portion of the costs thereof, pursuant to K.S.A. 10-610 et seq., as amended and supplemented (the "Water Act") and K.S.A. 10-617 et seq., as amended and supplemented (the "Sewer Act"); and

WHEREAS, the governing body of the City has authorized the payment of the costs of the Water Project and Sewer Project collectively, the "Project" in part from (i) proceeds of the City's general obligation bonds, which general obligation bonds will evidence the obligation of the City to repay Federal Aid from the United States of America acting through Rural Development United States Department of Agriculture, its successor and assignee (the "Federal Agency") in an amount not to exceed \$2,800,000 (of which the City has previously issued its General Obligation Bonds, Series 2020, in the amount of \$7,000,000), and (ii) the proceeds of an Emergency Community Water Assistance Grant made through Rural Development United States Department of Agriculture, in the amount of \$492,000; and

WHEREAS, the governing body determines it necessary and appropriate to authorize and provide for the issuance of such general obligation bonds for the purpose of providing the necessary funds for the purposes described; and to specify the terms, details, form and conditions of the general obligation bonds.

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

SECTION 1. Authorization of the Bonds. Taxable General Obligation Bonds, Series 2023-A, of the City in the total principal amount of Nine Hundred Ninety-Eight Thousand Dollars (\$998,000) (the "Bonds") are authorized to be issued for the purpose of providing funds to pay a portion of the costs of acquiring, constructing and installing the Project described above. The Bonds shall be issued pursuant to the Water Act and Sewer Act (both as described above) in the manner and in accordance with K.S.A. 10-610 et seq. (the "Bond Act").

The City shall sell and the United States of America acting through Rural Development, United States Department of Agriculture, its successor and assignee, shall purchase the Bonds for a price equal to the principal amount of the Bonds, plus accrued interest from the date of date of the Bonds to the date the Bonds are issued, if any. The Bonds shall evidence the City's obligation to repay the Federal Aid to the Federal Agency.

SECTION 2. Security for the Bonds. The Bonds are general obligations of the City. The full faith, credit and resources of the City are pledged to assure the payment of the principal of and the interest on the Bonds as the same severally become due and payable. The governing body of the City covenants that it shall annually make provision for the payment of the principal of and the interest on the Bonds as and when the same become due and payable by levying and collecting the necessary ad valorem taxes upon all of the taxable tangible property located within the territorial limits of the City, in such amounts as are necessary to provide for such annual payment.

SECTION 3. Terms, Details and Conditions of the Bonds. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such form, shall be subject to redemption and payment prior to maturity thereof, and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in a resolution hereinafter adopted by the governing body of the City (the "Resolutions").

SECTION 4. Designation of Paying Agent and Bond Registrar. Pursuant to K.S.A. 10-610 et seq., the governing body elects to have the provisions of the Kansas Bond Registration Law apply to the Bonds and designates and appoints the Treasurer of the State of Kansas, Topeka, Kansas, as the Bond Registrar and Pay-

ing Agent for the Bonds (the "Paying Agent"). The terms, conditions and provisions under which the Paying Agent will perform its duties are set forth in an Agreement between issuer and Agent, dated as of June 27, 2023 (the "Issuer/Agent Agreement"). The form and text of the Issuer/Agent Agreement are approved and accepted by the governing body, and all of the covenants, duties and responsibilities therein to be performed by and on behalf of the City are hereby declared to be the covenants, duties and responsibilities of the City as though fully set forth at this place. The Mayor and City Clerk are authorized to execute and deliver the Issuer/Agent Agreement for and on behalf of the City. The Issuer/Agent Agreement is incorporated by and made a part of this Ordinance as though fully set forth at this place; provided however, the inclusion of the Issuer/Agent Agreement in the publication of this Ordinance shall not be required.

SECTION 5. Levy and Collection of Annual Tax. The governing body of the City shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes upon all of the taxable tangible property within the City in the manner provided by law.

The taxes above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the general ad valorem taxes of the City are levied and collected, shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due and when the same are deposited in the Series 2023 Principal and Interest Account as defined in the Resolutions.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the City Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the City and to reimburse said general funds for money so expended when said taxes are collected.

SECTION 6. Further Authority. The City and its officers, agents and employees are authorized and directed to take such actions, execute such contracts and execute such other documents, certificates and instruments as may be necessary or desirable in order to carry out and comply with this Ordinance and to give effect to the transactions contemplated hereby, including final certificates required to be included in the official Transcript of Proceedings relating to the administration and issuance of the Bonds, all without further action by the governing body.

SECTION 7. Severability. If any provision of this Ordinance shall be held or deemed to be invalid, inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because it conflicts with any other provision or provisions hereof or any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstances, or of rendering any other provision or provisions herein contained invalid, inoperative or unenforceable to any extent whatsoever.

SECTION 8. Governing Law. This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

SECTION 9. Effective Date. This Ordinance shall be in force and take effect from and after its adoption and approval and its publication one time in the City's official newspaper.

PASSED, ADOPTED AND APPROVED by the governing body of the City of Neodesha, Kansas on the 24th day of May, 2023.

CITY OF NEODESHA, KANSAS
[scl]
By: A/Devin Johnson Devin Johnson, Mayor
ATTEST: A/Stephanie Pyle Stephanie Pyle, City Clerk

It is hereby certified and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Bond do exist in due and regular form and manner as required by the Constitution and Laws of the State of Kansas; and that the Issuer's total outstanding indebtedness, including this series of Bonds, does not exceed any constitutional or statutory limitation respecting such indebtedness.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication hereon shall have been lawfully executed by the Bond Registrar by the manual signature of an authorized officer or signatory thereof.

IN WITNESS WHEREOF, the Issuer, by its Governing Body, has caused this Bond to be executed by its Mayor and attested by its City Clerk by their manual or facsimile signatures, and its official seal to be affixed hereto or imprinted hereon, all as of June 27, 2023.

CITY OF NEODESHA, KANSAS

[seal]

By _____
Devin Johnson, Mayor

ATTEST:

By _____
Stephanie Fyfe, City Clerk

CERTIFICATE OF CITY CLERK

The undersigned, the City Clerk of the City of Neodesha, Kansas, hereby certifies that the within mentioned Taxable General Obligation Bonds, Series 2023-A, of said City has been duly registered in my office according to law as of June 27, 2023.

WITNESS my hand and official seal

CITY OF NEODESHA, KANSAS

[seal]

By _____
Stephanie Fyfe, City Clerk

LEGAL OPINION

The undersigned, City Clerk of the City of Neodesha, Kansas, hereby certifies that the following is a true and correct copy of the complete final legal opinion of Triplett Woolf Garretson, LLC, Wichita, Kansas, Bond Counsel, on the within Bond and the series of which it is a part, except that said opinion omits the date thereof; that said legal opinion was manually executed, dated and issued as of the Date of Issuance of the Bonds, and a manually signed copy of said opinion is on file with the undersigned and with the Treasurer of the State of Kansas, in the City of Topeka, Kansas.

CITY OF NEODESHA, KANSAS

By _____
Stephanie Fyfe, City Clerk



**STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL**

KRIS W. KOBACH
ATTORNEY GENERAL

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.AG.KS.GOV

June 27, 2023

The Honorable Steven Johnson
State Treasurer
Landon State Office Building, Room 201N
Topeka, KS 66612

Dear Mr. Johnson:

Pursuant to K.S.A. 10-108, basic or supplemental transcript material is hereby approved and you may register the following:

Municipality: City of Neodesha, Kansas

Description: Taxable General Obligation Bond

Series: 2023-A Numbered: Registered

Dated: June 27, 2023


Aggregate Amount: \$998,000.00

Date of First Payment: June 27, 2024

Fiscal Agent: Kansas State Treasurer

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
KRIS W. KOBACH


Richard D. Smith
Assistant Attorney General

RDS:sb
cc: Stephanie Fyfe, City Clerk
Triplett, Woolf & Garretson, LLC

ORDINANCE NO. 1786

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 34 OF THE CODE OF ORDINANCES OF THE CITY OF NEODESHA, KANSAS, AUTHORIZING THE OPERATION OF WORK-SITE UTILITY VEHICLES, MICRO UTILITY TRUCKS, AND GOLF CARTS ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF NEODESHA; PROHIBITING THE OPERATION OF ALL-TERRAIN VEHICLES AND POCKET BIKES; PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF; AND, PROVIDING FOR THE REPEAL OF ORDINANCE 1784, OLD ARTICLE III OF CHAPTER 34, AND SECTION 114.2, 114.4 AND 114.5 OF THE STANDARD TRAFFIC ORDINANCE, AS ADOPTED BY ORDINANCE NO. 1771.

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

Section 1. Article III of Chapter 34 of the Code of Ordinances of the City of Neodesha, Kansas is hereby amended to read as follows:

ARTICLE III. – OPERATION OF SPECIAL PURPOSE VEHICLES; AND PENALTIES

Section 34-40. - DEFINITIONS.

For purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them:

- (a) **All-Terrain Vehicle** means any motorized nonhighway vehicle, other than an electric-assisted bicycle, 55 inches or less in width measured from the outside of one tire rim to the outside of the other tire rim, having a dry weight of 1,500 pounds or less, and traveling on three or more nonhighway tires.
- (b) **City** means the City of Neodesha, Kansas.
- (c) **Golf Cart** means a motor vehicle that has not less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver.
- (d) **Micro-Utility Truck** means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. Micro-utility truck does not include a work-site utility vehicle or recreational off-highway vehicle.
- (e) **Motor vehicle** means every vehicle, other than a motorized bicycle, electric-assisted bicycle or a motorized wheelchair, that is self-propelled.
- (f) **Pocket Bike** shall be defined as every device having two tandem wheels, or three wheels, which may be propelled by a gasoline engine and which the headlights are lower than 24 inches, its tailpipe is lower than 15 inches, and no vehicle identification number is located on the vehicle nor can ownership of the vehicle be registered.
- (g) **Public Highway** means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- (h) **Recreational Off-Highway Vehicle** means any motor vehicle not greater than 75 inches in width measured from the outside of one tire rim to the outside of the other tire rim, having a dry weight of 3,500 pounds or less, traveling on four or more nonhighway tires.
- (i) **Special Purpose Vehicle** means golf carts, micro utility trucks, and work-site utility vehicles.
- (j) **Taxing Entity** means any division of local government created by or pursuant to state statute and operated for public purposes.
- (k) **Vehicle** means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.
- (l) **Work-Site Utility Vehicle** means any motor vehicle which is not less than 48 inches in width, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more nonhighway tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. Work-site utility vehicle does not include a micro utility truck or recreational off-highway vehicle.

Section 34-41. - OPERATION OF GOLF CARTS.

- (a) Golf carts may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city; provided, however, that no golf cart may be operated upon any public highway, street, road and alley with a posted speed limit in excess

of 30 miles per hour. No golf cart shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a golf cart from crossing a federal or state highway or a street or highway with a posted speed limit greater than 30 miles per hour. No golf cart may be operated upon 8th Street, from Main Street to Granby Street except when crossing at an intersection.

- (b) No golf cart shall be operated on any public highway, street, road or alley between sunset and sunrise, unless equipped with:
 - 1. Lights as required for motorcycles by Sections 183 through 188 of the 2022 Standard Traffic Ordinance, and amendments thereto; and
 - 2. A properly mounted slow-moving vehicle emblem as required by K.S.A. 8-1717, and amendments thereto.
- (c) Every person operating a golf cart on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

Section 34-42. - OPERATION OF MICRO-UTILITY TRUCKS.

- (a) Micro utility trucks may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.
- (b) No micro utility truck shall be operated on any public highway, street, road or alley, unless such truck complies with the equipment requirements under Article 17 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto. No micro utility truck shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a micro utility truck from crossing a federal or state highway. No micro-utility truck may be operated upon 8th Street, from Main Street to Granby Street except when crossing at an intersection.
- (c) Every person operating a micro utility truck on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

Section 34-43. - OPERATION OF WORK-SITE UTILITY VEHICLES.

- (a) Work-site utility vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.
- (b) No work-site utility vehicle shall be operated on any public highway, street, road or alley before sunrise or after sunset unless such vehicle is equipped with lights as required by law for motorcycles. No work-site utility vehicle shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a work-site utility vehicle from crossing a federal or state highway. No work-site utility vehicle may be operated upon 8th Street, from Main Street to Granby Street except when crossing at an intersection.
- (c) Every person operating a work-site utility vehicle on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

Section 34-44. – PROHIBITION OF OPERATION OF ALL-TERRAIN VEHICLES, AND POCKET BIKES.

The operation of all-terrain vehicles and pocket bikes on the streets, roads and alleys within the corporate limits of the City of Neodesha, Kansas is prohibited.

Section 34-45. – DISPLAY OF SLOW-MOVING VEHICLE EMBLEM.

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

Section 34-46. – SAME; AGE RESTRICTION; VALID DRIVER’S LICENSE REQUIRED; PENALTY.

No person under the age of 16 years old shall operate a special purpose vehicle on any public highway, street, road or alley within the corporate limits of the City of Neodesha. No person shall operate a special purpose vehicle on any public highway, street, road or alley within the corporate limits of the City of Neodesha unless such person has a valid driver’s license. Violation of this section is punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment.

Section 34-47. – SAME; INSURANCE REQUIRED; PENALTY.

- (a) When operated upon the public highways, streets, roads and alleys within the corporate limits of the city every owner of a special purpose vehicle shall provide liability coverage in accordance with Section 200 of the 2022 Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, et seq., and amendments thereto.
- (b) All provisions of Section 200 of the 2022 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect, including penalty provisions, shall be applicable to all owners and operators of special purpose vehicles.

Section 34-48. – SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY.

- (a) Before operating any special purpose vehicle on any public highway, street, road or alley within the corporate limits of the city and each calendar year thereafter, the vehicle shall be registered with the city and a license shall be obtained and placed on the special purpose vehicle. The license fee shall be as established in Section 16-34, payable in advance to the City Clerk, Neodesha, Kansas. The full amount of the license fee shall be required regardless of the time of year that the application is made.
- (b) Application for registration of a special purpose vehicle shall be made by the owner, or owner's agent, in the office of the Chief of Police. The application shall be made upon forms provided by the City and each application shall contain the name of the owner, the owner's residence address, or bona fide place of business, a brief description of the vehicle to be registered (including make, model and serial number, if applicable). Proof of insurance, as required in Section 34-47 shall be furnished at the time of application for registration.
- (c) Prior to the issuance of the registration and license, each applicant for special purpose vehicle license shall first present such vehicle for an official inspection. The inspection shall verify that the special purpose vehicle has sufficient brakes, and has been equipped with head lights, tail and brake lights, turn signal equipment, rear view mirror, and a slow-moving vehicle sign emplaced on the rear of the vehicle.
- (d) If, upon inspection and completion of the registration application, such vehicle is found to be in safe mechanical condition, and upon establishing proof of insurance and payment of the fees herein provided, a license shall be issued to the owner who shall attach it to the vehicle. The license shall be displayed in such a manner as to be clearly visible from the rear of the vehicle. The license number on the application will be recorded and then filed in the police department.
- (e) The license issued hereunder is not transferrable. In the event of sale or other transfer of ownership of any special purpose vehicle licensed under the provisions of this section, the existing license and the right to use the numbered license shall expire, and the license shall be removed by the owner. It is unlawful for any person other than the person to whom the license was originally issued to have the same in his possession.
- (f) In the event a license is lost or destroyed, the City Clerk, upon proper showing by the licensee and the payment as established in Section 16-34, shall issue a new license in accordance with the provisions of this section.
- (g) It shall be unlawful for any person to:
 - 1. Operate, or for the owner thereof knowingly to permit the operation, upon a public street, road, highway, or alley within the corporate limits of the city any special purpose vehicle, as defined herein, which is not registered and which does not have attached thereto and displayed thereon the license assigned thereto by the City for the current registration year.
 - 2. Display, cause or permit to be displayed, or to have in possession, any registration receipt, registration license or registration decal that is fictitious or has been canceled, revoked, suspended or altered. A violation of this subsection (2) shall constitute an unclassified misdemeanor punishable by a fine of not less than \$100 and forfeiture of the item. A mandatory court appearance shall be required of any person violating this subsection.
 - 3. Lend to or knowingly permit the use by one not entitled thereto any registration receipt, registration license plate or registration decal issued to the person so lending or permitting the use thereof.
 - 4. Remove, conceal, alter, mark or deface the license number plate, plates or decals, or any other mark of identification upon any special purpose vehicle. Licenses shall be kept clean and placed as required by law so as to be plainly visible and legible.
 - 5. Carry or display a registered number plate or plates or registration decal upon any special purpose vehicle not lawfully issued for such vehicle.

Section 34-49. – SAME; PENALTY.

Unless specifically provided for herein, a violation of this Ordinance shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 201, 2022 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

Section 34-50. -- REVOCATION OF PERMIT.

If the owner/operator of a special purpose vehicle is convicted of two (2) violations under this article in any twelve (12) month period, the permit to operate a special purpose vehicle shall be revoked for the remainder of the calendar year following the second conviction.

Section 34-51. -- EXEMPTIONS.

- (a) Special purpose vehicles which are owned or leased by the City or other governmental taxing entities that are being operated for the purpose of public safety, maintaining parks, roads, right of ways or for other specific purpose as required in the performance of a job are exempt from the fee requirement in Section 34-48.
- (b) Special purpose vehicles operated in conjunction with a public event involving closed streets (i.e., parades, carnivals, festivals, etc.) can be made exempt from the restrictions of Section 34-48 with approval from the City Commission.
- (c) In support of police and fire emergency operations, the Chief of Police shall have the authority to authorize the use of any Special Purpose Vehicles, and the Registration and Licensing requirement in Section 34-48 shall be waived.

Section 2. REPEALER. Ordinance 1784, and Section 114.2, 114.4 and 114.5 of the Standard Traffic Ordinance, as adopted by Ordinance No. 1771, 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 12th day of July, 2023.

Devin Johnson, Mayor

ATTEST:

Stephanie Fyfe, City Clerk