

## MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MARCH 15, 2006

The governing body met in regular session on March 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 Strecker, Hosie, Jindra, 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, Larry Remmenga, Ron Copple, Bruce Johnson, Robert Baumann, Patrick Cossel, Toby Nosker, Bruno Rehbein, Lisa and David Mikesell, Jean and Curtis Hartzell, Charles Johnson, Judy and Shawn Starr, Dave and Sharon Dutton, Greg and Annette Gallagher, Jerome Sorell, Isadore Bombardier, Larry Eubanks, Rev. Gay Robertson, Ron Deal, Lynn and Rosemary Anderson, Joan Pentico, Derry Pentico, Brenda and Brent Davenport, Arlene Clayton, Leon Wilson, Leon and Loleta Deaver, Lori Adams, and Kirk Lowell.

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

### APPROPRIATION ORDINANCE NO. 5A

APPROVED

Commissioner Gilliland moved to approve Appropriation Ordinance No. 5A. Commissioner Strecker seconded. Motion carried.

### PUBLIC COMMENTS

There were no public comments.

### PUBLIC HEARING - SHADY LAKE REDEVELOPMENT PROJECT PLAN

Among other business, in accordance with notice published in the *Concordia-Blade Empire*, and mailed to the Board of County Commissioners of Cloud County, the Kansas Development Finance Authority, the Board of Education of Unified School District No. 333, Cloud County Community College and affected property owners, a public hearing was held by the governing body relating to a proposed redevelopment project plan pursuant to the provisions of K.S.A. 12-1770 *et seq.* (the "Act"). The governing body reviewed the proposed redevelopment project plan and feasibility study required by the Act. Thereafter, all interested persons were afforded an opportunity to present their views on such matters. Thereupon, the public hearing was closed.

### PUBLIC HEARING - MASTIN REDVELOPMENT PROJECT PLAN

Among other business, in accordance with notice published in the *Concordia-Blade Empire*, and mailed to the Board of County Commissioners of Cloud County, the Kansas Development Finance Authority, the Board of Education of Unified School District No. 333, Cloud County Community College and affected property owners, a public hearing was held by the governing body relating to a proposed redevelopment project plan pursuant to the provisions of K.S.A. 12-1770 *et seq.* (the "Act"). The governing body reviewed the proposed redevelopment project plan and feasibility study required by the Act. Thereafter, all interested persons were afforded an opportunity to present their views on such matters. Thereupon, the public hearing was closed.

### ORDINANCE NO. 2006-2906 - SHADY LAKE REDEVELOPMENT PROJECT PLAN

PASSED

Thereupon there was presented an Ordinance entitled:

**AN ORDINANCE OF THE CITY OF CONCORDIA, KANSAS ADOPTING THE SHADY LAKE REDEVELOPMENT PROJECT PLAN FOR USE IN CONJUNCTION WITH A PREVIOUSLY ESTABLISHED REDEVELOPMENT DISTRICT, AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH.**

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

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

Nay: None.

Thereupon, the Ordinance having been adopted by a 2/3rds vote of the members of the City Commission, it was given No. 2006-2906, and was directed to be signed by the Mayor, attested by the City Clerk and directed to be published one time in the official City newspaper.

**MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MARCH 15, 2006, contd.**ORDINANCE NO. 2006-2907 - MASTIN REDEVELOPMENT PROJECT PLANPASSED

Thereupon there was presented an Ordinance entitled:

**AN ORDINANCE OF THE CITY OF CONCORDIA, KANSAS ADOPTING THE MASTIN REDEVELOPMENT PROJECT PLAN FOR USE IN CONJUNCTION WITH A PREVIOUSLY ESTABLISHED REDEVELOPMENT DISTRICT, AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH.**

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

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

Nay: None.

Thereupon, the Ordinance having been adopted by a 2/3rds vote of the members of the City Commission, it was given No. 2006-2907, and was directed to be signed by the Mayor, attested by the City Clerk and directed to be published one time in the official City newspaper.

ORDINANCE TO REZONE 825 E. 7THTABLED

Bruno Rehbein advised the zoning change before the commission was requested by David and Lisa Mikesell. The request is for an R-3 zone multi-family. The public hearing was held at the Planning Commission. The City has received a protest petition signed by sixteen (16) property owners or 55% of the area property owners, which would require a 4 to 1 vote in order to pass the rezone change.

David Mikesell addressed some of the issues that were in the paper regarding the trespassing, trash, safety, property value, noise and traffic.

Judy Starr presented the commission with pictures of the area around her house, which is next to Windsor apartments.

Sharon Dutton stated the property owners should have known what they were buying and made sure it was a workable solution.

Brenda Losh stated she manages the Mikesell's properties and the properties are clean and they also rent to nice people.

Shawn Starr stated he was worried if the property was rezoned to an R-3, what the future would bring.

Lisa Mikesell stated nobody can predict the future.

Dave Dutton stated there are currently three (3) apartment buildings in the neighborhood and they have 18 vacancies.

Annette Gallagher stated she would like to see no new commercial development in the area.

Commissioner Gilliland stated there are thirteen (13) factors to consider when the Planning Commission recommends a rezone to the City Commission. Commissioner Gilliland stated he was not sure that any of the complaints are part of the thirteen (13) factors, but he is willing to refer this back to the Planning Commission to consider R-2 zoning. Commissioner Gilliland stated if the recommendation from the Planning Commission was to rezone to R-3 he would support it.

Commissioner Hosie stated he was ready to refer this back to the Planning Commission to consider R-2, but did think the R-2 was much different then the R-3. Commissioner Hosie said he was not sure an R-2 could financially support a 14,000 square foot building.

Commissioner Strecker asked several questions regarding changing the area of the rezone and new structures within the area. Commissioner Strecker was for the R-3 rezone.

Commissioner Jindra stated he was in favor of referring back to the Planning Commission to study the R-2 zone, but would also support the recommendation that came back from the Planning Commission.

Following discussion, Commissioner Gilliland moved to refer the rezone of 825 E. 7th back to the Planning Commission to consider R-2 option for this property and with it coming back to the City Commission as soon as possible. Commissioner Jindra seconded. Motion carried.

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

DEDICATION OF PUBLIC RIGHT OF WAY - 825 E. 7TH (NORTH 20 FEET)

TABLED

David and Lisa Mikesell have proposed dedicating the north twenty (20) feet of their property at 825 East 7th Street as public right-of-way. Should the City accept the dedication the property will become an unimproved, unmaintained dead end alley and the adjacent property owners would be responsible for the maintenance of the adjoining unimproved until such time as it is improved. Commissioner Gilliland moved to table the dedication of public right-of-way at 825 E. 7th - North 20 feet until the rezone of 825 E. 7th is resolved. Commissioner Strecker seconded. Motion carried

RESOLUTION NO. 2006-1678 (104 WASHINGTON)

APPROVED

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

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: LOTS 1 & 2 BLOCK 193, CONCORDIA, ORIGINAL TOWN. (104 WASHINGTON)

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 Strecker, Hosie, Slaughter, Jindra and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2006-1678, and was directed to be signed by the Mayor and attested by the City Clerk.

RESOLUTION NO. 2006-1679 (205 W. 2ND)

APPROVED

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

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: LOTS 19 & 20 BLOCK 193, CONCORDIA, ORIGINAL TOWN. (205 W. 2ND)

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

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

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2006-1679, and was directed to be signed by the Mayor and attested by the City Clerk.

EXECUTIVE SESSION

PRELIMINARY DISCUSSION OF REAL ESTATE ACQUISITION

At this time, Commissioner Jindra moved that the commission recess into executive session for ten (10) minutes for preliminary discussion of real estate acquisition. Commissioner Gilliland seconded. Inviting: Larry Paine and Larry Uri. Motion carried. Time: 6:45 p.m.

The commission reconvened at 6:55 p.m.

RESOLUTION NO. 2006-1680- LAND ACQUISITION

APPROVED

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

WHEREAS PURSUANT TO A DEVELOPMENT AGREEMENT DATED JULY 20, 2005, THE CITY OF CONCORDIA AGREED TO CONVEY TO MSMT, LLC A CERTAIN TRACT OF REAL ESTATE ADJOINING THE SHADY LAKE REDEVELOPMENT AREA; AND AN INVESTIGATION OF THE TITLE TO THE SAID TRACT HAS DETERMINED THAT ACQUISITION OF PROPERTY RIGHTS FROM A THIRD PARTY WILL BE NECESSARY TO COMPLETE THE SAID TRANSACTION; AND THE CITY OF CONCORDIA AND MSMT, LLC HAVE AGREED TO SHARE THE COST OF ACQUIRING THE SAID PROPERTY RIGHTS; AND THE CITY SHALL CONTRIBUTE A SUM NOT EXCEEDING \$7350 TOWARD THE ACQUISITION OF SAID PROPERTY RIGHTS.

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

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. 2006-1680, and was directed to be signed by the Mayor and attested by the City Clerk.

**MAYOR/COMMISSIONER  
COMMENTS AND REPORTS**

Commissioner Gilliland thanked City Manager Paine for contacting Aquila regarding the painting of the light poles and Jim Coash, Aquila, for agreeing to paint the light poles in the downtown area before Fall Fest.

Commissioner Slaughter asked how many more ADA ramps need to be installed at the corners of each block. Ron Copple advised the city has complied all of them.

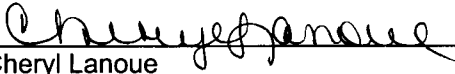
**STAFF COMMENTS**

Larry Eubanks showed the commission the new nozzle for the fire truck.

Kirk Lowell advised there are fifteen (15) applicants for the Concordia Downtown Grant. The review committee will meet at noon on 3-16-06 to review the applications and will schedule appointments to meet with the property owners on 3-18-06.

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

There being no further business, Commissioner Strecker moved to adjourn the meeting. Commissioner Gilliland seconded. Motion carried.

  
Cheryl Lanoue  
City Clerk

(Seal)