

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MAY 17, 2006

The governing body met in regular session on May 17, 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, Johnson 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, Robert Baumann, Patrick Cossel, Toby Nosker, Danny Parker, David Brewer, Ron Deal, Larry Eubanks, Ron Copple, Pastor Cory Shipley, Kirk Lowell, Jonathan Genereux and Josi Mark.

Pastor Cory Shipley of the Victory Faith Assembly of God provided the invocation before the city commission meeting.

Commissioner Hosie moved to approve the minutes of the May 3, 2006 regular meeting with the following amendment under Sidewalk - Majestic Theater:

Quotes were received from the following:

Ron Solt of Solt Construction		Dan Koch of Koch Excavating(Concordia Ready Mix)	
Concrete Work	\$34,450.00	Phase I (Entrance Work)	\$10,741.00
Paver Work	<u>8,100.00</u>	Phase II (West side Work)	\$17,904.00
		Phase III (East side Work)	<u>\$11,950.00</u>
Total	\$42,550.00	Total	\$40,595.00

Commissioner Jindra moved to approve the quote from Concordia Ready Mix in the amount of \$40,595.00. Commissioner Gilliland seconded. Motion carried.

Commissioner Strecker seconded. Motion carried.

APPROPRIATION ORDINANCE NO. 9

APPROVED

Commissioner Jindra moved to approve Appropriation Ordinance No. 9. Commissioner Gilliland seconded. Motion carried.

PUBLIC COMMENTS

David Brewer commented about the parking ticket he received on Monday morning in front of Monique & Co. Mr. Brewer understands enforcing the law but did not understand why the officer did not talk to him or why it had not been enforced before. Mayor Strecker asked if Mr. Brewer would talk to City Manager Paine and the Police Chief regarding this issue.

PUBLIC WORKS- UTILITY VEHICLE & WHEEL LOADER AND UTILITIES - BACKHOE SPECIFICATIONS

APPROVED

Ron Copple, Director of Public Works, presented the utility vehicle and wheel loader specifications as follows:

Utility Vehicle Minimum Specifications

Engine:	Gas
Transmission:	Shall have Forward, Neutral and Reverse
Tires:	Turf
Electrical System:	12 volt with Charging System
Hitch:	Rear
Towing Capacity:	900 LBS
Cargo Bed:	Load Capacity 400 LBS, Cargo Box to be able to dump.
Lights:	Head and Tail lights
All standard Items not described	
Maintenance Manuals	
With and without trade of 1995 Utility Vehicle	

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Wheel Loader Minimum Specifications

BASIC SPECS

Minimum operating weight of 24,000 Lbs with an optional 380 Lbs counterweight, quick coupler standard lubricants, full fuel tank, ROPS cab, 2.2 yd³ bucket and 20.5-25 12PR.

STEERING SYSTEM

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Steering angle shall be 40 degrees.
Machine shall have two (2) steering cylinders.

POWER TRAIN: ENGINE

Engine shall be a diesel 6 cylinder, turbocharged.
Engine shall be Tier II compliant and meet or exceed all current EPA emissions requirements.
Tier II compliance certificate shall be available upon request.
Minimum rated net horsepower shall be 96 kW (129 hp).
Minimum "maximum net horsepower" shall be 102 kW (137 hp).
Machine shall have a block heater.
Precleaner, dustbowl

DRIVE TRAIN: TRANSMISSION

Machine shall have a means forward/neutral/reverse.
Machine shall have an auto shift transmission with 4F/3R travel speeds.
Transmission shall have manual and auto shift settings with variable shift (fuel economy) and power shift (aggressive loading) modes.

POWER TRAIN: AXLES

Machine shall have fixed front axles and oscillating rear axles.
Machine shall have limited slip axles front and rear.

POWER TRAIN: BRAKES

Service brakes shall be disk brakes on front and rear axles.
Machine shall have a parking brake.

ELECTRICAL

Machine shall have an 80 amp alternator.
Machine shall have two (2) 12V 950 cc batteries.
Machine shall have a battery disconnect switch.
Machine shall have a standard backup alarm.
Machine shall have all standard lighting.
Machine shall have strobe light.

OPERATOR'S STATION

ROPS shall meet SAE J1040 May 94 and ISO 3471-1994.
FOPS shall meet SAE J231 Jan 81 and ISO 3449-1992 Level 2.
Machine shall have front and rear windshield wipers.
Machine shall have gauges including hydraulic, engine and transmission temperatures as well as fuel level.
Warning/indicator and diagnostic functions shall include: Primary electrical system voltage low, coolant temperature, engine oil pressure

low, parking brake applied, brake charge pressure low, transmission oil temperature, transmission oil filter bypass, and hydraulic oil filter bypass. Hydraulic joystick control shall operate both lift and tilt functions. Joystick shall integrate transmission direction switch.
Standard seat options shall be available.
Standard fenders.
Mirrors, rearview, internal

LOADER LINKAGE AND BUCKET

Electronic "quick coupler" shall be available for a tool carrier.
Bucket clearance at minimum lift and Level at 13'.
Bucket shall have bolt on teeth and segments
Bucket size shall be 2.2 cubic yards.
3rd function hydraulics shall be available for use with work tools that require additional hydraulic power.

ENVIRONMENTALLY CONSCIOUS DESIGN

Y___ N___ Emissions requirements shall meet or exceed worldwide requirements and be Tier II compliant.
Y___ N___ Air conditioning system shall utilize R-134a refrigerant which does not contain CFCs (chlorofluorocarbons).

MANUALS

Y___ N___ Operation, Maintenance and Instruction ANSI Manuals. (English)

WARRANTY

Y___ N___ Five year full machine warranty must include travel time and mileage.
Y___ N___ Five year or 5000 hour guaranteed buy back. Guaranteed buy back priced \$_____
With or without trade of 1984 Wheel Loader Cat.

Larry Remmenga, Director of Utilities, presented the Backhoe specifications as follows:

Backhoe Minimum Specifications

Shall have 80 net horsepower at 2200 RPM, turbocharged diesel engine
Shall be equipped with alternator that has a charge capacity minimum of 90 amperes or more.
Unit shall be able to change direction and travel speed "on the go".
Unit shall have a high gear speed of no less than 20 mph.
Transmission, differentials and hydraulics shall have separate fluid reservoirs.
Brakes shall be fully self-adjusting
Machine shall be able to reach maximum lift capacity at any engine speed
OSHA approved ROPS/FOPS shall be integral with cab
Cab shall include factory-installed heater/defroster with multiple speed blower with the control in reach from the front and rear of the machine.
Unit shall be equipped with optional air conditioner
Machine shall come standard with horn, audible back up alarm and electric fuel system shut off.
Shall have rear boom with extendable stick. Digging depth shall be at least 18'1".
Shall have quick release bucket capabilities on rear boom
Shall have 24" High Capacity rear bucket w/quick attach
Shall have 18" High Capacity rear bucket w/quick attach
Shall have auxiliary hydraulic outlet on rear boom
Shall have self leveling 4 in 1 front bucket, with fork lift. Bucket shall have minimum capacity of 1 ¼ yards.
Shall be rear wheel (2 wheel drive) driven
Shall have auto-shift transmission, 4 or 5 speed

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Total transport height shall be no greater than 12' 9"
Backhoe shall have boom lock that can be controlled from the seat.
Five year full machine warranty must include travel time and mileage.
Five year or 5000 hour guaranteed buy back. Guaranteed buy
back priced \$.

Commissioner Johnson stated the wording of the five year full machine warranty must include travel time and mileage was left to interpretation.

Commissioner Hosie moved to approve the above Public Works Utility and Wheel Loader specifications and the Utility Backhoe specifications with the amendment on the warranty to include the five year full machine warranty must include mechanic travel time, mileage and machine shipping. Commissioner Jindra seconded. Motion carried.

CONTRACT FOR COMMITMENT OF CITY FUNDS WITH KDOT- 6TH & LINCOLN APPROVED

Ron Copple, Director of Public Works, advised the commission KDOT has awarded the 6th & Lincoln project to Smoky Hill, LLC for \$121,126.29. The City's share of the construction, construction engineering and contingencies is \$15,200.00. Following discussion, Commissioner Jindra moved to approve the commitment of city funds. Commissioner Gilliland seconded. Motion carried.

RESOLUTION NO. 2006-1683 PETTY CASH PASSED

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

THE GOVERNING BODY FINDS IT ADVISABLE IN THE INTEREST OF EFFICIENT ADMINISTRATION TO AUHTOIRZE THE ESTABLISHMENT AND OPERATION OF CERTAIN PETTY CASH FUNDS AS PERMITTED BY K.S.A. 12-171.

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 Strecker, Hosie, Johnson, Jindra and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2006-1683, and was directed to be signed by the Mayor and attested by the City Clerk.

RESOLUTION NO. 2006-1684 - IRB AGMARK PASSED

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

A RESOLUTION APPROVING THE ISSUANCE BY THE BOARD OF COUNTY COMMISSIONERS OF CLOUD COUNTY, KANSAS OF ITS TAXABLE INDUSTRIAL REVENUE BONDS IN THE AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$8,000,000 TO PAY THE COSTS OF ACQUIRING, CONSTRUCTING AND EQUIPPING CERTAIN ADDITIONS, MODIFICATIONS AND IMPROVEMENTS TO AN EXISTING COMMERCIAL GRAIN HANDLING AND STORAGE FACILITY TO BE LEASED TO AGMARK, LLC, WHICH FACILITY IS LOCATED IN CLOUD COUNTY PARTLY WITHIN AND PARTLY WITHOUT THE CORPORATE LIMITS OF THE CITY OF CONCORDIA, KANSAS.

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

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

Nay: None.

Thereupon, the resolution having been adopted by vote of the City Commission, it was given No. 2006-1684, and was directed to be signed by the Mayor and attested by the City Clerk.

RESOLUTION NO. 2006-1685 – CONNIE ALLEN
NUISANCE ABATEMENT- 429 E 2ND APPROVED

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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: LOT 17, BLOCK 188 (429 E 2ND)

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

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

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2006-1685, and was directed to be signed by the Mayor and attested by the City Clerk.

RESOLUTION NO. 2006-1686 – BARBARA HAMILTON
NUISANCE ABATEMENT– 1202 OLIVE

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: N. 52' OF LOTS 1 & 2, BLOCK 71, ORIGINAL TOWN, CONCORDIA (1202 OLIVE)

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

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

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2006-1686, and was directed to be signed by the Mayor and attested by the City Clerk.

RESOLUTION NO. 2006-1687 – TERRANCE EATON
NUISANCE ABATEMENT– 323 E 12TH

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: LOT 15, BLOCK 78, ORIGINAL TOWN (323 E 12TH)

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

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

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2006-1681, and was directed to be signed by the Mayor and attested by the City Clerk.

ORDINANCE NO. 2006-2915-CODE AMENDMENT

PASSED

Thereupon there was presented an Ordinance entitled:

AN ORDINANCE AMENDING A REFERENCE TO A SECTION OF THE CONCORDIA CODE CONCERNING EXCEPTIONS TO TRUCK ROUTE RESTRICTIONS; REPEALING SECITON 19-142 OF THE CONCORDIA CODE; AND AMENDING THE CONCORDIA CODE, BY ADDING A NEW SECTION 19-142.

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

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

Nay: None.

Thereupon, the Ordinance having been adopted by a 2/3rds vote of the members of the City Commission, it was given No. 2006-2915, 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.

**MAYOR/COMMISSIONER
COMMENTS AND REPORTS**

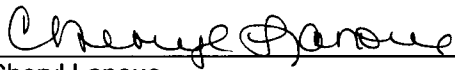
Commissioner Johnson stated he would like to see a statement from the Attorney General on the Shady Lake detailed plan.

Mr. Uri stated he was waiting for a written response from Gilmore & Bell on the issue.

STAFF COMMENTS

City Manager Paine updated the commission on the parking lot behind the theater. Mr. Paine also stated today was Larry Eubanks last day with the US Army and tomorrow would be his first day as Fire Chief.

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


Cheryl Lanoue
City Clerk

(Seal)