

LeRoy City Council

Minutes

September 11, 2023

Mayor Steve Cox called the meeting to order at 6:00 PM, followed by the Pledge of Allegiance.

Council members present Georgie Eggleston, Rob McCann, Tim Harvey, and Sam Lingenfelter. Terry Tyler was absent from the meeting.

Mayor Cox recommended approval of the proposed September 11 agenda. McCann moved to accept the proposed agenda. Eggleston second. Mayor Cox asked for discussion, and hearing no discussion, he asked for a vote; the agenda passed 4/0.

Mayor Cox recommended approval of the August 7 city council meeting minutes. Harvey moved to accept the minutes. Eggleston second. Mayor Cox called for a vote. The minutes passed 4/0.

Mayor Cox recommended that the city council pay warrants/bills provided with the proposed agenda. Harvey moved to accept the warrants/bills presented with the agenda. McCann second. Mayor Cox called for a vote, and the vote passed 4/0.

Pursuant to Resolution 2023-15, Mayor Cox called a hearing to order on an unsafe or dangerous property at 614 Main Street in LeRoy, Kansas. Mayor Cox presented evidence in the form of a verbal and written report that the structure at 614 Main Street has become unsafe or dangerous. After reasonable inquiry, Cindy Sutherland has been identified as the only owner, owner's agent, lienholder, or occupant of the structure. Miss Sutherland was provided notice of Resolution No. 2023-15 as required by city code section 4-601 et/seq/ and K.S.A. 12-1750 et seq.. Whereas neither Cindy K. Sutherland nor any other owner, owner's agent, or lienholder of record occupants having an interest in such structure appeared for the hearing, The Mayor asked the City Council to pass proposed Resolution 2023-16 declaring the structure located at 614 Main Street unsafe or dangerous and to require the owner to commence repair or removal of the structure within 30 days. Harvey moved to pass Resolution 2023-16 as read by the Mayor. McCann second. Mayor Cox asked for discussion, and after hearing none, Mayor Cox asked for a vote; Resolution 2023-16 Passed 4/0. The hearing closed at 6:20 p.m.

Scheduled Visitors:

Kimberly Skillman with Trust Point Insurance presented the council with a safety dividend check from EMC Insurance for \$5778.57.

Ashley Jones asked the council to reverse her late payment on her water bill. McCann moved to dismiss the late charges. Harvey second. Motion passed 4/0

Mayor Cox recommended that the property located at 637 Nebraska be posted for sale by sealed bid. The advertisement will be published in the Coffey County Republican for two weeks, with the bid opening at the November 6th City Council Meeting.

Mayor Cox called for a ten-minute executive session for attorney-client communication pursuant to the Open Meeting Act. McCann moved to go into a ten-minute executive session. Harvey second. Motion passed 4/0. The executive session started at 6:36 p.m. Regular council meeting came back to order at 6:46 p.m. with no action being taken.

Aaron Copeland gave his superintendent report.

Kim Alexander gave the City Clerk's report.

McCann moved to lease a John Deere 325 G Compact Track Loader from Prairieland Partners out of Iola, Kansas, with the payments being \$11498.71 yearly for three years with the option to purchase at the end of the lease agreement with the remaining balance being \$47,959.98 making the total price being \$ 82,456.11 along with purchasing the extra equipment for the track loader in the amount of \$ 17,515.00 Lingenfelter second. Mayor Cox stated that he did not believe there was a need for the compact track loader. Mayor Cox asked for discussion after hearing the discussion, Mayor Cox asked for a vote motion passed 4/0.

McCann moved to go into a fifteen-minute executive session for attorney-client communication pursuant to the Open Meeting Act. Harvey second. The executive session began at 7:40 p.m. Regular council meeting resumed at 7:55 p.m. with no action taken.

McCann moved to adjourn: Harvey second motion passed 4/0

RESOLUTION NO. 2023-16

A RESOLUTION FOLLOWING HEARING ON UNSAFE OR DANGEROUS STRUCTURE

WHEREAS the governing body has the power to cause the repair or removal of any structure located within the city which has become unsafe or dangerous. K.S.A. 12-1751(a); City Code § 4-601 *et seq.*

WHEREAS, the Mayor's duties include active and vigilant enforcement of laws and ordinances of the City. K.S.A. 15-301; City Code § 1-205.

WHEREAS, the Mayor is the designated enforcing officer charged with administering the law regarding dangerous and unfit structures.

WHEREAS, On July 10, 2023, the governing body received a written statement from the Mayor that the structure located at 614 Main Street, LeRoy, Kansas, is, among other things, dangerous and unsafe.

WHEREAS, on July 10, 2023, the governing body issued Resolution No 2023-15 fixing September 11, 2023, at 6:00 p.m. at LeRoy City Hall, 713 Main Street, LeRoy, Kansas as the time and place for the owner, agent, lienholders, and occupants of the structure at 614 Main Street to appear and show cause why such structure should not be condemned and ordered repaired or demolished.

WHEREAS, Resolution 2023-15 was published once per week for two weeks on the same day of each week in the Coffey County Republican Newspaper.

WHEREAS 30 days have elapsed between the last publication of Resolution No 2023-15 and September 11, 2023.

WHEREAS, after due diligence, Cindy K. Sutherland is the only known owner, agent, lienholder, or occupant of the structure at 614 Main Street, LeRoy, Kansas.

WHEREAS, the City Clerk mailed a certified letter marked "deliver to addressee only" containing Resolution No. 2023-15 to Cindy K. Sutherland, P.O. Box 247, LeRoy KS 66857, within three days after its first publication in the Coffey County Republican Newspaper.

WHEREAS on September 11, 2023, the governing body held a show cause hearing regarding the structure at 614 Main Street, LeRoy, KS.

WHEREAS, the governing body heard all evidence submitted by the Mayor.

WHEREAS, neither Cindy K. Sutherland or any other owner, owner's agent, lienholders of record, or occupants having an interest in such structure appeared.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEROY, KANSAS:

1. The WHEREAS clauses above are incorporated into this resolution.
2. The governing body being fully informed finds that, for the reasons set forth in Royal Engineering Partner's, LLC Report and other evidence submitted at the show cause hearing, the structure at 614 Main Street, LeRoy, Kansas, is unsafe or dangerous.
3. The governing body directs that the structure at 614 Main Street, LeRoy, Kansas, be repaired or removed, and the premises made safe and secure.
4. Repair or removal of such structure shall be commenced within a reasonable time not to exceed 30 days.

5. If the owner of such structure fails to commence the repair or removal of such structure within the time stated in paragraph 4 or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be repaired or razed and removed.

Passed by the council on the 11 day of September 2023. APPROVED by the Mayor



_____ 14 _____
Steve Cox, Mayor

ATTEST _____
City Clerk Alexander

AFFIDAVIT OF PUBLICATION
The Coffey County Republican
Burlington, Kansas
STATE OF KANSAS
COFFEY COUNTY, ss.

Catherine R. Faimon

of lawful age, being first duly sworn, depose and says that she is the publisher of THE COFFEY COUNTY REPUBLICAN, a biweekly newspaper printed in the State of Kansas, published in the city of Burlington, County of Coffey, State of Kansas, and of general circulation in Coffey County, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper has been continuously and uninterruptedly published in said county, at least 50 times each year during the period of more than five years immediately prior to the first publication of the notice hereinafter mentioned, and has been duly admitted to the mails as Second Class matter in Coffey County, Kansas, and that notice of which a true copy is hereto attached, was published in the regular and entire issue of

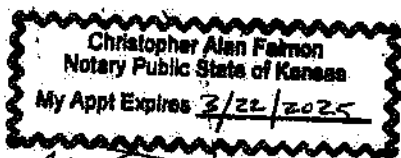
The Coffey County Republican
for 1 consecutive week(s).

The first publication thereof being made as aforesaid on September 28, 2023
with subsequent publications made on the following dates:
_____, 20_____
_____, 20_____
_____, 20_____
_____, 20_____

and affiant further says she has personal knowledge of the statements set forth and that they are true.

Catherine R. Faimon
Catherine R. Faimon

Subscribed and sworn to before me this 28 day
of September, 2023.



Notary Seal

Signature of Christopher Alan Faimon
Christopher Alan Faimon

Notary Public
My commission expires 03/22/2025

AFFIDAVIT OF PUBLICATION -
The Coffey County Republican, Burlington, Kansas
Affidavit and proof of publication examined, approved
and filed this _____ of _____, 20____.

Recorded in _____

Judge-Clerk of District Court

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEROY, KANSAS:

1. The WHEREAS clauses above are incorporated into this resolution.

2. The governing body being fully informed finds that, for the reasons set forth in Royal Engineering Partners, LLC Report and other evidence submitted at the show cause hearing, the structure at 614 Main Street, LeRoy, Kansas, is unsafe or dangerous.

3. The governing body directs that the structure at 614 Main Street, LeRoy, Kansas, be repaired or removed, and the premises made safe and secure.

4. Repair or removal of such structure shall be commenced within a reasonable time not to exceed 30 days.

5. If the owner of such structure fails to commence the repair or removal of such structure within the time stated in paragraph 4 or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be repaired or razed and removed.

Passed by the council on the 11 day of September 2023. APPROVED by the Mayor.
/s/ Steve Cox
Mayor

(SEAL)

ATTEST:
/s/ Kim Alexander

ceived a written statement from the Mayor that the structure located at 614 Main Street, LeRoy, Kansas, is, among other things, dangerous and unsafe.

WHEREAS, on July 10, 2023, the governing body issued Resolution No 2023-15 fixing September 11, 2023, at 6:00 p.m. at LeRoy City Hall, 713 Main Street, LeRoy, Kansas as the time and place for the owner, agent, lienholders, and occupants of the structure at 614 Main Street to appear and show cause why such structure should not be condemned and ordered repaired or demolished.

WHEREAS, Resolution 2023-15 was published once per week for two weeks on the same day of each week in The Coffey County Republican newspaper.

WHEREAS, 30 days have elapsed between the last publication of Resolution No. 2023-15 and September 11, 2023.

WHEREAS, after due diligence, Cindy K. Sutherland is the only known owner, agent, lienholder, or occupant of the structure at 614 Main Street, LeRoy, Kansas.

WHEREAS, the City Clerk mailed a certified letter marked "deliver to addressee only" containing Resolution No. 2023-15 to Cindy K Sutherland, P.O. Box 247, Le Roy, KS 66857, within three days after its first publication in The Coffey County Republican newspaper.

WHEREAS on September 11, 2023, the governing body held a show cause hearing regarding the structure at 61 Main Street, LeRoy, KS.

WHEREAS, the governing body heard all evidence submitted by the Mayor.

WHEREAS, neither Cindy K. Sutherland or any other owner, owner's agent, lienholders of record, or occupants having an interest such structure appeared.

(Published in The Coffey County Republican on Thursday, September 28, 2023)

RESOLUTION NO. 2023-15

A RESOLUTION FOLLOWING HEARING ON UNSAFE OR DANGEROUS STRUCTURE

WHEREAS the governing body has the power to cause the repair or removal of any structure located within the city which has become unsafe or dangerous; 121.751(a); City Code § 4-601 et seq.

WHEREAS, the Mayor's duties include active and vigilant enforcement of laws and ordinances of the City, K.S.A., 15-301; City Code § 1-205.

WHEREAS, the Mayor is the designated enforcing officer charged with administering the law regarding dangerous and unfit structures.

WHEREAS, On July 10, 2023, the governing body re-