

The Board of Commissioners met in regular session at 2:00 p.m., on Wednesday, February 22, 2023, in the Commission Room at City Hall conducting the meeting by live streaming with Zoom with Mayor Johnson presiding and Commissioners Moffatt and Nichol present.

Commissioner Moffatt moved to approve the agenda as presented. Seconded by Commissioner Nichol. Motion carried.

Commission reports were heard.

City Administrator reports were heard.

Public Comments were invited and heard.

Commissioner Nichol moved to approve the consent agenda as presented consisting of minutes from the February 8, 2023 Meeting; and Appropriation (2023) 03. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding repealing the KS Fiber Network Franchise Agreement. Discussion held.

#### **ORDINANCE NO. 1779**

**AN ORDINANCE REPEALING ORDINANCE 1654 OF THE CITY OF NEODESHA, WILSON COUNTY, KANSAS, RELATING TO A TELECOMMUNICATIONS FRANCHISE WITH KANSAS FIBER NETWORK.**

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

Section 1: That ordinance 1654 is hereby repealed.

Section 2: EFFECTIVE DATE. This ordinance shall be in full force and effect upon its publication in the official city newspaper.

Commissioner Moffatt moved to approve Ordinance 1779, repealing the KS Fiber Network Franchise Agreement. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding an Ordinance that modifies the City's utility fee structure Ordinance. The amendment to the ordinance is related to the electric utility monthly customer meter fee. Also included in the amendment to the original ordinance is adding the fee structure for dumpster rental rates. Discussion held.

#### **ORDINANCE NO. 1780**

**AN ORDINANCE AMENDING SECTION 16-36 OF CHAPTER 16 OF THE CITY OF NEODESHA CODE REGARDING FEES FOR UTILITIES PROVIDED BY THE CITY OF NEODESHA, WILSON COUNTY, KANSAS AND REPEALING OLD SECTION 16-36 OF CHAPTER 16 OF THE CITY OF NEODESHA CODE.**

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

**Section One:** Section 16-36 of Chapter 16 of the City of Neodesha Code shall be amended to read as follows:

Sec. 16-36. - Utilities.

- a) Service connection fees:
  1. Electricity: \$50.00.
  2. Gas: \$50.00.
  3. Water: \$50.00.
- b) Transfer fee: \$25.00.
- c) Reconnect fees for non-payment: \$50.00
- d) Returned check NSF fee: \$30.00.
- e) Natural gas:
  1. Residential service, monthly rates:
    - a. Meter service charge: \$14.00 per month per meter.
    - b. Commodity charge: \$0.816 per Ccf, plus the cost of gas adjustment.
  2. Commercial service, monthly rates:
    - a. Meter service charge: \$16.00 per month per meter.
    - b. Commodity charge: \$0.816 per Ccf, plus the cost of gas adjustment.
  3. Industrial service, monthly rates:
    - a. Meter service charge: \$18.00 per month per meter.
    - b. Commodity charge: \$0.816 per Ccf, plus the cost of gas adjustment.
  4. Large volume service. Must remain on this rate for the 12-month calendar year.
    - a. Customer charge: \$55.00 per month (includes multiple locations/meters).
    - b. Meter service charge: \$18.00 per month per meter.
    - c. Commodity charge:
      - (1) The first 500 Ccf (0—500) at \$0.795 per Ccf.
      - (2) The next 1500 Ccf (501—2000) at \$0.774 per Ccf.
      - (3) The next 3500 Ccf (2001—5500) at \$0.742 per Ccf.
      - (4) All over 5500 Ccf (5501+) at \$0.721 per Ccf, plus the cost of gas adjustment applied to all Ccf.

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f) Water rates:

1. Residential and commercial:

Year	Customer Meter Charge	Each Gallon
2023	19.48	0.00849
2024	19.87	0.00866
2025	20.06	0.00884

2. Industrial customers for the first 100,000 gallons the rate shall be per month:

Year	Customer Meter Charge	Each Gallon
2023	19.48	0.00849
2024	19.87	0.00866
2025	20.06	0.00884

a. For all water in excess of 100,000 gallons the rate per month shall be:

Year	Excess of 100,000 each Gallon
2023	0.00728
2024	0.00743
2025	0.00758

2. Bulk water sales at Water Plant:

- a. 90 gallons for \$1.00

3. Customers outside of City limits:

Year	Customer Meter Charge	Each Gallon
2023	24.35	0.01062
2024	24.83	0.01083
2025	25.33	0.01105

4. Water reconnect fees when service is terminated for violating water supply emergency restrictions:

- a. First reconnection: \$50.00.  
b. Second reconnection: \$200.00.  
c. Third reconnection: \$300.00.

5. Water backflow preventer testing fees.

- a. First unit \$150.00; additional units \$100.00 each.  
b. Re-testing: \$100.00 per unit.

g) Electric rates.

1. Residential and Urban Customers:

- a. Customer charge: \$16.00 per month per meter.  
b. Energy: \$0.083 per kWh.  
c. Minimum: The customer charge.

2. Commercial Customers:

- a. Customer charge: \$25.00 per month per meter.  
b. Energy: \$0.083 per kWh.  
c. Minimum: The customer charge.

3. Industrial Customers:

- a. Customer charge: \$100.00 per month per meter.  
b. Energy: \$0.075 per kWh.  
c. Minimum: The customer charge.

4. Large volume industrial customer rate: Large volume industrial customers shall be billed at the rate of \$0.06 per kWh for any monthly usage that exceeds 200,000 kilowatt-hours. During those months when usage exceeds 400,000 kilowatt-hours, the large volume industrial customer shall be billed at the rate of \$0.06 per kWh for all usage, and in no case shall be lower than the city's actual cost to purchase power. Large volume rates shall be subject to the same cost adjustment as all other electric rates. The rates set forth in this section are based on a standard base cost of \$0.045 per kWh.

5. Hi-Lighters:

- a. Installation charge: \$150.00.  
b. Installation charge with installation of pole: \$450.00.

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c. Monthly charge: \$7.50.

h) Sewer Rates:

1. Residential/Commercial/Industrial:

Year	Customer Meter Charge	Each Gallon
2023	21.53	0.00442
2024	21.75	0.00446
2025	21.97	0.00450

a. For residential customers the monthly user charge will be based on the average monthly water usage during the months of December, January and February. If a residential customer has not established an average for December, January and February, his monthly user charge shall be the median charge of all other residential contributors.

b. Industrial/Commercial: User charges shall be based on the water used during the current month.

b.1. If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on a wastewater meter or separate water meter installed and maintained at the contributor's expense, and in a manner acceptable to the City.

2. Customers Outside City Limits:

Year	Customer Meter Charge	Each Gallon
2023	26.92	0.00552
2024	27.19	0.00558
2025	27.46	0.00564

i) Solid waste collection and disposal:

1. Residential/Commercial/Industrial

<i>Refuse Rates</i>	<i>Monthly Rate</i>	<i>Additional Container</i>
Residential rate per dwelling unit	\$13.00	
Commercial minimum rate	\$22.00	
Shared dumpsters (1 shared by 2 or more businesses)	\$22.00	n/a
Once a week collection (first container)	\$22.00	\$18.00
Two collections per week (first container)	\$35.00	\$31.00
Three collections per week (first container)	\$47.00	\$41.00
Four collections per week (first container)	\$58.00	\$51.00
Five collections per week (first container)	\$70.00	\$61.00
Service outside city limits (125% of the city rate)		

2. Dumpster Rental Rates:

- a. \$50 per day.
- b. \$150 per week.
- c. \$75 per weekend.
- d. Dumped once per day (M-F).
- e. Dumpster rental fees shall be prepaid at City Hall prior to dumpster delivery.

j) Stormwater fee: \$3.00 per water meter per month.

**Section Two:** Old Section 16-36 of Chapter 16 of the Code of the City of Neodesha is hereby repealed.

**Section Three: EFFECTIVE DATE.** This ordinance shall be in full force and effect after its publication in the official city newspaper for the March 30, 2023 billing date.

Commissioner Nichol moved to approve Ordinance 1780, modifying the City's utility fee Ordinance. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a Resolution that repeals previously approved Resolution 22-08 that established a policy that allowed the Neodesha Fire Department to fill private swimming pools. Discussion held.

Commissioner Moffatt moved to adopt Resolution 23-04, repealing Resolution 22-08 relating to a City pool fill policy. Seconded by Commissioner Nichol.

Administrator Truelove addressed the Commission regarding the 2023 4<sup>th</sup> of July Fireworks display. The City received two quotes, one from Stellar Fireworks and the other from Rainbow Fireworks. Discussion held.

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Commissioner Nichol moved to approve the contract with Rainbow Fireworks for the 2023 4<sup>th</sup> of July celebration, at a cost of \$9,000. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the approval of the Ambulance Service Agreement with Wilson County for the calendar year 2023. This agreement provides additional financial assistance with Wilson County for the provision of ambulance services. Discussion held.

Commissioner Moffatt moved to approve the agreement with Wilson County for ambulance services as presented. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the agreement with Flock Safety for the placement of two cameras in town that would capture license plate data. Discussion held.

Commissioner Nichol moved to approve the agreement with Flock Safety, at a cost not to exceed \$5,700. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the continuation of a solar project with Priority Power Management. Discussion held.

Commissioner Moffatt moved to terminate the Project Approval Notice and Development Services Terms, dated July 13, 2022, with POW Solar LLC, and direct the City Administrator to provide the required 30-day notice. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the appointment of Electric Superintendent Brandon Hearn as the City's KMEA Director No 1. Discussion held.

Commissioner Nichol moved to appoint Brandon Hearn as KMEA Director No 1. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the consideration of a Special Purpose Vehicle (SPV) Ordinance, and if so, what type of vehicles should be included in such an Ordinance. Discussion held. No action taken.

Administrator Truelove addressed the Commission regarding the continued use of privatized mowing for certain City-owned properties. Discussion held. No action taken.

Administrator Truelove addressed the Commission regarding the consideration of increasing the fees charged for obtaining a permit to operate retail fireworks stands in the City of Neodesha. Discussion held. No action taken.

Administrator Truelove addressed the Commission regarding the resignation of Judge Tod Davis. Discussion held.

Commissioner Moffatt moved to accept the resignation of Judge Tod Davis, effective May 1, 2023. Seconded by Commissioner Nichol. Motion carried. The Governing Body wishes Judge Davis good luck with his new endeavors.

Administrator Truelove addressed the Commission regarding the appointment of a new Municipal Court Judge. Discussion held.

Commissioner Nichol moved to appoint John Chenoweth as the Neodesha Municipal Court Judge, effective May 1, 2023. Seconded by Commissioner Moffatt. Motion carried.

At 4:10 p.m. Commissioner Moffatt requested a 5-minute recess. Seconded by Commissioner Nichol. Motion carried. The live streamed Zoom meeting was then placed on hold with audio, video and recording ceased.

At 4:15 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.

Commissioner Nichol moved to recess to an Executive Session including the Governing Body, City Administrator, and City Clerk in the Commission Room for the purpose of preliminary discussions relating to the acquisition of real property, per KSA 75-4319(B)(6). The open meeting will resume in the Commission Room at 4:40 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 4:40 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 Moffatt 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 5:05 p.m. Seconded by Commissioner Nichol. Motion carried. The live streamed Zoom meeting was then placed on hold with audio, video and recording ceased.

At 5:05 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.

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Neodesha, Kansas  
February 22, 2023

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The next regular meeting of the Governing Body will be held at City Hall on Wednesday, March 8, 2023 at 2:00 p.m.  
At 5:05 p.m. Commissioner Nichol moved to adjourn. Seconded by Commissioner Moffatt. Motion carried.

/s/ Devin Johnson

Devin Johnson, Mayor

ATTEST:

/s/ Stephanie Fyfe

Stephanie Fyfe, City Clerk