

Neodesha, Kansas  
September 25, 2019

The Board of Commissioners met in regular session at 2:00 p.m. on Wednesday, September 25, 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 September 11 and September 19, 2019 Commission Meetings; and Appropriation (2019) 17. Seconded by Commissioner Johnson. Motion carried.

Mayor Harper read a proclamation recognizing October 2019 as Domestic Violence Awareness Month in the City of Neodesha.

#### **CHARTER ORDINANCE NO. 18**

**A CHARTER ORDINANCE EXEMPTING THE CITY OF NEODESHA, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-1692 THROUGH 12-1699, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE LEVY OF A TRANSIENT GUEST TAX AND PROVIDING FOR PURPOSES FOR EXPENDITURE OF SUCH FUNDS AND REPEALING CHARTER ORDINANCE NO. 15.**

Commissioner Moffatt moved to adopt Charter Ordinance No. 18 regarding the transient guest tax as presented. Seconded by Commissioner Johnson. Motion carried.

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

**AN ORDINANCE FOR FLOODPLAIN MANAGEMENT PURSUANT TO 44 CFR § 60.3 (D) REGULATORY FLOODWAY IDENTIFIED, K.S.A. 12-766, AND K.A.R. 5-44-1 THROUGH 5-44-7, AND REPEALING ORDINANCE 1435 AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

Commissioner Johnson moved to approve Ordinance No. 1720, a flood plain management Ordinance for the City of Neodesha. Seconded by Commissioner Moffatt. Motion carried.

This being the time and date published in the official newspaper for the hearing on the Dangerous Structures located at 910 Iowa, the public hearing was opened. Discussion was held. Then the hearing was closed.

This being the time and date published in the official newspaper for the hearing on the Dangerous Structures located at 1322 N. 3<sup>rd</sup>, the public hearing was opened. Discussion was held. Then the hearing was closed.

#### **RESOLUTION NO. 19-14**

**A RESOLUTION FINDING THAT THE STRUCTURE LOCATED ON LEGAL DESCRIPTION: BLOCK 10, LOTS 20-21, CITY OF NEODESHA, WILSON COUNTY, KANSAS, COMMONLY KNOWN AS 910 IOWA, 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 14<sup>th</sup> day of August, 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 14<sup>th</sup> day of August, 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 22<sup>nd</sup> day of August, 2019, and on the 29<sup>th</sup> day of August, 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 25<sup>th</sup> day of September, 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: Block 10, Lots 20-21, City of Neodesha, Wilson County, Kansas, commonly known as 910 Iowa, 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 thirty (30) days from the date of publication

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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.

**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 Moffatt moved to approve Resolution No. 19-14 declaring the property located at 910 Iowa as unsafe or dangerous and to allow the property owner 30 days to repair or remove the structures and make the property safe and secure. Seconded by Commissioner Johnson. Motion carried.

**RESOLUTION NO. 19-15**

**A RESOLUTION FINDING THAT THE STRUCTURE LOCATED ON LEGAL DESCRIPTION: LOTS 10-12, BLOCK 6, COOPER'S ADDITION, CITY OF NEODESHA, WILSON COUNTY, KANSAS, COMMONLY KNOWN AS 1322 N 3RD, 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 14<sup>th</sup> day of August, 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 14<sup>th</sup> day of August, 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 22<sup>nd</sup> day of August, 2019, and on the 29<sup>th</sup> day of August, 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 25<sup>th</sup> day of September, 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 10-12, Block 6, Cooper's Addition, City Of Neodesha, Wilson County, Kansas, commonly known as 1322 N 3rd, 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 thirty (30) 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.

**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 Johnson moved to approve Resolution No. 19-15 declaring the property located at 1322 N. 3<sup>rd</sup> as unsafe or dangerous and to allow the property owner 30 days to repair or remove the structures and make the property safe and secure. Seconded by Commissioner Moffatt. Motion carried.

**RESOLUTION NO. 19-16**

**A RESOLUTION PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION RENEWAL TEMPORARY NOTES, SERIES A, 2019 OF THE CITY OF NEODESHA, KANSAS, IN THE TOTAL PRINCIPAL AMOUNT OF \$2,250,000, AS HERETOFORE AUTHORIZED BY ORDINANCE NO. 1622, AS AMENDED BY ORDINANCE NO. 1704 OF THE CITY, IN ORDER TO PROVIDE FUNDS TO RENEW THE PRINCIPAL AMOUNT OF THE CITY'S TEMPORARY NOTES PREVIOUSLY ISSUED FOR THE TEMPORARY FINANCING OF THE COSTS OF CONSTRUCTION OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY AUTHORIZED BY SAID ORDINANCE; AND PROVIDING THE TERMS, DETAILS, FORM AND CONDITIONS OF SAID GENERAL OBLIGATION RENEWAL TEMPORARY NOTES.** *(A complete copy of this Resolution is available for viewing in the City Clerk's Office)*

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Commissioner Moffatt moved to approve Resolution No. 19-16 authorizing the City to issue Temporary Notes for the water and sewer projects. Seconded by Commissioner Johnson. Motion carried.

Mayor Harper expressed his gratitude to First Neodesha Bank and to Community National Bank for their support for our water project.

Administrator Truelove addressed the Commission regarding an agreement with George K. Baum & Company for financial accounting services related to the temp note financing for the water and sewer projects. Discussion was held.

Commissioner Johnson moved to approve the engagement agreement with George K. Baum & Company as presented. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the approval of a bid from Heckert Construction for road repairs on North 9<sup>th</sup> Street. Discussion was held.

Commissioner Moffatt moved to approved the bid from Heckert Construction for road repairs on North 9<sup>th</sup> Street in the amount of \$30,662.40. Seconded by Commissioner Johnson. Motion carried.

Administrator Truelove addressed the Commission regarding the lease of a Land Bank property. Discussion was held. No action was taken.

Administrator Truelove addressed the Commission regarding the incubator building lease at 409 Main. Discussion was held.

Commissioner Johnson moved to approve the lease of 409 Main Street to Uzelac Industries as presented. Seconded by Commissioner Moffatt. Motion carried.

The Commission welcomed Lana McPherson, City Clerk, De Soto, KS for a reading and presentation of a Resolution provided by the International Institute of Municipal Clerks (IIMC) upon the retirement of Bobby Busch.

Commissioner Johnson moved to recess to an Executive Session including the Governing Body, City Administrator, City Clerk and the City Attorney for a consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship, per KSA 75-4319(b)(2). The open meeting will resume in the Commission Room at 3:55 p.m. Seconded by Commissioner Moffatt. Motion carried.

At 3:55 p.m. the regular meeting of the Governing Body reconvened in the Commission Room. No action.

Administrator Truelove addressed the Commission regarding the consideration of a gas consult agreement. This agenda item was brought forward today after having been tabled by the Commission at the September 11, 2019 meeting. Discussion was held.

Commissioner Moffatt moved to approve the agreement with Priority Power Management for utility consultant services. Seconded by Commissioner Johnson. Motion carried.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, October 9, 2019 at 2:00 p.m.

At 4:00 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