

Neodesha, Kansas
May 8, 2024

The Board of Commissioners met in regular session at 2:00 p.m., on Wednesday, May 8, 2024, in the Commission Room at City Hall with Mayor Johnson presiding and Commissioners Banzet and Vail-Keller present. Live streaming with Zoom was unavailable due to internet and technical issues.

Commissioner Vail-Keller moved to approve the agenda as presented with the modification of Business Item 4G: Resolution: Amend UTV Fee Structure to an Ordinance; and Item 4I: Amend Position Classification & Pay Plan Policy Resolution No from 24-10 to 24-09. Seconded by Commissioner Banzet.

Civic organization reports were invited and heard.

Public comments were invited and heard.

Commissioner Banzet moved to approve the consent agenda as presented consisting of minutes from the April 24, 2024 meeting; minutes from the April 26, 2024 Special Call Meeting; Appropriation (2024) 8; and Water System Improvements Bond 7. Seconded by Commissioner Vail-Keller. Motion carried.

Mayor Johnson read a proclamation designating the week of May 12 – 18, 2024 as National Police Week, and to further recognize May 15, 2024 as Peace Officers' Memorial Day. A special thanks was given to Chief Sam Tomlinson and the Neodesha Police Department for their dedication and service to our community.

Mayor Johnson read a proclamation designating May 19 – 25, 2024 as the 50th Anniversary for Emergency Medical Services Week: Honoring our Past, Forging our Future. A special thanks was given to Chief Keenan Fyfe and the Neodesha Fire/EMS Department for their dedication and service to our community.

Administrator Jones addressed the Commission regarding an Ordinance on changes to the City's utility rate structure. Changes made include verbiage, additions for uniformity, and a change to residential sewer charge consumption calculations. Discussion held.

ORDINANCE NO. 1802

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) Service 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.

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, plus the cost of electric adjustment.
 c. Minimum: The customer charge.

2. Commercial Customers:

- a. Customer charge: \$25.00 per month per meter.
 b. Energy: \$0.083 per kWh, plus the cost of electric adjustment.
 c. Minimum: The customer charge.

3. Industrial Customers:

- a. Customer charge: \$100.00 per month per meter.

- b. Energy: \$0.075 per kWh, plus the cost of electric adjustment.
- 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.
 - 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 user charges shall be based on the water used during the current month.
- 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 May 31, 2024 billing date.

Commissioner Vail-Keller moved to adopt Ordinance 1802 as presented. Seconded by Commissioner Banzet. Motion carried.

Administrator Jones addressed the Commission regarding a resolution calling for a public hearing on June 26, 2024, to show cause why the structure located at 1008 Tank Street should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure. Discussion held.

RESOLUTION NO. 24-06

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 1008 TANK STREET; LEGAL DESCRIPTION: LOTS 11-14, BLOCK 3, DEER & MORRIS 1ST 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, Brogan Jones, the Enforcement Officer of the City of Neodesha, did on the 15th day of February, 2024, 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 26th day of June, 2024, 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 **1008 Tank Street** 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 Banzet moved to adopt Resolution 24-06 setting a public hearing for June 26, 2024 at 2:00 p.m. as presented. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Jones addressed the Commission regarding a resolution calling for a public hearing on June 26, 2024, to show cause why the structure located at 1007 Seward should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure. Discussion held.

RESOLUTION NO. 24-07

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 1007 SEWARD STREET; LEGAL DESCRIPTION: LOTS 3 & 4, BLOCK 2, BLAKESLEE'S 2ND ADDITION, 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, Brogan Jones, the Enforcement Officer of the City of Neodesha, did on the 15th day of February, 2024, 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 26th day of June, 2024, 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 **1007 Seward Street** 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 Vail-Keller moved to adopt Resolution 24-07 setting a public hearing for June 26, 2024 at 2:00 p.m. as presented. Seconded by Commissioner Banzet. Motion carried.

Administrator Jones addressed the Commission regarding a resolution calling for a public hearing on June 26, 2024, to show cause why the structure located at 1024 Seward should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure. Discussion held.

RESOLUTION NO. 24-08

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 1024 SEWARD STREET LEGAL DESCRIPTION: LOTS 31 & 32, BLOCK 1, BLAKESLEE 2ND ADDITION, 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, Brogan Jones, the Enforcement Officer of the City of Neodesha, did on the 15th day of February, 2024, 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 26th day of June, 2024, 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 **1024 Seward Street** 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 Vail-Keller moved to adopt Resolution 24-08 setting a public hearing for June 26, 2024 at 2:00 p.m. as presented. Seconded by Commissioner Banzet. Motion carried.

Administrator Jones addressed the Commission regarding an Ordinance amending the UTV Fee Structure rates. This amendment allows for registration fees to be prorated in certain circumstances. Discussion held.

ORDINANCE NO. 1803

AN ORDINANCE AMENDING SECTION 16-34 OF CHAPTER 16 OF THE CITY OF NEODESHA CODE REGARDING PERMIT FEES TO OPERATE SPECIAL PURPOSE VEHICLES IN THE CITY OF NEODESHA, WILSON COUNTY, KANSAS AND REPEALING OLD SECTION 16-34 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 16-34 of Chapter 16 of the City of Neodesha Code shall be amended to read as follows: Sec. 16-34. - Traffic and Vehicles.

- Special Purpose Vehicle Permit fees:
 - o \$150.00 per calendar year.
 - o Permits can be purchased through-out the year and prorated for the time of purchase down to a minimum of \$50.00 (\$12.50 per month.)
 - o \$50.00 for replacement of lost permit.

Section Two: Old Section 16-34 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 upon adoption.

Commissioner Vail-Keller moved to adopt Ordinance 1803 as presented. Seconded by Mayor Johnson with Commissioner Banzet voting nay. Motion passed 2 – 1.

Administrator Jones addressed the Commission regarding the approval of adding a new position to the City's Position Classification & Pay Plan Policy for a Building Inspector/Facilities Manager. Discussion held.

Commissioner Banzet moved to approve the addition of Building Inspector to the City's Position Classification & Pay Plan Policy and to remove the Facilities Manager portion of the job description. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Jones addressed the Commission regarding a resolution that officially adopts the Building Inspector position into policy. Other changes included modifications to the Utility Billing Supervisor job description. Discussion held.

RESOLUTION 24-09

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 include Building Inspector, pay grade 6
- Amend Table of Contents and add Building Inspector Description to reflect the above-mentioned change.
- Amend Position Description of Utility Billing Supervisor

Commissioner Vail-Keller moved to adopt Resolution 24-09 as presented with the exception of removing the Facilities Manager from the title and description listing. Seconded by Commissioner Banzet. Motion carried.

Administrator Jones addressed the Commission regarding the purchase of water meters for the final phase of the automated metering project for the water department. Discussion held.

Commissioner Banzet moved to approve the purchase of water meters from Border States in an amount not to exceed \$17,000. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Jones along with Chief Fyfe addressed the Commission regarding a quote received for the repair of the Fire Department's 2002 ladder truck. Discussion held.

Commissioner Banzet moved to approve the quote from Emergency Apparatus Maintenance Inc, for the repair of the 2002 ladder truck in an amount not to exceed \$16,000. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Jones along with Chief Fyfe addressed the Commission regarding bids received to repair the north wall of the Fire/EMS Station that was damaged during the demolition of the buildings located at 4th & Main. Discussion held.

Commissioner Banzet moved to approve the bid from Royal T Construction to repair the north wall of the Fire/EMS Station in an amount not to exceed \$18,675. Seconded by Mayor Johnson with Commissioner Vail-Keller voting nay. Motion passed 2 – 1.

Administrator Jones along with Chief Fyfe addressed the Commission regarding bids received to repair and replace the damaged sidewalk and curb apron in front of the Fire/EMS Station. Discussion held.

Commissioner Banzet moved to table this agenda item to the May 22, 2024 meeting. Seconded by Commissioner Vail-Keller. Motion carried.

Neodesha Area Chamber of Commerce Director Robyn Pierce addressed the Commission regarding a donation request for the Chamber's Hometown Days event. Discussion held.

Commissioner Banzet moved to approve the donation of \$2,500 to the Neodesha Area Chamber of Commerce Hometown Days event from the Economic Development Fund. Seconded by Commissioner Vail-Keller. Motion carried.

Administrator Jones addressed the Commission regarding appointments to the Neodesha Housing Authority Board. Discussion held.

Commissioner Banzet moved to reappoint Janie Steele to the Neodesha Housing Authority Board for a 4-year term, set to expire on May 31, 2028. Seconded by Commissioner Vail-Keller. Motion carried.

Commissioner Vail-Keller moved to appoint Terri Green to the Neodesha Housing Authority Board for a 4-year term, set to expire on May 31, 2028. Seconded by Commissioner Banzet. Motion carried.

At 4:00 p.m. Commissioner Vail-Keller requested a 10-minute recess. Seconded by Commissioner Banzet. Motion carried.

At 4:10 p.m. the regular meeting of the Governing Body reconvened in the Commission Room at City Hall. Commission reports were heard.

City Administrator reports were heard.

Community Development Director Reports were heard.

Financial reports were not available at this time due to internet issues.

Commissioner Banzet 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 4:45 p.m. Seconded by Commissioner Vail-Keller. Motion carried.

At 4:45 p.m. the regular meeting of the Governing Body reconvened in the Commission Room at City Hall. The next regular meeting of the Governing Body will be held at City Hall on Wednesday, May 22, 2024 at 2:00 p.m.

At 4:45 p.m. Commissioner Banzet moved to adjourn. Seconded by Commissioner Vail-Keller. Motion carried.

ATTEST:

/s/ Devin Johnson

Devin Johnson, Mayor

/s/ Stephanie Fyfe

Stephanie Fyfe, City Clerk