

Agenda
City Commission of the City of Neodesha, KS
October 22, 2025 4:00 p.m.

Item 1: Opening Session

- Call to Order
- Roll Call
- Invocation
- Pledge of Allegiance
- Additions/Deletions to the Agenda
- Civic Organization Reports
- Mayor's Report
- Commissioner's Reports
- City Administrator's Comments
- Community Development Director Report
- Financial Reports Distributed

Item 2: Public Comments

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

- Approval of October 8, 2025 Minutes
- Appropriation (2025) 19

Item 4: Business Items to Consider

- A. Approve use of Cemetery for Annual Cemetery Tours
- B. Approve use of Limited Utility Status Form
- C. Discuss Landlord Licensing
- D. Discuss Registry for Vacant Housing
- E. Presentation from Labette Health on EMS
- F. EMS Discussion- Options for future EMS Service

Item 5: Additional Public Comments

Item 6: Date/Time of Next Regular Meeting

Wednesday, November 12, 2025 at **4:00** p.m. – Regular Meeting, City Hall

Item 7: Executive Session

Item 8: Adjournment

AGENDA COMMENTS
CITY COMMISSION MEETING
October 22, 2025

Additions to the Agenda

RECOMMENDED MOTION: *I move to approve the agenda as presented.*

Consent Agenda

RECOMMENDED MOTION: *I move to approve the consent agenda as presented.*

Business Items to Consider

4.A: Approve use of Cemetery for Annual Cemetery Tours

The Chamber is organizing its annual cemetery tours and is requesting permission from the City to use the cemetery after regular hours for this event. The tours are scheduled to take place on October 29.

RECOMMENDED MOTION: *I move to approve the use of the cemetery after normal business hours for the Chamber annual cemetery tours on 10/29/2025.*

4.B: Approve use of the Limited Utility Status Form

This topic was discussed at the October 8, 2025, Commission meeting. The proposed system is the best solution developed to address the concern raised while ensuring the City of Neodesha remains in compliance with current ordinances and maintains accurate records of properties under limited utility status.

RECOMMENDED MOTION: *I move to approve the use of the Limited Utility Status form as presented.*

4.C: Discuss Landlord Licensing

This application would be administered through the City of Neodesha and would require all landlords to register their rental units with the City. The purpose of this program is to better assist individuals who contact the City seeking available rental housing in Neodesha. A fine would be imposed for failing to register as a landlord or for neglecting to register a rental property.

RECOMMENDED MOTION: *No motion needed.*

4.D: Discuss Registry for Vacant Housing

The City of Neodesha has already adopted the Minimum Housing Code. The goal of this proposal is to establish a registry for vacant residential properties within the city. A similar system is already in place for vacant commercial and industrial buildings, and this would expand that approach to include housing.

RECOMMENDED MOTION: *No motion needed.*

4.E: Presentation from Labette Health on EMS

Labette Health has requested the opportunity to present a proposal to the City regarding a potential partnership for providing EMS services.

RECOMMENDED MOTION: *No motion needed.*

4.F: EMS Discussion- Options for future EMS Services

An opportunity to discuss the future of EMS services for 2026 and beyond.

RECOMMENDED MOTION: *No motion needed.*

The Board of Commissioners met in regular session at 4:00 p.m., on Wednesday, October 8, 2025, in the Commission Room at City Hall with Mayor Johnson presiding and Commissioners Banzet and Truelove present. The meeting was recorded via Zoom platform.

Commissioner Banzet moved to approve the agenda as presented. Seconded by Commissioner Truelove. Motion carried.

Civic organization reports were invited and heard.

Commission reports were heard.

City Administrator comments were heard.

Community Development Director reports were heard.

Financial reports were distributed.

Public Comments were invited and heard.

Commissioner Truelove moved to approve the consent agenda as presented consisting of minutes from the September 24, 2025 meeting; Appropriation (2025) 18; and Water System Improvements Bond Appropriation 12. Seconded by Commissioner Banzet. Motion carried.

Mayor Johnson read a proclamation designating October 8, 2025, as Mothers Against Bullying Day and declaring the month of October as National Bullying Prevention Month. Jeannie Mahaffey, representing Neodesha's Mothers Against Bullying (MAB) Group, was in attendance. The Governing Body expressed its appreciation to Jeannie and the members of MAB for their dedication and efforts in establishing this local organization.

Administrator Jones addressed the Commission regarding an ordinance in reference to the dangerous structure located at 1305 N 8th Street. Discussion held.

ORDINANCE NO. 1823

AN ORDINANCE AUTHORIZING AND DIRECTING THE ABATEMENT OF THE PROPERTY LOCATED AT 1305 North 8th Street, (Legal Description: *The South Seventeen (17) feet of Lot 77, all Lots 78,79,80,and 81, and the North Six (6) feet of Lot 82, Block Two (2), Westlawn Addition to the City of Neodesha.*) AUTHORIZING THE FINANCING OF THE COSTS OF SUCH REMOVAL BY THE SALE OF SALVAGE FROM SUCH PROPERTY, IF ANY, AND/OR FROM THE GENERAL FUND OF THE CITY, AND THE LEVYING OF SPECIAL ASSESSMENTS AGAINST THE LOTS ON WHICH SUCH PROPERTY IS LOCATED.

WHEREAS, the governing body did after proper notice and hearing as provided by law make findings by Resolution 24-31 and Resolution 24-32, dated December 11, 2024, that the property hereinafter described as a blighting influence and did direct the owner of such property 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 property to be abated, 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 property and were otherwise served as required by law, and

WHEREAS, the owner has wholly failed to commence the repair or removal of such property; 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 1305 North 8th Street (Legal Description: *The South Seventeen (17) feet of Lot 77, all Lots 78,79,80,and 81, and the North Six (6) feet of Lot 82, Block Two (2), Westlawn Addition to the City of Neodesha*, to be abated 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 property and shall keep an account of the receipts as provided by law.

Section 3: All costs incurred by the city in the razing and removal of such property and the making of the premises safe and secure shall be paid from moneys received from the sale of salvage there from 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: 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 property was located and may be financed until the assessment is paid out of the general fund of the city.

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

Commissioner Banzet moved to approve Ordinance 1823 as presented, allowing the property owner until November 12, 2025 to be in compliance with the abatement. Seconded by Commissioner Truelove. Motion carried.

This being the time and date published in the official newspaper for the hearing on the abatement of the property located at 923 Illinois Street, the public hearing was opened. Discussion held. The hearing was then closed.

Administrator Jones addressed the Commission regarding the abatement of the property located at 923 Illinois Street. A resolution is necessary to state corrective actions required to bring the property into compliance and establish a clear time frame for the property owner to complete the work. Discussion held.

RESOLUTION NO. 25-20

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 923 Illinois Street, LEGAL DESCRIPTION Lots 11 and 12, Block 14, Ford's Addition to the City of Neodesha, Wilson County, Kansas, IS UNSAFE OR DANGEROUS AND

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*(continued from previous page)***DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE.**

WHEREAS, the Enforcing Officer of the City of Neodesha, Kansas did on the 26th day of November, 2024 file with the governing body of said City a statement in writing that a certain structure, hereinafter described, was unsafe and dangerous; and

WHEREAS, the governing body did by Resolution dated the 13th day of August, 2025, fix the time and place of a hearing at which the owner, his or her agent, any lienholders of record and any occupant of such structure could appear and show cause why such structure should not be condemned and ordered repaired or demolished, and provided for giving notice thereof as provided by law; and

WHEREAS, such Resolution was published in the official city paper on the 21st day of August, 2025, and on the 28th day of August, 2025, and a copy of such Resolution was served on all persons entitled thereto in all respects as provided by law; and

WHEREAS, on this 8th day of October, 2025, the governing body has heard all evidence submitted by the enforcing officer of the city, the owners, agents, lienholders, and occupants of such structure (having appeared or having failed to appear);

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

THAT said governing body hereby finds that the structure is unsafe and dangerous and hereby directs such structure **LOCATED AT 923 Illinois Street, Lots 11 and 12, Block 14, Ford's Addition to the City of Neodesha, Wilson County, Kansas**, to be repaired or removed and the premises made safe and secure. The owner of such structure is hereby given until **November 12, 2025**, upon publication of this Resolution to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, said governing body will cause the structure to be repaired or razed and removed and the costs of such repair, razing and removing, less salvage if any, to be assessed as a special assessment against the lot or parcel of land upon which the structure is located as provided by law.

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

Commissioner Truelove moved to approve Resolution 25-20 as presented, allowing the property owner until November 12, 2025, to abate the property located at 923 Illinois Street, as directed. Seconded by Commissioner Banzet. Motion carried.

Administrator Jones addressed the Commission regarding a review of the yard abatement for the property located at 923 Illinois Street. Discussion held.

Commissioner Truelove moved to approve the yard abatement requirements in concurrence with the timeline of Resolution 25-20. Seconded by Commissioner Banzet. Motion carried.

Administrator Jones addressed the Commission regarding the review of junked and abandoned vehicles at 923 Illinois Street, reporting that the property owner has abated the issue. Discussion held. No action taken.

This being the time and date published in the official newspaper for the hearing on the abatement of the property located at 1614 N 3rd Street, the public hearing was opened. Discussion held. The hearing was then closed.

Administrator Jones addressed the Commission regarding the abatement of the property located at 1614 N 3rd Street. A resolution is necessary to state corrective actions required to bring the property into compliance and establish a clear time frame for the property owner to complete the work. Discussion held.

RESOLUTION NO. 25-21

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 1614 North 3rd Street, LEGAL DESCRIPTION: Lots Numbered Six (6) and Seven (7), Block Numbered One (1), Deer's Subdivision of part of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of the Section Numbered Seventeen (17), Township Numbered Thirty (30) South, Range Numbered Sixteen (16) East, in the City of Neodesha, Wilson County, Kansas, IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE.

WHEREAS, the Enforcing Officer of the City of Neodesha, Kansas did on the 21st day of September, 2024 file with the governing body of said City a statement in writing that a certain structure, hereinafter described, was unsafe and dangerous; and

WHEREAS, the governing body did by Resolution dated the 13th day of August, 2025, fix the time and place of a hearing at which the owner, his or her agent, any lienholders of record and any occupant of such structure could appear and show cause why such structure should not be condemned and ordered repaired or demolished, and provided for giving notice thereof as provided by law; and

WHEREAS, such Resolution was published in the official city paper on the 21st day of August, 2025, and on the 28th day of August, 2025, and a copy of such Resolution was served on all persons entitled thereto in all respects as provided by law; and

WHEREAS, on this 8th day of October, 2025, the governing body has heard all evidence submitted by the enforcing officer of the city, the owners, agents, lienholders, and occupants of such structure (having appeared or having failed to appear);

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

THAT said governing body hereby finds that the structure is unsafe and dangerous and hereby directs such structure **LOCATED AT 1614 North 3rd Street, Lots Numbered Six (6) and Seven (7), Block Numbered One (1), Deer's Subdivision of part of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of the Section Numbered Seventeen (17), Township Numbered Thirty (30) South, Range Numbered Sixteen (16) East, in the City of Neodesha, Wilson County, Kansas**, to be repaired or removed and the premises made safe and secure. The owner of such structure is hereby given until **November 12, 2025**, upon publication of this Resolution to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, said governing body will cause the structure to be repaired or razed and removed and the costs of such repair, razing and removing, less salvage if any, to be assessed as a special assessment against the lot or parcel of land upon which the structure is located as provided by law.

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

Commissioner Banzet moved to approve Resolution 25-21 as presented, allowing the property owner until November 12, 2025 to abate the property located at 1614 N 3rd Street, as directed. Seconded by Commissioner Truelove. Motion carried.

Administrator Jones addressed the Commission regarding a review of the yard abatement for the property located at 1614 N 3rd Street. Discussion held.

Commissioner Truelove moved to approve the yard abatement requirements in concurrence with the timeline of Resolution 25-21. Seconded by Commissioner Banzet. Motion carried.

Administrator Jones addressed the Commission regarding a resolution calling for a public hearing to show cause why the structure located at 1011 Carolina Street should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure. Discussion held.

RESOLUTION NO. 25-22

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS AT WHICH TIME THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF THE STRUCTURE LOCATED AT 1011 Carolina Street, LEGAL DESCRIPTION: Lots Six (6), Seven (7), Eight (8), and Nine (9), Block Three (3), S.J. Shutt's Addition to the City of Neodesha, MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS AN UNSAFE OR DANGEROUS STRUCTURE.

WHEREAS, Brogan Jones, the Enforcement Officer of the City of Neodesha, did on the 10th day of July, 2025, file with the Governing Body of said City a statement in writing that certain unoccupied structures hereinafter described are unsafe and dangerous;

NOW, THEREFORE, BE IT RESOLVED by the Governing body of the City of Neodesha that a hearing will be held on the 12th day of November, 2025, before the Governing Body of the City at 2:00 p.m. in the Commission Room of City Hall, 1407 N. 8th; at which time the owner, his agent, any lien holder of record and any occupant of the structure located at **1011 Carolina Street** may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure and ordered repaired or demolished.

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

Commissioner Banzet moved to approve Resolution 25-22 as presented, setting a public hearing date for November 12, 2025 at 4:00 p.m. Seconded by Commissioner Truelove. Motion carried.

Administrator Jones addressed the Commission regarding the resignation of a Fire/EMS Department employee. Discussion held.

Commissioner Banzet moved to accept the resignation of Captain Nic Moreland effective October 11, 2025. Seconded by Commissioner Truelove. Motion carried. The Governing Body expressed its gratitude for Captain Moreland's years of dedicated service to the department and extended best wishes in his future endeavors.

Administrator Jones addressed the Commission regarding the resignation of a Fire/EMS Department employee. Discussion held.

Commissioner Truelove moved to accept the resignation of Captain Caleb Berger effective October 19, 2025. Seconded by Commissioner Banzet. Motion carried. The Governing Body expressed its gratitude for Captain Berger's years of dedicated service to the department and extended best wishes in his future endeavors.

Public Comments were again invited and heard.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, October 22, 2025, at 4:00 p.m.

At 5:40 p.m. Commissioner Banzet requested a 5-minute recess. Seconded by Commissioner Truelove. Motion carried. The Zoom recording was placed on hold with audio, video and recording functions suspended.

At 5:45 p.m. the regular meeting of the Governing Body reconvened in the Commission Room at City Hall. The Zoom recording resumed with audio, video and recording in progress.

Commissioner Banzet moved to recess to an Executive Session to include the Governing Body, City Administrator, City Clerk, and the Director of Public Safety, 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 6:15 p.m. Seconded by Commissioner Truelove. Motion carried. The Zoom recording was placed on hold with audio, video and recording functions suspended.

At 6:15 p.m. the regular meeting of the Governing Body reconvened in the Commission Room at City Hall. The Zoom recording resumed with audio, video and recording in progress.

Commissioner Truelove moved to extend the Executive Session an additional 15 minutes. Seconded by Commissioner Banzet. Motion carried. The Zoom recording was placed on hold with audio, video and recording functions suspended.

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At 6:30 p.m. the regular meeting of the Governing Body reconvened in the Commission Room at City Hall. The Zoom recording resumed with audio, video and recording in progress. No action taken.

At 6:30 p.m. Commissioner Truelove moved to adjourn. Seconded by Commissioner Banzet. Motion carried.

ATTEST:

Devin Johnson, Mayor

Stephanie Fyfe, City Clerk

APPROPRIATIONS REPORT**ORDINANCE NO 19****10/22/2025**

<u>VENDOR</u>	<u>REFERENCE</u>	<u>AMOUNT</u>	<u>CHECK NO</u>	<u>CHECK DATE</u>
AT & T	PHONE CHARGES	530.08	76307	10/22/2025
ALERT	RADIOS	360.00	76308	10/22/2025
BLACK RAIN ORDNANCE	EQUIPMENT PURCHASE	4,288.00	76309	10/22/2025
BOUND TREE MEDICAL LLC	MEDICAL SUPPLIES	2,056.86	76310	10/22/2025
CALLTOWER	PHONE CHARGES	307.00	76312	10/22/2025
CANON FINANCIAL SERVICES	PRINTER LEASE	211.71	76313	10/22/2025
CINTAS	FIRST AID SUPPLIES	443.57	76314	10/22/2025
FED EX	SHIPPING CHARGES	119.99	76315	10/22/2025
FLEET FUELS	GENERATOR FUEL	63,980.82	76316	10/22/2025
FOLEY INDUSTRIES INC	GENERATOR MAINT	19,063.94	76317	10/22/2025
FREDONIA TRUE VALUE HARDWARE	COMPRESSOR SWITCH	31.99	76318	10/22/2025
GAINS CIVIL CONSTRUCTION	RV PARK RENTAL REFUND	180.25	76319	10/22/2025
HEALY LAW OFFICES, LLC	POLE ATTACHMENTS	1,095.00	76320	10/22/2025
INTERNAL REVENUE SERVICE	WTP FEE ADJUSTMENT	44.33	76321	10/22/2025
TOMMY JOHN	CLEANING SERVICES	200.00	76322	10/22/2025
KANSAS MUNICIPAL UTILITIES	4TH QTR TRAINING GROUP 4 DUES	2,220.91	76323	10/22/2025
NKC Tire	TIRES	1,087.68	76324	10/22/2025
KANSAS HEALTH & ENVIROMENT LAB	Q9000 3RD QTR TESTING	682.00	76325	10/22/2025
KEY EQUIPMENT & SUPPLY CO	BALL VALVE	67.61	76326	10/22/2025
LAKELAND OFFICE SYSTEMS LLC	COPIER MAINTENANCE	235.72	76327	10/22/2025
LANDIS+GYR TECHNOLOGY INC	SEPTEMBER 2025 AMR	1,425.00	76328	10/22/2025
LANG DIESEL INC	FORK LIFT PARTS	419.13	76329	10/22/2025
LITTLE BEAR TIRE	FLAT REPAIR	105.00	76330	10/22/2025
MFA OIL	OIL	967.45	76331	10/22/2025
MYTOWN MEDIA	NEODESHA SPORTS	175.00	76332	10/22/2025
PITNEY BOWES	POSTAGE FOR METER	929.72	76333	10/22/2025
PORTER DRUGS	STOCK MEDS FOR AMBULANCE	2,107.94	76335	10/22/2025
PRAIRIE FIRE COFFEE	BEVERAGE SERVICE	247.70	76336	10/22/2025

GAY PURDY	UTILITY PAYMENT REFUND	133.15	76337	10/22/2025
QUALITY MOTORS	FUSE	16.80	76338	10/22/2025
QUILL LLC	OFFICE SUPPLIES	913.80	76339	10/22/2025
SEAN REDINGTON	CIVIC CENTER DEPOSIT REFUND	50.00	76341	10/22/2025
SHERWIN WILLIAMS INDEPENDENCE	PAINT	76.24	76342	10/22/2025
SPARKLIGHT	INTERNET SERVICE	248.12	76343	10/22/2025
TBS ELECTRONICS INC	BATTERY	229.00	76344	10/22/2025
THOMPSON BROTHERS SUPPLY INC	OXYGEN/CYLINDER LEASE	622.05	76345	10/22/2025
UNIFIRST CORPORATION	RUG & CLEANING SUPPLIES	183.14	76346	10/22/2025
WESTERN AUTO	PARTS & SUPPLIES	202.72	76347	10/22/2025
WILSON COUNTY COORDINATOR	LANDFILL CHARGES	76.00	76348	10/22/2025
WILSON MEDICAL CENTER	SEPTEMBER TAX DISTRIBUTION	26,433.38	76349	10/22/2025
ZIMMERMAN ELECTRIC SERVICE INC	ELECTRIC PARTS	114.16	76360	10/22/2025
CASH	EMPLOYEE BIRTHDAYS	80.00	75997	9/16/2025
BANK OF COMMERCE	RETIREMENT CARD & FEES	503.00	75998	9/16/2025
EVERGY	STREETLIGHTS @ OTTAWA	109.21	75999	9/16/2025
SPARKLIGHT	INTERNET SERVICE	111.66	76000	9/16/2025
SPARKLIGHT	INTERNET SERVICE	213.59	76001	9/16/2025
A T & T	PHONE CHARGES	531.03	76002	9/16/2025
VISA	SUPPLIES, MEMBER DUES, UNIFORMS	8,218.10	76003	9/16/2025
RWD #4	AIRPORT RURAL WATER	30.73	76004	9/16/2025
WEX BANK	FUEL	9,141.99	76005	9/16/2025
SOUTHERN STAR CENTRAL GP INC	AUGUST BILLING	10,361.73	76184	9/29/2025
WESTERN CONSULTANTS	GRANBY STREET PROJECT	13,500.00	76185	9/29/2025
ENTERPRISE FM TRUST	SEPTEMBER BILLING	2,064.85	76186	9/29/2025
SPARKLIGHT	INTERNET SERVICE	191.11	76187	9/29/2025
IRS	2ND QTR TAX ADJUSTMENT	600.91	76188	9/29/2025
CASH	EMPLOYEE BIRTHDAYS	60.00	76189	9/29/2025
SECURITY 1ST TITLE, LLC	DOWNPAYMENT ASSISTANCE	30,000.00	76190	9/29/2025

****TOTAL****

208,600.87

ACH ELECTRIC ENERGY STATEMENTS BILLED October 2025

KMEA - Energy Project	October 2025 Service	71,264.00
KMEA - SPA Hyrdro Project	September 2025 Service	4,301.00
KMEA - GRDA Power Supply Project	November 2025 Service	76,806.00
KMEA - Energy Mgmt Project No 3	September 2025 Service	98,840.00
TOTAL ACH Electric Energy Statements		251,211.00

NEODESHA AREA CHAMBER OF COMMERCE PRESENTS

CEMETERY TOURS

STEP INTO THE SHADOWS OF NEODESHA'S HISTORY. HEAR THE STORIES OF TRAGEDY
AND MYSTERY ON OUR GUIDED NIGHT TOUR..

NEODESHA CITY CEMETERY

OCT 29TH 7:00-9:00 PM

\$10 PER PERSON (12 & UP), KIDS (11 & UNDER)

\$5 WITH PAID ADULT

FLASHLIGHTS AND WALKING SHOES RECOMMENDED DUE TO TRIP HAZARDS.

**City of Neodesha
Limited Utility Status Form**

Purpose:

This form is to be completed by property owners or landlords who currently have limited utilities active at a property. The information provided allows the City of Neodesha to track meter fees and determine eligibility for fee adjustments.

Additional Terms:

If any utility meter that is listed as "Off" on this form records usage during the waiver period, the meter fees will automatically be reinstated, and the limited utility agreement will be considered null and void. All standard fees and billing will resume as if the service were active for the full period.

Property Information

- Property Address: _____
- Utility Account Number: _____
- Landlord/Owner Name: _____
- Phone Number: _____ Email: _____

Utility Status (check all that apply)

- | | |
|--|------------------------------|
| ☐ Electric – On | ☐ Off |
| ☐ Water – On | ☐ Off |
| ☐ Gas – On | ☐ Off |
| ☐ Sewer – On | ☐ Off |
| ☐ Trash – On | ☐ Off |

Effective Dates

- Utility Adjustment Start Date: _____
- Utility Adjustment End Date: _____

(Note: Fee reductions for limited utilities may not exceed three (3) months in duration.)

Reason for Limited Utility Status:

Landlord/Owner Certification:

I certify that the above information is accurate to the best of my knowledge. I understand that this limited utility status is temporary and that normal meter fees will resume after the approved timeframe or upon full utility restoration.

Signature: _____ Date: _____

City of Neodesha Use Only

- Verified By: _____
- Date Verified: _____
- Approved By: _____
- Notes: _____

Signature (City Staff): _____ Date: _____

2020 Kansas Statutes

12-16,138. Cities; counties; prohibiting periodic interior inspections of residential property; exceptions. (a) No city or county shall adopt, enforce or maintain a residential property licensing ordinance or resolution which includes a requirement for periodic interior inspections of privately owned residential property for city or county code violations unless the lawful occupant has consented to such interior inspections. This subsection shall not apply to inspections of mixed-use residential and commercial property. This subsection shall not prohibit a city or county from conducting plan reviews, periodic construction inspections or final occupancy inspections as required by building permits.

(b) Any lawful occupant residing in privately owned residential housing located within the corporate limits of a city may request an inspection at any time by the city or, if the property is located in the unincorporated area of the county, by the county to determine code violations.

History: L. 2016, ch. 104, § 3; July 1.

KANSAS LAW

If a place you are renting out is not in compliance with state law and the rental agreement at the time tenants are to move in, Kansas law says that the tenants have the right to give you a written five-day notice (doesn't say from when or to when), move out, and get all of their money back. If an unacceptable condition is deemed willful and not in good faith, a tenant can even get 1-1/2 times the rent or 1-1/2 times his or her cash losses, whichever is greater.

In *Steele v. Latimer* (Warranty of Habitability), a 1974 Kansas Supreme Court decision, a Wichita woman and her five children were awarded the refund of a substantial amount of back rent in an eviction case because the landlord had knowingly not made needed repairs. Since then, citing this case and provisions of the **Kansas Residential Landlord and Tenant Act**, many tenants have successfully defended themselves and won counterclaims based on the "implied warranty of habitability" that all landlords in Kansas are expected to provide places that are basically decent, safe and sound.

Specifically, you are required to:

- Keep your rental unit in compliance with city or county building or housing codes.
- Maintain areas of the building and the grounds outside which are open to all tenants. Common areas such as hallways, parking lots, stairways, sidewalks, and laundry rooms are a few examples.
- Make sure there is an adequate supply of hot and cold running water.
- Supply heating facilities capable of maintaining adequate room temperatures.
- Check local housing and building codes, if you have them, for more specifics.

(On these last two, the landlord does not necessarily have to pay for the utility services, but he or she must provide the equipment, and it must work.)

- Maintain all electrical, plumbing, sanitary, heating, ventilation, and air conditioning systems in good and safe working order.
- Maintain all appliances that are provided with the property. This includes such things as stove, refrigerator, and window air conditioners. (If there is an appliance in the property that you do not want to be responsible for but you are willing to leave

for the tenants for their use, you should note that in writing to the tenant and keep a copy.

- Make sure there is some way to appropriately store and remove garbage and trash from the premises. You do not necessarily have to pay for the services, but you must make sure they are available.
- Tenants have the right to expect that repairs and routine maintenance items get taken care of in a reasonable amount of time. You need to keep in mind that "reasonable" in this case may, unfortunately, be a little less time than you would allow if the repair or maintenance was needed in your own home. Part of your responsibility as a land lord is to provide service and, whereas you might decide to live with some problem or let some thing go in your own home because you had other priorities, a tenant may not feel the same way and does not have that responsibility.

You could be liable for damages (money losses) to the tenant if you do not take care of maintenance or repairs in a reasonable amount of time. For instance, if a refrigerator goes out, for the first 24 hours the law may look upon the event as an "act of God." After that, if you have not tried to provide repairs or replacement at least on a temporary basis, you might be liable for the tenant's food spoilage and/or for the tenant having to eat out for a time.

Another example would be where heavy rain causes unexpected flooding in below-level rooms or apartments. The tenants should try to get the furniture up on blocks or do whatever can be done on an emergency basis to prevent damage to the property and furniture.

But, after that, the landlord has a responsibility to respond on an emergency basis - get the carpeting water-vacuumed or even pulled up, take care of drying out the unit and/or, if necessary, temporarily or permanently relocate the tenant. Major problems are usually covered by insurance. Regardless, the landlord needs to act.



LANDLORD LICENSE

APPLICANT (all fields required)			
When a property is owned by a corporation or LLC, an associated natural person must be listed in this section.			
OWNER OR SHAREHOLDER NATURAL NAME			
CORPORATION, LLC, OR ORGANIZATION (if applicable)			DRIVERS LICENSE #
OWNER ADDRESS (cannot be PO Box or commercial mailing service)	CITY	STATE	ZIP
COUNTY	MOBILE PHONE	EMAIL	

AGENT/CONTACT (if different from owner)			
A local agent or contact is <u>required</u> if the applicant lives further than 60 miles driving distance from the property.			
NAME OF AGENT/CONTACT			DRIVERS LICENSE #
ADDRESS (cannot be PO Box or commercial mailing service)	CITY	STATE	ZIP
COUNTY	MOBILE PHONE	EMAIL	

PROPERTY TYPES		
Please use the following codes to complete the table below		
Type	Code	Definition
Single Family	SF	A structure maintained and used as a single residential dwelling unit.
Garage Apartment	GA	A room or suite of rooms designed as a residence that is located above a residential/commercial garage.
Duplex/Triplex/Quadplex	PL	A multi-family residential unit of up to four residential units in one building.
Upper Story Downtown Apartment	US	A room or suite of rooms designed as a residence that is located in the Historical Downtown Commercial District.
Apartment Building	AB	A large building divided into more than four residential units.

ADDRESS LISTING (all fields required)				
Please see the provided floodplain map or contact David Cowan at Davidc@independenceks.gov or 620-332-2528.				
Please attach a schedule if you need additional room				
Adress	Unit Type	# of Units	# Bedrooms / Bathrooms per unit	Located in the floodplain? (Y / N)

APPLICANT AFFIRMATION

I affirm by my signature below that I have been provided with and am in compliance with all rental licensing standards outlined in Independence Code of Ordinance Chapter 18 Article XI. I understand that failure to comply with any of these standards and/or conditions shall be adequate grounds for the denial, refusal to renew, revocation, or suspension of my rental dwelling license. I acknowledge that the City of Independence will hold me responsible for the maintenance, management, and any legal actions that may ensue for the above listed rental property. I agree that all correspondence sent from the City of Independence will be mailed to me as the appointed agent/contact person as listed in this section.

I acknowledge that any changes to the names, addresses, and other information concerning the persons on this application must be provided in writing to the City of Independence within ten days.

I authorize the City to publish the information in my application for use by the public as a landlord registry.

☐ YES ☐ NO (circle one)

OWNER
SIGNATURE _____

Date _____

AGENT/CONTACT
SIGNATURE _____

Date _____

LICENSE FEES

Initial Application

\$30

Annual Renewal

\$20

Information Only Update

\$0

Total Included: \$ _____

PAYMENT OPTIONS

In person via cash, check, money order, credit card
City Hall
120 N. 6th St.
Independence, KS 67301
M-Th 8 am - 4 pm Fri 8 am - Noon

By phone via credit or debit card information. Your completed application must have been received prior to payment.
MasterCard, Discover, American Express, and Visa
(620) 332-2500 M-Th 8 am - 4 pm Fri 8 am - Noon

By drop box, in a sealed envelope with this application and check payable to the City of Independence included.
410 N. Penn
Independence, KS, 67301

By mail, with a check payable to the City of Independence
120 N. 6th St
Independence, KS 67301

Client # _____

HOUSING QUALITY STANDARDS (HQS) INSPECTION FORM

A. General Information

Date of Inspection: _____

Address of Inspected Unit: Street: _____

City: _____ County: _____ State: _____ Zip: _____

Name of Family: _____

Current Address of Family: Street: _____

City: _____ County: _____ State: _____ Zip: _____

Current Telephone of Family: _____

B. How to Fill Out This Checklist

- ☐ Proceed through the inspection as follows:

Area	Checklist Category
Room by Room	1. Living Room
	2. Kitchen
	3. Bathroom
	4. All Other Rooms Used for Living
	5. All Secondary Rooms Not Used for Living
Outside	6. Building Exterior
Basement or Utility Room	7. Heating and Plumbing
Overall	8. General Health and Safety

- ☐ Each part of the checklist will be accompanied by an explanation of the item to be inspected.
- ☐ Important: For each item numbered on the checklist, check one box only (e.g., check one box only for item 1.4 "Security," in the Living Room).
- ☐ In the space to the right of the description of the item, if the decision on the item is "Fail," write what repairs are necessary.
- ☐ Also, if "Pass" but there are additional code items or items not consistent with rehab standards or area codes, write these in the space to the right.

1. LIVING ROOM

For each item numbered, check one box only.

Item #	Description	DECISION		Repairs Required
		Yes, PASS	No, FAIL	
1.1	LIVING ROOM PRESENT Is there a living room?			
1.2	ELECTRICITY Are there at least two working outlets or one working outlet and one working light fixture?			
1.3	ELECTRICAL HAZARDS Is the room free from electrical hazards?			
1.4	SECURITY Are all windows and doors that are accessible from the outside lockable?			
1.5	WINDOW CONDITION Is there at least one window, and are all windows free of signs of severe deterioration or missing or broken out panes?			
1.6	CEILING CONDITION Is the ceiling sound and free from hazardous defects?			
1.7	WALL CONDITION Are the walls sound and free from hazardous defects?			
1.8	FLOOR CONDITION Is the floor sound and free from hazardous defects?			
1.9	LEAD PAINT Are all interior surfaces either <i>free</i> of cracking, scaling, peeling, chipping, and loose paint or <i>adequately treated and covered</i> to prevent exposure of the occupants to lead based paint hazards?			
1.10	WEATHER STRIPPING Is weather stripping present and in good condition on all windows and exterior doors?			
1.11	OTHER			
1.12	OTHER			

Notes: (Give Item #)

2. KITCHEN

For each item numbered, check one box only.

Item #	Description	DECISION		Repairs Required
		Yes, PASS	No, FAIL	
2.1	KITCHEN AREA PRESENT Is there a kitchen?			
2.2	ELECTRICITY Is there at least <i>one</i> working electric outlet and <i>one</i> working, permanently installed light fixture?			
2.3	ELECTRICAL HAZARDS Is the kitchen free from electrical hazards?			
2.4	SECURITY Are <i>all</i> windows and doors that are accessible from the outside lockable?			
2.5	WINDOW CONDITION Are all windows free of signs of deterioration or missing or broken out panes?			
2.6	CEILING CONDITION Is the ceiling sound and free from hazardous defects?			
2.7	WALL CONDITION Are the walls sound and free from hazardous defects?			
2.8	FLOOR CONDITION Is the floor sound and free from hazardous defects?			
2.9	LEAD PAINT Are all interior surfaces either <i>free</i> of cracking, scaling, peeling, chipping, and loose paint or <i>adequately treated and covered</i> to prevent exposure of the occupants to lead based paint hazards?			
2.10	STOVE OR RANGE WITH OVEN Is there a working oven and a stove (or range) with top burners that work?			
2.11	REFRIGERATOR Is there a refrigerator that works and maintains a temperature low enough so that food does not spoil over a reasonable period of time?			

2.12	SINK Is there a kitchen sink that works with hot and cold running water?			
2.13	SPACE FOR STORAGE AND PREPARATION OF FOOD Is there space to store and prepare food?			
2.14	WEATHER STRIPPING Is weather stripping present and in good condition on all windows and exterior doors?			
2.15	OTHER			
2.16	OTHER			

Notes: (Give Item #)

COPY

3. BATHROOM

For each item numbered, check one box only.

Item #	Description	DECISION		Repairs Required
		Yes, PASS	No, FAIL	
3.1	BATHROOM (see description) Is there a bathroom?			
3.2	ELECTRICITY Is there at least <i>one</i> permanently installed light fixture?			
3.3	ELECTRICAL HAZARDS Is the bathroom free from electrical hazards?			
3.4	SECURITY Are <i>all</i> windows and doors that are accessible from the outside lockable?			
3.5	WINDOW CONDITION Are all windows free of signs of deterioration or missing or broken out panes?			
3.6	CEILING CONDITION Is the ceiling sound and free from hazardous defects?			
3.7	WALL CONDITION Are the walls sound and free from hazardous defects?			
3.8	FLOOR CONDITION Is the floor sound and free from hazardous defects?			
3.9	LEAD PAINT Are all interior surfaces either <i>free</i> of cracking, scaling, peeling, chipping, and loose paint, or <i>adequately treated and covered</i> to prevent exposure of the occupants to lead based paint hazards?			
3.10	FLUSH TOILET IN ENCLOSED ROOM IN UNIT Is there a working toilet in the unit for exclusive private use of the tenant?			
3.11	FIXED WASH BASIN OR LAVATORY IN UNIT Is there a working, permanently installed wash basin with hot and cold running water in the unit?			
3.12	TUB OR SHOWER IN UNIT Is there a working tub or shower with hot and cold running water in the unit?			
3.13	VENTILATION Are there operable windows or a working vent system?			

3.14	WEATHER STRIPPING Is weather stripping present and in good condition on all windows and exterior doors?			
3.15	OTHER			
3.16	OTHER			

Notes: (Give Item #)

COPY

4. OTHER ROOMS USED FOR LIVING AND HALLS

For each item numbered, check one box only.

Item #	Description	DECISION		Repairs Required
		Yes, PASS	No, FAIL	
4.1	ROOM CODE and ROOM LOCATION: right/left _____ front/rear _____ floor level _____	ROOM CODES 1 = Bedroom or any other room used for sleeping (regardless of type of room) 2 = Dining Room, or Dining Area 3 = Second Living Room, Family Room, Den, Playroom, TV Room 4 = Entrance Halls, Corridors, Halls, Staircases 5 = Additional Bathroom 6 = Other		
4.2	ELECTRICITY If Room Code = 1, are there at least two working outlets or one working outlet and one working, permanently installed light fixture? If Room Code does not = 1, is there a means of illumination?			
4.3	ELECTRICAL HAZARDS Is the room free from electrical hazards?			
4.4	SECURITY Are <i>all</i> windows and doors that are accessible from the outside lockable?			
4.5	WINDOW CONDITION If Room Code = 1, is there at least one window? And, regardless of Room Code, are all windows free of signs of severe deterioration or missing or broken out panes?			
4.6	CEILING CONDITION Is the ceiling sound and free from hazardous defects?			
4.7	WALL CONDITION Are the walls sound and free from hazardous defects?			
4.8	FLOOR CONDITION Is the floor sound and free from hazardous defects?			
4.9	LEAD PAINT Are all interior surfaces either <i>free</i> of cracking, scaling, peeling, chipping, and loose paint, or <i>adequately treated and covered</i> to prevent exposure of the occupants to lead based paint hazards?			
4.10	WEATHERSTRIPPING Is weather stripping present and in good condition on all windows and exterior doors?			

4.11	OTHER			
4.12	OTHER			

Notes: (Give Item #)

COPY

5. ALL SECONDARY ROOMS NOT USED FOR LIVING

For each item numbered, check one box only.

Item #	Description	DECISION		Repairs Required
		Yes, PASS	No, FAIL	
5.1	NONE. GO TO PART 6			
5.2	SECURITY Are <i>all</i> windows and doors that are accessible from the outside lockable in each room?			
5.3	ELECTRICAL HAZARDS Are all these rooms free from electrical hazards?			
5.4	OTHER POTENTIALLY HAZARDOUS FEATURES IN ANY OF THESE ROOMS Are all of these rooms free of any other potentially hazardous features? For each room with an "other potentially hazardous feature" explain hazard and means of control of interior access to room.			
5.5	OTHER			
5.6	OTHER			

Notes: (Give Item #)

6. BUILDING EXTERIOR

For each item numbered, check one box only.

Item #	Description	DECISION		Repairs Required
		Yes, PASS	No, FAIL	
6.1	CONDITION OF FOUNDATION Is the foundation sound and free from hazards?			
6.2	CONDITION OF STAIRS, RAILS, AND PORCHES Are all the exterior stairs, rails and porches sound and free from hazards?			
6.3	CONDITION OF ROOF AND GUTTERS Are the roof, gutters and downspouts sound and free from hazards?			
6.4	CONDITION OF EXTERIOR SURFACES Are exterior surfaces sound and free from hazards?			
6.5	CONDITION OF CHIMNEY Is the chimney sound and free from hazards?			
6.6	LEAD PAINT: EXTERIOR SURFACES Are all exterior surfaces which are accessible to children under seven years of age <i>free</i> of cracking, scaling, peeling, chipping, and loose paint, or <i>adequately treated or covered</i> to prevent exposure of such children to lead based paint hazards?			
6.7	MOBILE HOMES: TIE DOWNS If the unit is a mobile home, it is properly placed and tied down? If not a mobile home, check "Not Applicable."			
6.8	MOBILE HOMES: SMOKE DETECTORS If unit is a mobile home, does it have at least one smoke detector in working condition? If not a mobile home, check "Not Applicable."			
6.9	CAULKING Are all fixed joints including frames around doors and windows, areas around all holes for pipes, ducts, water faucets or electric conduits, and other areas, which may allow unwanted air flow appropriately caulked.			
6.10	OTHER			
6.11	OTHER			

Notes: (Give Item #)

7. HEATING, PLUMBING AND INSULATION

For each item numbered, check one box only.

Item #	Description	DECISION		Repairs Required
		Yes, PASS	No, FAIL	
7.1	ADEQUACY OF HEATING EQUIPMENT a. Is the heating equipment capable of providing adequate heat (either directly or indirectly) to all rooms used for living? b. Is the heating equipment oversized by more than 15%? c. Are pipes and ducts located in unconditioned space insulated?			
7.2	SAFETY OF HEATING EQUIPMENT Is the unit free from unvented fuel burning space heaters, or any other types of unsafe heating conditions?			
7.3	VENTILATION AND ADEQUACY OF COOLING Does this unit have adequate ventilation and cooling by means of operable windows or a working cooling system?			
7.4	HOT WATER HEATER Is hot water heater located, equipped, and installed in a safe manner?			
7.5	WATER SUPPLY Is the unit served by an approvable public or private sanitary water supply?			
7.6	PLUMBING Is plumbing free from major leaks or corrosion that causes serious and persistent levels of rust or contamination of the drinking water?			
7.7	SEWER CONNECTION Is plumbing connected to an approvable public or private disposal system, and is it free from sewer back up?			
7.8	INSULATION Are the attic and walls appropriately insulated for regional conditions?			
7.9	OTHER			
7.10	OTHER			

Notes: (Give Item #)

8. GENERAL HEALTH AND SAFETY

For each item numbered, check one box only.

Item #	Description	DECISION		Repairs Required
		Yes, PASS	No, FAIL	
8.1	ACCESS TO UNIT Can the unit be entered without having to go through another unit?			
8.2	EXITS Is there an acceptable fire exit from this building that is not blocked?			
8.3	EVIDENCE OF INFESTATION Is the unit free from rats or severe infestation by mice or vermin?			
8.4	GARBAGE AND DEBRIS Is the unit free from heavy accumulation of garbage or debris inside and outside?			
8.5	REFUSE DISPOSAL Are there adequate covered facilities for temporary storage and disposal of food wastes, and are they approved by a local agency?			
8.6	INTERIOR STAIRS AND COMMON HALLS Are interior stairs and common halls free from hazards to the occupant because of loose, broken or missing steps on stairways, absent or insecure railings; inadequate lighting, or other hazards?			
8.7	OTHER INTERIOR HAZARDS Is the interior of the unit free from any other hazards not specifically identified previously?			
8.8	ELEVATORS Where local practice requires, do all elevators have a current inspection certificate? If local practice does not require this, are they working and safe?			
8.9	INTERIOR AIR QUALITY Is the unit free from abnormally high levels of air pollution from vehicular exhaust, sewer gas, fuel gas, dust, or other pollutants?			
8.10	SITE AND NEIGHBORHOOD CONDITIONS Are the site and immediate neighborhood free from conditions, which would seriously and continuously endanger the health or safety of the residents?			

8.11	LEAD PAINT: OWNER CERTIFICATION If the owner of the unit is required to treat or cover any interior or exterior surfaces, has the certification of compliance been obtained? If the owner was not required to treat surfaces, check "Not Applicable."			
8.12	OTHER			
8.13	OTHER			

Notes: (Give Item #)

COPY

ORDINANCE NO. ⁴⁰⁴³

AN ORDINANCE AMENDING AND RESTATING ORDINANCES NO. 4028 AND 4034 HAVING TO DO WITH MINIMUM STANDARDS FOR RENTAL PROPERTIES

Now therefore, be it ordained by the Governing Body of the City of Independence, Kansas:

Section 1. Title

This ordinance shall be known as the "Minimum Standards for Rental Properties."

Section 2. Statement of Purpose

The purpose of this ordinance is to protect the public health, safety and general welfare of the residents of the City of Independence in rental properties by the adoption of minimum standards for rental properties and procedures for administration and enforcement thereof.

Section 3. Definitions

- a. **Dwelling Unit:** A building or structure, or portion of a building or structure, designed for or used for human habitation.
- b. **Enforcement Officer.** The person designated by the City Manager to enforce the provisions of this ordinance.
- c. **Life Safety or Emergency Situation:** The following conditions shall constitute life safety or emergency situations for purposes of this ordinance:
 - 1. An electrical wiring situation which creates an unreasonable risk of fire or physical harm to the tenant(s).
 - 2. An HVAC situation involving natural gas, propane gas, carbon monoxide or other potentially toxic substances which creates an unreasonable risk of physical harm to the tenant(s).
 - 3. A structural condition of the dwelling which creates an unreasonable risk of physical harm to the tenant(s).
 - 4. Any other condition of the dwelling which creates an unreasonable risk of physical harm to the tenant(s).

- d. **Owner:** The person(s) who has legal title to the rental property.
- e. **Person:** Any individual, firm, corporation, limited liability company, association, partnership, cooperative, governmental agency, or other entity.
- f. **Public Safety Officer:** Any employee of the City of Independence considered a first responder, such as a policeman, fireman, or EMS personnel.
- g. **Rental property:** Any single family, multi-family, or owner occupied dwelling unit which is rented for money, goods, labor, or other valuable consideration. Specifically excluded from the definition of rental property are hotels and motels licensed by the State of Kansas, hospitals, nursing homes, assisted living facilities, correctional facilities or jails, churches or places of worship, and parsonages or other dwellings furnished by a church for occupancy by paid clergy of the church.
- h. **Retaliate:** To intimidate, cause to move from a rental property, cause to remain silent, or the attempt to do any of the above, any tenant of a rental property in conjunction with complaints or potential complaints of violations of the minimum standards adopted pursuant to this ordinance.
- i. **Tenant:** Any person who resides, or has contracted to reside, in a rental property.

Section 4. License Requirement

No person shall offer for rent, or rent, to a tenant a rental property without first obtaining a Residential Landlord Occupation License. The license shall apply to all rental properties owned by the owner as disclosed on the application.

- a. **Application.** Application for a Residential Landlord Occupation License shall be made in writing on forms prescribed by the City Clerk in the office of the City Clerk. For rental properties in existence on the effective date of this ordinance, application shall be made within thirty (30) days after the effective date of this ordinance. All applications (and any amendments thereto) shall be in the name of the owner of the rental property, but may be made by a person acting as agent for the owner provided disclosure of that fact is made. If there is more than one owner, application may be made by any one of the owners, but the names and addresses of all owners must be disclosed on the application.
- b. **Application Content.** The application form adopted by the City Clerk

shall include the following at a minimum:

1. Owner's name, street and mailing address, and telephone number.
2. If the owner is an entity, the name and type of entity, address, and telephone number of the principal of the entity.
3. If a person has been designated as manager of the rental property, the application shall include the manager's name, street and mailing address, and telephone number.
4. A list of the addresses of all rental properties owned by the owner within the city limits.

In cases where the owner resides more than 60 miles from the City of Independence, the owner shall designate a resident agent who resides within 60 miles of the City of Independence, and the designation shall include the resident agent's name, street and mailing address, and telephone number. The resident agent so designated shall have all the same liabilities and responsibilities as the owner.

- c. **Amendment.** The initial application may be amended consistent with this section. In the event additional rental property is acquired by the Owner after receipt of the Residential Landlord Occupational License, the Owner shall amend the original application within seven (7) days from the date ownership of the new rental property is acquired by providing the City the addresses of any such newly owned rental property. Conversely, the original application may be amended by the Owner to delete one or more rental properties listed on the original application in the event of transfer of ownership of such rental property or change of use of such rental property.
- d. **Application Fee.** No application shall be acted upon without payment of the application fee set forth in Appendix D of the City Code.
- e. **Issuance of License.** The City Clerk shall issue a Residential Landlord Occupation License to any person who has made proper application and paid the application fee. The license shall be issued in the name of the owner(s) and, if applicable, the resident agent.
- f. **Expiration and Renewal.** All Residential Landlord Occupation Licenses shall be issued for a term expiring December 31 of each year and shall be subject to renewal in accordance with this ordinance. All persons holding current licenses will be mailed an application for renewal by the

City at least thirty (30) days prior to the expiration date. The renewal application must be returned to the City along with the required application fee prior to January 1 of the renewal year.

Section 5. Minimum Standards

The housing quality standards established under Section 8 of the U. S. Housing Act of 1937 (42 USC 1437(f)) are hereby adopted as the minimum standards for rental properties within the City except as follows:

- a. Ventless heaters shall be permitted if they are in compliance with all building codes applicable or adopted by the City.

The City shall provide a copy of the minimum standards to all persons who apply for a Residential Landlord Occupation License. Should the housing quality standards of Section 8 be amended, such amendments shall not be applicable to holders of a Residential Landlord Occupation License until such time as the City has supplied such license holders a copy of such amendments.

Section 6. Inspection.

- a. **Inspection.** The inspection of a rental property shall be triggered by a complaint being received by the City, or observation being made by any public safety officer of the City, of a violation of the minimum standards. No particular form of complaint is required. The complaint may be oral or written. The complaint may be anonymous.
- b. **Procedure Following Complaint or Observation by Public Safety Officer.** Before conducting an inspection pursuant to a complaint, or observation by a public safety officer, written notice shall be given to the owner and/or resident agent of:
 - 1. The specifics of the complaint.
 - 2. That the owner and/or resident agent is allowed fourteen (14) days to address the complaint before inspection of the property occurs.

3. The date and time of the planned inspection of the rental property to determine the validity of the complaint.
- c. **Emergency.** Notification to the owner and/or resident agent shall not be required in the event the condition complained of constitutes a life safety or other emergency situation as determined in the sole discretion of the enforcement officer. In that event, the enforcement officer may undertake inspection of the rental property immediately without notice.

Section 7. Notice and Right of Entry

- a. **Notice.** Prior to performing a non-emergency inspection, the enforcement officer shall notify both the owner and/or resident agent and the tenant of the time and date of inspection at least fourteen (14) days in advance unless all parties mutually agree to another date and time.
- b. **Right of Entry.** After following the notice procedure contained in this ordinance, the enforcement officer shall have the right to enter the rental property for the purpose of conducting an inspection consistent with this ordinance.
- c. **Follow Up Right of Entry.** In the event an inspection discloses a violation, the enforcement officer shall have the right to re-enter the rental property for purposes of a follow up inspection to determine the sufficiency of the corrective action upon reasonable notice to the tenant and the owner and/or resident agent.

Section 8. Notice of Violation

Upon inspection, if the enforcement officer determines that a violation exists, a written notice of violation shall be mailed to the owner and/or resident agent, stating the following:

- a. **Specifics.** The specifics of any violation of minimum standards found to exist.
- b. **Correction Deadline.** The violation must be corrected by a specified deadline to be determined by the enforcement officer after taking into consideration the nature of the violation, but in no event shall the deadline be more than sixty (60) days from the date of inspection.
- c. **Noncompliance.** If the enforcement officer determines that the violation has not been corrected to comply with minimum standards by the specified deadline, then the rental property must be vacated and shall not be available to be rented until the

violation is corrected.

- d. **Deadline Extension.** Upon request, the enforcement officer may extend the deadline for good cause shown as determined in the discretion of the enforcement officer.

Notwithstanding any of the provisions above, in the event the violation constitutes a life safety issue or other emergency situation as determined in the sole discretion of the enforcement officer, the notice shall state that the property be immediately vacated and not rented or inhabited until the violation has been corrected.

Section 9. Reinspection for Compliance

- a. **Notice.** If the enforcement officer issues a notice of violation requiring corrective action by the owner and/or resident agent, the enforcement officer shall give the owner and/or resident agent and the tenant written notice of the date and time of the reinspection for purposes of compliance. The date and time of reinspection may be changed by mutual agreement of all parties.
- b. **Fee.** If a reinspection for compliance is required, the reinforcement officer shall assess the owner and/or resident agent a reinspection fee in an amount set forth in Appendix D of the City Code.
- c. **Unpaid Fees.** An owner who has outstanding unpaid reinspection fees shall not be issued a renewal Residential Landlord Occupation License until all such unpaid reinspection fees have been paid in full.

Section 10. Notices

All notices required by this ordinance may be sent by first class mail to the address(es) indicated on the license application or may be personally delivered by the enforcement officer, or his designee. It shall be the duty of the owner to notify the City of any change of address of either the owner or resident agent for notice purposes.

Section 11. Tenant Notification of Minimum Standards

All tenants residing in rental properties subject to this ordinance shall be provided a

current copy of the minimum standards of the Section 8 housing quality standards by the owner, resident agent or manager together with the name, address and telephone number of the enforcement officer to whom complaints may be made. Written proof of delivery of such notification to all tenants shall be retained by the owner, resident agent or manager and shall be made available for inspection by the enforcement officer upon request.

Section 12. Unlawful Acts

- a. **No License.** It shall be unlawful to offer for rent, or to rent, to a tenant a rental property without having first obtained a Residential Landlord Occupation License.
- b. **False Information.** It shall be unlawful to falsify any information contained on an application for Residential Landlord Occupation License.
- c. **Retaliation.** It shall be unlawful to retaliate against a tenant who has either made a complaint under the provisions of this ordinance, or who has expressed an intent to make a complaint under the provisions of this ordinance.
- d. **Failure to Give Tenant Notification.** It shall be unlawful for the owner, resident agent or manager, to fail to give any tenant the required notification as set forth in Section 11 of this ordinance or fail to provide written proof of such notification to the enforcement officer upon request.
- e. **Denial of Right of Entry.** It shall be unlawful to deny the enforcement officer access or entry into a rental property for purposes of an inspection made pursuant to this ordinance.
- f. **Failure to Correct Violation.** It shall be unlawful to offer for rent, or to rent, to a tenant a rental property in which a violation of the minimum standards established by this ordinance has been previously found to exist by the enforcement officer and which has not been corrected as required by this ordinance.

Section 13. Penalty

In the event a person is charged and convicted of an unlawful act as defined by this

ordinance, such person shall be fined a sum of up to \$500.00 for each violation. In the event of a conviction of Section 12(e) or (f), the penalty imposed may be a continuing per diem fine of up to \$500.00 per diem until the violation ceases or has been corrected.

Section 14. Effective Date.

This ordinance shall be effective upon its publication in the official City newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 28th day of May, 2009.


Rick Mott, Mayor

ATTEST:


Anthony D. Royse, City Clerk



Affidavit of Publication

STATE OF KANSAS
Montgomery County, ss:

Herbert A. Meter III being first duly sworn, deposes and says: That he is the publisher of the

Independence Daily Reporter

a daily newspaper printed in the state of Kansas, and published in and of general circulation in Montgomery County, Kansas, with a general paid circulation on a daily basis in Montgomery County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a daily published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Independence in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper 1 time on June 19, 2009

Subscribed and sworn to before me this 22nd day of June, 2009

Printers Fee: \$ 236.37
Account No: 11295

Notary Public

My commission expires: September 10, 2011



WESTSIDE CHRISTIAN CHURCH, 401 E. Ohio, Coffeyville, Mike Elrod, pastor, Sunday school at 9:30 a.m., ship service at 10:30 a.m. Wednesday Bible study at 6 p.m. Tel: one 620-251-6770.

CITY FIRST CHRISTIAN CHURCH, 222 S. Montgomery, Elk City. Rev. Jim Wilburn, pastor. Sunday school at 9:30 a.m. Morning worship at 10 a.m., and Sunday evening worship at 6 p.m. Wednesday Bible study at 6:30 p.m. For more information call (620) 627-2601 or (620) 627-234. E-mail: preacherman@ksok.biz Web site: www.ellfire.com/ks37/christian.

NEW CHRISTIAN CHURCH, 908 E. 4th, Cherryvale. Gerald E. Zuck, pastor. Sunday school 9:30 a.m. to 10:15 a.m. Praise and Worship Wednesday 6:30 p.m. Tel:

Coffeyville, Okla. Sunday m. Sunday and Wednes-

Former First National

(First published in the Independence Daily Reporter June 19, 2009)

ORDINANCE NO. 4043

AN ORDINANCE AMENDING AND RESTATING ORDINANCES NO. 4028 AND 4034 HAVING TO DO WITH MINIMUM STANDARDS FOR RENTAL PROPERTIES

Now therefore, be it ordained by the Governing Body of the City of Independence, Kansas:

Section 1. Title

This ordinance shall be known as the "Minimum Standards for Rental Properties."

Section 2. Statement of Purpose

The purpose of this ordinance is to protect the public health, safety and general welfare of the residents of the City of Independence in rental properties by the adoption of minimum standards for rental properties and procedures for administration and enforcement thereof.

Section 3. Definitions

a. **Dwelling Unit:** A building or structure, or portion of a building or structure, designed for or used for human habitation.

b. **Enforcement Officer:** The person designated by the City Manager to enforce the provisions of this ordinance.

c. **Life Safety or Emergency Situation:** The following conditions shall constitute life safety or emergency situations for purposes of this ordinance.

1. An electrical wiring situation which creates an unreasonable risk of fire or physical harm to the tenant(s).

2. An HVAC situation involving natural gas, propane gas, carbon monoxide or other potentially toxic substances which creates an unreasonable risk of physical harm to the tenant(s).

3. A structural condition of the dwelling which creates an unreasonable risk of physical harm to the tenant(s).

4. Any other condition of the dwelling which creates an unreasonable risk of physical harm to the tenant(s).

d. **Owner:** The person(s) who has legal title to the rental property.

e. **Person:** Any individual, firm, corporation, limited liability company, association, partnership, cooperative, governmental agency, or other entity.

f. **Public Safety Officer:** Any employee of the City of Independence considered a first responder, such as policeman, fireman, or EMS personnel.

g. **Rental Property:** Any single family, multi-family, or owner occupied dwelling unit which is rented for money, goods, labor, or other valuable consideration. Specifically excluded from the definition of rental property are hotels and motels licensed by the State of Kansas, hospitals, nursing homes, assisted living facilities, correctional facilities or jails, churches or places of worship, and parsonages or other dwellings furnished by a church for occupancy by paid clergy of the church.

h. **Retaliate:** To intimidate, cause to move from a rental property, cause to remain silent, or the attempt to do any of the above, any tenant of a rental property in conjunction with complaints or potential complaints of violations of the minimum standards adopted pursuant to this ordinance.

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ister. Cont. Rental Properties at 10 a.m. Sunday school 9:15 a.m. Morning worship at 10 a.m. Sunday school 9:15 a.m. Morning worship at 10 a.m. Sunday school 9:15 a.m. Morning worship at 10 a.m.