

Neodesha, Kansas
March 27, 2019

The Board of Commissioners met in regular session at 2:00 p.m. on Wednesday, March 27, 2019 with Mayor Harper presiding and Commissioners Moffatt and Johnson present.

Commissioner Moffatt moved to approve the agenda adding item 4D, Consider Extension for the Dangerous Structure at 306 Bell. Seconded by Commissioner Johnson. Motion carried.

Commission and Administrator Reports were heard.

Public Comments were invited and heard.

Commissioner Johnson moved to approve the Consent Agenda consisting of the minutes from the March 13, 2019 meeting; and Appropriation (2019) 05. Seconded by Commissioner Moffatt. Motion carried.

Mayor Harper read a proclamation designating April 2, 2019 as National Service Recognition Day. Linda Henning from RSVP Four County was in attendance.

CHARTER ORDINANCE NO. 17

A CHARTER ORDINANCE OF THE CITY OF NEODESHA, KANSAS EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A. 12-1758(a) AND K.S.A. 12-1767 AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR ON THE SAME SUBJECT RELATING TO PUBLIC BUILDING COMMISSIONS.

WHEREAS, the governing body of the City of Neodesha, Kansas (the "City) is authorized by Article 12, § 5 of the Kansas Constitution to determine its local affairs and government and to elect by charter ordinance that the whole or any part of a statutory enactment applicable to the City but not uniformly applicable to all cities shall not apply to the City; and

WHEREAS, K.S.A. 12-1758(a) and K.S.A. 12-1767 are applicable to the City but are part of enactments not uniformly applicable to all cities and the City finds and determines it necessary and advisable to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-1758(a) and K.S.A. 12-1767 and to provide substitute provisions for such statutes.

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

Section 1. Exemption from Statute. The City, pursuant to Article 12, §5 of the Kansas Constitution, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-1758(a) and K.S.A. 12-1767.

Section 2. Enactment of Substitute Provisions for K.S.A. 12-1758(a). The following provisions are enacted in substitution for K.S.A. 12-1758(a):

The City, by appropriate ordinance, may create a public building commission for the purposes of acquiring a site or sites for and constructing, reconstructing, equipping and furnishing a building or buildings or other facilities of a revenue producing character, including parking facilities, or for purchasing or otherwise acquiring such building or buildings or facilities. Such building or buildings or facilities shall be maintained and operated for (i) a county courthouse, (ii) the housing and accommodation of county offices or county business, (iii) City offices, fire stations, police stations, libraries, museums and City recreational buildings, and (iv) such other purposes as are commonly carried on in connection with such facilities or in county courthouses and general city buildings, including administrative offices for school districts and housing, accommodations and parking facilities for offices of state and federal agencies.

Section 3. Substitute Provisions for K.S.A. 12-1767. The following provisions are enacted in substitution for K.S.A. 12-1767:

Any revenue bonds proposed to be issued by a public building commission created by the City shall be issued as provided in K.S.A. 10-1201 *et seq.*, and amendments thereto, except to the extent that such statutes are in conflict with the Public Building Commission Act as exempted and amended by this Charter Ordinance. The issuance of any such revenue bonds shall not be subject to any petition or protest.

Section 4. Effective Date. This Charter Ordinance shall be published once each week for two consecutive weeks in the official City newspaper. This Charter Ordinance shall take effect sixty-one (61) days after its final publication unless a petition signed by not less than 10% of the electors who voted at the last preceding regular City election is filed with the City Clerk requiring a referendum to be held on this Charter Ordinance as provided in Article 12, § 5 (c)(3) of the Kansas Constitution, in which case this Charter Ordinance shall become effective if approved by a majority of the electors voting thereon. Upon its effective date this Charter Ordinance shall be recorded by the City Clerk in a book maintained for charter ordinances of the City and shall be filed with the Secretary of State of the State of Kansas.

Commissioner Moffatt moved to adopt Charter Ordinance 17, exempting the City (continued on next page)

of Neodesha, Kansas, from the provisions of K.S.A. 12-1758(a) and K.S.A. 12-1767 relating to Public Building Commissions and providing substitute and additional provisions of the same subject. Seconded by Commissioner Johnson. Motion carried.

RESOLUTION NO. 19-02

A RESOLUTION TO SUBMIT TO THE QUALIFIED ELECTORS OF THE CITY OF NEODESHA, KANSAS THE PROPOSITION OF LEVYING A ONE PERCENT (1.0%) RETAILERS' SALES TAX IN THE CITY OF NEODESHA, KANSAS TO ACQUIRE, CONSTRUCT, IMPROVE, AND MAINTAIN A CITY HALL, A POLICE STATION AND A RECREATIONAL TRAIL.

WHEREAS, K.S.A. 12-187 et seq. and amendments thereto authorizes the Governing Body to submit to the qualified electors of the City of Neodesha, Kansas (the "City") the question of levying a retailers' sales tax to be collected by the State Department of Revenue with revenue therefrom returned to this City; and

WHEREAS, the Governing Body of the City has determined that additional revenue is needed to pay the cost of financing, site preparation, acquisition, construction, improvement, installation, furnishing, and equipping a new city hall, a police station and recreational trail (beginning at the Intersection of Tank Ave. and N. 4th St. at the existing tennis courts and extending south to the Intersection of Indiana St. and N. 4th St. at the existing library) within the City.

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

Section 1. A special question election shall be held in the manner prescribed by the law on the 18th day of June, 2019, for the purpose of submitting to the qualified electors of the City of Neodesha, Kansas (the "City"), the question of levying a retailers' sales tax in the amount of one percent (1.0%) in the City for the special purpose of paying the cost of financing, site preparation, acquisition, construction, improvement, installation, furnishing, and equipping a new city hall, a police station and recreational trail (beginning at the Intersection of Tank Ave. and N. 4th St. at the existing tennis courts and extending south to the Intersection of Indiana St. and N. 5th St. at the existing library) within the City, such tax to take effect on the first day of October, 2019, if approved by the majority of the electors voting thereon, and expire on the 30th day of September, 2029.

Section 2. If approved by a majority of the electors voting thereon, such tax shall be subject to all applicable state laws and administrative rules and regulations of the Kansas Department of Revenue. The services of the Kansas Department of Revenue shall be utilized to administer, enforce, and collect such tax.

Section 3. The City Clerk and Wilson County Election Commissioner shall cause notices to be published of this special question election, as provided by law.

Commissioner Moffatt moved to adopt Resolution 19-02, calling for a Special Question Election to be conducted June 18, 2019. Seconded by Mayor Harper. Motion passed with Mayor Harper voting aye; Commissioner Moffatt voting aye; and Commissioner Johnson voting nay.

Jerri Hyatt addressed the Commission requesting an extension of time to continue fixing up and repairing the Dangerous Structure at 306 Bell. Discussion was held.

Commissioner Johnson moved to extend the deadline on the repair of 306 Bell for 90 days from April 1, 2019. Seconded by Commissioner Moffatt. Motion carried.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, April 10, 2019 at 2:00 p.m.

At 4:15 p.m. Commissioner Moffatt moved to adjourn. Seconded by Commissioner Johnson. Motion carried.

ATTEST:

/s/Terry M. Harper

Terry M. Harper, Mayor

/s/Bobby Busch

Bobby Busch, City Clerk/Finance Director