

The Board of Commissioners met in regular session at 2:00 p.m., on Wednesday, April 26, 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 with the addition of Business Item 40: Temporary Variance for 502 N 8th Street. Seconded by Commissioner Nichol. Motion carried.

Commission reports were heard.

City Administrator reports were heard.

Community Development Director reports were heard.

Public Comments were invited and heard.

Commissioner Nichol moved to approve the consent agenda as presented consisting of minutes from the April 12, 2023 Meeting; and Appropriation (2023) 07. Seconded by Commissioner Moffatt. Motion carried.

Mayor Johnson read a proclamation designating May 7 – 13, 2023 as Drinking Water Week recognizing that drinking water serves as a vital role in daily life, serving an essential purpose to health, hydration and hygiene needs for the quality of life that our citizens enjoy. Thank you to Jay Bair and his crew at the Water Plant for the transportation of high-quality drinking water from its source to consumers taps.

Mayor Johnson read a proclamation designating the week of May 1 - 7, 2023 as Public Service Recognition Week, honoring the accomplishments and contributions of all government employees at all levels. A special thank you was given to all City of Neodesha employees.

The Governing Body welcomed Dave Arteberry, Stifel, Nicolaus & Co, by Zoom, for review of the plan on issuing bonds for the Water/Sewer Project. Discussion held. No action taken.

Administrator Truelove addressed the Commission regarding an Ordinance directing the removal of certain dangerous and unsafe structures for the property at 1316 N 4th Street. Staff has been informed that the property had been sold to new owners before the Ordinance could be brought before the Governing Body. Discussion held.

Commissioner Moffatt moved to rescind the abatement process for 1316 N 4th Street due to the sale of the property. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the property located at 1017 Grant Street. The demolition of this dangerous and unsafe structure has been conducted by the homeowner. Discussion held.

Commissioner Nichol moved to rescind the abatement process for 1017 Grant Street due to the property being brought into code compliance. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding suggested changes to the Personnel Policy Manual. Discussion held.

RESOLUTION 23-06

A RESOLUTION AMENDING THE PERSONNEL POLICIES FOR THE CITY OF NEODESHA, KANSAS, AS ADOPTED BY THE NEODESHA CITY COMMISSION BY RESOLUTION 18-13, AND REPEALING RESOLUTION 20-02 REGARDING FIRE DEPARTMENT STANDBY PAY.

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 personnel policies and rules in the form of a Personnel Policy Manual by the Neodesha City Commission as a policy directive to guide the City Administrator and the employees of the City of Neodesha in their duties as employees of the City consistent with the permissible exercise of home rule powers;

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

That the following amendments be made to the adopted Personnel Policy Manual:

- Amend Section 2 Employment; 2.17 Residency to read:

2.17 Residency:

With the exception of the City Administrator and City Clerk, City employees are not required to live within the city limits of Neodesha. City Police, Fire/EMS, Electric, Gas, and Water Distribution personnel must be able to respond within 30 minutes of being called to duty. It will be the responsibility of the Department Head to monitor the response times of employees. Failure of an employee to respond with the maximum allowable response time may result in disciplinary action up to and including termination.

- Amend Section 5 Compensation; 5.5 Overtime to read:

5.5 Overtime

Overtime shall be paid in accordance with FLSA to non-exempt employees at the rate of one and one-half (1.5) times regular pay for hours in excess of required actual hours worked in a defined pay cycle or pay period. The hours required within pay cycles and pay periods before overtime is paid are as follows:

(continued on next page)

- a. Police employees: One hundred seventy-two (172) hours in a twenty-eight (28) day work cycle.
- b. Fire employees: Two hundred twelve (212) hours in a twenty-eight (28) day work cycle.
- c. All other City employees: All hours worked in excess of forty (40) hours in a seven (7) day period.

All overtime must take place at the direction of a Department Head and approved by the City Administrator or his/her designee. An employee cannot claim overtime without being directed to perform overtime by an authorized person.

For an emergency call-out, an employee shall qualify for overtime, regardless of the number of hours worked during the week. Emergency call-outs shall be certified by the Department Director.

- Amend Section 5 Compensation; Delete 5.9 Fire Department Employee Standby Pay.
- Amend Section 5 Compensation; 5.10 Standby Requirements to read:

5.9 Standby Requirements

An employee placed on Standby must be and remain able to perform the work they are expected to be called out to perform. The following requirements must be met when on Standby:

- a. The Standby employee must remain subject to call and have a cell phone on their person during the time of Standby. The employee must remain within thirty (30) minutes response time of the City.
- b. An employee is prohibited from being under the influence of alcohol, prescription drugs, and any illegal or controlled substances that would impair the individual from being able to perform the task they are receiving Standby pay to perform.
- c. An employee must be physically able to perform their duties when called upon.
- d. Any employee who is called into work while on Standby and is impaired for any reason, including items (b) and (c) above, will be sent home, forfeit any pay received for Standby back to the last time the employee was on duty; and further, will be subject to disciplinary action.
- e. Any employee called into work while on Standby and fails to do so, or calls another employee or individual to report for them, will forfeit any pay received for Standby back to the last time the employee was on duty and will be subject to a review of the situation by the employee’s Supervisor and the City Administrator.
- f. Acceptable reasons for not being able to report to duty when called upon include, but are not necessarily limited to, an immediate family emergency or illness, a vehicle accident when responding to work while on Standby, or extreme weather conditions. All such reasons shall be acceptable when reporting to his or her immediate Supervisor when not being able to respond.

- Amend Section 5 Compensation: Add 5.10 Electric Lineman Training and Retention Pay; Neodesha Electric Department employees classified as Electric Linemen shall be offered the opportunity to enroll in a four-year Lineman training program. Upon successfully completing each year of training, the employee classified as an Electric Lineman shall receive a one dollar pay increase. Additionally, employees classified as Electric Linemen shall receive retention pay in the amount of \$2,000, after taxes have been withheld. Such retention pay shall be included in the last full pay period of the year, in recognition of retaining their position with the City of Neodesha for the previous 12 months.

- Amend Section 8 Employee Leaves; 8.3 Vacation Leave to read:

8.3 Vacation Leave

Vacation leave shall be earned and accrued from the day of employment under the conditions herein stated. Vacation leave shall be granted to the employee upon accrual, but must be approved by the Department Director. Vacation time shall be accrued as follows:

- a. Regular Full-Time employees will accrue vacation with pay in accordance with the following accrual schedule:

Years of Continuous Service	1-10	11-15	16-20	21-25	26+
Hours per Year (maximum)	96	120	160	200	240
Hours per Pay Period	3.7	4.6	6.15	7.69	9.23

An employee may accrue up to a maximum of 240 hours. After that they will not accrue any more hours until they have used some of their balance.

- a. Regular Part-Time Employees: Regular Part-Time employees working at least twenty (20) hours a week shall accrue vacation at the rate of one-half (1/2) the accrual rate of Regular Full-time employees. Non-Regular Part Time employees, seasonal employees and temporary employees shall not earn vacation leave.
- b. Scheduling: Vacation leave shall be scheduled with the employee’s Supervisor and/or Department Head. In cases where the requested vacation schedules of two or more employees would adversely affect the efficient operation of the city, vacation leave shall be granted on a first come, first served basis at the discretion of the Department Head.
- c. Holidays during vacation: City holidays occurring during an employee’s authorized vacation shall not be considered a vacation day.
- d. Minimum Hours: Vacation leave shall not be expended in increments of less than one (1) hour.
- e. Termination: An employee shall be compensated for all accrued and unused vacation at their final rate of pay upon termination.

- Amend Section 8 Employee Leaves; 8.4 Sick Leave to delete the statement:
** Employees hired prior to 2001 have the option to stay with the previous Sick Leave policy if they desire. Appendix "E" form must be completed by each of those employees. Once the selection has been made the employee will not be able to change it.
- Delete Appendix "E": Sick Leave Policy Option Selection.
- Amend page numbers, Appendix letters, and the Table of Contents to reflect the above-mentioned amendments.

BE IT FURTHER RESOLVED that Resolution 20-02 is hereby repealed.

Commissioner Moffatt moved to adopt Resolution 23-06 as presented. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding a Resolution amending the Position Classification and Pay Plan. This resolution changes the pay grade of Lineman to Grade 7. Discussion held.

RESOLUTION 23-07

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 for the City of Neodesha:

- Amend Section 4 Pay Tables, to move Electric Lineman to grade 7.
- Amend Table of Contents and Electric Lineman Position Description to reflect the above-mentioned change.

Commissioner Nichol moved to adopt Resolution 23-07 as presented. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding Right-of-Way Agreements for Evergy Energy Co, for the installation of a new powerline in the area of N 4th Street. Discussion held.

Commissioner Moffatt moved to approve the Right-of-Way agreement with Evergy Energy Co as presented. Seconded by Commissioner Nichol. Motion carried.

The Governing Body welcomed Erica Johnson, Director of Marketing, Wilson Medical Center, and Miranda Carpenter, by Zoom, for a presentation and approval of the Pathways to a Healthy Community Pledge document. Discussion held.

Commissioner Nichol moved to approve the Pathways to a Healthy Community Pledge, and authorize the Mayor to sign. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the purchase of a police vehicle. Discussion held.

Commissioner Moffatt moved to approve the purchase of a police vehicle from Superior Emergency Response Vehicles, at a cost not to exceed \$46,544.40. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the purchase of a lift station pump. Discussion held.

Commissioner Nichol moved to approve the purchase of a lift station pump from Enviro-Line Co Inc, at a cost not to exceed \$8,000. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding an alley paving project. Discussion held.

Commissioner Nichol moved to approve the alley paving project in the 500 block of Main Street, by Jeff Hull Paving, at a cost not to exceed \$16,307. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the purchase of wayfinding signage for the City of Neodesha. Discussion held.

Commissioner Moffatt moved to approve the purchase of wayfinding signage from CDL Electric, at a cost not to exceed \$9,000. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding repairs to numerous sidewalk locations on Main Street and 8th Street. Information was provided and discussion held related to the sidewalk repair cutting processes and cost.

Commissioner Nichol moved to approve the sidewalk repair project, with Precision Concrete Cutting, at a cost not to exceed \$12,000. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a residential zoning variance at 502 N 8th Street to allow the new property owner to reside in a camper during the remodel of the house located at 506 N 8th Street. Discussion held.

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Commissioner Moffatt moved to approve a residential zoning variance at 502 N 8th Street, with such variance to expire November 1, 2023. Seconded by Commissioner Nichol. Motion carried.

Commissioner Nichol moved to recess to an Executive Session to include only the Governing Body 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 3:45 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 3:45 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.

Commissioner Moffatt moved to extend the Executive Session to 4:00 p.m. including the Governing Body, City Administrator and City Clerk. Seconded by Commissioner Nichol. Motion carried. The live streamed Zoom meeting was then placed on hold with audio, video and recording ceased.

At 4:00 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 extend the Executive Session to 4:05 p.m. including the Governing Body, City Administrator and City Clerk. Seconded by Commissioner Nichol. Motion carried. The live streamed Zoom meeting was then placed 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 extend the Executive Session to 4:12 p.m. including the Governing Body, City Administrator and City Clerk. Seconded by Commissioner Moffatt. Motion carried. The live streamed Zoom meeting was then placed on hold with audio, video and recording ceased.

At 4:12 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 approve the City Administrator contract with Eddy R Truelove as presented. Seconded by Commissioner Nichol. Opposed by Mayor Johnson. Motion passed 2 – 1.

Mayor Johnson addressed the Commission regarding the resignation of Commissioner Tom Nichol. Commissioner Nichol has served the City as a Commissioner since his appointment February 12, 2020. Commissioner Nichol read a heartfelt letter of thanks and appreciation for his service to this community.

Mayor Johnson moved to accept Commissioner Tom Nichol's resignation, effective at the end of today's meeting. Seconded by Commissioner Moffatt. Motion carried.

Before the meeting closed, Administrator Truelove was then allowed to read a prepared statement, at the request of the Mayor. The statement began with thanking the Governing Body for approving his employment contract today, and ended with declaring his long-range employment plans with the City.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, May 10, 2023 at 2:00 p.m.

At 4:32 p.m. Commissioner Moffatt moved to adjourn. Seconded by Commissioner Nichol. Motion carried.

ATTEST:

/s/ Devin Johnson

Devin Johnson, Mayor

/s/ Stephanie Fyfe

Stephanie Fyfe, City Clerk