

Agenda

City Commission of the City of Neodesha, KS

March 27, 2019 2:00 p.m.

Item 1: Opening Session

- Call to Order
- Roll Call
- Invocation
- Pledge of Allegiance
- Additions/Deletions to the Agenda
- Mayor's Report
- Commissioners' Reports
- City Administrator's Comments

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 the March 13, 2019 Commission minutes
- Appropriation (2019) 05

Item 4: Business Items to Consider

- A. Proclamation: National Service Recognition Day 2019, Kathy Shepard
- B. Charter Ordinance: Public Building Commissions
- C. Resolution: Calling for a Special Question Election

Item 5: Date/Time of Next Regular Meeting

- Wednesday, April 10, 2019, 2:00 p.m. – Regular Meeting, City Hall

Item 6: Executive Session:

Item 7: Adjournment

AGENDA COMMENTS
CITY COMMISSION MEETING
March 27, 2019

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 Proclamation: National Service Recognition Day 2019, Kathy Shepard

RECOMMENDED MOTION: *N/A*

4.B Charter Ordinance: Public Building Commissions

The Commission is asked to consider Charter Ordinance 17, exempting the City from the provisions of K.S.A. 12-1758(a) and K.S.A. 12-1767 and providing substitute provisions relating to Public Building Commissions. This Charter Ordinance will allow for the future establishment of a Public Building Commission.

RECOMMENDED MOTION: *I move to adopt Charter Ordinance 17, exempting the City 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.*

4.C Resolution: Calling for a Special Question Election

The Commission is asked to consider Resolution 19-02, calling for a Special Question Election, to be conducted on June 18, 2019, for the qualified electors of the City of Neodesha, to determine if a one-percent retailer's sales tax shall be collected to acquire, construct, improve, and maintain a City Hall, Police Department, and a recreational trail.

RECOMMENDED MOTION: *I move to approve Resolution 19-02, calling for a Special Question Election to be conducted June 18, 2019.*

Neodesha, Kansas
March 13, 2019

The Board of Commissioners met in regular session at 2:00 p.m. on Wednesday, March 13, 2019 with Mayor Harper presiding and Commissioners Moffatt and Johnson present.

Commissioner Johnson moved to approve the agenda with the addition of item 4D, approval to purchase lawnmowers; and Item 4E, discussion of animal ordinance changes. 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 as presented. Seconded by Commissioner Johnson. Motion carried.

Administrator Truelove addressed the Commission regarding a CDBG Civil Rights requirement. Discussion was held.

Commissioner Johnson moved to adopt the CDBG Civil Rights/Fair Housing Policy as presented. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding Change Order #1 for the Raw Water Intake Project. Discussion was held.

Commissioner Moffatt moved to approve Change Order #1 with Crossland Heavy Contractors in the amount of \$12,494.07. Seconded by Commissioner Johnson. Motion carried.

Administrator Truelove addressed the Commission regarding a Memorandum of Understanding with Westar for a Solar Project. Discussion was held.

Commissioner Johnson moved to approve the Memorandum of Understanding with Westar Energy as presented pending clearance of the use of the ground by BP. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission with a request to purchase budgeted lawnmowers. Discussion was held.

Commissioner Moffatt moved to approve the purchase of mowing equipment from Fredonia Outdoor Equipment with a purchase price of \$34,129.31. Seconded by Commissioner Johnson. Motion carried.

Administrator Truelove addressed the Commission regarding proposed changes to the City's animal ordinances. Discussion was held. No action.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, March 27, 2019 at 2:00 p.m.

Commissioner Johnson moved to recess to an Executive Session including the Governing Body, City Administrator, and 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 3:30 p.m. Seconded by Commissioner Moffatt. Motion carried.

At 3:30 p.m. the regular meeting of the Governing Body reconvened in the Commission Room. No action.

Commissioner Moffatt moved to extend the Executive Session until 3:40 p.m. Seconded by Commissioner Johnson. Motion carried.

At 3:40 p.m. the regular meeting of the Governing Body reconvened in the Commission Room. No action.

Commissioner Moffatt moved to extend the Executive Session until 3:45 p.m. Seconded by Commissioner Johnson. Motion carried.

At 3:45 p.m. the regular meeting of the Governing Body reconvened in the Commission Room. No action.

At 3:45 p.m. Commissioner Moffatt moved to adjourn. Seconded by Commissioner Johnson. Motion carried.

ATTEST:

Terry M. Harper, Mayor

Bobby Busch, City Clerk/Finance Director

APPROPRIATION REPORT**ORDINANCE NO 5****3/27/2019**

<u>VENDOR</u>	<u>REFERENCE</u>	<u>AMOUNT</u>	<u>CHECK NO</u>	<u>CHECK DATE</u>
A T & T	PHONE CHARGES	37.13	52803	3/27/2019
APPIA COMMUNICATIONS INC	FIBER OPTIC SYSTEM	313.08	52804	3/27/2019
ATMOS ENERGY	GAS UTILITY BILLING	101.92	52531	2/28/2019
BLUBOOTHS	UNIFORM SERVICE	2,237.74	52805	3/27/2019
BORDER STATES INDUSTRIES INC	TRANSFORMER BRACKETS	347.29	52806	3/27/2019
BOUND TREE MEDICAL LLC	MEDICAL SUPPLIES	498.14	52807	3/27/2019
BRENNAN TILLEY	MILEAGE REIBURSEMENT	144.97	52841	3/27/2019
BUCKBOARD DECOR	SYMPATHY PLANT	38.24	52808	3/27/2019
BUSTERS CATERING	CATERING - HEALTH INSURANCE MTG	780.00	52526	2/1/2019
CABLE ONE	INTERNET SERVICE - SR CENTER	65.14	52809	3/27/2019
CABLE ONE	INTERNET SERVICE - ELECTRIC SHOP	136.39	52528	2/28/2019
CABLE ONE	INTERNET SERVICE - PD	120.34	52537	2/28/2019
CABLE ONE	INTERNET SERVICE - SR CENTER	57.67	52527	2/28/2019
CARTER WATERS	COLD PATCH	2,193.87	52810	3/27/2019
CONSOLIDATED FLEET SERVICES INC	LADDER INSPECTION	255.75	52812	3/27/2019
CONSTELLATION NEWENERGY	FEBRUARY BILLING	42,875.82	52813	3/27/2019
D & D AUTO REPAIR & ALIGNMENT	BATTERIES, OIL CHANGE	539.85	52814	3/27/2019
D & D AUTO REPAIR & ALIGNMENT	REPAIR ACO VEHICLE	3,297.72	52540	2/28/2019
FEDERAL SIGNAL CORPORATION	STORM SIREN	14,654.78	52815	3/27/2019
FORSYTHE'S HEATING & ELECTRIC	SERVICE CALLS	623.94	52816	3/27/2019
HAWKINS INC	CHEMICALS	4,219.69	52818	3/27/2019
HUBER & ASSOCIATES INC	CONFERENCE REGISTRATION	300.00	52819	3/27/2019
HUGH'S TEL COM	SERVICE CALL - ELECTRIC DEPT	180.68	52820	3/27/2019
INDUSTRIAL SALES COMPANY INC	ELLS	104.70	52821	3/27/2019
JM TEST SYSTEMS INC	HYDRAULIC CRIMP REPAIR	573.86	52822	3/27/2019
KANSAS MUNICIPAL JUDGES' ASSOC	MEMBER DUES - JOSLYN KUSIAK	25.00	52823	3/27/2019

KANSAS STATE TREASURER	MUNICIPAL COURT FEES	798.50	52824	3/27/2019
KEENAN FYFE	MILEAGE REMIBURSEMENT	215.82	52817	3/27/2019
LOCKE SUPPLY	ELECTRIC SUPPLIES	71.00	52825	3/27/2019
MERIDIAN ANALYTICAL LABS LLC	WASTEWATER ANALYSIS	310.05	52826	3/27/2019
NEODESHA AUTO SUPPLY	AUTO PARTS & SUPPLIES	414.39	52827	3/27/2019
NEW BEGINNINGS ENTERPRISES INC	DOCUMENT DESTRUCTION FEES	6.00	52828	3/27/2019
NORTHERN TOOL & EQUIPMENT	MEMBERSHIP RENEWAL	39.99	52830	3/27/2019
PITNEY BOWES	POSTAGE FOR METER	1,000.00	52831	3/27/2019
PITNEY BOWES	POSTAGE MACHINE LEASE	757.74	52832	3/27/2019
PIZZA HUT	CATERING - ECO DEVO MEETING	62.95	52533	2/28/2019
QUILL CORPORATION	OFFICE SUPPLIES	362.75	52833	3/27/2019
RED BUD SUPPLY INC	MARKING PAINT	152.52	52834	3/27/2019
RURAL WATER DISTRICT NO 4	AIRPORT WATER	27.16	52538	2/28/2019
SHELBY J CONNER	WINDOW CLEANING	65.00	52811	3/27/2019
SIGN DESIGN	EMBROIDERY SERVICE	39.00	52835	3/27/2019
SIRENNET.COM	MOUNTING KIT	55.48	52836	3/27/2019
SOUTHEAST KANSAS LIVING	SPRING ADVERTISEMENT	50.00	52837	3/27/2019
SOUTHERN STAR CENTRAL GP INC	FEBRUARY BILLING	36,101.95	52838	3/27/2019
STROBES N MORE	LIGHTS & MOUNTING KIT	192.31	52839	3/27/2019
SUMMIT TRUCK GROUP	WINDSHIELD WIPER MOTOR	461.60	52840	3/27/2019
TOM NICHOL	CIVIC CENTER DEPOSIT REFUND	100.00	52829	3/27/2019
TOUGH RUGGED LAPTOPS	TOUGHBOOK COMPUTERS	5,735.51	52842	3/27/2019
UNIFIRST CORPORATION	UNIFORM SERVICE	3,326.07	52843	3/27/2019
US POST OFFICE	PRESORT MAILING FEE	235.00	52844	3/27/2019
US POST OFFICE	UTILITY BILL MAILING	302.40	52542	2/28/2019
VISA CARD CENTER	SPOTLIGHTS, BENCH VICES, SAFE CARDS	4,749.27	52539	2/28/2019
WALMART COMMUNITY	TV, BLUE RAY, SUPPLIES	615.06	52529	2/28/2019
WESTAR ENERGY	AIRPORT BILLING	203.95	52532	2/28/2019
WEX BANK	FUEL	4,804.92	52530	2/28/2019
WEX BANK	FUEL	5,278.58	52541	2/28/2019
WILSON CO REGISTER OF DEEDS	FILING FEE	21.00	52535	2/28/2019

WILSON MEDICAL CENTER

LAB SERVICES

88.00

52845

3/27/2019

**** PAID TOTAL ****

141,367.68

Mayor and County Recognition Day for National Service 2019

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, elected leaders are increasingly turning to national service and volunteerism as a cost-effective strategy to meet their needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities; they educate students for 21st century jobs, fight the opioid epidemic, respond to natural disasters, and support veterans and military families; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve, both through their direct service and by managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on tax-payer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with local leaders nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, the National Association of Counties, Cities of Service, and local leaders across the country for National Service Recognition Day on April 2, 2019.

THEREFORE, BE IT RESOLVED that I, Terry Harper, Mayor of Neodesha, do hereby proclaim April 2, 2019, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our community, to thank those who serve; and to find ways to give back to their communities.

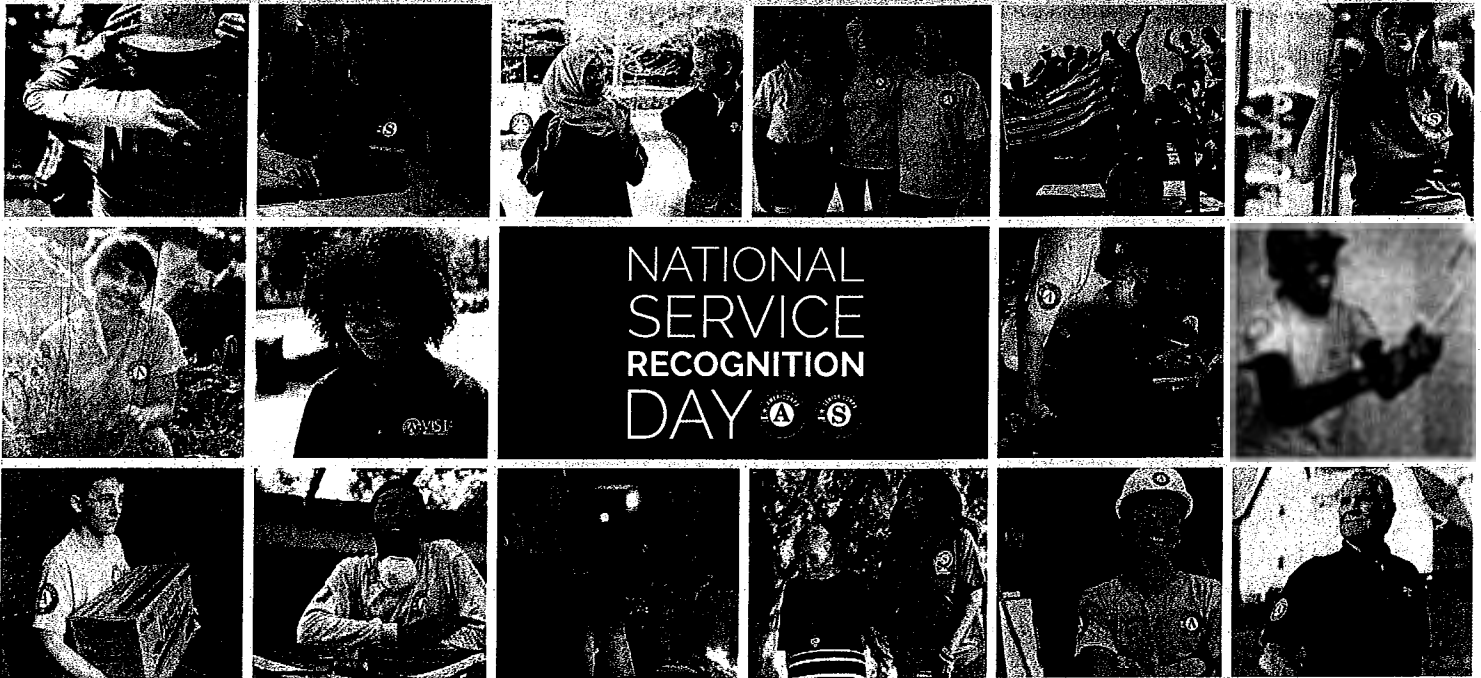
March 27, 2019

Terry M. Harper, Mayor

Date



NATIONAL SERVICE RECOGNITION DAY



JOIN US ON APRIL 2, 2019! #NationalServiceWorks

On National Service Recognition Day, thousands of local leaders take time to honor AmeriCorps members and Senior Corps volunteers by participating in recognition events, issuing official proclamations, and taking to social media in a nationwide show of appreciation. The seventh-annual event will take place on Tuesday, April 2, 2019. This initiative is led by the Corporation for National and Community Service (CNCS), with support from the National League of Cities, National Association of Counties and Cities of Service.

Mayors and city leaders, county officials, tribal leaders and elected leaders from across the country are increasing their use of national service to solve their community's toughest challenges. CNCS, the federal agency responsible for national service and volunteering in America, engages 300,000 AmeriCorps members and Senior Corps volunteers in national service at more than 50,000 locations each year. Through partnerships with schools, faith-based groups, nonprofits, and local agencies, national service members are embedded within the communities they serve, using their ingenuity and training to make a tangible, lasting impact. Whether responding to natural disasters, tackling the opioid epidemic, educating students for the 21st century workforce, or supporting veterans and military families, AmeriCorps members and Senior Corps volunteers help local leaders make their communities stronger.

If you're a local leader, we'd love for you to get involved!
To register or learn more, please visit NationalService.gov/RecognitionDay.

For any questions or assistance, contact RecognitionDay@cns.gov.

  @NationalService

Who participates?

Mayors, city council members, county officials, tribal leaders, and other elected leaders of any jurisdiction. Everyone is encouraged to take part in thanking their local AmeriCorps members and Senior Corps volunteers!

What are the goals of the day?

- Thank national service members for their commitment and impact on local communities.
- Highlight how local leaders use national service to solve their toughest challenges.
- Build public awareness about the impact of national service on the nation's cities, counties, and tribal areas.

What happened last year?

On April 3, 2018, more than 5,200 elected officials – representing 216 million Americans – participated in the sixth-annual National Service Recognition Day.

How can local leaders get involved?

National Service Recognition Day provides a unique opportunity for local officials to honor the constituents who are serving their communities through national service. Local leaders can:

- Hold a public recognition event or visit/speak at a recognition event in their area.
- Issue a proclamation naming the first Tuesday in April as "National Service Recognition Day."
- Visit a group of members currently serving and share a photo.
- Serve with AmeriCorps members and Senior Corps volunteers as a "member for a day."
- Write or sign onto an op-ed about national service members' unique contribution to their community.
- Issue a press release on the scope and impact of national service in your community.
- Announce that their city/county/tribal government is becoming an Employer of National Service (NationalService.gov/employers).
- Film an appreciation video thanking AmeriCorps and Senior Corps members for their service.
- Use Twitter, Facebook, and other social media to thank national service members and share how [#NationalServiceWorks](https://twitter.com/NationalServiceWorks).

How can we help?

Contact us at RecognitionDay@cns.gov to discuss different ways you can get involved

The Corporation for National and Community Service is a federal agency that engages millions of Americans in service through AmeriCorps and Senior Corps, and leads the nation's volunteering efforts.

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.

[Remainder of Page Intentionally Left Blank]

PASSED, APPROVED AND ADOPTED by two-thirds majority of the governing body of the City of Neodesha, Kansas on March 27, 2019.

CITY OF NEODESHA, KANSAS

By _____ **Terry M. Harper, Mayor**

ATTEST:

[seal]

By _____ **Bobby Busch, City Clerk**

CITY OF NEODESHA

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. 4th 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.

[Remainder of Page Intentionally Left Blank]

PASSED AND ADOPTED by the Governing Body of the City of Neodesha, Kansas on the 27th day of March, 2019.

ATTEST:

Terry M. Harper, Mayor

Bobby Busch, City Clerk

NOTICE OF SPECIAL QUESTION ELECTION

TO ALL OF THE QUALIFIED ELECTORS OF THE CITY OF NEODESHA, KANSAS:

Notice is given by the Governing Body of the City of Neodesha, Kansas and the County Election Officer of Wilson County, Kansas that a special question election will be held in the City of Neodesha, Kansas on June 18, 2019, for the purpose of voting on the question of levying a city retailers' sales tax in the amount of one percent (1.00%) on retail sales consummated within the City of Neodesha, Kansas, according to the provisions of K.S.A. 12-187 *et seq.* If approved, the retailers' sales tax will begin on October 1, 2019 or as soon thereafter as the tax may be levied by the Kansas Department of Revenue and the revenue received by the City will be used for special public purposes as described in the ballot question. If approved by a majority of the electors voting such tax shall be collected by the Kansas Department of Revenue, and the revenue returned to the City of Neodesha.

The polls will be open for voting between 7:00 a.m. and 7:00 p.m. on June 18, 2019 at the following places:
[To be supplied by the county clerk/election officer]

The proposition to be voted on shall appear on the ballot as follows:

Shall the following be adopted?

Shall a retailers' sales tax in the amount of one percent (1.00%) be levied in the City of Neodesha, Kansas to take effect October 1, 2019 or as soon thereafter as such tax may be levied by the Kansas Department of Revenue, with revenue from such tax used for the special purpose of paying the costs 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); and provided that such retailers' sales tax shall expire on the date ten years after it is first levied, all pursuant to K.S.A. 12-187 *et seq.*, as amended?

Yes _____

No _____

Dated _____, 2019.

By _____

Rhonda Willard

Wilson County Clerk/Election Officer