

Neodesha, Kansas
May 12, 2021

The Board of Commissioners met in regular session at 2:00 p.m. in the Commission Room at City Hall conducting the meeting by live streaming with Zoom on Wednesday, May 12, 2021 with Mayor Johnson presiding and Commissioners Moffatt and Nichol present.

Commissioner Moffatt moved to approve the agenda as presented with the addition of Item 4.F. Ordinance: Animal Control Fees. Seconded by Commissioner Nichol. Motion carried.

Commission and Administrator Reports were heard.

Community Development Director report was heard.

Public Comments were invited and heard.

Commissioner Nichol moved to approve the consent agenda as presented consisting of the minutes from the April 28, 2021 meeting; Appropriation (2021) 07; and Raw Water Project Bond Appropriation No. 89. Seconded by Commissioner Moffatt. Motion carried.

Mayor Johnson read a proclamation per Congress and the President of the United States designating May 15, 2021 as Peace Officers' Memorial Day, and the week in which May 15, 2021 falls as National Police Week in the City of Neodesha. Thank you, Chief Tomlinson, Neodesha Police Department, and all law enforcement officers, past and present, throughout our Nation.

Mayor Johnson read a proclamation designating May 16, 2021 through May 22, 2021 as Emergency Medical Services Week in the City of Neodesha. Thank you, Chief Woodward, Neodesha Fire & EMS Department, and all other emergency services personnel, past and present, throughout our Nation.

The Governing Body welcomed Erica Johnson, members of the Active Transportation Advisory Board (ATAB), and the designers of the sign submittals to the meeting, with a goal of selecting the winning design for a "Welcome to Neodesha" sign. Presentations were made and discussion was held.

Commissioner Nichol moved to table this item for selection at a Special Call Meeting to be held on Monday, May 17, 2021 at noon. Seconded by Commissioner Moffatt. Motion carried.

The Governing Body welcomed Scott Shreve and Rick Borry of Priority Power Management, for a presentation on a proposed solar project. A power point presentation then ensued live by Zoom which was managed by Mr. Borry. Discussion held.

Commissioner Moffatt moved to recess to an Executive Session in the Commission Room including the Governing Body, City Administrator, City Clerk, and City Attorney for a consultation with the 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 City Hall at 3:55 p.m. Seconded by Commissioner Nichol. Motion carried. The live streamed Zoom meeting was then placed on hold with audio, video and recording ceased.

Commissioner Moffatt moved to extend the Executive Session including the Governing Body, City Administrator, City Clerk, and City Attorney for a consultation with the 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 City Hall at 4:05 p.m. Seconded by Commissioner Nichol. Motion carried. The live streamed Zoom meeting continued to be on hold with audio, video and recording ceased.

At 4:05 p.m. the regular meeting of the Governing Body reconvened in the Commission Room at City Hall. The live streamed Zoom meeting then resumed with audio, video and recording. No action taken.

Commissioner Nichol moved to approve the Solar Origination Agreement and the Project Approval Notice with Priority Power Management at no cost to the City as discussed. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding Ordinance No. 1745. Revision to this Animal Control Ordinance removes a breed-specific ban on animals, and increases the control features for dangerous and vicious animals. Discussion held.

ORDINANCE NO. 1745

AN ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF NEODESHA, REGULATING THE OWNERSHIP AND CONTROL OF ANIMALS IN THE CITY OF NEODESHA; AND REPEALING OLD CHAPTER 6 OF THE CODE OF THE CITY OF NEODESHA, KANSAS. *(a complete copy of this Ordinance can be viewed in the City Clerk's office)*

Commissioner Moffatt moved to approve Ordinance 1745, a revised Animal Control Ordinance for the City of Neodesha. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding Ordinance No. 1746 which would approve a modification to the Ordinance for animal control fees referencing the addition of a \$50 annual registration fee for any

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animal declared dangerous by the Municipal Court. Ordinance 1746 can now move forward due to the approval of Ordinance 1745. Discussion held.

ORDINANCE NO. 1746

AN ORDINANCE AMENDING SECTION 16-6 OF CHAPTER 16 OF THE CITY OF NEODESHA CODE REGARDING FEES FOR ANIMALS BY THE CITY OF NEODESHA, WILSON COUNTY, KANSAS AND REPEALING PRIOR SECTION 16-6 OF CHAPTER 16 OF THE CITY OF NEODESHA CODE AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS:

Section One: Section 16-6 of Chapter 16 of the City of Neodesha Code shall be amended to read as follows:

Section 16-6 - Animals:

- (a) Dog registration:
 - (1) Neutered or spayed: \$5.00
 - (2) Unneutered or unspayed: \$25.00
 - (3) Dangerous Dog: \$50.00
- (b) Late registrations (after March 1):
 - (1) Neutered or spayed: \$10.00
 - (2) Unneutered or unspayed: \$50.00
- (c) Replacement of lost tags: \$5.00
- (d) Kennel License (Required for owners with 5 or more dogs/cats.): \$250.00
- (e) Impounded dog redemption fee:
 - (1) First impoundment: \$15.00 plus \$10.00 per day for feeding and maintaining the dog while impounded.
 - (2) Second impoundment: \$50.00 plus \$10.00 per day for feeding and maintaining the dog while impounded.
 - (3) Third and subsequent impoundment: \$100.00 plus \$10.00 per day for feeding and maintaining the dog while impounded.
- (f) Adoption Fees: \$50.00 (Includes registration and tag)

Section Two: Prior Section 16-6 of the Neodesha City Code and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section Three: This ordinance shall take effect and be in full force from and after its adoption by the governing body and publication once in the official city newspaper.

Commissioner Nichol moved to approve Ordinance 1746, a revised Animal Control Fee Ordinance for the City of Neodesha. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a resolution calling for a Public Hearing on July 14, 2021, 2:00 p.m., in the Commission Room, to show cause why the structure located at 911 Illinois should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure. Discussion held.

RESOLUTION NO. 21-12

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 911 ILLINOIS LEGAL DESCRIPTION: LOTS FIVE (5) AND SIX (6), BLOCK FOURTEEN (14), FORD'S ADDITION TO THE 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 11th day of March, 2021, 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 14th day of July, 2021, before the Governing Body of the City at 2:00 p.m. in the Commission Room of City Hall, 1407 N. 8th; at which time the owner, his agent, any lien holder of record and any occupant of the structure located at 911 Illinois 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)*

Commissioner Moffatt moved to adopt Resolution 21-12 setting a public hearing for July 14, 2021 as presented. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding a resolution calling for a Public Hearing on July 14, 2021, 2:00 p.m., in the Commission Room, to show cause why the structure located at 421 N 9th Street should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure. Discussion held.

RESOLUTION NO. 21-13

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 421 N 9th NEODESHA KANSAS LEGAL DESCRIPTION: LOTS ONE (1), TWO (2), THREE (3) AND FOUR (4), BLOCK FOURTEEN (14) OF FORD'S ADDITION TO THE CITY OF NEODESHA 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 11th day of March, 2021 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 14th day of July, 2021, before the Governing Body of the City at 2:00 p.m. in the Commission Room of City Hall, 1407 N. 8th; at which time the owner, his agent, any lien holder of record and any occupant of the structure located at 421 N 9th 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.

Commissioner Nichol moved to adopt Resolution 21-13 setting a public hearing for July 14, 2021 as presented. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding an amendment to the Position Classification and Pay Plan, adding position descriptions that specifically relate to EMS classification for EMT's, AEMT's, and Paramedics. This Resolution also includes an amendment to modify the pay table for Seasonal, Part-time, and temporary employees. Discussion held.

RESOLUTION 21-14

A RESOLUTION AMENDING THE POSITION CLASSIFICATION AND PAY PLAN FOR THE CITY OF NEODESHA, KANSAS, AS ADOPTED BY THE NEODESHA CITY COMMISSION BY RESOLUTION 18-14.

WHEREAS, K.S.A. 12-101 provides that a city may exercise the powers of home rule in determination of local affairs, and the City of Neodesha is a City of the Second Class as defined by Kansas Statute; and

WHEREAS, the management of the City of Neodesha regarding personnel rules, employee classification plans, compensation and related administrative procedures and policies are a permissible exercise of home rule powers, pursuant to K.S.A. 12-101a; and

WHEREAS, the City of Neodesha Governing Body established a pay plan and position descriptions for all City of Neodesha employees in the form of a Position Classification and Pay Plan document to establish an equitable pay system based upon merit performance to be administered by the City Administrator:

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NEODESHA:

That the following amendments be made to the adopted Position Classification and Pay Plan:

- Inclusion of Job Descriptions for a Fire Fighter Paramedic, Fire Lieutenant AEMT, Fire Captain EMT, and Fire Captain AEMT.
- Addition of Fire Fighter Paramedic, Fire Lieutenant AEMT, Fire Captain EMT, and Fire Captain AEMT to the City of Neodesha Fire/EMS Organization Chart.
- Deletion of Job Description for Assistant Fire/EMS Chief.
- Amend Section 4 Pay Tables to add Fire Fighter Paramedic to Grade 4A, Fire Lieutenant AEMT to Grade 5A, Fire Captain EMT to Grade 6, Fire Captain AEMT to Grade 6A, and Fire Captain Paramedic to Grade 6B.
- Amend Section 4 Pay Tables to remove the Assistant Fire/EMS Chief.
- Amend Section 4 Pay Tables to change Pay Grade 00 to a range of \$8.25 to \$14.56.

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- Amend page numbers and the Table of Contents to reflect the above mentioned additions.

Commissioner Moffatt moved to adopt Resolution 21-14 amending the Position Classification and Pay Plan. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding CDBG Contract Amendment 2 related to the City's Gas Line Project to stay in compliance with requirements on contract time. The project requires an additional extension to the contract due to the project failing to reach the final completion date of May 14, 2021. Discussion held.

Commissioner Nichol moved to approve the CDBG Contract Amendment 2 as presented. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the Engineering Contract Amendment 2 for the Gas Line Project. This amendment allows for additional time for the project inspector to remain on site. Discussion held.

Commissioner Moffatt moved to approve Engineering Contract Amendment 2 to the Gas Line Project, at an additional cost of \$20,000. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the request to approve the Annual Access Agreement with BP for monitoring well sampling activity. Discussion held.

Commissioner Nichol moved to approve the 2021 Access Agreement with BP for monitoring well sampling, and to authorize the City Administrator to sign the agreement. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding entering into a modified lease with Zack Mahaffey for ground in the West Granby Business Park. Due to the sale of the property to SICUT, the total available land for farming that was originally leased to Mr. Mahaffey has now been reduced. Discussion held.

Commissioner Moffatt moved to approve the West Granby Business Park Farm Lease with Mr. Zack Mahaffey as presented. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission to consider the sale of 922 N 11th. Discussion held.

Commissioner Nichol moved to convene as the Neodesha Land Bank to discuss the sale of property. Seconded by Commissioner Moffatt. Motion carried. Discussion held.

Commissioner Nichol moved to approve the sale of 922 N 11th Street to Dennis Abbott for the sale price of \$300. Seconded by Commissioner Moffatt. Motion carried.

Commissioner Nichol moved to adjourn as the Neodesha Land Bank and re-convene as the City of Neodesha Governing Body. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the purchase of Main Street Trash Cans and Benches. This expense will be reimbursed by the Neodesha Community Foundation. Discussion held.

Commissioner Moffatt moved to approve the purchase of benches and trash cans for Main Street, at a cost of \$23,218.95. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the purchase of a Public Works Plumbing Truck. Discussion held.

Commissioner Nichol moved to approve the purchase of a plumbing truck for Public Works, at a cost not to exceed \$50,000. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the resignation of a Public Works Department Employee. Discussion held.

Commissioner Moffatt moved to accept the resignation of Public Works employee, Nick Prince, effective May 21, 2021. Seconded by Commissioner Nichol. Motion carried.

Commissioner Nichol moved to recess to an Executive Session including the Governing Body, City Administrator and City Clerk in the Commission Room to discuss an individual employee's performance pursuant to the non-elected personnel matter exception KSA 75-4319(b)(1) because if this matter were discussed in open session it might invade the privacy of those discussed. The open meeting will resume in the Commission Room at 5:15 p.m. Seconded by Commissioner Moffatt. Motion carried. The live streamed Zoom meeting was then placed on hold with audio, video and recording ceased.

At 5:15 p.m. the regular meeting of the Governing Body reconvened in the Commission Room at City Hall. No action taken.

Commissioner Moffatt moved to extend the Executive Session including the Governing Body, City Administrator; and City Clerk in the Commission Room to discuss an individual employee's performance pursuant to

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the non-elected personnel matter exception KSA 75-4319(b)(1) because if this matter were discussed in open session it might invade the privacy of those discussed. The open meeting will resume in the Commission Room at 5:30 p.m. Seconded by Commissioner Nichol. Motion carried. Due to technical difficulties, the live streamed Zoom meeting recording was unable to resume with audio, video and recording.

At 5:30 p.m. the regular meeting of the Governing Body reconvened in the Commission Room at City Hall. No action taken.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, May 26, 2021 at 2:00 p.m.

At 5:40 p.m. Commissioner Nichol moved to adjourn. Seconded by Commissioner Moffatt. Motion carried.

ATTEST:

/s/ Devin Johnson

Devin Johnson, Mayor

/s/ Stephanie Fyfe

Stephanie Fyfe, City Clerk