

Neodesha, Kansas  
August 28, 2019

The Board of Commissioners met in regular session at 4:00 p.m. on Wednesday, August 28, 2019 with Mayor Harper presiding and Commissioners Moffatt and Johnson present.

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

Commission and Administrator Reports were heard.

Public Comments were invited and heard.

Commissioner Moffatt moved to approve the Consent Agenda consisting of the minutes from the August 14, 2019 Commission Meeting; and Appropriation (2019) 15. Seconded by Commissioner Johnson. Motion carried.

#### **ORDINANCE NO. 1720**

**AN ORDINANCE RELATING TO THE REZONING AND CHANGING OF THE OFFICIAL ZONING MAP OF THE CITY OF NEODESHA, KANSAS, FROM GENERAL COMMERCIAL AND MOBILE HOME PARK 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.**

Commissioner Johnson moved to adopt Ordinance 1720 regarding the zoning classification for the Morningstar Care Home property. Seconded by Commissioner Moffatt. Motion carried.

The Dangerous Structures hearing on 306 Bell resumed from the August 14, 2019 meeting. Discussion was held.

Commissioner Moffatt moved to terminate the abatement process for 306 Bell St. Seconded by Commissioner Johnson. Motion carried.

This being the time and date published in the official newspaper for the hearing on the Dangerous Structures located at 609 Mill, the public hearing was opened. Discussion was held. Then the hearing was closed.

#### **RESOLUTION NO. 19-10**

**A RESOLUTION FINDING THAT THE STRUCTURE LOCATED ON LEGAL DESCRIPTION: LOTS 7 AND 8, BLOCK 81 AND COMMENCING AT A POINT 16 FEET NORTH AND 150 FEET EAST OF THE SOUTHWEST CORNER OF BLOCK 81, ORIGINAL TOWNSITE OF THE CITY OF NEODESHA, KANSAS, ALSO BEING THE SOUTHWEST CORNER OF LOT 13 OF SAID BLOCK 81, THENCE NORTH TO THE SOUTHWEST CORNER OF LOT 7 OF SAID BLOCK 81, THENCE EAST 50 FEET TO THE SOUTHEAST CORNER OF LOT 8 OF SAID BLOCK 81, THENCE SOUTH TO A POINT 16 FEET NORTH OF THE SOUTH LINE OF SAID LOT 13 ALSO OF SAID BLOCK 81 AND 50 FEET EAST OF PLACE OF BEGINNING, THENCE WEST 50 FEET TO PLACE OF BEGINNING, CITY OF NEODESHA, WILSON COUNTY, KANSAS, COMMONLY KNOWN AS 609 MILL, NEODESHA, 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 26<sup>th</sup> day of June, 2019 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 26<sup>th</sup> day of June, 2019, 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 11<sup>th</sup> day of July, 2019, and on the 18<sup>th</sup> day of July, 2019, and a copy of such Resolution was served on all persons entitled thereto in all respects as provided by law; and

**WHEREAS**, on this 28<sup>th</sup> day of August, 2019, the governing body has heard all evidence submitted by the enforcing officer of the City, the owners, agents, lienholders and occupants of such structure (having appeared or having failed to appear);

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF NEODESHA:** THAT said governing body hereby finds that the structure located on Legal Description: Lots 7 and 8, Block 81 and Commencing at a point 16 feet North and 150 feet East of the Southwest Corner of Block 81, original Townsite of the City of Neodesha, Kansas, also being the Southwest Corner of Lot 13 of said Block 81, thence North to the Southwest Corner of Lot 7 of said Block 81, thence East 50 feet to the Southeast Corner of Lot 8 of said Block 81, thence South to a point 16 feet North of the South Line of said Lot 13 also of said (continue on next page)

Block 81 and 50 feet East of place of beginning, thence West 50 feet to place of beginning, City of Neodesha, Wilson County, Kansas, commonly known as 609 Mill, Neodesha, Kansas, is unsafe and dangerous and hereby directs such structure to be removed and the premises made safe and secure. The owner of such structure is hereby given one hundred eighty (180) days from the date of publication of this Resolution within which to commence the removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, said governing body will cause the structure to be razed and removed and the costs of such razing and removing, less salvage if any, to be assessed as a special assessment against the lot or parcel of land upon which the structure is located as provided by law.

Commissioner Johnson moved to adopt Resolution 19-10 declaring the property located at 609 Mill as unsafe or dangerous, and allow the property owner 180 days to repair or remove the structures and make the property safe and secure. Seconded by Commissioner Moffatt. Motion carried.

**RESOLUTION NO. 19-11**

**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 LEGAL DESCRIPTION: E M COOPER'S ADDITION, BLOCK 2, LOTS 17-20, CITY OF NEODESHA, COMMONLY KNOWN AS 1211 N. 3<sup>RD</sup>. MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS AN UNSAFE OR DANGEROUS STRUCTURE.**

**WHEREAS**, Ed Truelove, the Enforcement Officer of the City of Neodesha, did on the 28<sup>th</sup> of August, 2019, 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 9<sup>th</sup> day of October, 2019, before the Governing Body of the City at 2:00 p.m. in the Commission Room of City Hall, 1407 N. 8<sup>th</sup>; at which time the owner, his agent, any lien holder of record and any occupant of the structure located at 1211 N 3<sup>rd</sup> St. may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure and ordered repaired or demolished. Commissioner Moffatt moved to adopt Resolution 19-11 setting a public hearing for October 9, 2019 on property located at 1211 N. 3<sup>rd</sup>. Seconded by Commissioner Johnson. Motion carried.

**RESOLUTION NO. 19-12**

**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 LEGAL DESCRIPTION: BLOCK 3, LOTS 13-19, DEER'S SUBDIVISION, CITY OF NEODESHA, COMMONLY KNOWN AS 1401 N. 2<sup>ND</sup>. MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS AN UNSAFE OR DANGEROUS STRUCTURE.**

**WHEREAS**, Ed Truelove, the Enforcement Officer of the City of Neodesha, did on the 28<sup>th</sup> of August, 2019, 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 9<sup>th</sup> day of October, 2019, before the Governing Body of the City at 2:00 p.m. in the Commission Room of City Hall, 1407 N. 8<sup>th</sup>; at which time the owner, his agent, any lien holder of record and any occupant of the structure located at 1401 N. 2<sup>nd</sup> may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure and ordered repaired or demolished. Commissioner Johnson moved to adopt Resolution 19-11 setting a public hearing for October 9, 2019 on property located at 1401 N. 2<sup>nd</sup>. Seconded by Commissioner Moffatt. Motion carried.

**RESOLUTION NO. 19-13**

**NOW**, on this 28<sup>th</sup> day of August, 2019, at a regular meeting of the Governing Body of the City of Neodesha, Kansas, the following Resolution was adopted.

**WHEREAS**, the First Neodesha Bank; the Equity Bank of Neodesha; and the Community National Bank of Neodesha, Kansas, have been designated as depositories for the funds of the (continued on next page)

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. [Entire resolution available to view at City Clerk's office.]

Commissioner Moffatt moved to adopt Resolution 19-13 regarding depository authority for City accounts. Seconded by Commissioner Johnson. Motion carried.

Administrator Truelove addressed the Commission regarding gas consultant agreements. Discussion was held. No action.

Administrator Truelove addressed the Commission regarding a contract with Sid Haffener for the purchase of real estate. Discussion was held.

Commissioner Johnson moved to approve the contract for the purchase of Northgate Mobile Home Estates from Sid and Virginia Haffener with a purchase price of \$90,000, pending the successful acquisition of title insurance. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a contract for services on the USDA Water Project. Discussion was held.

Commissioner Moffatt moved to approve the contract with Decker Electric for services on the USDA Water Project, in an amount not to exceed \$268,150. Seconded by Commissioner Johnson. Motion carried.

Administrator Truelove addressed the Commission regarding the annual renewal of a maintenance agreement with Hach ServicePlus. Discussion was held.

Commissioner Johnson moved to approve the renewal of the service agreement with HACH Service Plus in an amount not to exceed \$7,336. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding appointments of voting delegates to the League of Kansas Municipalities Conference. Discussion was held.

Commissioner Moffatt moved to appoint the City Administrator as voting delegate and the City Clerk as alternate voting delegate for the League of Kansas Municipalities' Annual Conference. Seconded by Commissioner Johnson. Motion carried.

City Clerk Bobby Busch swore in Stephanie Fyfe who will be the new City Clerk/Finance Officer. The Oath was affirmed by Stephanie Fyfe who takes her seat as City Clerk.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, September 11, 2019 at 2:00 p.m.

At 3:20 p.m. Commissioner Johnson moved to adjourn. Seconded by Commissioner Moffatt. Motion carried.

ATTEST:

/s/ Terry M. Harper

Terry M. Harper, Mayor

/s/ Stephanie Fyfe

Stephanie Fyfe, City Clerk