

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD FEBRUARY 15, 2006

The governing body met in regular session on February 15, 2006 at 5:30 p.m. in the City Commission Room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Strecker, Hosie, Slaughter and Gilliland.

Absent: None

Other Officers: City Manager Paine, City Clerk Lanoue and City Attorney Uri.

The Mayor declared that a quorum was present and called the meeting to order.

Visitors: Jessica LeDuc, Toby Nosker, Larry Remmenga, Kirk Lowell, Robert Baumann, Ron Deal, Jerome Sorell, Larry Eubanks, Allen Miller, Earl Hanson, Barry Madden, Chuck Loole, Jim Coash, Bob Johnson and Steve Ferry.

Pastor Tim Harlan, First United Methodist Church, provided the invocation before the city commission meeting.

Commissioner Strecker moved to approve the minutes of the February 1, 2006 regular meeting as written. Commissioner Gilliland seconded. Motion carried.

APPROPRIATION ORDINANCES NO. 3

APPROVED

Commissioner Strecker moved to approve Appropriation Ordinance No. 3. Commissioner Slaughter seconded. Motion carried.

PUBLIC COMMENTS

There were no public comments.

NEW THEATER PARKING LOT

TABLED

City Manager Paine stated the bids will be opened on February 17, 2006. Commissioner Slaughter moved to table the new Theater Parking Lot bid award to February 22, 2006 at 5:30 p.m. Commissioner Strecker seconded. Motion carried.

RESOLUTION NO. 2006-1673-TRANSFER AQUILA
FRANCHISE AGREEMENT TO PRAIRIE LAND ELECTRIC

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, AQUILA, MID-KANSAS ELECTRIC COMPANY (MKEC), SUNFLOWER ELECTRIC POWER CORPORATION (SUNFLOWER), AND THE SIX RURAL ELECTRIC COOPERATIVES MEMBERS OF EACH OF MKEC AND SUNFLOWER (THE MEMBERS) ARE PARTIES TO THAT CERTAIN ASSET PURCHASE AGREEMENT DATED AS OF SEPTEMBER 21, 2005 (THE ASSET PURCHASE AGREEMENT), BY WHICH AQUILA HAS AGREED TO TRANSFER, ASSIGN AND SELL TO MKEC, AND MKEC HAS AGREED TO ASSUME, SUBSTANTIALLY ALL OF THE ASSETS AND OBLIGATIONS OF AQUILA CONSTITUTING THE ELECTRIC UTILITY BUSINESS CONDUCTED BY AQUILA THAT SERVES CUSTOMERS IN THE STATE OF KANSAS (COLLECTIVELY, THE BUSINESS), INCLUDING WITHOUT LIMITATION ALL OF AQUILA'S RIGHT, TITLE AND INTEREST IN, TO AND UNDER THE FRANCHISE AGREEMENT AND ITS PLANT, FACILITIES, SYSTEM AND OPERATION LOCATED IN CONCORDIA;

The Resolution was considered and discussed; and thereupon on motion of Commissioner Strecker, seconded by Commissioner Gilliland, the Resolution was adopted by the following roll call vote:

Aye: Commissioners Jindra, Strecker, Hosie, Slaughter and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2006-1673, and was directed to be signed by the Mayor and attested by the City Clerk.

RESOLUTION NO. 2006-1674-
RETURN FIRE INSURANCE FUNDS - SWIHART

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD FEBRUARY 15, 2006, contd.

WHEREAS, THE ENFORCING OFFICER PURSUANT TO K.S.A. 12-1750 ET SEQ., AS PROVIDED BY SECTION 7-47 (C) OF THE CODE OF ORDINANCES OF THE CITY OF CONCORDIA, KANSAS, HAS INFORMED THE GOVERNING BODY THAT IN HIS OPINION THE FOLLOWING STRUCTURE IS UNSAFE AND DANGEROUS:

The Resolution was considered and discussed; and thereupon on motion of Commissioner Jindra, seconded by Commissioner Slaughter, the Resolution was adopted by the following roll call vote:

Aye: Commissioners Jindra, Strecker, Hosie, Slaughter and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2006-1674, and was directed to be signed by the Mayor and attested by the City Clerk.

EXECUTIVE SESSIONPRELIMINARY DISCUSSION OF LAND ACQUISITION

At this time, Commissioner Jindra moved that the commission recess into executive session for five (5) minutes for preliminary discussion of land acquisition. Commissioner Strecker seconded. Inviting: Larry Paine and Larry Uri. Motion carried. Time: 5:41 p.m.

The commission reconvened at 5:46 p.m.

RESOLUTION NO. 2006-1675-PLUM ROAD CONTRACT
JILL & TONY BLOCHLINGER – LAND ACQUISITIONAPPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, FLOOD CONTROL PLANS FOR THE CITY MAKE ADVISABLE THE ACQUISITION OF A CERTAIN TRACT OF LAND FOR THE LOCATION OF A FLOOD CONTROL STRUCTURE; AND WHEREAS THE LANDOWNERS AND THE CITY HAVE ARRIVED AT AN AGREEMENT OF THE TERMS FOR THE PURCHASE OF THE TRACT AS SET FORTH IN THE ATTACHED CONTRACT;

The Resolution was considered and discussed; and thereupon on motion of Commissioner Hosie, seconded by Commissioner Slaughter, the Resolution was adopted by the following roll call vote:

Aye: Commissioners Jindra, Strecker, Hosie, Slaughter and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2006-1675, and was directed to be signed by the Mayor and attested by the City Clerk.

EXECUTIVE SESSIONATTORNEY/CLIENT PRIVILEGE-AIRPORT LITIGATION

At this time, Commissioner Jindra moved that the commission recess into executive session for ten (10) minutes for the discussion of attorney/client privilege (airport litigation). Commissioner Strecker seconded. Inviting: Larry Paine and Larry Uri. Motion carried. Time: 5:48 p.m.

The commission reconvened at 5:58 p.m.

CONSENT TO REPRESENTATIONAPPROVED

Commissioner Jindra moved to approve the consent to representation. Commissioner Gilliland seconded. Motion carried.

EXECUTIVE SESSIONNON-ELECTED PERSONNEL

At this time, Commissioner Jindra moved that the commission recess into executive session for five (5) minutes for the discussion of non-elected personnel. Commissioner Strecker seconded. Motion carried. Time: 6:02 p.m.

The commission reconvened at 6:07 p.m.

Mayor Jindra announced there was no action required.

Commissioner Jindra moved that the commission recess into executive session for an additional ten (10) minutes for the discussion of non-elected personnel. Commissioner Gilliland seconded. Motion carried. Time: 6:07 p.m.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD FEBRUARY 15, 2006, contd.

The commission reconvened at 6:17 p.m.

Commissioner Jindra moved to extend Larry Paine's contract for one year with a 1 1/2 percent increase in salary. Commissioner Strecker seconded. Motion carried.


**MAYOR/COMMISSIONER
COMMENTS AND REPORTS**

Commissioner Slaughter requested a tour of the Police Department.

Commissioner Hosie stated he watched the police officers, EMT's and school district employees work together on the bomb training at the High School.

Mayor Jindra announced there would be a study session following the meeting.

There being no further business, Commissioner Gilliland moved to adjourn the meeting to February 22, 2006 at 5:30 p.m. in the City Commission Room. Commissioner Strecker seconded. Motion carried.


Cheryl Lanoue
City Clerk

(Seal)