

Neodesha, Kansas

October 9, 2019

The Board of Commissioners met in regular session at 2:00 p.m. on Wednesday, October 9, 2019 with Mayor Harper presiding and Commissioners Moffatt and Johnson present.

Commissioner Moffatt moved to approve the agenda as presented. 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 September 25, 2019 Commission Meeting; Appropriation (2019) 18; Raw Water Project Bond Appropriation 60; and CDBG Gas Line Appropriation 3. Seconded by Commissioner Moffatt. Motion carried.

Mayor Harper read a proclamation recognizing Fire Prevention Week 2019 in the City of Neodesha. The proclamation was then presented to Sparky the Fire Dog.

This being the time and date published in the official newspaper for the hearing on the Dangerous Structures located at 1401 N. 2nd, the public hearing was opened. Discussion was held. Then the hearing was closed.

#### **RESOLUTION NO. 19-17**

**A RESOLUTION FINDING THAT THE STRUCTURE LOCATED ON LEGAL DESCRIPTION: BLOCK 3, LOTS 13-19, DEER'S SUBDIVISION, CITY OF NEODESHA, COMMONLY KNOWN AS 1401 N. 2<sup>ND</sup> 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 28<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 28<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 5<sup>th</sup> day of September, 2019, and on the 12<sup>th</sup> day of September, 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 9<sup>th</sup> day of October, 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 3, LOTS 13-19, DEER'S SUBDIVISION, City of Neodesha, Wilson County, Kansas, commonly known as 1401 N. 2<sup>nd</sup>, 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 Moffatt moved to approve Resolution No. 19-17 declaring the property located at 1401 N. 2<sup>nd</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 Johnson. Motion carried.

This being the time and date published in the official newspaper for the hearing on the Dangerous Structures located at 1211 N. 3<sup>rd</sup>, the public hearing was opened. Discussion was held. Then the hearing was closed.

(continued on next page)

**RESOLUTION NO. 19-18**

**A RESOLUTION FINDING THAT THE STRUCTURE LOCATED ON LEGAL DESCRIPTION: E M COOPER'S ADDITION, BLOCK 2, LOTS 17-20, CITY OF NEODESHA, COMMONLY KNOWN AS 1211 N. 3<sup>RD</sup>, NEODESHA, KANSAS, 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 28<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 28<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 5<sup>th</sup> day of September, 2019, and on the 12<sup>th</sup> day of September, 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 9<sup>th</sup> day of October, 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: E M COOPER'S ADDITION, BLOCK 2, LOTS 17-20, City of Neodesha, Kansas, Wilson County, Kansas, commonly known as 1211 N. 3<sup>rd</sup>, 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 forty five (45) 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. 19-18 declaring the property located at 1211 N. 3<sup>rd</sup> as unsafe or dangerous and to allow the property owner 45 days to repair or remove the structures and make the property safe and secure. Seconded by Commissioner Moffatt. Motion carried.

**RESOLUTION NO. 19-19**

**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 922 N 11<sup>TH</sup> STREET, LEGAL DESCRIPTION: LOT THIRTEEN (13), BLOCK THREE (3), SHUTT'S 2<sup>ND</sup> ADDITION, CITY OF NEODESHA, WILSON COUNTY, KANSAS, 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 9<sup>th</sup> day of October, 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 11<sup>th</sup> day of December, 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 922 N 11th 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. (continued on next page)

October 9, 2019 (cont.)

Administrator Truelove addressed the Commission regarding an immediate hazard structure at 501 Main. Discussion was held.

Commissioner Johnson moved to declare the exterior of the building located at 501 Main Street an immediate hazard to the public and order the City Administrator to make the exterior of the building safe for pedestrians. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the Notice to Proceed for Decker Electric; VFD and SCADA System improvements.

Commissioner Moffatt moved to approve the Notice to Proceed for Decker Electric for the VFD and SCADA System improvements. Seconded by Commissioner Johnson. Motion carried.

Administrator Truelove addressed the Commission regarding approval of the fireworks show and beer garden at the Waterworks Amphitheater.

Commissioner Johnson moved to approve the Thunder on the Plains fireworks event and a beer garden for the Waterworks Amphitheater on October 19, 2019. Seconded by Commissioner Moffatt. Motion carried.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, October 23, 2019 at 2:00 p.m.

At 3:35 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