

Neodesha, Kansas
January 10, 2022

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 Monday, January 10, 2022 with Mayor Johnson presiding and Commissioners Moffatt and Nichol present.

Tom Nichol, duly elected Commissioner of the City of Neodesha on the 2nd day of November, 2021, having subscribed to his Oath of Office, takes his seat as Commissioner.

Commissioner Moffatt moved to approve the agenda as presented with the following additions: Item 3: Consent Agenda; Police Facility: Approval of R & S Construction Invoice; Item 4J: Consider Purchase of Fishing Dock and Item 4K: Consider Replacement of Police Vehicle Motor. 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 December 22, 2021 Commission Meeting; minutes from the December 28, 2021 Special Call Meeting; Appropriation (2021) 23; Raw Water Bond Appropriation 98; and Police Facility: Approval of R & S Construction Invoice. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding an Ordinance providing authority for the structures located at 1015 Oak Street to be demolished and the property to be made safe. Discussion held.

ORDINANCE NO. 1758

AN ORDINANCE AUTHORIZING AND DIRECTING THE REMOVAL OF CERTAIN UNSAFE AND DANGEROUS STRUCTURES LOCATED AT 1015 OAK ON LEGAL DESCRIPTION: LOT 7, LESS 3 FEET OFF THE EAST SIDE, AND ALL OF LOT 8, BLOCK 2, SHUTTS SUBDIVISION, CITY OF NEODESHA, WILSON COUNTY, KANSAS, AUTHORIZING THE FINANCING OF THE COSTS OF SUCH REMOVAL BY THE SALE OF SALVAGE FROM SUCH STRUCTURES, IF ANY, AND/OR FROM THE GENERAL FUND OF THE CITY, AND THE LEVYING OF SPECIAL ASSESSMENTS AGAINST THE LOTS ON WHICH SUCH STRUCTURE IS LOCATED.

WHEREAS, the governing body did after proper notice and hearing as provided by law make findings by Resolution 21-29 dated October 27th, 2021, that the structure hereinafter described as unsafe and dangerous and did direct the owner of such structure to repair or remove the same and make the premises safe and secure, together with the statement that if the owner failed to commence the repair or removal within the time fixed by such resolution or failed to diligently prosecute the same until the work was completed, the city would cause the structure to be razed and removed, and

WHEREAS, such resolution was published in the official city newspaper and copies of such resolution were mailed to each owner, agent, lienholder of record and occupants of such structures and were otherwise served as required by law, and

WHEREAS, the owner has wholly failed to commence the repair or removal of such structures; now therefore
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS:

Section 1: The enforcing officer is hereby authorized and directed to cause the dwelling located at 1015 Oak Street, on legal description: Lot 7, less 3 feet off the East Side, and all of Lot 8, Block 2, Shutts Subdivision, City of Neodesha, Wilson County, Kansas to be razed and removed and the premises be made safe and secure and for this purpose is authorized to invite bids, negotiate a contract, or cause the work to be done by city employees.

Section 2: The enforcing officer shall keep an account of the cost of the work and may sell the salvage from such structures and shall keep an account of the receipts therefrom as provided by law.

Section 3: All costs incurred by the city in the razing and removal of such structures and the making of the premises safe and secure shall be paid from moneys received from the sale of salvage therefrom and all moneys in excess of that necessary to pay such costs shall, after the payment of all costs, be paid to the owner of the premises upon which said structures were located: PROVIDED, that if there is no salvageable material or if moneys received from the sale of salvage is insufficient to pay the cost of such work, such costs or any portion thereof in excess of the amount received from the sale of salvage shall be assessed as a special assessment against the lots on which the structure was located and may be financed until the assessment is paid out of the general fund of the city.

Section 4: EFFECTIVE DATE. This ordinance shall be in full force and effect upon its publication in the official city newspaper.

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Commissioner Moffatt moved to approve Ordinance 1758, directing the removal of certain dangerous and unsafe structures at 1015 Oak Street. Seconded by Commissioner Nichol. Motion carried.

The Governing Body welcomed Dave Arteberry of Stifel, Nicolaus & Company Inc, for a discussion related to project finance for the Gas Line Project. Discussion held. No action taken.

Administrator Truelove addressed the Commission regarding a resolution that has been prepared by bond counsel, Triplett, Woolf & Garretson, and provides the necessary Commission authorization for closing out the City's temporary note financing for the Gas Line Project. Discussion held.

RESOLUTION NO. 22-01

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS
DECLARING IT NECESSARY AND ADVISABLE TO PROVIDE FOR THE GIVING OF
NOTICE OF REDEMPTION OF THE CITY'S GENERAL OBLIGATION RENEWAL
TEMPORARY NOTES, SERIES A, 2021.**

WHEREAS, the City of Neodesha, Kansas (the "City") has previously issued its General Obligation Renewal Temporary Notes, Series A, 2021 (the "2021 Notes") in the original principal amount of \$1,766,000; and WHEREAS, the improvements financed with the proceeds of the 2021 Notes are complete and in connection with the permanent financing thereof it is necessary and desirable to provide for the refunding and redemption of the 2021 Notes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF NEODESHA, KANSAS AS FOLLOWS:

SECTION 1. The City hereby indicates its intent to redeem and refund the 2021 Notes (as defined above) on February 28, 2022 or as soon thereafter as practicable. The City's intent is conditioned upon the issuance of the City's general obligation bonds for such purpose on or before the date indicated.

SECTION 2. The Mayor and City Clerk are hereby authorized and directed to take all such other actions not inconsistent herewith as may be appropriate or desirable to accomplish the purposes contemplated by this Resolution, including, but not limited to, providing any necessary notice of the City's intent to redeem the 2021 Notes and waiving any notice which may otherwise be required and the execution of the Fiduciary Engagement Agreement with the Financial Advisor.

SECTION 3. This Resolution shall take effect and be in force from and after its adoption.

PASSED, ADOPTED AND APPROVED by the governing body of the City of Neodesha, Kansas on the 10th day of January, 2022.

Commissioner Nichol moved to approve Resolution 22-01 as presented. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a resolution amending the City's procurement policy to add certain spending authority for the Assistant to the City Administrator. Discussion held.

RESOLUTION NO. 22-02

**A RESOLUTION AMENDING THE CITY OF NEODESHA PROCUREMENT POLICY; ESTABLISHING AND
CREATING A PURCHASE AND BIDDING PROCEDURE FOR THE PROCUREMENT OF GOODS AND/OR SERVICES
BY THE CITY OF NEODESHA.** *(a complete copy of this resolution can be viewed in the City Clerk's office)*

Commissioner Moffatt moved to adopt Resolution 22-02, amending the City of Neodesha Procurement Policy. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding suggested changes to the Position Classification and Pay Plan Policy. The suggested changes are related to the realignment of work responsibilities, and the placement of the water distribution system work in the Water/Wastewater Department. Also included in this resolution is a 2-percent Cost of Living Adjustment (COLA) pay increase for all positions. An executive session for non-elected personnel was requested to discuss the particulars of certain positions.

Commissioner Nichol moved to recess to an Executive Session including the Governing Body, City Administrator, and the 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 2:45 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 2:45 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.

RESOLUTION 22-03

**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.** *(continued on next page)*

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 for the City of Neodesha:

- Inclusion of job description for a Water/Wastewater Distribution Operator.
- Addition of two Water/Wastewater Distribution Operators to the Water/Wastewater Department organization chart.
- Inclusion of job description for an Electric Groundman.
- Amend the Electric Department organization chart to reflect three Lineman positions.
- Deletion of job description for Assistant Cemetery Sexton/Parks Foreman.
- Deletion of job description for Administrative Assistant/Laborer.
- Amend the Public Works Department organization chart to reflect two Equipment Operator positions.
- Amend Section 4 Pay Tables, to add Water/Wastewater Distribution Operator to Grade 3, and Electric Groundman to Grade 4.
- Amend Section 4 Pay Tables, to remove the Assistant Cemetery Sexton/Parks Foreman, and the Administrative Assistant/Laborer.
- Amend Section 4 Pay Tables, to add a two-percent Cost of Living Adjustment (COLA) for Budget Year 2022.
- Amend Table of Contents, organization charts, and page numbers to reflect the above-mentioned changes.

ADOPTED AND APPROVED by the governing body of the City of Neodesha, Kansas this 10th day of January, 2022.

Commissioner Moffatt moved to approve Resolution 22-03, amending the Position Classification and Pay Plan. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the purchase of electric transformer equipment. Discussion held.

Commissioner Nichol moved to approve the purchase of transformer equipment from T & R Electric at a cost not to exceed \$76,120. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the 2022 Contract for 4th of July Fireworks. This item was originally tabled from the December 22, 2021 meeting. Staff has been in contact with the fireworks provider, and we have not received the draft contract as of this date. Discussion held.

Commissioner Moffatt moved to table this item until the January 26, 2022. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the current condition of our water distribution system. Jay Bair, Water Superintendent, was present by Zoom to aid in the discussion. No action taken.

Administrator Truelove addressed the Commission regarding the City's current software applications, and the perceived need to change software providers. Discussion held. No action taken.

Administrator Truelove addressed the Commission regarding the purchase of a fishing dock. At the August 25, 2021 meeting, the Governing Body approved accepting the KS Wildlife and Parks grant through the Community Fisheries Assistance Program. The grant is a 75/25 matching grant and must be used to improve fishing at the pond. Discussion held.

Commissioner Nichol moved to approve the purchase of a fishing dock from Pond King, at a cost not to exceed \$21,782. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the consideration of replacing the motor in the police department pickup truck. Discussion held.

Commissioner Moffatt moved to approve the quote from D & D Automotive for replacing a motor, at a cost not to exceed \$11,000. Seconded by Commissioner Nichol. Motion carried.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, January 26, 2022 at 2:00 p.m.

At 3:20 p.m. Commissioner Moffatt moved to adjourn. Seconded by Commissioner Nichol. Motion carried.

/s/ Devin Johnson

Devin Johnson, Mayor

ATTEST:

/s/ Stephanie Fyfe

Stephanie Fyfe, City Clerk