

# Agenda

City Commission of the City of Neodesha, KS

ZOOM Online Access: <https://us02web.zoom.us/j/6203252828>

February 24, 2021 2:00 p.m.

## Item 1: Opening Session

- Call to Order
- Roll Call
- Invocation
- Pledge of Allegiance
- Additions/Deletions to the Agenda
- Mayor's Report
- Commissioners' Reports
- City Administrator's Comments
- Community Development Director Report

## Item 2: Public Comments

Item 3: Consent Agenda (Routine agenda items can be approved with unanimous consent of the City Commission. Any item can be removed and placed in items of business.)

- Approval of February 10, 2021 Minutes
- Appropriation (2021) 03

## Item 4: Business Items to Consider

- A. Resolution: Amending Personnel Policy Manual; Utility Employee Standby Pay
- B. Appoint Interim Fire Chief / Interim EMS Director
- C. KDOT Non-Infrastructure Project Request
- D. Purchase of Cemetery Plots from American Legion
- E. Discuss Utility Payment Extension for 2021 Energy Emergency

## Item 5: Date/Time of Next Regular Meeting

Wednesday, March 10, 2021 at 2:00 p.m. – Regular Meeting, City Hall

## Item 6: Executive Session: Non-elected Personnel

## Item 7: Adjournment

**AGENDA COMMENTS**  
**CITY COMMISSION MEETING**  
**ZOOM Online Access**  
**February 24, 2021**

**Additions to the Agenda**

**RECOMMENDED MOTION:** *I move to approve the agenda as presented.*

**Consent Agenda**

**RECOMMENDED MOTION:** *I move to approve the consent agenda as presented.*

**Business Items to Consider**

**4.A: Resolution: Amending Personnel Policy Manual; Utility Employee Standby Pay**

The Commission is asked to consider Resolution 21-06, amending the Personnel Policy Manual to add the Water Plant employees to the Standby Pay Policy, and to clarify the number of hours paid for standby pay.

**RECOMMENDED MOTIONS:** *I move to approve Resolution 21-06 as presented.*

**4.B: Appoint Interim Fire Chief / Interim EMS Director**

Staff has been contacted by a representative of the Kansas Board of EMS and informed that we only have a 7-day timeframe to appoint an Interim EMS Director following the retirement of Chief Duane Banzet. The Commission is asked to consider appointing Ross Jamison as the Interim Fire Chief and Interim EMS Director.

**RECOMMENDED MOTIONS:** *I move to appoint Ross Jamison as the Interim Fire Chief and Interim EMS Director.*

**4.C: KDOT Non-Infrastructure Project Request**

The City of Neodesha was recently awarded \$75,000 from the KDOT Transportation Alternative (TA) program. This grant is for preliminary engineering on the Safe Routes to School, Phase 2. The Commission is asked to approve and sign the KDOT Non-Infrastructure Project Request.

**RECOMMENDED MOTIONS:** *I move to approve KDOT Non-Infrastructure Project Request form as presented.*

**4.D: Purchase of Cemetery Plots from American Legion**

Jeri Hammerschmidt, Community Development Director, will discuss with the Commission an opportunity to purchase certain cemetery plots from the American Legion.

**RECOMMENDED MOTIONS:** *I move to approve the purchase of cemetery plots from the American Legion at a cost of \_\_\_\_\_.*

**4.E: Discuss Utility Payment Extension for 2021 Energy Emergency**

Staff will present information to the Commission related to the recent energy emergency experienced in the Southwest Power Pool area of influence. Staff expects that the high cost of utilities related to this unprecedented event will create hardship for many of our utility customers.

**RECOMMENDED MOTION:** *I move to direct Staff to prepare a Resolution to formalize a utility payment plan for the 2021 Energy Emergency.*

**Item 6: Executive Session:**

**EXECUTIVE SESSION: Non-Elected Personnel**

I move to recess to an Executive Session including the Governing Body, City Administrator, and City Clerk 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 \_\_\_\_ p.m.

Neodesha, Kansas  
February 10, 2021

The Board of Commissioners met in regular session at 2:00 p.m. in the Commission Room at City Hall, practicing social distancing and conducting the meeting by live streaming with Zoom, on Wednesday, February 10, 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 4H: Approve Agreement for Solid Waste Disposal: Wilson County; and item 4I: Approve Agreement for Ambulance Services: Wilson County. Seconded by Commissioner Nichol. Motion carried.

Commission, Administrator and Community Development Director reports were heard.

Public Comments were invited and heard.

Commissioner Nichol moved to approve the Consent Agenda consisting of the minutes from the January 27, 2021 Commission Meeting; Appropriation (2021) 02; Raw Water Bond Project Pay Application 86; and Gas Line Project Appropriation 23. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a request from Dennis Shelby, on behalf of Wilson Medical Center and the Hospital Board, asking that the City consider donating the Get Fit building to Wilson Medical Center. Discussion held.

Commissioner Nichol moved to table the item until the March 10, 2021 Commission Meeting. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding Resolution 21-04, authorizing the project for a new police facility. Discussion held.

#### **RESOLUTION 21-04**

#### **A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CONSTRUCTION OF A NEW POLICE STATION BUILDING IN THE CITY OF NEODESHA, KANSAS; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.**

**WHEREAS**, K.S.A. 12-1736 *et seq.* (the "Act") provides, in part, that any city in the State of Kansas may erect or construct, acquire a public building or buildings and procure any necessary site therefor and may alter, repair, reconstruct, remodel, replace or make additions to, furnish and equip a public building or buildings; and

**WHEREAS**, K.S.A. 12-1737 provides, in part, that the governing body of any city may, for the purposes of financing the costs associated with the foregoing, issue general obligation bonds of the City; and

**WHEREAS**, the City Commission (the "Governing Body") of the City of Neodesha, Kansas (the "City") has considered the need for the construction of a public building in the City for use as a police station (the "Project"); and

**WHEREAS**, the Project does not constitute a city office, public library, auditorium or community or recreational building within the meaning of the Act and no election is required to authorize the issuance of general obligation bonds and/or temporary notes to finance the costs of the Project; and

**WHEREAS**, the Governing Body hereby finds and determines it to be necessary to authorize and provide for the construction the Project, a public building in the City, and to provide for the payment of the costs thereof without the necessity of an election, all as provided by the Act.

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

**Section 1. Project Authorization.** The construction of the Project, a public building in the City, shall be made under the provisions of the Act in accordance with plans and specifications to be approved by the Governing Body and placed on file with the City Clerk.

**Section 2. Bond Authorization.** The estimated costs of the Project are in the amount of \$600,000. All or a portion of costs of the Project, interest on interim financing and associated financing costs shall be payable from the proceeds of general obligation bonds and/or temporary notes of the City issued under authority of the Act (collectively, the "Bonds").

**Section 3. Reimbursement.** The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation § 1.150-2.

**Section 4. Effective Date.** This Resolution shall take effect and be in full force from and after its adoption by the governing body of the City.

Commissioner Moffatt moved to approve Resolution 21-04, authorizing a new police station building project. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding Resolution 21-05, authorizing the sale of temporary notes for a new police facility.

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**RESOLUTION NO. 21-05**

**A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2021-1, OF THE CITY OF NEODESHA, KANSAS.**

WHEREAS, the City of Neodesha, Kansas (the "Issuer"), has previously authorized certain improvements described as follows (the "Improvements"):

<u>Project Description</u>	<u>Res. No.</u>	<u>Authority (K.S.A.)</u>	<u>Amount</u>
Public Building Improvements Police Station	21-05	12-1736 <i>et seq.</i>	\$600,000

WHEREAS, the Issuer is authorized by law to issue general obligation bonds to pay the costs of the Improvements; and

WHEREAS, it is necessary for the Issuer to provide cash funds (from time to time) to meet its obligations incurred in constructing the Improvements prior to the completion thereof and the issuance of the Issuer's general obligation bonds, and it is desirable and in the interest of the Issuer that such funds be raised by the issuance of temporary notes of the Issuer; and

WHEREAS, the Governing Body has selected the firm of Stifel Nicolaus & Company, Incorporated, Kansas City, Missouri (the "Municipal Advisor"), as municipal advisor for one or more series of temporary notes of the Issuer to be issued in order to provide funds to temporarily finance the Improvements; and

WHEREAS, the Issuer desires to authorize the Municipal Advisor, in conjunction with the City Manager, Clerk, and Gilmore & Bell, P.C., Wichita, Kansas, the Issuer's bond counsel ("Bond Counsel"), to proceed with the solicitation of proposals for the purchase of said general temporary notes and related activities.

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

**Section 1.** The Municipal Advisor, in conjunction with the City Manager, Clerk, and Bond Counsel, is hereby authorized to proceed with the solicitation of proposals for the purchase of the Issuer's General Temporary Notes, Series 2021-1 (the "Notes"). The Notes shall be sold, subject to the approving opinion of Bond Counsel, on a negotiated basis to a purchaser (the "Purchaser") to be designated by the Mayor, in consultation with the Municipal Advisor, after evaluating proposals submitted by prospective purchasers of the Notes.

The confirmation of the sale of the Notes shall be subject to the execution of a bond purchase agreement between the Purchaser and the Issuer (the "Note Purchase Agreement") in a form approved by Bond Counsel and the Issuer's legal counsel, the adoption of a resolution by the Governing Body authorizing the issuance of the Notes and the execution of various documents necessary to deliver the Notes.

**Section 2.** The Mayor, and the other officers and representatives of the Issuer, the Municipal Advisor and Bond Counsel are hereby authorized and directed to take such other action as may be necessary to carry out the sale of the Notes; including the execution of a Financial Advisor Agreement between the Issuer and the Municipal Advisor is substantially the form attached hereto.

The transactions described in this Resolution may be conducted, and documents related to the Notes may be sent, received, executed, and stored, by electronic means or transmissions. Copies, telecopies, electronic files and other reproductions of original executed documents (or documents executed by electronic means or transmissions) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

**Section 3.** This Resolution shall be in full force and effect from and after its adoption.

Commissioner Nichol moved to approve Resolution 21-05, authorizing the sale of temporary notes for a new police station building project. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the approval of Change Order No 3, from NPL Construction, for the gas line project which involves the moving and rebuilding of a meter set, additional work on regulator stations and pipe and valve quantity changes. Discussion held.

Commissioner Moffatt moved to approve Change Order No 3 for the gas line project at a cost of \$45,890.95. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the consideration of an incubator lease located at 117 S 4<sup>th</sup> Street. Discussion held.

Commissioner Nichol moved to approve the lease agreement with Neodesha Plastics for 117 S 4<sup>th</sup> Street as presented. Seconded by Commissioner Moffatt. Motion carried.

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Administrator Truelove addressed the Commission regarding a request from Mr. Zach Milligan asking that the City consider providing financial assistance to help offset the cost of capping the oil wells located in the West Granby Business Park. Discussion held.

Commissioner Moffatt moved to approve sharing the cost with Mr. Zach Milligan for capping the wells in the West Granby Business Park, in an amount not to exceed \$10,000. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the consideration of an invoice for unpaid rent for City-owned property. Discussion held. No action taken.

Administrator Truelove addressed the Commission regarding the approval of the Agreement for Solid Waste Disposal with Wilson County for the calendar year 2021. Discussion held.

Commissioner Nichol moved to approve the agreement with Wilson County for the disposal of solid waste, at a cost of \$16,000. 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 2021. 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 a potential property registration service. A representative from Pro Champs will conduct a formal presentation, via Zoom, at the February 24, 2021 Commission Meeting. Discussion held. No action taken.

Administrator Truelove addressed the Commission regarding a discussion of the City's current Standby Pay Policy. Discussion held. No action taken.

Mayor Johnson, Commissioner Moffatt and Commissioner Nichol formally recognized the retirement of Fire Chief Duane Banzet. Well wishes were received and a reception in his honor was held in the Great Room at City Hall following the meeting.

Commissioner Moffatt moved to recess to an Executive Session including the Governing Body, City Administrator, Fire Chief Duane Banzet 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 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 ceasing.

At 3:55 p.m. the regular meeting of the Governing Body reconvened in the Commission Room at City Hall. No action taken. The live streamed Zoom meeting then resumed with audio, video and recording.

Commissioner Moffatt moved to recess to an Executive Session including the Governing Body, City Administrator, Public Works Director Brent Wheeler 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 4:15 p.m. Seconded by Commissioner Nichol. Motion carried. The live streamed Zoom meeting was then placed on hold with audio, video and recording ceasing.

At 4:15 p.m. the regular meeting of the Governing Body reconvened in the Commission Room at City Hall. No action taken. The live streamed Zoom meeting then resumed with audio, video and recording.

The next regular meeting of the Governing Body will be held in the Commission Room at City Hall on Wednesday, February 24, 2021 at 2:00 p.m., practicing social distancing and conducting the meeting by live streaming with Zoom.

At 4:17 p.m. Commissioner Moffatt moved to adjourn. Seconded by Commissioner Nichol. Motion carried.

ATTEST:

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Devin Johnson, Mayor

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Stephanie Fyfe, City Clerk

APPROPRIATIONS REPORT

ORDINANCE NO 3

2/24/2021

<u>VENDOR</u>	<u>REFERENCE</u>	<u>AMOUNT</u>	<u>CHECK NO</u>	<u>CHECK DATE</u>
A T & T	PHONE CHARGES	359.67	68427	2/24/2021
A T & T	PHONE CHARGES	171.46	68428	2/24/2021
ADVANCE INSURANCE COMPANY	MARCH PREMIUMS	481.19	68430	2/24/2021
HARRY M BASS	ATTORNEY FEES	200.00	68431	2/24/2021
BOUND TREE MEDICAL LLC	MEDICAL SUPPLIES	2,672.83	68432	2/24/2021
CALLTOWER	PHONE CHARGES	343.66	68433	2/24/2021
CANON FINANCIAL SERVICES	COPIER & PRINTER LEASE	691.52	68434	2/24/2021
D & D AUTO REPAIR & ALIGNMENT	TIRES	80.00	68435	2/24/2021
D C & B SUPPLY INC	REBUILT GAS METER	795.00	68436	2/24/2021
ECX SYSTEMS LLC	BARRACUDA EMAIL SECURITY 3/21	50.00	68437	2/24/2021
FASTENAL COMPANY	SUPPLIES	304.36	68438	2/24/2021
GALLS LLC	UNIFORMS	85.98	68439	2/24/2021
JERALD L HARE	REFUND OVERPMT AMBULANCE BILL	342.53	68440	2/24/2021
INDUSTRIAL SALES COMPANY INC	SUPPLIES	58.76	68441	2/24/2021
MG CO ACTION COUNCIL	2021 MCAC MEMBERSHIP DUES	100.00	68442	2/24/2021
MID-AMERICAN RESEARCH CHEMICAL	CUT N TAP	172.48	68443	2/24/2021
NEWTON MFG LLC	DOOR REPAIR-FD	246.35	68444	2/24/2021
PENMAC PERSONNEL SERVICES INC	TEMPORARY PERSONNEL SERVICE	1,179.20	68445	2/24/2021
PEREGRINE CORPORATION	CITY LOGO SHIRTS	190.78	68446	2/24/2021
PROFESSIONAL AMBULANCE SALES	LINKAGE ASSEMBLY	123.78	68447	2/24/2021
SIGN DESIGN	EMBROIDERY/T-SHIRTS-FD	111.00	68448	2/24/2021
SUNDOWNER TROPHIES	PLATE 4 PLAQUE & DISPLAY CASE	11.00	68449	2/24/2021
UNIFIRST CORPORATION	UNIFORM SERVICE	1,157.80	68450	2/24/2021
WILSON COUNTY COORDINATOR	2021 LANDFILL AGREEMENT	16,000.00	68451	2/24/2021

\*\*\*\*TOTAL\*\*\*\*

25,929.35

**CITY OF NEODESHA**

**RESOLUTION NO. 21-06**

**A RESOLUTION AMENDING THE PERSONNEL POLICIES FOR THE CITY OF NEODESHA, KANSAS, AS ADOPTED BY THE NEODESHA CITY COMMISSION BY RESOLUTION 18-13.**

**WHEREAS**, the City finds it necessary to place certain employees in the Electrical, Gas Distribution and Water Plant Departments on Standby; and,

**WHEREAS**, the City wishes to create a fair and equitable process for remuneration;

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF NEODESHA:**

The City of Neodesha, Kansas amends and adopts the following Standby Pay Policy in Section 5.8 of the City's current Personnel Policies and Guidelines:

**5.8 Electrical, Gas Distribution and Water Plant Employee Standby Pay**

Employees working in the City of Neodesha Electrical Distribution, Gas Distribution and Water Plant Departments shall be required to be available for call out on a 24/7 basis and thus periodically scheduled to be on "Standby." Employees required to be on standby shall be compensated in the following manner:

- a. Electrical, Gas Distribution and Water Plant employees who are assigned to be on Standby after regular working hours shall be paid for two (2) hours salary per day based on their normal hourly pay rate during their regular work week, and, if called out, will additionally receive one and one-half (1.5) times normal hourly salary after completing the first one (1) hour and thirty (30) minutes of call out time.
- b. Employees assigned to be on Standby during their normal days off (Saturday and Sunday) shall be paid for five (5) hours salary per day based on their normal hourly pay rate during their regular work week. If called out an employee on weekend standby will receive one and one-half (1.5) times normal salary after completing the first (4) four hours of call out time.
- c. Employees on Standby during a holiday shall be paid for five (5) hours regular time for such standby time based on their normal hourly pay rate during their regular work week. If called out an employee on standby during a holiday period will receive two (2) times normal salary after having worked two (2) hours and thirty (30) minutes of call out time.

**ADOPTED AND APPROVED** by the governing body of the City of Neodesha, Kansas this 24<sup>th</sup> day of February, 2021.

ATTEST:

\_\_\_\_\_  
Devin Johnson, Mayor

\_\_\_\_\_  
Stephanie Fyfe, City Clerk



# NON-INFRASTRUCTURE PROJECT REQUEST

<input type="checkbox"/> New Project		<input type="checkbox"/> Amend Existing Project	
<b>Program Year:</b> 2022	<b>Funding Program:</b>	TA (Transportation Alternatives)	

<b>KDOT District</b>	<b>MPO</b>	<b>MPO TIP #</b>
4	N/A	

<b>County</b>	<b>City</b>	<b>Desired Start Date:</b>
Wilson	Neodesha	March 15, 2021

<b>Project Sponsor / Lead Agency (LPA)</b>		
City of Neodesha, Kansas		
<b>Project Mgr / Contact</b>	<b>Phone</b>	<b>E-mail Address</b>
Ed Truelove	620-325-2828	ETruelove@neodeshaks.org

<b>Project Title:</b>	Safe Routes to School - PE on Phase 2 of Plan
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**WHEREAS**, the Secretary of Transportation, Kansas Department of Transportation and the Local Public Authority (LPA) are empowered by the laws of Kansas to enter into agreements for the improvement of roads, streets and congestion mitigation activities, and upon approval by the Secretary, intend to enter into an Agreement for Safe Routes to School - PE on Phase 2 of Plan (project Title) and,"

**WHEREAS**, the Federal-Aid Highway Act of 1956, as amended, and subsequent acts and amendments, provides Federal-Aid funds to assist the counties, cities, and other political sub-divisions in improving their roads and streets and congestion mitigation activities that provide air quality benefits, and,

**WHEREAS**, The above-noted county/city desires to improve a certain portion of their road or street system or other related project, now, therefore,

**WHEREAS**, City of Neodesha, Kansas requests the Secretary program the following project:

<b>Project Cost Estimate</b>			
<i>Funding</i>	<i>Participating</i>	<i>Non-Participating</i>	<i>Total</i>
Federal Funds	\$ 75,000.00	\$ -	\$ 75,000.00
Local Funds	\$ 18,750.00	\$ -	\$ 18,750.00
<b>Project Totals</b>	<b>\$ 93,750.00</b>	<b>\$ -</b>	<b>\$ 93,750.00</b>

**BE IT RESOLVED:** That sufficient funds from City of Neodesha, Kansas

are now, or will be, available and are hereby pledged to the Secretary in the amount and at the time required for the supplementing of federal funds available for the completion of this project. Prior to Federal Authorization, any project expenditures made by the LPA are ineligible for federal funding and remain the responsibility of the LPA. Upon cancellation of the project by the LPA, the LPA shall reimburse the Secretary within thirty (30) days after receipt of statement of cost incurred by the Secretary prior to cancellation.

# NON-INFRASTRUCTURE PROJECT REQUEST

Day: 24      Month: February      Year: 2021

*Please sign below in accordance with your local policy.*

Recommended for Approval:

Appropriate Local Official(s)

\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Commissioner

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Commissioner