

Agenda

City Commission of the City of Neodesha, KS

September 27, 2023 **1:30 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 Clerk Comments
- Community Development Director Report

Item 2: Public Comments

- **The Commission will recess and reconvene at 904 – 912 Grant Street**
- **The Commission will reconvene at City Hall**

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 September 12, 2023 Special Call Minutes
- Approval of September 13, 2023 Minutes
- Appropriation (2023) 17

Item 4: Business Items to Consider

- A. Proclamation: Fire Prevention Week 2023
- B. Dangerous Structures: 611 Church; Ordinance for Demolition
- C. Dangerous Structures: 1316 N 4th; Ordinance for Demolition
- D. Ordinance: Zoning Change; 920 Grant Street
- E. Resolution: Depository Resolution
- F. Approve Immediate Hazard Structure; 311 N 4th Street
- G. USDA-RD: Amendment to Letter of Conditions; Water Systems Improvements Project
- H. Land Bank: Accept Donation of Property
- I. Approve Purchase of Raw Water Intake Pump
- J. Consider Bids for Riverwalk Park Concrete Pads
- K. Consider Additional Funding for Public Event at WMC Fall Festival
- L. Approve CMB License; WMC Fall Festival Event

Item 5: Date/Time of Next Regular Meeting

Wednesday, October 11, 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
September 27, 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.*

Public Comments

RECOMMENDED MOTION: *I move to recess to reconvene at 9th & Grant Streets for the USD 461 Early Learning Center Groundbreaking Ceremony.*

RECOMMENDED MOTION: *I move to reconvene at City Hall for the regularly scheduled Commission Meeting.*

Business Items to Consider

4.A: Proclamation: Fire Prevention Week 2023

4.B: Ordinance: Dangerous Structures; 611 Church; Authorizing Demolition

The Commission is asked to approve Ordinance 1797, providing authority for the structures located at 611 Church Street to be demolished and the property to be made safe.

RECOMMENDED MOTION: *I move to approve Ordinance 1797, directing the removal of certain dangerous and unsafe structures at 611 Church Street.*

4.C: Ordinance: Dangerous Structures; 1316 N 4th Street; Authorizing Demolition

The Commission is asked to approve Ordinance 1798, providing authority for the structures located at 1316 N 4th Street to be demolished and the property to be made safe. Community Development Director, Chris Bauman, had been contacted by Mr. Jantz requesting his demolition permit, which expired September 11, 2023, be extended an additional 90 days.

RECOMMENDED MOTION: *I move to approve Ordinance 1798, directing the removal of certain dangerous and unsafe structures at 1316 N 4th Street.*

4.D: Ordinance: Zoning Change; 920 Grant Street

The Commission is asked to consider an Ordinance modifying the zoning for 920 Grant Street. This ordinance will change the zoning for this property from Residential to Public-Semi Public. This zoning change is at the

request of USD 461, and will continue to facilitate the new early childhood learning center to be placed on this additional property in this specific area.

RECOMMENDED MOTION: *I move to approve Ordinance 1799 regarding the zoning classification for 920 Grant Street.*

4.E: Resolution: Depository Resolution

Due to the resignation of the City Administrator, the Commission is asked to approve the updated Depository Resolution. This depository resolution provides authority for management of City funds.

RECOMMENDED MOTION: *I move to adopt Resolution 23-23 as presented.*

4.F: Approve Immediate Hazard Structure; 311 N 4th Street

Chief Tomlinson and Chief Fyfe will help brief the Commission on this agenda item. Due to public concerns for safety, and the perceived danger associated with a brick wall structure located at 311 N 4th Street, Staff ordered the immediate removal of fallen brick from the brick wall structure. In accordance with City Code, an immediate hazard can be addressed and then the actions ratified by the Commission at their next meeting. Staff is asking the Commission to concur with, and ratify, the immediate hazard of the brick wall structure located at 311 N 4th Street.

RECOMMENDED MOTIONS: *I move to approve the removal of the portion of the fallen brick structure located at 311 N 4th Street.*

4.G: USDA-RD: Amendment to Letter of Conditions; Water Systems Improvements Project

Water Director Jay Bair will help brief the Commission on this agenda item. Mike Billings, USDA-RD, is requesting the approval of the amendment to the Original Letter of Conditions dated July 25, 2018 and a subsequent Letter of Conditions dated September 29, 2021, and completion of certain paperwork, such as the Letter of Intent to Meet Conditions, and a Request of Obligation of Funds, regarding the final phase of the City's water system improvements project.

RECOMMENDED MOTIONS: *I move to approve the USDA-RD Amendment to the Letter of Conditions for the final phase of the water systems improvement projects, and authorize the Mayor to sign the paperwork.*

4.H: Land Bank: Accept Donation of Property

The Commission is asked to convene as the Land Bank and consider the donation of the property located at 421 N 9th Street.

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

RECOMMENDED MOTION: *I move to approve accepting the donation of property located at 421 N 9th Street.*

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

4.I: Approve Raw Water Intake Pump: Fluid Equipment

Water Director Jay Bair will help brief the Commission on this agenda item. Recently one of the City's raw water pumps has failed at the new intake site leaving us in a "no fail safe" situation should the remaining working pump fail. Normally the pumps run an average of 12 hours per day alternating between the two. Should the remaining pump fail, it would be extremely detrimental to the City's water system. Pump lead times are 6 to 9 weeks, therefore the order to build the pump was conducted under the emergency clause of our procurement policy. Per the policy, Staff is required to brief the Commission, after the fact, obtaining approval of the purchase.

RECOMMENDED MOTION: *I move to approve the purchase of a raw water pump from Fluid Equipment, at a cost not to exceed \$9,913.31.*

4.J: Consider Bids for Riverwalk Park Concrete Pads

For this agenda item, the Commission is asked to consider bids for the Riverwalk Park concrete pads to set the newly received tables, benches, and trash cans. Along with this project the placement of a concrete pad in and around the newly erected pay station is requested. Bids were obtained for both projects. Another option for this project would be to task the City's Public Works Department with this project.

RECOMMENDED MOTION: *I move to approve the Riverwalk Park Concrete Pad project for tables, benches, trash cans, and the pad at the Pay Station by _____, at a cost not to exceed \$_____.*

4.K: Consider Additional Funding for Public Event at WMC Fall Festival

On August 14, 2023, the Commission approved WMC to use Riverwalk Park, on October 7th, for their Fall Festival. The hospital was approved for \$10,000 for a musical concert to be held that day. Staff obtained nationally known bands for that price. Originally, the Commission was asked to use these funds for a cost-sharing endeavor, to pay for lighting and a band for opening the concert. Since this time, the original budget for the music concert had been reduced by WMC. The money allocated by the City for the concert has now been directed to pay for the fireworks show, as the Thunder on the Plains was cancelled. Additional funds are now being requested to maintain the band line-up that was planned.

RECOMMENDED MOTION: *I move to approve additional funding to maintain the band line-up at the public event for the WMC Fall Festival, in an amount not to exceed \$1,500.*

4.L: Approve CMB License: WMC Fall Festival Event

Clara McCabe, has submitted a request for approval for a cereal malt beverage license at the WMC Fall Festival event for October 7th and October 8th.

RECOMMENDED MOTION: *I move to approve the Cereal Malt Beverage License for Wilson Medical Center for the WMC Fall Festival event for October 7th & October 8th, 2023.*

EXECUTIVE SESSION: Non-Elected Personnel

I move to recess to an Executive Session including the Governing Body, City Administrator, City Clerk, and Police Chief to discuss an individual employee's performance pursuant to the non-elected personnel matter exception, KSA 75-4319(b)(1) 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.

SPECIAL CALL FOR SPECIAL MEETING OF BOARD OF COMMISSIONERS

Neodesha, Kansas
September 12, 2023

To the Board of Commissioners:

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

1. Worksession: 2024 Budget

The Board of Commissioners met in a Special Call Session at 12:00 p.m. in the Commission Room at City Hall on Tuesday, September 12, 2023 with Mayor Johnson presiding and Commissioners Moffatt and Vail-Keller present.

The worksession was held to discuss the 2024 Budget and Revenue Neutral Rate set by the County. In addition to the Governing Body, those in attendance were the City Administrator, City Clerk, Police Chief, Fire Chief, Public Works Director, Water Superintendent and Electric Superintendent. Discussion held. No action taken.

At 1:40 p.m. Commissioner Vail-Keller moved to adjourn. Seconded by Commissioner Moffatt. Motion carried.

ATTEST:

Devin Johnson, Mayor

Stephanie Fyfe, City Clerk

The Board of Commissioners met in regular session at 2:00 p.m., on Wednesday, September 13, 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 deletion of Business Item 4R: Approve Purchase of Electric Poles; and the addition of Item 4BB: Approve Spending Authority for Right of Way Acquisition for the Safe Routes to Schools Project. 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 August 23, 2023 meeting; minutes from the August 28, 2023 Special Call Meeting; and Appropriation (2023) 16. Seconded by Commissioner Moffatt. Motion carried.

This being the time and date published in the official newspaper for the 2024 Budget Intent to Exceed Revenue Neutral Rate Hearing, the public hearing was opened by Mayor Johnson. Public comments were heard and considered; the hearing was then closed. Discussion held.

This being the time and date published in the official newspaper for the 2024 Budget Hearing, the public hearing was opened by Mayor Johnson. Public comments were heard and considered; the hearing was then closed. Discussion held.

Administrator Truelove addressed the Commission regarding the outcome of the 2024 Budget Intent to Exceed Revenue Neutral Rate Hearing and the 2024 Budget Hearing. Therefore, Resolution 23-22 providing authority to exceed the Revenue Neutral Rate for the 2024 Budget year at 57.045 mills was presented. Discussion held.

Commissioner Moffatt moved to adopt Resolution 23-22 as presented. Seconded by Commissioner Vail-Keller. Motion carried.

Commissioner Vail-Keller moved to adopt the Budget for the 2024 calendar year as presented. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a request from Bill Tigner for the use of Riverwalk Park for an event to be conducted by the youth groups from the Methodist Church and Christ Church on Saturday, November 4, 2023. Mr. Tigner was present for the discussion.

Commissioner Moffatt moved to approve the use of Riverwalk Park on November 4, 2023, for a church youth event. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Truelove addressed the Commission regarding a request from the Neodesha Area Chamber of Commerce to donate the use of the Civic Center as an auction item. Erica Huguenin was present for the discussion.

Commissioner Vail-Keller moved to approve the use of the Civic Center as an auction item for the Neodesha Area Chamber of Commerce event. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a Charter Ordinance to amend the City's authority for appointing board members of the library board. Discussion held.

CHARTER ORDINANCE NO. 19

A CHARTER ORDINANCE EXEMPTING THE CITY OF NEODESHA, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-1222, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, AND REPEALING CHARTER ORDINANCE NO. 11 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

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

SECTION 1. The City of Neodesha, Kansas, a city of the second class, by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself from, and makes inapplicable to it, the provisions of K.S.A. 12-1222 which apply to this city but do not apply uniformly to all cities.

SECTION 2. Members and their terms of the City of Neodesha Library Board shall be appointed by the Board of Commissioners.

SECTION 3. The membership of the City of Neodesha Library Board shall consist of the number of members as may be designated from time to time by ordinary ordinance. A minority of members may be non-residents of the City of Neodesha.

SECTION 4. Charter Ordinance 11 and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. This ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

SECTION 6. This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for referendum held on the ordinance as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of the State of Kansas, in which case, the ordinance shall become effective if approved by a majority of the electors voting thereon.

Commissioner Moffatt moved to adopt Charter Ordinance 19, exempting the City of Neodesha, Kansas, from the provisions of K.S.A. 12-1222 relating to Library Board appointments, and providing substitute and additional provisions of the same subject. Seconded by Commissioner Vail-Keller. Motion carried.

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Administrator Truelove addressed the Commission regarding the adoption of the 2021 International Building Code by reference. Discussion held.

ORDINANCE NO. 1791

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE III OF THE CODE OF THE CITY OF NEODESHA, AND INCORPORATING BY REFERENCE THE INTERNATIONAL BUILDING CODE, 2021 EDITION, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS; AND REPEALING OLD CHAPTER 8, ARTICLE III OF THE CODE OF THE CITY OF NEODESHA.

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

Section One: Chapter 8, Article III of the City of Neodesha Code shall be amended to read as follows:

ARTICLE III BUILDING CODE

Sec. 8-62. International Building Code Adopted

The International Building Code, 2021 Edition, including all appendix chapters, is hereby incorporated by reference herein and made a part of this Chapter 8, Article III of the Code of the City of Neodesha, Kansas, save, and except such articles, sections, parts or portions as are hereafter omitted, modified or changed. One official copy of said International Building Code, Edition of 2021, shall be marked or stamped "Official Copy as Adopted by Ordinance No. 1791 with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

Sec. 8-63. Deletions. The following sections to the 2021 International Building Code are hereby deleted:

- (a) Section 105.2.3 in its entirety
- (b) Section 103 in its entirety
- (c) Section 110.3.3 in its entirety
- (d) Section 110.3.6 in its entirety
- (e) Section 305.2 in its entirety
- (f) Chapter 11 in its entirety

Sec. 8-64. Reference Codes

- (a) Electrical: Whenever used in the Building Code, the term "ICC Electrical Code" shall be construed to mean the current City of Neodesha Electrical Code or Electric Code currently adopted by the City of Neodesha.
- (b) Fire: Whenever used in the Building Code, the term "International Fire Code" shall be construed to mean the current City of Neodesha Fire Code or existing Fire Codes currently adopted by the City of Neodesha.

Sec. 8-65. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- (a) *Corporation Counsel* means the City Attorney
- (b) *Municipality* means a city having its own incorporated government.

Sec. 8-66. Building Permits. There shall be a charge made for each building permit application as fixed in section 16-8.

Section Two: Old Chapter 8, Article III of the Code of the City of Neodesha is hereby repealed.

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

Commissioner Vail-Keller moved to adopt Ordinance 1791, codifying the 2021 International Building Code by reference. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the adoption of the 2021 International Residential Code by reference. Discussion held.

ORDINANCE NO. 1792

AN ORDINANCE OF THE CITY OF NEODESHA, KANSAS ADOPTING AND INCORPORATING BY REFERENCE THE INTERNATIONAL RESIDENTIAL CODE, 2021 EDITION, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

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

Section One: Chapter 8 of the City of Neodesha Code is amended by adding Article VIII to read as follows:

ARTICLE VIII RESIDENTIAL CODE

Sec. 8-444. International Residential Code Adopted

The International Residential Code, 2021 Edition, including all appendix chapters, is hereby incorporated by reference herein and made a part of this Chapter 8, Article VIII of the Code of the City of Neodesha, Kansas. One official copy of said International Residential Code, Edition of 2021, shall be marked or stamped "Official Copy as Adopted by Ordinance No. 1792" with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

Sec. 8-445 – 8-454 Reserved.

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Section Two: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

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

Commissioner Moffatt moved to adopt Ordinance 1792, codifying the 2021 International Residential Code by reference. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Truelove addressed the Commission regarding the adoption of the 2021 International Existing Building Code by reference. Discussion held.

ORDINANCE NO. 1793

AN ORDINANCE OF THE CITY OF NEODESHA, KANSAS ADOPTING AND INCORPORATING BY REFERENCE THE INTERNATIONAL EXISTING BUILDING CODE, 2021 EDITION, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

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

Section One: Chapter 8 of the City of Neodesha Code is amended by adding Article IX to read as follows:

ARTICLE IX EXISTING BUILDING CODE

Sec. 8-455. International Existing Building Code Adopted

The International Existing Building Code, 2021 Edition, including all appendix chapters, is hereby incorporated by reference herein and made a part of this Chapter 8, Article IX of the Code of the City of Neodesha, Kansas. One official copy of said International Existing Building Code, Edition of 2021, shall be marked or stamped "Official Copy as Adopted by Ordinance No. 1793" with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

Sec. 8-456 – 8-465 Reserved.

Section Two: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

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

Commissioner Vail-Keller moved to adopt Ordinance 1793, codifying the 2021 International Existing Building Code by reference. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the adoption of the 2021 International Fire Code by reference. Discussion held.

ORDINANCE NO. 1794

AN ORDINANCE AMENDING CHAPTER 18, ARTICLE II, SECTION 18-33, OF THE CODE OF THE CITY OF NEODESHA, AND INCORPORATING BY REFERENCE THE INTERNATIONAL FIRE CODE, 2021 EDITION AND REPEALING OLD CHAPTER 18, ARTICLE II, SECTION 18-33 OF THE CODE OF THE CITY OF NEODESHA.

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

Section One: Chapter 18, Article II, of the City of Neodesha Code shall be amended to read as follows:

Sec. 18-33. International Fire Code Adopted

The International Fire Code, 2021 Edition, including all appendix chapters, is hereby incorporated by reference herein and made a part of this Chapter 18, Article II of the Code of the City of Neodesha, Kansas. One official copy of said International Fire Code, Edition of 2021, shall be marked or stamped "Official Copy as Adopted by Ordinance No. 1794" with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

Section Two: Old Chapter 18, Article II, Section 18-33, of the Code of the City of Neodesha is hereby repealed.

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

Commissioner Moffatt moved to adopt Ordinance 1794, codifying the 2021 International Fire Code by reference. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Truelove addressed the Commission regarding an Ordinance establishing parking regulations for recreational vehicles, motor homes, and camping trailers. Discussion held.

ORDINANCE NO. 1795

AN ORDINANCE REGULATING THE PARKING OF RECREATIONAL VEHICLES, TRAVEL TRAILERS, MOTOR HOMES AND CAMPERS WITHIN THE CITY OF NEODESHA, WILSON COUNTY, KANSAS, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the Governing Body has determined the need to establish a policy to regulate the parking of recreational vehicles used as sleeping and/or extended duration living quarters within the City of Neodesha; now therefore

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

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Section 1. Chapter 34 of the City of Neodesha Code is hereby amended by adding Article IV to read as follows:

ARTICLE IV. – PARKING OF RECREATIONAL VEHICLES

Section 34-52. – PURPOSE AND POLICY.

The purpose of this section is to regulate the parking of recreational vehicles used as extended living accommodations and/or sleeping accommodations, to discourage permanent or long-term use of recreational vehicles for living or sleeping accommodations and to encourage the overnight parking of such recreational vehicles in designated areas within the city limits.

Section 34-53. - DEFINITIONS.

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

- (a) **Person** means any individual, firm, partnership, association, corporation or trust.
- (b) **Recreational Vehicle (RV)** means any vehicle used for recreational purposes which contain sleeping facilities and are designed for short or long-term living accommodations. The term recreational vehicle shall include but shall not be limited to motor homes, travel trailers, truck campers, camping trailers, converted buses, houseboats or other similar units.
- (c) **Recreational Vehicle Park** means any area owned by the city or by one or more persons in which spaces are rented for parking of recreational vehicles and which complies with state law, and state and city traffic laws and ordinances.

Section 34-54. – RECREATIONAL VEHICLE REGULATIONS.

Except as otherwise provided herein, it shall be unlawful to park or place any recreational vehicle which is in use as sleeping or living accommodations within the city unless said recreational vehicle is located in a recreational vehicle park. This section shall not apply to the parking of recreational vehicles that are not in use as sleeping or living accommodations purposes. State law and city ordinances pertaining to vehicle parking shall apply to all recreational vehicle parking the same as any other vehicle parked within the city.

Section 34-55. - EXEMPTIONS.

- (a) Unless otherwise prohibited, recreational vehicles used for sleeping and/or living accommodations may be parked on city streets in front of and adjacent to a permanent residence or upon such permanent residents' private property when the owner or the operator of the recreational vehicle is visiting the owner or occupant of the residence for a period not to exceed 14 days. The owner or operator of the recreational vehicle so parked shall, upon the request of a law enforcement officer or other authorized city representative, provide verification that such owner or operator of the recreational vehicle is a guest of the owner or occupant of the permanent residence. Such evidence can be in the form of written or verbal authorization received directly from the owner or occupant of the permanent residence.
- (b) For the purposes of workforce development, or community growth, the City Administrator shall be authorized to issue a \$50 temporary permit to park a single recreational vehicle on a residential lot for a period up to 6 months if the following conditions are met:
 - 1. The property owner by deed is the applicant;
 - 2. The residential lot provides access to all city water and electric prior to issuance of the permit;
 - 3. The recreational vehicle is self-contained;
 - 4. Placement of the recreational vehicle conforms to all setback requirements provided for in the City of Neodesha Zoning Code.

Section 34-56. – UTILITIES; HOOKUPS; CONNECTIONS.

No electrical or water connections shall be made by the recreational vehicle owner or operator to any outlet other than to an outlet metered for and with the consent of the owner or occupant of the permanent residence and only if there are no delinquent electrical charges associated with said permanent residence. Such electrical or water connections, if made, shall not exceed the 14-day period as provided in Section 34-55(a), unless the visitor has obtained a permit as provided in Section 34-57. The dumping of waste from recreational vehicles shall only be done through the City's sewer connections or at a designated RV dump site.

Section 34-57. – PERMITS; SHORT-TERM VISITORS.

Vacation trailers and motor homes may be used by visitors of residents and shall be allowed on the residents' property for a period of time not to exceed 14 days in any consecutive six-month period. The stay may be extended by two weeks for a \$50 fee; not to exceed 60 days total in any 12-month period. (This is a \$50 fee for every two-week period.)

Section 34-58. – INSPECTIONS.

The City Administrator or his or her designee, in his or her discretion, may schedule an on-site inspection of a recreational vehicle to assure compliance with all current regulations.

Section 34-59. – PENALTY.

Any person, firm or corporation violating any of the provisions of this section, or failing to comply therewith, shall be subject to a fine not to exceed \$300. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense.

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

Commissioner Vail-Keller moved to approve Ordinance 1795, regulating the parking of recreational vehicles in the City of

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Neodesha, with the addition of a one-time permit and fee of \$50, striking out the \$35 monthly fee, and removing the section referencing sewer connection regulations. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding an Ordinance related to a Minimum Housing Code. This Ordinance is to provide assistance towards helping to ensure a clean, safe environment for people living in our community. Discussion held.

ORDINANCE NO. 1796

AN ORDINANCE OF THE CITY OF NEODESHA, KANSAS ESTABLISHING A MINIMUM HOUSING CODE AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

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

Section 1. Chapter 8 of the City of Neodesha Code is amended by adding Article X to read as follows:

ARTICLE X. – MINIMUM HOUSING CODE

Sec. 8-466. – Title.

This article shall be known as the "Minimum Standard for Housing and Premises Code," and will be referred to herein as "this housing code."

Sec. 8-467. – General.

Buildings used in whole or in part as a home or residence of a single-family or person and every building used in whole or in part as a home or residence of two or more persons or families living in separate apartments and all premises, either residential or nonresidential, shall conform to the requirements of this housing code.

Sec. 8-468. – Declaration of policy.

The governing body declares the purpose of this housing code is to protect, preserve, and promote the physical and mental health of the people, investigate and control communicable diseases, regulate privately and publicly-owned structures or dwellings, and all premises for the purpose of sanitation and public health, general appearance, and protect the safety of the people and promote the general welfare by legislation which shall be applicable to all dwellings, structures and premises now in existence or hereafter constructed or developed and which legislation:

- (a) Establishes minimum standards for basic equipment and facilities for light, ventilation and heating, for safety from fire, for the use and location and amount of space for human occupancy, and for safe and sanitary maintenance;
- (b) Establishes standards concerning unsightly and blighted buildings and premises, both residential and nonresidential structures;
- (c) Determines the responsibilities of owners, operators and occupants;
- (d) Provides for the administration and enforcement thereof.

Sec. 8-469. – Definitions.

- (a) The following definitions shall apply to the enforcement of this housing code:

Basement means a portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

Cellar means a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Dwelling means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, provided that temporary housing hereinafter defined shall not be regarded as a dwelling.

Dwelling unit means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used, or intended to be used for living, sleeping, cooking and eating.

Garbage means any accumulation of animal, fruit or vegetable waste matter that attends the preparation of, use of, cooking of, delivering of, or storage of meats, fish, fowl, fruit or vegetable.

Habitable dwelling means any structure or part thereof that shall be used as a home or place of abode by one or more persons.

Habitable room means a room designed to be used for living, sleeping, eating or cooking purposes, excluding bathrooms, toilet rooms, closets, halls and storage places, or other similar places, not used by persons for extended periods.

Infestation means the presence, within or around a dwelling, of insects, rodents, or other pests.

Multiple-dwelling means any dwelling containing more than two dwelling units.

Occupant means any person, over one year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

Operator means any person who has charge, care, owns, or has control of a premise or of a building or structure or part thereof, in which dwelling units or rooming units are let.

Owner means any person, firm, or corporation, who jointly or severally along with others, shall be in actual possession of, or have charge, care and control of any structure or dwelling unit or premises within the city as owner, employee, or agent of the owner, or as

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trustee or guardian of the estate or person of the title holder, and such person shall be deemed and taken to be the owner or owner of such property within the true intent and meaning of this housing code and shall be bound to comply with the provisions of this article to the same extent as the record owner and notice to any such person shall be deemed and taken to be a good and sufficient notice as if such person was actually the record owner or owner of such property.

Plumbing means and includes all of the following supplied facilities and equipment: gas or fuel pipes, gas or fuel burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catchbasins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer, gas or fuel lines.

Premises means any lot or land area, either residential or nonresidential, not covered by a structure and which is subject to a city tax in part or in whole.

Public officer means the city administrator or his designee.

Refuse means and includes garbage and trash.

Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rooming house means any dwelling, or that part of a dwelling containing one or more rooming units in which space is let by the owner or operator to three or more persons who are not husband and wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Structure means anything constructed or erected on the ground or attached to something having a location on the ground.

Supplied means paid for, furnished, or provided by or under the control of, the owner or operator.

Temporary housing means any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, house or building or another structure, or to any utilities system on the same premises for more than 30 consecutive days, except when located in a mobile home court duly licensed under laws of the city.

Trash (combustible) means waste consisting of papers, cartons, boxes, barrels, wood and excelsior, tree branches, yard trimmings, wood furniture, bedding and leaves, or any other combustible materials.

Trash (noncombustible) means waste consisting of metals, tin cans, glass, crockery, other mineral refuse and ashes and street rubbish and sweepings, dirt, sand, concrete scrap, or any other noncombustible material.

(b) Whenever the terms "dwelling," "dwelling unit," "rooming house," "rooming unit," and "premises" are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

Sec. 8-470. – Duty of occupant or owner of occupied or unoccupied building and its premises or vacant premises.

(a) It shall be the duty of the owner of every occupied or unoccupied dwelling, building and premises or vacant premise, including all yards, lawns and courts to keep such property clean and free from any accumulation of filth, rubbish, garbage, or any similar matter as covered by sections 8-473 and 8-474.

(b) It shall be the duty of each occupant of a dwelling unit to keep in clean condition the portion of the property which he occupies and of which he has exclusive control, to comply with the rules and regulations, to place all garbage and refuse in proper containers. Where care of the premise is not the responsibility of the occupant then the owner is responsible for violations of this housing code applicable to the premises.

(c) If receptacles are not provided by the owner, then the occupant shall provide receptacles as may be necessary to contain all garbage and trash.

(d) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises, and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the unit primarily infested.

(e) Notwithstanding the foregoing provisions of this section, whenever infestation is caused by failure of the owner to maintain a dwelling in a vermin proof or reasonable insect-proof condition, extermination shall be the responsibility of the owner and operator.

(f) Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

Sec. 8-471. – Regulations for the use and occupancy of dwellings.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements. The following requirements are hereby declared essential to the health and safety of the occupants of such dwelling or dwelling unit:

(a) Attached garages or non-dwelling areas. All non-dwelling occupancies shall be separated from the dwelling unit by a fire-resistant wall and if the dwelling and garage are covered by a common or connecting roof, then the ceiling also must have a fire resistance rating of not less than one hour as defined in the building code.

(b) Basement or cellar. The basement or cellar of any dwelling shall be reasonably dry and ventilated and shall be kept free from rubbish accumulation.

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(c) Basement dwelling units. The use of basements or cellars for dwelling units is prohibited unless they comply with subsection (r) of this section governing ventilation; provided, however, if occupied at the time of the passage of this housing code and if it complies with all other provisions of this housing code, the public officer may approve less than the required windows, if in his opinion, the window area is not detrimental to the occupants.

(d) Bathing facilities. Every dwelling unit shall contain within a room which affords privacy to a person in the room, a bathtub or shower in good working condition and properly connected to an approved water and sewer system.

(e) Boardinghouses and rooming houses. No room shall be used for sleeping purposes unless the ceiling height is at least seven feet and there are at least 400 cubic feet of air space for each occupant over six years of age. For sleeping rooms with sloping ceilings, the ceiling height shall be at least seven feet over at least 50 percent of the floor area.

(1) Bathing facilities shall be provided in the form of a tub or shower for each eight occupants. Separate facilities shall be provided for each sex and plainly marked.

(2) A flush water closet shall be provided for each six occupants and shall be separated with the separate access from bathing facilities if more than four occupants are served by each. Separate facilities shall be provided for each sex and shall be plainly marked.

(f) Drainage. All courts, yards or other areas on the premises of any dwelling shall be so graded and drained that there is no pooling of the water thereon. Properly constructed wading and swimming pools and fish ponds are excepted from this section.

(g) Entrances.

(a) There shall be for each dwelling unit a normally used separate access either to a hallway, stairway, or street, which is safe and in good repair.

(b) A secondary exit to the ground shall be available in case of fire through windows, porch roofs, ladders or any combination that is free of hazard or egress.

(h) Floor area. Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof. The floor space shall be calculated on the basis of total habitable room area, inside measurements. No floor space shall be included in determining habitable room area over which the ceiling is less than seven feet above the floor for the purpose of this subsection.

(i) Garbage and trash receptacles. Every dwelling and every dwelling unit shall be provided with such receptacles, not exceeding 32-gallon capacity, as may be necessary to contain all garbage and trash and such receptacles shall at all times be maintained in good repair.

(j) Heating. Every dwelling and every dwelling unit shall be so constructed, insulated, and maintained and be provided by owner or occupant with heating units so that it is capable of reaching an air temperature of 70 degrees Fahrenheit under ordinary winter conditions. The chimney of the dwelling or dwelling unit shall be maintained in good order, and the owner of the approved heating equipment shall maintain it in good order and repair.

(k) Kitchen sink. In every dwelling unit containing two or more rooms, there shall be at least one kitchen sink with public water under pressure and connected to the public sewer, or if that sewer system is not available, to a sewage disposal system approved by the city administrator or his/her designee.

(l) Lavatory facilities. Every dwelling unit shall contain within its walls a lavatory basin in good working condition and properly connected to an approved water and sewer system and located in the same room as the required flush water closet or as near to the room as practicable.

(m) Lighting. Every habitable room shall have a ceiling electric outlet and a duplex outlet in wall or floor, or at least two wall or floor outlets.

(n) Lighting of toilets and bathrooms. Every toilet and every bathroom in every dwelling shall have at least one electric light in either the ceiling or on the wall.

(o) Plumbing. All plumbing, water closets and other plumbing fixtures in every dwelling or dwelling unit shall be maintained in good working order.

(p) Privies. All pit privies, privy vaults, dry hopper sewer-connected privies and frost-proof closets are hereby declared to be a public nuisance.

(q) Toilet facilities. There shall be at least one flush water closet in good working condition for each dwelling unit, which flush water closet shall be located within the dwelling and in a room which affords privacy.

(r) Ventilation. Every habitable room in a dwelling or dwelling unit shall contain a window openable directly to the outside air and the total area of such window shall be not less than five percent of the floor area of such room. An approved system of mechanical ventilation or air conditioning may be used in lieu of openable windows. Such system shall be capable of providing not less than four air changes per hour, except that in toilet compartments such system shall provide a complete air change every five minutes and be automatically put in operation when the toilet compartment light is in the "on" position.

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(s) Water heating facilities. Every dwelling shall have supplied water heating facilities which are installed in an approved manner and are maintained and operated in a safe and good working condition and are properly connected with the hot water lines to the kitchen sink, lavatory and bathtub or shower.

(t) Windows and doors. Every window and exterior door shall be reasonably weather-tight, lockable, and rodent-proof and shall be kept in good working condition and good repair.

Sec. 8-472. – Maintenance and repair; dwellings.

Every dwelling and every part thereof shall be maintained in good repair by the owner or agent and be fit for human habitation. The roof shall be maintained so as not to leak and all rainwater shall be drained therefrom so as not to cause dampness in the walls or ceilings. All floors, stairways, doors, porches, windows, skylights, chimneys, toilets, sinks, walls, and ceilings shall be kept in good repair and usable condition.

Sec. 8-473. – Designation of unfit dwellings.

The designation of dwellings or dwelling units as unfit for human habitation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

- (a) The public officer may determine, or five citizens may petition in writing, that any dwelling unit is unfit for human use or habitation if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents of the neighborhood, or which shall have a blighting influence on properties in the area.
- (b) Such conditions may include the following, without limitation:
 - (1) Defects therein increasing the hazards of fire, accident, or other calamities.
 - (2) Lack of:
 - (A) Adequate ventilation.
 - (B) Light.
 - (C) Cleanliness.
 - (D) Sanitary facilities.
 - (3) Dilapidation.
 - (4) Disrepair.
 - (5) Structural defects.
 - (6) Overcrowding.
 - (7) Inadequate ingress and egress.
 - (8) Unsightly appearance that constitute a blight to the adjoining property, the neighborhood or the city.
 - (9) Air pollution.
- (c) Placarding; order to vacate. Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the public officer shall be vacated within a reasonable time as so ordered.
- (d) Notice of violation. Procedures as outlined in section 8-477 are applicable hereto.
- (e) Compliance required before re-occupancy. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by the public officer.
 - (1) The public officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.
 - (2) It shall be unlawful for anyone to let, lease, occupy or permit the occupancy, whether for a consideration or not, of any dwelling so posted and any violation of this provision shall constitute a public offense within the meaning of this housing code.
 - (3) It shall be unlawful for any person to deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except the public officer as herein provided, and any violation of this provision shall constitute a public offense within the meaning of this housing code.

Sec. 8-474. – Designation of blighted premises (residential and nonresidential).

The designation of unsightly and blighted premises and elimination thereof shall be carried out in compliance with the following requirements:

(a) The public officer may determine, or five citizens may petition in writing, that if the appearance of a premise is not commensurate with the character of the properties in the neighborhood or otherwise constitutes a blight to the adjoining property or the neighborhood or the city for such reasons as, but not limited to:

- (1) Dead trees or other unsightly natural growth.
- (2) Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof; vermin infestation, inadequate drainage.

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- (3) Violation of any other law or regulations relating to the use of land and the use and occupancy of the buildings and improvements.

(2) Notice of violation. Procedures as outlined in section 8-477 are applicable hereto.

Sec. 8-475. – Designation of blighted buildings and premises (nonresidential).

(a) Certain blighted conditions covered in sections 8-473 and 8-474 concerning buildings and premises which are on the tax roll of the city are applicable to all nonresidential buildings and premises.

(b) Notice of violation. Procedures of notification shall follow those prescribed in section 8-477.

Sec. 8-476. – Inspection of buildings and structures, and premises.

(a) For the purpose of determining compliance with the provisions of this housing code, the public officer or his authorized representative is hereby authorized to make inspections to determine the condition, use, and occupancy of dwellings, dwelling units, rooming units, and the premises upon which the same are located. This requirement is applicable to existing dwellings or buildings.

(b) The public officer is not limited by the conditions in subsection (a) of this section where new construction or vacant premises are involved and may make such inspections at any appropriate time.

(c) The owner, operator, and occupant of every dwelling, dwelling unit, and rooming unit shall give the public officer, or his authorized representative, during reasonable hours, free access to such dwelling, dwelling unit, and rooming unit, and its premises, for the purpose of such inspection, examination and survey after identification by proper credentials.

(d) Every occupant of a dwelling shall give the owner thereof, or his authorized agent or employee, access to any part of such dwelling, or its premises, at all reasonable times, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this housing code or with any rule or regulation adopted and promulgated, or any order issued pursuant to the provisions of this housing code.

Sec. 8-477. – Notice of violations; procedures.

(a) Informal discussion. Whenever the public officer or his authorized representative determines that there has been a violation of any provision of this housing code, the public officer will arrange with the alleged violator for an informal discussion of violations, and whether repair and correction is justified.

(b) Formal hearing with governing body. If a satisfactory solution to the violations, either by correction, demolition or removal, is not forthcoming, then a legal notice of a formal hearing will be issued according to the following procedures:

- (1) Shall be in writing.
- (2) Shall list the violations alleged to exist or to have been committed.
- (3) Shall provide a reasonable time, but not less than 30 days in any event for the correction of the violations particularized.
- (4) Shall be addressed to and served upon the owner of the property, the operator of the dwelling, and the occupant of the dwelling unit or the rooming unit concerned, if the occupant is or may be responsible for violation.
- (5) If one or more persons whom the notice is addressed cannot be found or served after diligent effort to do so, service may be made upon such person or persons by posting a notice in a conspicuous place in or about the dwelling affected by the notice, in which event the public officer or his authorized representative shall include in the record a statement as to why such posting was necessary.
- (6) Delivery shall be by certified mail, return receipt requested, or by personal service. If service is made by certified mail, the public officer or his authorized representative shall include in the record a verified statement giving details regarding the mailing.

Sec. 8-478. – Enforcing officer; authority.

For the purpose of protecting the city against unsightly or blighted premises, also the health, welfare, and safety of the inhabitants of dwellings or dwelling units, the enforcing officer referred heretofore is hereby authorized, with the consent and prior knowledge of the governing body, to enforce provisions of this code and of other laws which regulate or set standards affecting buildings and premises.

Sec. 8-479. – Governing body; authority.

The governing body is hereby authorized:

- (a) To informally review all alleged violations as provided in section 8-477(a) prior to notification prescribed in section 8-477(b).
- (b) To conduct a formal hearing as prescribed in section 8-477(b).
- (c) To hear appeals where there is opposition to any order, requirement, decision or determination by the public officer in enforcement of this housing code as outlined in section 8-461.
- (d) Discretionary authority may be exercised in specific cases where variance from the terms of the housing code as:
 - (1) Will not adversely affect the public health, safety or welfare of inhabitants of the city.
 - (2) Is in harmony with the spirit of this housing code.
 - (3) Where literal enforcement of the housing code will result in unnecessary hardship.

Sec. 8-480. – Order to correct and/or repair, remove or demolish.

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At the time of the placarding and order to vacate specified by section 8-451(c), the public officer shall also issue and cause to be served upon the owner a notice advising of the option of removal or demolition in lieu of correction and/or repair following the procedures as outlined in section 8-477.

Sec. 8-481. – Demolition by enforcing officer; procedure and costs.

(a) Failure to comply with the order under section 8-480 for the alteration or improvement of such structure, the public officer, with the consent and prior approval of the governing body, may cause such condemned structure to be removed or demolished and the premises improved to eliminate the conditions outlined in section 8-474. Condemnation and abatement procedures shall be accomplished in accordance with Chapter 8, Article VI Dangerous and Unfit Structures.

(b) The cost of demolition by the enforcing officer shall be a lien upon the property upon which the cost was incurred and such lien, including as a part thereof an allowance of his costs and necessary attorney's fees, may be foreclosed in judicial proceedings in the manner provided or authorized by law for loans secured by liens on real property or shall be assessed as a special assessment upon the lot or parcel of land on which the structure was located and the city clerk at the time of certifying other city taxes, shall certify the unpaid portion of the aforesaid costs and the county clerk shall extend the same on the tax rolls against the lot or parcel of land.

(c) If the structure is removed or demolished by the enforcing officer he shall offer for bids and sell the structure or the materials of such structure. The proceeds of such sale shall be credited against the cost of the removal or demolition and, if there is any balance remaining, it shall be paid to the parties entitled thereto after deduction of costs or judicial proceedings, if any, including the necessary attorney's fees incurred therein, as determined by the court, if involved.

Sec. 8-482. – Governing body; appeals.

(a) Any person, firm, or corporation considering themselves aggrieved by the decision of the public officer and who desires to present a formal protest to the governing body shall in writing, request a hearing before the governing body within ten days after receiving notice of the decision from the enforcing officer, as provided in section 8-477(b). Such protest and request for a hearing shall be filed with the office of the city clerk.

(b) Upon receipt of a protest and request for a hearing, the city clerk shall notify in writing the governing body of such appeal.

(c) The governing body shall, within 30 days of receipt of protest and request for a hearing, determine a date for the hearing.

(d) Notice of the date for the hearing shall be sent to the appellant at least ten days before the hearing.

(e) Except where an immediate hazard exists as described in section 8-341, the filing of a protest and request for a hearing before the governing body as specified in subsection (a) of this section shall operate as a stay of the enforcement of the public officer's order until such time as the governing body has reached a decision on the matter.

Sec. 8-483. – Right of petition.

After exhausting the remedy provided in section 8-482, any person aggrieved by an order issued by the public officer and approved by the governing body after a hearing on the matter, may within 30 days from the date which the order became final petition the district court of the county in which the property is located to restrain the public officer from carrying out the provisions of the order.

Sec. 8-484 – 8-504 Reserved.

Section 2. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 3. This Ordinance shall be in force and take effect from and after its adoption and publication once in the official newspaper of the City.

Commissioner Moffatt moved to approve Ordinance 1796 as presented. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Truelove addressed the Commission regarding the consideration of a zoning variance request from USD 461 which would change the front yard setback requirements from 20-feet to 12-feet. Discussion held.

Commissioner Vail-Keller moved to approve the zoning variance for setback requirements for 904, 912, and 920 Grant Street. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the consideration of a zoning variance for 1420 N 2nd Street. This variance would allow for the placement of an 820 square foot manufactured home on this lot, replacing an existing mobile home. Discussion held.

Commissioner Moffatt moved to approve the zoning variance for the placement of a manufactured home at 1420 N 2nd Street. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Truelove addressed the Commission regarding an engineering services agreement with PEC Engineering for services related to the design of a community welcome sign on Highway 75, at the west entry into the community. Discussion held.

Commissioner Vail-Keller moved to approve the engineering services agreement with PEC Engineering, at a cost of \$11,200. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the approval of a service agreement with Healy Law Firm for assistance with right-of-way ordinances, pole attachment agreements, and franchise agreements. Discussion held.

Commissioner Moffatt moved to approve the legal services agreement with the Healy Law Firm as presented. Seconded by Commissioner Vail-Keller. Motion carried.

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Administrator Truelove asked the Governing Body to convene as the Neodesha Land Bank to consider the donation of property located at 1401 N 2nd Street and 1211 N 3rd Street.

Commissioner Vail-Keller moved to convene as the Neodesha Land Bank to discuss the acquisition of property. Seconded by Commissioner Moffatt. Motion carried.

Commissioner Moffatt moved to approve accepting the donation of property located at 1401 N 2nd Street. Seconded by Commissioner Vail-Keller. Motion carried.

Commissioner Moffatt moved to approve accepting the donation of property located at 1201 N 3rd Street. Seconded by Commissioner Vail-Keller. Motion carried.

Commissioner Vail-Keller moved to adjourn as the Neodesha Land Bank 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 equipment upgrades to the airport fueling station. Discussion held.

Commissioner Moffatt moved approve the purchase of the refueling station upgrade, from PB Hoidale Co Inc, at a cost not to exceed \$14,565.45. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Truelove addressed the Commission regarding a resignation from the Economic Development Committee. Discussion held.

Commissioner Vail-Keller moved to accept Chris Goodwin's resignation from the Economic Development Committee, effective immediately. Seconded by Commissioner Moffatt. Motion carried.

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

Commissioner Moffatt moved to appoint Robyn Pierce to the Economic Development Committee, to complete an unexpired term, with a term ending date of December 31, 2026. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Truelove addressed the Commission regarding an appointment to the Planning & Zoning Commission. Discussion held.

Commissioner Vail-Keller moved to appoint Louise Campbell to the Planning & Zoning Commission for a three-year term, with a term ending date of December 31, 2026. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a request from Mr Stan Reynolds, 14998 425 RD, to consider allowing him to transfer his electric service to Evergy. Discussion held.

Mayor Johnson called for a motion to allow Mr Stan Reynolds to transfer his electric service to Evergy. The agenda item died due to a lack of motion being brought forth.

Administrator Truelove addressed the Commission regarding the resignation of a Public Works Department employee. Discussion held.

Commissioner Moffatt moved to accept Cameron Grogan's resignation, effective September 8, 2023. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Truelove addressed the Commission regarding information and concerns about the status of the electric utility fee ordinance. Discussion held. No action taken.

Administrator Truelove addressed the Commission regarding a request from the Mayor to set a Special Call Meeting to meet with the Executive Recruitment Advisor, Don Osenbaugh. Discussion held.

Commissioner Moffatt moved to set a Special Call Meeting Wednesday, September 27, 2023, at 11:00 a.m. to meet in Executive Session with the Executive Recruitment Advisor. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Truelove addressed the Commission regarding the approval of spending authority for the Community Development Director, for acquiring right-of-way (temporary and permanent easements), for the Safe Routes to Schools Project. Discussion held.

Commissioner Vail-Keller moved to approve spending authority for right-of-way acquisition for the Safe Routes to Schools Project, in an amount not to exceed \$16,000. Seconded by Commissioner Moffatt. Motion carried.

Commissioner Moffatt moved to recess to an Executive Session to include the Governing Body, City Administrator, City Clerk, and Public Works Director 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 5:00 p.m. Seconded by Commissioner Vail-Keller. Motion carried. The live streamed Zoom meeting was then placed on hold with audio, video and recording ceased.

At 4:55 p.m. the Public Works Director exited the Executive Session.

At 5:00 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.

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Neodesha, Kansas
September 13, 2023

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The next regular meeting of the Governing Body will be held at City Hall on Wednesday, September 27, 2023 at 1:30 p.m.
At 5:04 p.m. Commissioner Moffatt moved to adjourn. Seconded by Commissioner Vail-Keller. Motion carried.

ATTEST:

Devin Johnson, Mayor

Stephanie Fyfe, City Clerk

APPROPRIATIONS REPORT**ORDINANCE NO 17****9/27/2023**

<u>VENDOR</u>	<u>REFERENCE</u>	<u>AMOUNT</u>	<u>CHECK NO</u>	<u>CHECK DATE</u>
1ST DUE EMERGENCY RESPONSE	BUNKER GEAR	5,028.70	72766	9/27/2023
ADVANCE INSURANCE COMPANY	SEPTEMBER PREMIUMS	539.54	72768	9/27/2023
BOUND TREE MEDICAL LLC	MEDICAL SUPPLIES	672.29	72769	9/27/2023
CASCO INDUSTRIES, INC	FIRE HOSE	6,450.00	72770	9/27/2023
CINTAS	FIRST AID SUPPLIES	313.45	72771	9/27/2023
CONSTELLATION NEWENERGY	AUGUST BILLING	6,789.00	72772	9/27/2023
CORE & MAIN	PARTS & SUPPLIES	3,088.54	72773	9/27/2023
ECX SYSTEMS LLC	BARRACUDA EMAIL SECURITY	50.00	72774	9/27/2023
FED EX	SHIPPING CHARGES	57.27	72775	9/27/2023
GALLS LLC	UNIFORMS	950.22	72776	9/27/2023
KMEA-MID STATES	BATTERIES & INSTALLATION	2,122.84	72777	9/27/2023
LANDIS+GYR TECHNOLOGY INC	SEPTEMBER 2023 AMR	950.00	72778	9/27/2023
MFA OIL	OIL	859.68	72779	9/27/2023
BANK OF AMERICA	ROCK	2,034.20	72781	9/27/2023
NAVAL SURFACE WARFARE CENTER	NIGHT VISION POCKETSCOPE	600.00	72782	9/27/2023
NEODESHA AUTO SUPPLY	SUPPLIES	1,023.54	72784	9/27/2023
PENMAC PERSONNEL SERVICES INC	TEMPORARY PERSONNEL SVC	1,447.16	72785	9/27/2023
PITNEY BOWES	POSTAGE FOR METER	1,000.00	72786	9/27/2023
PITNEY BOWES	POSTAGE MACHINE LEASE	757.74	72787	9/27/2023
REYNOLDS PLUMBING & ELECTRIC	WATER REPAIR	255.00	72788	9/27/2023
SANDBAGGER GOLF & TURF	MOWER PARTS	230.65	72789	9/27/2023
SIGN DESIGN	EMBROIDERY	66.00	72790	9/27/2023
SNAP-ON CREDIT LLC	MEMBERSHIP RENEWAL	81.25	72791	9/27/2023
SOUTHERN UNIFORM & TACTICAL	UNIFORMS	80.99	72792	9/27/2023
SPARKLIGHT	INTERNET SERVICE	124.17	72793	9/27/2023
STUDEBAKER REFRIGERATION INC	ICE MACHINE RENTAL	95.00	72794	9/27/2023
THOMASSON COMPANY	ELECTRIC POLES	12,510.00	72795	9/27/2023
THOMPSON BROTHERS SUPPLY INC	OXYGEN/CYLINDER LEASE	1,428.98	72796	9/27/2023
UNIFIRST CORPORATION	RUG & CLEANING SUPPLIES	158.54	72797	9/27/2023

US CELLULAR	TABLET CHARGES	51.57	72798	9/27/2023
US POST OFFICE	PRESORT MAILING FEE	310.00	72799	9/27/2023
WOODS LUMBER COMPANY	SUPPLIES	1,453.77	72800	9/27/2023
****TOTAL****		51,580.09		

ACH ELECTRIC ENERGY STATEMENTS BILLED SEPTEMBER 2023

KMEA - SPA Hyrdro Project	August 2023 Service	3,744.53
KMEA - GRDA Power Supply Project	October 2023 Service	88,603.00
KMEA - Energy Mgmt Project No 3	August 2023 Service	174,354.30
TOTAL ACH Electric Energy Statements		266,701.83

**City of Neodesha
Proclamation**

Fire Prevention Week 2023

WHEREAS, the City of Neodesha, Kansas is committed to ensuring the safety and security of all those living in and visiting our state; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,800 people in the US in 2021, according to the National Fire Protection Association® (NFPA®), and fire departments in the US responded to 338,000 home fires; and cooking is the leading cause of home fires in the US and fire departments responded to more than 166,400 annually between 2016 and 2020; and

WHEREAS, two of every five home fires start in the kitchen with 31% of these fires resulting from unattended cooking; and more than half of reported non-fatal home cooking fire injuries occurred when the victims tried to fight the fire themselves; and children under five face a higher risk of non-fire burns associated with cooking than being burned in a cooking fire; and

WHEREAS, Neodesha residents should turn pot handles toward the back of the stove; always keep a lid nearby when cooking; keep a three-foot kid-free zone around the stove, oven, and other things that could get hot; watch what they heat; and set a timer to remind them that they are cooking; and

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and working smoke alarms cut the risk of dying in reported home fires almost in half; and

WHEREAS, Neodesha's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Neodesha residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2023 Fire Prevention Week™ theme, **"Cooking safety starts with YOU. Pay attention to fire prevention™,"** effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires.

THEREFORE, I Devin Johnson, Mayor of the City of Neodesha, do hereby proclaim October 8–14, 2023, as Fire Prevention Week throughout this state, and I urge all the people of the City of Neodesha to check their kitchens for fire hazards and use safe cooking practices during Fire Prevention Week 2023, and to support the many public safety activities and efforts of Neodesha's Fire and Emergency Services.

ATTEST:

Devin Johnson, Mayor

Stephanie Fyfe, City Clerk

ORDINANCE NO. 1797

AN ORDINANCE AUTHORIZING AND DIRECTING THE REMOVAL OF CERTAIN UNSAFE AND DANGEROUS STRUCTURES 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, 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 23-19 dated August 23, 2023, 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 **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**, 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.

Passed by the Governing Body of the City of Neodesha, Kansas and signed by the Mayor this 27th day of September, 2023.

ATTEST:

Devin Johnson, Mayor

Stephanie Fyfe, City Clerk

ORDINANCE NO. 1798

AN ORDINANCE AUTHORIZING AND DIRECTING THE REMOVAL OF CERTAIN UNSAFE AND DANGEROUS STRUCTURES LOCATED AT 1316 N 4th Street, on LEGAL DESCRIPTION: Lots 8 and 9, Block 3, E.M. Cooper's Addition, 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 23-20 dated August 23, 2023, 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 *1316 N 4th Street, on LEGAL DESCRIPTION: Lots 8 and 9, Block 3, E.M. Cooper's Addition, 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.

Passed by the Governing Body of the City of Neodesha, Kansas and signed by the Mayor this 27th day of September, 2023.

ATTEST:

Devin Johnson, Mayor

Stephanie Fyfe, City Clerk

ORDINANCE NO. 1799

AN ORDINANCE RELATING TO THE REZONING AND CHANGING OF THE OFFICIAL ZONING MAP OF THE CITY OF NEODESHA, KANSAS, FROM RESIDENTIAL TO PUBLIC-SEMI PUBLIC OF CERTAIN LOTS IN THE CITY OF NEODESHA, WILSON COUNTY, KANSAS AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

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

Section 1. That the following described real estate situated in the City of Neodesha, Wilson County, Kansas, to-wit:

Block Two (2), Lots 15 and 16, Shutt's First Addition to the City of Neodesha, Wilson County, Kansas.

Also known as 920 Grant.

hereinbefore designated in the Residential zone, is hereby rezoned to be included in the Public-Semi Public zone, as defined and determined by Ordinance No. 1199 of the City of Neodesha, Kansas.

Section 2. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 3. This Ordinance shall be in force and take effect from and after its adoption and publication once in the official newspaper of the City.

Passed by the Governing Body of the City of Neodesha, Kansas and signed by the Mayor this 27th day of September, 2023.

ATTEST:

Devin Johnson, Mayor

Stephanie Fyfe, City Clerk

CITY OF NEODESHA

RESOLUTION NO. 23-23

NOW, on this 27th day of September, 2023, at a regular meeting of the Governing Body of the City of Neodesha, Kansas, the following Resolution was adopted.

WHEREAS, the Bank of Commerce; the Equity Bank of Neodesha; and the Community National Bank of Neodesha, Kansas, have been designated as depositories for the funds of the City of Neodesha, Kansas; and

WHEREAS, certain officers and Commissioners of the City of Neodesha, Kansas, have been designated and authorized to deposit and withdraw said funds upon checks, drafts, notes, or orders of the City of Neodesha, Kansas.

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

Section 1. That the Bank of Commerce of Neodesha, Kansas, be and it is hereby designated a depository of the City of Neodesha, Kansas, for its General Account 010111; Petty Cash Account 104361; Flexi-Vest Account 751278; Fire Insurance Proceeds Fund Account 753564; Employee Benefits Account 116912; Raw Water Project Bond Account 3001673; Emergency Equipment Reserve Fund Account 3006011; and Norman No Oil Well and Museum Account 3004025; and that the funds in said accounts so deposited may be withdrawn upon a check, draft, note, or order of the City of Neodesha, Kansas.

Section 2. That all checks, drafts, notes or orders drawn against the General Account 010111 shall be signed by one of the following:

<u>NAME</u>	<u>TITLE</u>
Devin Johnson	Mayor
J. D. Moffatt	Vice Mayor
Emily Vail-Keller	Commissioner
Anita Buchanan	Interim Treasurer

and countersigned by Stephanie Fyfe, City Clerk of the City of Neodesha, Kansas; whose signatures shall be duly certified to said Bank and that no checks, drafts, notes or order drawn against said Bank on said account shall be valid unless so signed.

Section 3. That all checks, drafts, notes or orders drawn against the Flexi-Vest Account 751278, and the Fire Insurance Proceeds Fund Account 753564 shall be signed by one of the following:

<u>NAME</u>	<u>TITLE</u>
Devin Johnson	Mayor
J. D. Moffatt	Vice Mayor
Emily Vail-Keller	Commissioner

and countersigned by Stephanie Fyfe, City Clerk of the City of Neodesha, Kansas, whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank on said accounts shall be valid unless so signed.

Section 4. That all checks, drafts, notes or orders drawn against the Petty Cash Account 104361 shall be signed by one of the following:

<u>NAME</u>	<u>TITLE</u>
Rhonda Howell	Assistant City Clerk
Anita Buchanan	Utility Billing Supervisor

and countersigned by Stephanie Fyfe, City Clerk of the City of Neodesha, Kansas; whose signatures shall be duly certified to said Bank and that no checks, drafts, notes or order drawn against said Bank on said account shall be valid unless so signed.

Section 5. That all checks, drafts, notes or orders drawn against Raw Water Project Bond Account 3001673; and Norman No Oil Well and Museum Account 3004025 shall be signed by two of the following:

<u>NAME</u>	<u>TITLE</u>
Stephanie Fyfe	City Clerk
Devin Johnson	Mayor
J. D. Moffatt	Vice Mayor
Emily Vail-Keller	Commissioner

Section 6. That all checks, drafts, notes or orders drawn against Employee Benefits Account 116912 shall be signed or requested by one of the following:

<u>NAME</u>	<u>TITLE</u>
Devin Johnson	Mayor
J. D. Moffatt	Vice Mayor
Emily Vail-Keller	Commissioner

and countersigned by Stephanie Fyfe, City Clerk of the City of Neodesha, Kansas; whose signatures shall be duly certified to said Bank and that no checks, drafts, notes or order drawn against said Bank on said account shall be valid unless so signed.

Section 7. That all checks, drafts, notes or orders drawn against the Emergency Equipment Reserve Fund Account 3006011 shall be signed by one of the following:

<u>NAME</u>	<u>TITLE</u>
Devin Johnson	Mayor
J. D. Moffatt	Vice Mayor
Emily Vail-Keller	Commissioner
Anita Buchanan	Interim Treasurer

and countersigned by Stephanie Fyfe, City Clerk of the City of Neodesha, Kansas; whose signatures shall be duly certified to said Bank and that no checks, drafts, notes or order drawn against said Bank on said account shall be valid unless so signed.

Section 8. That the signatures mentioned in Sections 2, 3, 4, 5, and 6 above shall be duly certified to said Bank of Commerce of Neodesha, Kansas; and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed. That said Bank is hereby authorized and directed to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be payable to the order of any such person signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or to the individual credit of any of the other officers or not.

Section 9. That Equity Bank of Neodesha, Kansas, be and is hereby designated a depository of the City of Neodesha for the purpose of investing idle funds in time certificates of deposit and that all checks, drafts, notes or orders shall be signed or requested by one of the following:

<u>NAME</u>	<u>TITLE</u>
Devin Johnson	Mayor
J. D. Moffatt	Vice Mayor
Emily Vail-Keller	Commissioner

and countersigned by Stephanie Fyfe, City Clerk of the City of Neodesha, Kansas, whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank on said accounts shall be valid unless so signed.

Section 10. That the Community National Bank of Neodesha, Kansas, be and is hereby designated a depository of the City of Neodesha for the purpose of investing idle funds in time certificates of deposit and that all checks, drafts, notes or orders shall be signed or requested by one of the following:

<u>NAME</u>	<u>TITLE</u>
Devin Johnson	Mayor
J. D. Moffatt	Vice Mayor
Emily Vail-Keller	Commissioner

and countersigned by Stephanie Fyfe, City Clerk of the City of Neodesha, Kansas, whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank on said accounts shall be valid unless so signed.

Section 11. That this Resolution shall take effect upon its adoption by the Governing Body of the City of Neodesha, Kansas.

ADOPTED AND APPROVED by the governing body of the City of Neodesha, Kansas this 27th day of September, 2023.

ATTEST:

Devin Johnson, Mayor

Stephanie Fyfe, City Clerk



September 27, 2023

City of Neodesha
ATTN: Mayor Johnson
1407 N. 8th
PO Box 336
Neodesha, KS 66757

SUBJECT: Recipient Name: Neodesha, City of
Project Name: Water System Improvements
Amendment to Original Letter of Conditions (Water Application)

Dear Mayor Johnson:

This letter reaffirms conditions set out in our previous Letters of Conditions (LOC) dated 7/25/18 and subsequent LOC dated 9/29/21 establishes conditions which must be understood and agreed to by you before further consideration may be given to the application and which must be met before the loan can be closed. Any changes in project cost, source of funds, scope of services, or any other significant changes in the project or applicant must be reported to and approved by USDA Rural Development, by written amendment to this letter. Any changes not approved by USDA Rural Development shall be cause for discontinuing processing of the application. Unless modified by this amendment any of the original and previously amended letters will remain in effect for this project and change in funding.

This amended letter is not to be considered as a loan approval or as representation as to the availability of funds. The docket may be completed on the basis of an additional loan not to exceed \$1,772,000 at the intermediate rate of interest, which is currently 2.875%. If USDA Rural Development makes the loan you may make a written request that the interest rate be the lower of the rate in effect at the time of loan approval or the time of loan closing. If you do not request the lower of the two interest rates, the interest rate charged will be the rate in effect at the time of loan approval. The loan will be considered approved the date a signed copy of Form RD 1940-1, "Request for Obligation of Funds," is mailed to you. If you want the lower of the two rates, your written request should be submitted to USDA Rural Development as soon as practical. In order to avoid possible delays in loan closing, such a request should ordinarily be submitted at least 30 calendar days before loan closing.

The docket may be developed on the basis of a supplemental loan of \$1,772,000, which when added to the previous loans of \$7,000,000 and \$998,000 provides a total loan of \$9,770,000 and a total grant of \$492,000. The revised total project cost has increased to \$10,262,000.

Rural Development • Kansas
Community Programs

Hays Office
2715 Canterbury Drive
Hays, KS 67601
Phone: (785) 628-3081
Fax: (877) 470-3801

Iola Office
202 W. Miller Road
Iola, KS 66749
Phone: (620) 365-2901
Fax: (877) 470-3801

Newton Office
1405 South Spencer Road
Newton, KS 67114,
Phone: (316) 283-0370
Fax: (877) 470-3801

Topeka Office
1303 SW First American Place, Ste 100
Topeka, KS 66604
Phone: (785) 271-2700
Fax: (877) 470-3801

USDA is an equal opportunity provider, employer, and lender.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.inlake@usda.gov.

If you agree to meet the conditions set forth in this letter and desire further consideration be given to your application, please complete and return the following forms within 10 days:

Form RD 1942-46, "Letter of Intent to Meet Conditions"
Form RD 1940-1, "Request for Obligation of Funds"

The loan will be considered approved on the date Form RD 1940-1, "Request for Obligation of Funds," is signed by the approving official, and mailed to you. Thus, this letter does not constitute loan approval, nor does it ensure that funds are or will be available for the project.

If the conditions set forth in this letter are not met within 280 days from the date hereof, USDA Rural Development reserves the right to discontinue the processing of your application.

The approval of your supplemental loan will be considered, subject to the following conditions:

A. Conditions to be Met Before Start of Construction:

1. You will adopt RUS Bulletin 1780-27, "Loan Resolution (Public Bodies)" for the additional loan.
2. This subsequent loan will be made through the City's issuance of a GO Bond in the amount of \$998,000. Principal payments will not be deferred.

3. <u>Project Costs:</u>	<u>Total Budgeted:</u>
Construction	\$ 6,602,312
Contingencies	\$ 801,188
Engineering Fees	\$ 824,200
Includes:	
Design	\$ 399,400
Inspection	\$ 269,300
Additional Services	\$ 155,500
Interest - Interim	\$ 325,000
Refinancing	\$ 1,500,000
Land & Rights	\$ 108,500
Legal Fees – Attorney & Bond Counsel	\$ 100,800
Total Project Costs	\$ 10,262,000

4. <u>Project Funding Source:</u>	<u>Funding Amount</u>
USDA Rural Development Loan	\$ 7,000,000
USDA Rural Development Loan-Subsequent	\$ 998,000
USDA Rural Development Grant-Subsequent	\$ 492,000
USDA Rural Development Loan-Subsequent #2	\$ 1,772,000

Total Project Funding **\$ 10,262,000**

Evidence of the availability of the above funds must be provided to USDA Rural Development. Without this participation, viability of the project is questionable.

5. You must have an agreement with your engineer. This agreement must be approved by USDA Rural Development prior to its execution. EJCDC Document E-500 "Standard Form of Agreement Between Owner and Engineer for Professional Services" should be used for this purpose.

6. You must adopt a rate schedule sufficient to produce the required revenue and which must meet the approval of USDA Rural Development. The schedule will be determined prior to award of bid.

B. Conditions to be Met at Closing:

1. You will adopt the necessary ordinances or resolutions for the GO Bond. The attorney will obtain for you and USDA Rural Development a Bond Counsel's Preliminary Opinion that legal requirements have been met and that the revenue bonds will be legally valid when issued according to the Bond Counsel's instructions. Annual principal payments and annual interest payments will be required.
2. You will execute RUS Bulletin 1780-27, "Loan Resolution (Public Bodies)".

C. Conditions to be Met After Closing:

1. You will be required to establish accounts, including reserve, from revenue received as required in the Loan Resolution and Bond Ordinance as described in the original Letter of Conditions. Disbursement of funds from these accounts will be only for the purposes specified.
2. **Audits** – An annual audit under the Single Audit Act is required if you expend \$750,000 or more in Federal financial assistance per fiscal year. The total Federal funds expended from all sources shall be used to determine Federal financial assistance expended. Expenditures of interim financing are considered Federal expenditures.

All audits are to be performed in accordance with 2 CFR Part 200, as adopted by USDA through 2 CFR Part 400. Further guidance on preparing an acceptable audit can be obtained from the Agency. It is not intended that audits required by this part be separate and apart from audits performed in accordance with State and local laws. To the extent feasible, the audit work should be done in conjunction with those audits. The audit must be prepared by an independent licensed Certified Public Accountant, or a State or Federal auditor if allowed by State law, and must be submitted within 9 months of your fiscal year end.

If an audit is required, you must enter into a written agreement with the auditor and submit a copy to the Agency prior to the advertisement of bids. The audit agreement may include terms and conditions that the borrower and auditor deem appropriate; however, the agreement should include the type of audit or financial statements to be completed, the time frame in which the audit or financial statements will be completed, what type of reports will be generated from the services provided, and how irregularities will be reported.

Financial Statements – If you expend less than \$750,000 in Federal financial assistance per fiscal year, you may submit financial statements in lieu of an audit which include at a minimum a balance sheet and an income and expense statement. You may use Form RD 442-2, "Statement of Budget, Income and Equity," and 442-3, "Balance Sheet," or similar format to provide the financial information. The financial statements must be signed by the appropriate borrower official and submitted within 60 days of your fiscal year end.

3. If at any time it shall appear to the Government that you are able to refinance the amount of the debt then outstanding, in whole or in part, by obtaining a loan for such purposes from a responsible cooperative or private credit sources, at reasonable rates and terms for loans of similar purposes and periods of time, you will, upon request of the Government, apply for and accept such loan in a sufficient amount to repay the Government and will take such action as may be required in connection with such loan.

Sincerely,

Michael Billings

Michael Billings
Area Specialist

REQUEST FOR OBLIGATION OF FUNDS

INSTRUCTIONS-TYPE IN CAPITALIZED ELITE TYPE IN SPACES MARKED () Complete Items 1 through 29 and applicable Items 30 through 34. See FMI.			
1. CASE NUMBER ST CO BORROWER ID 19-003-*****0117		LOAN NUMBER	FISCAL YEAR
2. BORROWER NAME City of Neodesha		3. NUMBER NAME FIELDS (1, 2, or 3 from Item 2)	
		4. STATE NAME Kansas	
		5. COUNTY NAME Wilson	
GENERAL BORROWER/LOAN INFORMATION			
6. RACE/ETHNIC CLASSIFICATION 1 - WHITE 2 - BLACK 3 - AI/AN 4 - HISPANIC 5 - API	7. TYPE OF APPLICANT 1 - INDIVIDUAL 2 - PARTNERSHIP 3 - CORPORATION 4 - PUBLIC BODY 5 - ASSOC. OF FARMERS 6 - ORG. OF FARMERS 7 - NONPROFIT-SECULAR 8 - NONPROFIT-FAITH BASED 9 - INDIAN TRIBE 10 - PUBLIC COLLEGE/UNIVERSITY 11 - OTHER	8. COLLATERAL CODE 1 - REAL ESTATE SECURED 2 - REAL ESTATE AND CHATTEL 3 - NOTE ONLY OR CHATTEL ONLY 4 - MACHINERY ONLY 5 - LIVESTOCK ONLY 6 - CROPS ONLY 7 - SECURED BY BONDS 8 - RLF ACCT	9. EMPLOYEE RELATIONSHIP CODE 1 - EMPLOYEE 2 - MEMBER OF FAMILY 3 - CLOSE RELATIVE 4 - ASSOC.
10. SEX CODE 1 - MALE 2 - FEMALE 3 - FAMILY UNIT 4 - ORGAN MALE OWNED 5 - ORGAN FEMALE OWNED 6 - PUBLIC BODY	11. MARITAL STATUS 1 - MARRIED 2 - SEPARATED 3 - UNMARRIED (INCLUDES WIDOWED/DIVORCED)	12. VETERAN CODE 1 - YES 2 - NO	13. CREDIT REPORT 1 - YES 2 - NO
14. DIRECT PAYMENT 1 (See FMI)	15. TYPE OF PAYMENT 1 - MONTHLY 2 - ANNUALLY 3 - SEMI-ANNUALLY 4 - QUARTERLY	16. FEE INSPECTION 1 - YES 2 - NO	
17. COMMUNITY SIZE 1 - 10 000 OR LESS (FOR SFH AND HPG ONLY) 2 - OVER 10,000		18. USE OF FUNDS CODE (See FMI)	
COMPLETE FOR OBLIGATION OF FUNDS			
19. TYPE OF ASSISTANCE 061 (See FMI)	20. PURPOSE CODE	21. SOURCE OF FUNDS	22. TYPE OF ACTION 1 - OBLIGATION ONLY 2 - OBLIGATION/CHECK REQUEST 3 - CORRECTION OF OBLIGATION
23. TYPE OF SUBMISSION 1 - INITIAL 2 - SUBSEQUENT	24. AMOUNT OF LOAN \$1,772,000.00	25. AMOUNT OF GRANT	
26. AMOUNT OF IMMEDIATE ADVANCE	27. DATE OF APPROVAL MO DAY YR	28. INTEREST RATE 2.8750 %	29. REPAYMENT TERMS 40
COMPLETE FOR COMMUNITY PROGRAM AND CERTAIN MULTIPLE-FAMILY HOUSING LOANS			
30. PROFIT TYPE 1 - FULL PROFIT 2 - LIMITED PROFIT 3 - NONPROFIT			
COMPLETE FOR EM LOANS ONLY		COMPLETE FOR CREDIT SALE-ASSUMPTION	
31. DISASTER DESIGNATION NUMBER (See FMI)		32. TYPE OF SALE 1 - CREDIT SALE ONLY 2 - ASSUMPTION ONLY 3 - CREDIT SALE WITH SUBSEQUENT LOAN 4 - ASSUMPTION WITH SUBSEQUENT LOAN	
FINANCE OFFICE USE ONLY		COMPLETE FOR FP LOANS ONLY	
33. OBLIGATION DATE MO DA YR		34. BEGINNING FARMER/RANCHER (See FMI)	

If the decision contained above in this form results in denial, reduction or cancellation of USDA assistance, you may appeal this decision and have a hearing or you may request a review in lieu of a hearing. Please use the form we have included for this purpose.

Position 2

ORIGINAL - Borrower's Case Folder

COPY 1 - Finance Office

COPY 2 - Applicant/Lender

COPY 3 - State Office

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0570-0062. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

CERTIFICATION APPROVAL

For All Farmers Programs

EM, OL, FO, and SW Loans

This loan is approved subject to the availability of funds. If this loan does not close for any reason within 90 days from the date of approval on this document, the approval official will request updated eligibility information. The undersigned loan applicant agrees that the approval official will have 14 working days to review any updated information prior to submitting this document for obligation of funds. If there have been significant changes that may affect eligibility, a decision as to eligibility and feasibility will be made within 30 days from the time the applicant provides the necessary information.

If this is a loan approval for which a lien and/or title search is necessary, the undersigned applicant agrees that the 15-working-day loan closing requirement may be exceeded for the purposes of the applicant's legal representative completing title work and completing loan closing.

35. COMMENTS AND REQUIREMENTS OF CERTIFYING OFFICIAL

Subject to Letter of Conditions dated September 27, 2023. WEP loan funds to be used for eligible project costs.

36. I HEREBY CERTIFY that I am unable to obtain sufficient credit elsewhere to finance my actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in or near my community for loans for similar purposes and periods of time. I agree to use the sum specified herein, subject to and in accordance with regulations applicable to the type of assistance indicated above, and request payment of such sum. I agree to report to USDA any material adverse changes, financial or otherwise, that occur prior to loan closing. I certify that no part of the sum specified herein has been received. I have reviewed the loan approval requirements and comments associated with this loan request and agree to comply with these provisions.

(For FP loans at eligible terms only) If this loan is approved, I elect the interest rate to be charged on my loan to be the lower of the interest rate in effect at the time of loan approval or loan closing. If I check "NO", the interest rate charged on my loan will be the rate specified in Item 28 of this form. ☐ YES ☐ NO

WARNING: Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under this title or imprisoned not more than five years, or both."

Date September 27, 20 23

Devin Johnson, Mayor

(Signature of Applicant)

Date _____, 20 ____

N/A

(Signature of Co-Applicant)

37. I HEREBY CERTIFY that all of the committee and administrative determinations and certifications required by regulations prerequisite to providing assistance of the type indicated above have been made and that evidence thereof is in the docket, and that all requirements of pertinent regulations have been complied with. I hereby approve the above-described assistance in the amount set forth above, and by this document, subject to the availability of funds, the Government agrees to advance such amount to the applicant for the purpose of and subject to the availability prescribed by regulations applicable to this type of assistance.

(Signature of Approving Official)

Typed or Printed Name: Daniel E. Fischer

Date Approved: _____

Title: Acting CP Director

38. TO THE APPLICANT: As of this date _____, this is notice that your application for financial assistance from the USDA has been approved, as indicated above, subject to the availability of funds and other conditions required by the USDA. If you have any questions contact the appropriate USDA Servicing Office.

LETTER OF INTENT TO MEET CONDITIONS

Date 09-27-2023

TO: United States Department of Agriculture

Rural Development

(Name of USDA Agency)

202 West Miller Rd
Iola KS 66749(USDA Agency Office Address)

We have reviewed and understand the conditions set forth in your letter dated 09-27-2023. It is our intent to meet all of them not later than 07-03-2024.

City of Neodesha

(Name of Association)

BY Mayor

(Title)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a persons is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0015 and 0570-0062. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data, needed, and completing and reviewing the collection of information.

Customer: City of Neodesha, KS Date: 09/20/2023 Phone: Fax: Project: Xylem VIS Quote #: 7056556 Opp #: OP-581069	Fluid - Municipal Kansas City 4525 NW 41st St, Suite 400 Riverside, MO 64150 Phone: 816-795-8511 Fax: 816-795-8926	 FLUID EQUIPMENT <small>A COGENT COMPANY</small>
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We are pleased to offer the following quote as requested.

Line No	Quantity	Description of Unit	Net Each	Net Ext.
---------	----------	---------------------	----------	----------

1	1.00	Xylem VIS-BAFM 8FDLC, 1 Stage ■ Includes Bowl & Motor Bowl Material: Cast Iron with Glass Enamel Impeller Material: 316SS Motor: 15 HP, 3600 rpm, CentriPro, 460V Column Type: Flanged Additional Cable Provided-75'	9,913.31	\$9,913.31
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Shipment: 6 - 9 week(s) after receipt of P.O.
FOB Point: Shipping Point
Terms of Payment:
Freight: Best Way - PPD/ADD
Quote Validity: 15 Days

We look forward to working with you on the current and future applications. Should you have any questions in regards to this quote or if we can be of any further assistance, please do not hesitate to contact us.

Quoted By:

Emily Hiegert-Riley
ehiegert-riley@cogentcompanies.com

Salesrep:

Jeff Ubben
jubben@fluidequip.com
816-795-8511

STANDARD TERMS AND CONDITIONS

Price is FOB shipping point and does not include any freight charges. Price does not include any applicable duties or sales tax, use tax, excise tax, value-added or other similar taxes that may apply to this equipment and/or project. Unless specifically stated, price does not include manual or automatic controls, starters, protective or signal devices, wiring, anchor bolts, gauges, vibration isolation devices, installation, startup or testing.

If the price is included in a proposal, the price is firm for receipt of an order within 15 days of the date shown on the proposal. Any additional terms and conditions included in the proposal are specifically included in these terms and conditions.

Unless otherwise expressly agreed to in writing by Seller, all shipments are FOB Seller shipping point at which point title also transfers.

Payment terms are net 30 days with approved credit. An interest charge of 1-1/2% per month will be added to balances over 30 days. Retainage of any invoiced amount is unacceptable unless specifically agreed to by Company at the time of order, and shall in no case exceed a period of 120 days. If payments are not timely received by Company, and this account is turned over to an attorney for collections, Customer agrees to pay all reasonable costs and attorney fees incurred in collection of the past due amounts.

Payment of 'commercial transaction' invoices by credit card will be charged a fee based upon Cogent's average discount rate for credit card transactions for the prior calendar year. This fee will change annually and is currently 2.55%.

All equipment either rented from or through Company is subject to all of the terms and conditions listed on the back of the rental contract. Pricing does not include any overtime running of power equipment.

In no event shall Company's obligations and liabilities under this Agreement include any direct, indirect, punitive, special, incidental or consequential damages or losses that Customer may suffer or incur in connection with this sale, service or rental, including, but not limited to, loss of revenue or profits, damages or losses as a result of Customer's inability to operate, perform its obligations to third persons or injuries to goodwill; nor shall Company's liability extend to damages or losses Customer may suffer or incur as a result of such claims, suits or other proceedings made or instituted against Customer by third parties. Customer remises, releases and discharges Company from any and all liability or damages which might be caused by failure to deliver any equipment within the agreed time by Company.

Customer shall be responsible for determining the good operating condition of all materials and equipment prior to accepting the materials and equipment. NO WARRANTY OR GUARANTEE, EXPRESS OR IMPLIED, INCLUDING ANY WARRANTY AS TO MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE IS MADE UNLESS THE SAME IS SPECIFICALLY SET FORTH IN WRITING AND ACCEPTED IN WRITING BY COMPANY, BUT IN SUCH CASE THE WARRANTY OR GUARANTEE IS LIMITED AS ABOVE PROVIDED. Notwithstanding the foregoing, Company will pass through to the Customer any warranty provided by the manufacturer of any equipment supplied by Company.

Customer covenants and agrees to defend, indemnify and hold Company harmless from any claims, damages or liability arising out of the use, maintenance or delivery of the equipment or materials purchased or rented hereunder. Customer shall further defend, indemnify and hold Company harmless from any and all damages to third persons or to property caused by Customer's use or possession of the equipment or materials, to the fullest extent allowable by law.

In connection with a proposal, if Customer has any further questions or comments regarding the proposal, please feel free to contact Company. If the proposal meets with Customer's approval, please sign, date and mail or fax a copy of the proposal back to Company's office, and the identified equipment will be ordered and/or scheduled for delivery.

This agreement shall be governed by the laws of the state where the Company's branch office is located from which the equipment is rented or purchased. Customer further agrees that venue and jurisdiction shall be appropriate in the county in which Company's branch office is located from which the equipment was rented or purchased. Any provisions hereof which may prove unenforceable under any law shall not affect the validity of any other provision hereof.

Revised March 2022

PERFORMANCE ON DESIGN CURVE AT 3460 RPM

	Shut Off	Design [2]	Run Out [5]		
Flow (USGPM)	0.0	700.0	946.0	Best Efficiency	77.80 % at 742.0 USgpm
TDH-Bowl (ft)	105.0	62.3	31.9	Design Flow % BEP	94.34 %
TDH-Disch Flange (ft)	102.6	59.7	26.5	Pump Efficiency	74.70 %
Bowl Efficiency (%)	-	77.40	59.40	Overall Efficiency	0.00 %
Guaranteed Bowl Efficiency (%)	-	73.53	-	NOL Power	14.5 Hp at 575.0 USgpm
Power (Hp)	13.0	14.2	12.8	Specified NPSH Ratio	1.1
Guaranteed Power (Hp)	-	15.3	-	Thrust Load Power Loss	0.13303 Hp
NPSHr (ft) [1]	-	19.3	27.8	Total Flow Derate Factor	1.00
NPSH Margin (ft) [1]	-	14.6	6.1	Total Head Derate Factor	1.00
Hydraulic Thrust(lb)	856.0	501.0	260.0	Total Efficiency Derate Factor	1.00
Thrust (lb)	918.2	542.6	287.0	Actual Submergence	403.23 in
Pressure-Bowl (psi)	45.5	27.0	13.8	Shaft Friction Power Loss	0.00 Hp
Pressure-Disch Flange (psi)	44.4	25.8	11.5	Min Flow (MCSF)	185.0 USgpm
Min Submergence (Inch) [3]	-	0.00	0.00	kWh per 1000 gal	0.00000
Friction Loss (ft) [4]	-	1.61	2.91	Impeller Running Clearance	0.06 in
Lineshaft Elongation (Inch)	0.00000	0.00000	-		
Column Elongation (Inch)	0.00010	0.00006	-		
Lateral (Inch)	0.05990	0.05994	-		

[1] at 1st impeller eye [2] rated values [3] from pump suction inlet [4] from bowl to disch flange [5] per published data

OPERATING CONDITIONS

Specified Flow	700.00 USgpm
Specified TDH	60.00 ft
Rated Speed	3460 RPM
Atmospheric Pressure	14.70 psi
TPL	34.60 ft
Pumping Level	1.00 ft
Setting Depth	30.00 ft
NPSHa at 1st Impeller	33.9 ft
NPSHa at Grade	34.0 ft
Well Diameter	Over 20 in [508 mm] Casing
Operational Design	Constant Speed

FLUID CHARACTERISTICS

Fluid	Water
Fluid Temperature	68.0 °F
Specific Gravity	1.0000
Viscosity	1.0017 cP
Vapor Pressure	0.3393 psi
Density	62 lbs/ft³

MATERIALS & DIMENSIONS

Bowl Data

Bowl Material	Cast Iron with Glass Enamel
Impeller Material	316SS
Bowlshaft Material	416SS
Impeller Attachment	Taper Lock
Taperlock Material	Carbon Steel
Suction Type	Subadapter
Bowl Bolting Material	Carbon Steel
Motor Adapter	6 in [152.4 mm]
Motor Adapter Bearing	Bronze
Motor Adapter Material	Ductile Iron

Bowl Data

Coupling Material	416SS
Intermediate Bowl Bearing	Bronze
Impeller Trim	4.56 in
Bowl Pressure Limit	410 psi
Model Max Sphere Size	0.38 in
Bowl Shaft Diameter	1 3/16 in [30.2 mm]
Impeller Balance	Manufacturer's Standard
Bowl Shaft Power Limit	243.77 Hp
Bowl Assembly Provided By	Xylem

Bowl Specials

Column Data

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Certified By	
Project	OP-581069
Tag	
PO Number	
Serial Number	



SUBMITTAL

Quote ID: 9001-230919-052:0:1 QTY: 1
VIS-BAFM 8FDLC, 1 Stage

Column Data

Column Type	Flanged
Column Diameter	6 in [152 mm]
Column Assembly Provided By	Customer

Motor Data

Driver Type	Submersible
Manufacturer	CentriPro
HP Rating	15 Hp
Speed [Poles]	3600 rpm [2 pole]
Voltage	460 V
Phase / Frequency	3 PH / 60 Hz
Efficiency / Config	Standard
Motor Adapter	6 in [152.4 mm]

Motor Data

Motor Flange	6 in
Motor Size	6 in
Motor Construction	STD
Motor Part Number	6F154
Motor Provided By	Xylem
Motor Mounted By	Customer

Motor Specials

Coating Data

Bowl OD	Goulds Water Technology Blue
---------	------------------------------

Coating Data

Enamel

Testing Data

Accessories

Engineering Services

Engineering Services Notes

Miscellaneous Specials

Assembly and Crating

Assembly	Fully Assembled
Crating	Domestic Skid

Assembly and Crating Notes

In general, pumps are crated and shipped fully assembled* via standard freight methods (LTL/LCL) if overall crated length is 20 ft or less and weight is 2500 lbs or less. Up to 45 ft and 4000 lbs can still be fully assembled but will ship via dedicated freight methods (FTL/FCL/flatbed/air/special). Otherwise, each sub-assembly (bowl, column, and head) is crated separately ("column loose"). *Motors, suction cans, mechanical seals, spare parts, and other special items are crated separately. Coordinate specific expectations with the factory at time of order.

Weight Data

Total Bowl Weight	125 lbs
Head Weight	**Refer to Factory**

Weight Data

Motor Weight	117 lbs
Total Weight	242 lbs

Comments

INFO, WARNING & ERROR MESSAGES

Motor Shroud	Invalid	Fluid velocity around motor is less than 0.5 ft/s, please include a motor shroud for motor cooling, or select the appropriate well diameter.
	Error	Selected Motor Power is less than the Recommended Power.

Our offer does not include specific review and incorporation of any Statutory or Regulatory Requirements, and the offer is limited to the requirements of the design specifications. Should any Statutory or Regulatory requirements need to be reviewed and incorporated, then the Customer is responsible to identify those and provide copies for review and revision of our offer.

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Serial Number	



SUBMITTAL

Quote ID: 9001-230919-052:0:1 QTY: 1
VIS-BAFM 8FDLC, 1 Stage

Our quotation is offered in accordance with our comments and exceptions identified in our proposal and governed by our standard terms and conditions of sale – Xylem Americas. Available here: <https://www.xylem.com/en-us/support/xylem-americas-standard-terms-and-conditions/>

For units requiring a factory performance test, all performance tests will be conducted per ANSI/HI 14.6 standards unless otherwise noted. As a standard, test results for the primary design point meeting grade 2B tolerances for pumps with a rated shaft power of 134 hp or less and grade 1B for greater than 134 hp will be considered passing. If secondary or tertiary design points are required to be tested, these will be subject to grade 3B tolerances. For testing of more than 3 points, consult the factory. Other acceptance grades are available and must be clearly noted and mutually agreed upon between the Customer and Xylem before release to manufacture.

Holding shipment for testing approval allows 2 weeks of calculated production lead time for the approval process. If shipment approval has not been obtained by 4 weeks after submission of passing test results, Xylem reserves the right to ship product on purchase orders less than or equal to \$10,000 USD without explicit approval, or to impose storage fees until shipment approval is granted on purchase orders greater than \$10,000 USD. For planned approval processes exceeding 2 weeks, please consider that additional lead time and coordinate expectations with the factory, including storage fees. For faster shipment, select "No" to the hold shipment for testing approval option.

For units not requiring a factory performance test, product performance can be expected to meet 3B tolerances primarily due to the variability of field conditions. Field-measured performance may vary from factory-measured performance or published data as a result of unknown or unpredictable system conditions and measurement variability. If field performance testing is required after installation, factory performance testing before shipment is strongly recommended. Field performance test results do not constitute a warranty claim unless verified by Xylem.

The information provided in this submittal is published data nominally representative of the selected pump model's performance characteristics. If factory performance testing is included, actual as-tested performance curves for each tested pump will be provided after testing is complete. Impeller trim diameter is subject to change to meet intended design conditions.

Special requests are subject to further review after receipt of customer purchase order during the factory's order entry and design engineering processes. If NSF 61 certified construction is required, an additional audit will be completed. The Xylem team will communicate any discrepancies and possible changes.

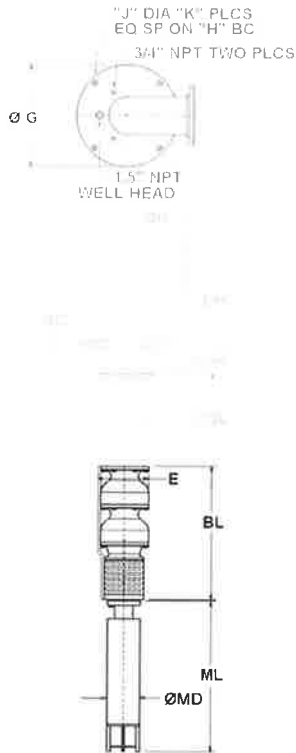
Customer is responsible for verifying that the recommendations made and the materials selected are satisfactory for the Customer's intended environment and Customer's use of the selected pump. Customer is responsible for determining the suitability of Xylem recommendations for all operating conditions within Customer's and/or End User's control. Xylem disclaims all warranties, express or implied warranties, including, but not limited to, warranties of merchantability and fitness for a particular purpose, and all express warranties other than the limited express warranty set forth in the attached standard terms and conditions of sale – Xylem Americas attached hereafter.

Xylem does not guarantee any pump intake configuration. The hydraulic and structural adequacies of these structures are the sole responsibility of the Customer or his representatives. Further, Xylem accepts no liability arising out of unsatisfactory pump intake field operating conditions. The Customer or his representatives are referred to the Hydraulic Institute Standards for recommendations on pump intake design. To optimize the hydraulic design of a field pump intake configuration, the Customer should strongly consider performing a detailed scale model pump intake study. However, the adequacies of these recommendations are the sole responsibility of the Customer.

Xylem's standard enamel paint offering is a coating applied at no extra charge and is intended to provide a limited cosmetic improvement over the bare metal product. The coating will not prevent rust, corrosion, or fading. Fading, flaking, chipping, or bleeding rust can be expected within 3 months of exposure to weather or other elements. For applications where visual aesthetics or corrosion resistance is important, please consider one of our protective coating options.

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DIMENSIONS

E	7.90 in
BL [Bowl Assembly Length]	21.13 in
ML [Motor Length]	28.10 in
MD [Motor Diameter]	6.00 in
SS [Motor Shaft Stickup]	2.88 in
SD [Motor Shaft Diameter]	1.00 in

PUMP DATA

Column Diameter	6 in [152 mm]
Specified Flow	700.00 USgpm
Specified TDH	60.00 ft
Pumping Level	1.00 ft
Motor Manufacturer	CentriPro FM Series
Driver Type	Submersible
Selected Motor Power	15.00 Hp
Motor Speed	3460 RPM
Phase / Frequency	3 PH / 60 Hz
Voltage	460 V

WEIGHTS

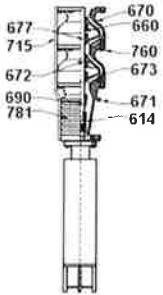
Total Bowl Weight	125 lbs
Head Weight	**Refer to Factory**
Motor Weight	117 lbs
Total Weight	242 lbs

NOTES

1	Total Pump Length \pm 1.0 inch.
2	Tolerance on all dimensions is .12 or \pm .12 inch per 5 ft, whichever is greater.
3	All dimensions shown are in inches unless otherwise specified.
4	Drawing not to scale.
5	1/2" NPT - Gauge Conn (plugged)
6	Driver may be rotated at 90° intervals about vertical centerline for details refer to driver dimension drawing.
7	Refer to product IOM for impeller setting requirements.
8	This assembly has been designed so that its natural frequency responses avoid the specific operating speeds by an adequate safety margin. The design has assumed the foundation to be rigid.

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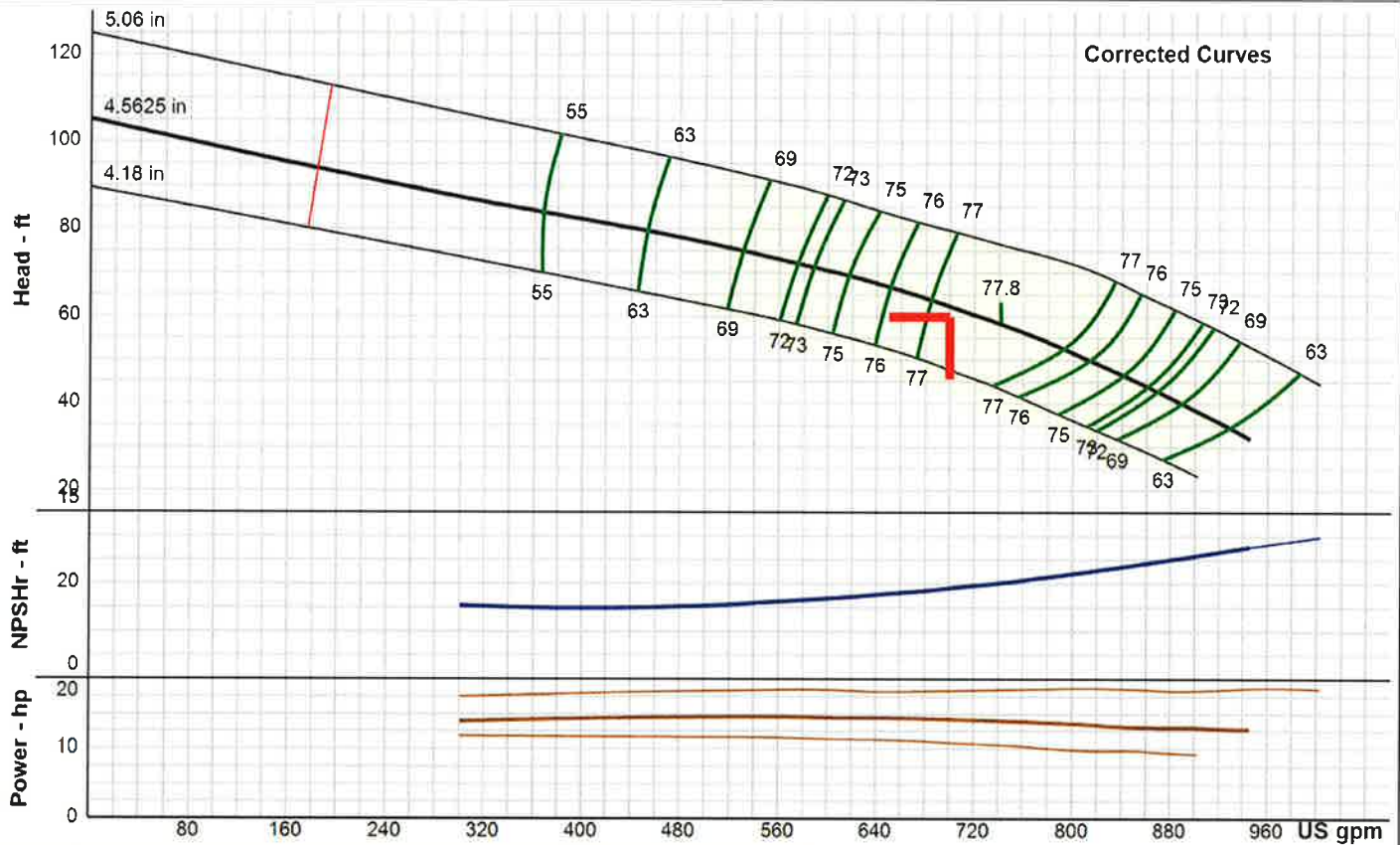


BILL OF MATERIALS

ITEM	PART NAME	CODE	MATERIAL	ASTM#
Bowl Assembly				
614	Coupling - Sub Motor	2218	SST 416	A582M
660	Bowlshaft	2227	SST 416	A582 S41600
670	Bowl - Intermediate	6911	Cast Iron CL 30 Enamel	A48
671	Adapter - Motor	1018	Ductile Iron 65-45-12	A536
672	Bearing - Intermediate Bowl	1618	Bismuth Bronze	B584 Modified
673	Impeller	1203	SST 316	A744M
677	Taperlock - Impeller	2242	Carbon Steel 1018	A108
690	Bearing - Motor Adapter	1618	Bismuth Bronze	B584 Modified
760	Capscrew - Hex	2298	Steel Bolting GR 8	J429
715	Guard - Cable	3215	SST 304	A240M
758	Capscrew - Motor	2298	Steel Bolting Gr 8	J429
781	Screen - Suction	3211	SST 316	A240M
789	Washer - Upthrust	6266	Tivar 1000	None

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Curve & hydraulic data presented is nominal performance based on ANSI/HI 14.6 acceptance grade 2B.

Design values are guaranteed within the following tolerances: Flow $\pm 8\%$, Head $\pm 5\%$, and optionally either Power $+ 8\%$ or Efficiency $- 5\%$ at manufacturer's discretion.

Specified Flow	700.00 USgpm	Shut Off TDH (Disch Flange)	102.6 ft	Driver Size Criteria	NOL Power Across Design Curve
Specified TDH	60.00 ft	Shut Off Pressure (Bowl)	45.5 psi	Allow Service Factor	No
Rated Speed	3460 RPM	Shut Off Pressure (Disch Flange)	44.4 psi	kWh per 1000 gal	0.00000
Atmospheric Pressure	14.70 psi	Run Out Flow	946.0 USgpm	NPSHr at Design	19.3 ft
Pumping Level	1.00 ft	Run Out TDH (Bowl)	31.9 ft	NPSH Margin at Design	14.6 ft
NPSHa at Grade	34.0 ft	Run Out TDH (Disch Flange)	26.5 ft	Actual Submergence	403.23 in
NPSHa at 1st Impeller	33.9 ft	Run Out Pressure (Bowl)	13.8 psi	Thrust K-Factor	7.9 lbpft
Fluid	Water	Run Out Pressure (Disch Flange)	11.5 psi	Thrust at Design	542.6 lb
Fluid Temperature	68.0 °F	Bowl Efficiency at Design	77.40 %	Thrust at Shut Off	918.2 lb
Specific Gravity	1.0000	Guaranteed Bowl Efficiency	73.53 %	Thrust at Run Out	287.0 lb
Viscosity	1.0017 cP	Best Efficiency	77.80 %	Bowl Material	Cast Iron with Glass Enamel
Vapor Pressure	0.3393 psi	BEP Flow	742.0 USgpm	Bowl Material Derate Factor	1.00
Density	62 lbs/ft³	Design Flow % BEP	94.34 %	Impeller Material	316SS
Design Flow	700.0 USgpm	Pump Efficiency	74.70 %	Impeller Matl Derate Factor	1.00
Min Flow (MCSF)	185.0 USgpm	Friction Loss at Design	1.61 ft	Total Flow Derate Factor	1.00
Design TDH (Bowl)	62.3 ft	Power at Design	14.2 Hp	Total Head Derate Factor	1.00
Design TDH (Disch Flange)	59.7 ft	Guaranteed Power	15.3 Hp	Total Efficiency Derate Factor	1.00
Design Pressure (Bowl)	27.0 psi	NOL Power	14.5 Hp		
Design Pressure (Disch Flange)	25.8 psi	Max Power (NOL) Flow	575.0 USgpm		
Shut Off TDH (Bowl)	105.0 ft	Recommended Power	20.00 Hp		

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Riverwalk Park Concrete Pads

<u>Contractor</u>	<u>Benches, Tables, Trash Cans / Pay Station</u>	<u>TOTAL</u>
Recrete Design	7,600 / 4,100	11,700
Jerry Raida	11,425	11,425
RBC Concrete	Declined to Bid	n/a