

**MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD AUGUST 2, 2006**

The governing body met in regular session on August 2, 2006 at 5:35 p.m. in the City Commission Room in the City Hall, the following members being present and participating, to wit: Commissioners Hosie, Jindra, Johnson and Gilliland.

Absent: Commissioner Strecker.

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, Toby Nosker, Larry and Janet Eubanks, Pastor Cory Shipley, Bev Mortimer, Ima Jean Chavey, Ron Deal, Ron Copple, Steve Dailey, Renee and John Hubert, Lisa Fleming, Bruno Rehbein, Darrell Kearm and Kirk Lowell.

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

Commissioner Johnson moved to approve the minutes of the July 19, 2006 regular meeting with the following amendment: Mayor Pro Tem Gilliland **added** Mid Kansas Homes & Mover, LLC Redevelopment Agreement to the work session. Commissioner Jindra seconded. Motion carried.

APPROPRIATION ORDINANCE NO. 14

APPROVED

Commissioner Johnson asked several questions regarding the inspection of sidewalks, breezeway and parking lot at the Theatre. Mr. Paine advised he would provide copies of the agreements.

Commissioner Jindra moved to approve Appropriation Ordinance No. 14. Commissioner Hosie seconded. Motion carried.

PUBLIC COMMENTS

There were no public comments.

SLURRY SEAL

Ron Copple, Director of Public Works, advised the Commission the city did not receive any bids on the projects and the plan was to re-bid the 2006 projects with the 2007 projects the first of the year.

WAIVER TO RETAIN BENEFITS FOR EMPLOYEE ON LEAVE OF ABSENCE

Mr. Paine said Bob Baumann has been using his accrued sick and vacation leave, which would run out this month. Mr. Paine asked the city commission to approve a waiver to continue Bob Baumann's health insurance for the month of September.

Commissioner Johnson asked the premium cost. Mr. Paine advised approximately \$1,000.

Commissioner Gilliland stated he did not have a problem with this but it would set precedent for other employees. Commissioner Gilliland suggested there should be a policy that addresses the amount of time for this type of waiver.

City Clerk Lanoue stated under the Family Medical Leave Act an employee which has worked 1250 hours or been with the city for one (1) year is eligible for Family Medical Leave Act. Under this act, the employee's position or similar position and health care benefits are protected for twelve (12) weeks. The employee would be required to pay the premium of the health insurance and complete the necessary paperwork.

City Manager Paine stated Bob Baumann was excellent employee and felt this was appropriate to do for employees in high standings. Mr. Paine stated some front office staff felt he did not have the authority to give a waiver, which he already did.

Commissioner Gilliland moved to approve the waiver for Bob Baumann to continue to receive health insurance benefits during his Leave of Absence - September. Commissioner Jindra seconded. The vote being as follows:

Aye: Commissioners Gilliland, Jindra and Hosie.

Nay: Commissioner Johnson.

Motion Carried.

**MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD AUGUST 2, 2006, cont.**

**PUBLIC HEARING VACATION - 1601 LINCOLN**

Mayor Pro Tem Gilliland opened the public hearing for the vacation on 1601 Lincoln.

There being no comments, Mayor Pro Tem Gilliland closed the public hearing.

**PUBLIC HEARING VACATION - 316 W 15TH**

Mayor Pro Tem Gilliland opened the public hearing for the vacation on 316 W 15th.

There being no comments, Mayor Pro Tem Gilliland closed the public hearing.

**ORDINANCE NO. 2006-2920-(EASEMENT VACATION 1601 LINCOLN)** **PASSED**

Thereupon there was presented an Ordinance entitled:

**AN ORDINANCE VACATING LOTS THREE (3), FOUR (4) AND FIVE (5) IN BLOCK THIRTY-SIX IN THE CITY OF CONCORDIA, CLOUD COUNTY, KANSAS.**

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

Aye: Commissioners Jindra, 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. 2006-2920, and was directed to be signed by the Mayor Pro Tem, attested by the City Clerk and directed to be published one time in the official City newspaper.

**ORDINANCE NO. 2006-2921-(EASEMENT VACATION 316 W 15TH)** **PASSED**

Thereupon there was presented an Ordinance entitled:

**AN ORDINANCE VACATING LOTS THE WEST TWENTY-FIVE (W 25) FEET OF LOT FOUR (4) IN BLOCK FORTY-SEVEN (47) IN THE CITY OF CONCORDIA, CLOUD COUNTY, KANSAS.**

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

Aye: Commissioners Jindra, 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. 2006-2921, and was directed to be signed by the Mayor Pro Tem, attested by the City Clerk and directed to be published one time in the official City newspaper.

**RESOLUTION NO. 2006-1705** **APPROVED**  
**UTILITY EASEMENT - 1601 LINCOLN**

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

**WHEREAS, THE GOVERNING BODY FINDS IT ADVISABLE TO ACCEPT THE DEDICATION OF A CERTAIN RIGHT OF WAY EASEMENT.**

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

Aye: Commissioners Hosie, Jindra, Gilliland and Johnson.

Nay: None.

**MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD AUGUST 2, 2006, cont.**

Thereupon, the Mayor Pro Tem declared said Resolution duly adopted and the Resolution was then numbered Resolution No. 2006-1705 and was signed by the Mayor Pro Tem and attested by the Clerk.

**RESOLUTION NO. 2006-1706  
APPLICATION TO KANSAS DEPARTMENT OF  
TRANSPORTATION - NIAGRA STREET**

APPROVED

Bev Mortimer, USD #333, presented a request for the City and School District to partner for KDOT grant funds for the Niagra Street Project. The grant application is due on August 25, 2006 with notification to the project recipients on October 1, 2006 and completion of the planning phase by April 1, 2007 and then submits the plan for phase 2. The program will fund up to \$250,000 on the project.

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

WHEREAS, A RESOLUTION DECLARING THE ELIGIBILITY OF THE CITY OF CONCORDIA TO SUBMIT AN APPLICATION TO THE KANSAS DEPARTMENT OF TRANSPORTATION FOR USE OF SAFE ROUTES TO SCHOOLS FUNDS SET FORTH BY SAFETEA-LU FOR THE NIAGRA STREET PROJECT IN CONCORDIA AND AUTHORIZING THE MAYOR TO SIGN THIS APPLICATION.

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

Aye: Commissioners Hosie, Jindra, Gilliland and Johnson.

Nay: None.

Thereupon, the Mayor Pro Tem declared said Resolution duly adopted and the Resolution was then numbered Resolution No. 2006-1706 and was signed by the Mayor Pro Tem and attested by the Clerk.

**RESOLUTION NO. 2006-1707  
NUISANCE ABATEMENT ASSESSMENT – 910 W 11TH**

APPROVED

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

WHEREAS, THE OWNER, OCCUPANT AND/OR PERSON IN CHARGE OF BLOCK 1 IN LOST CREEK HILL, IN THE ORIGINAL TOWN (910 W 11TH) WAS DULY NOTIFIED AS PROVIDED BY ORDINANCE NO. 2624 OF THE NUISANCE TO BE ABATED AT A COST OF \$851.73.

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

Aye: Commissioners Hosie, Jindra, Gilliland and Johnson.

Nay: None.

Thereupon, the Mayor Pro Tem declared said Resolution duly adopted and the Resolution was then numbered Resolution No. 2006-1707 and was signed by the Mayor Pro Tem and attested by the Clerk.

**RESOLUTION NO. 2006-1708  
NUISANCE ABATEMENT ASSESSMENT – 214 E 13TH**

APPROVED

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

WHEREAS, THE OWNER, OCCUPANT AND/OR PERSON IN CHARGE OF W 22' OF LOT 5 AND ALL OF LOT 6, BLK. 61, IN THE ORIGINAL TOWN, (214 E 13TH) WAS DULY NOTIFIED AS PROVIDED BY ORDINANCE NO. 2624 OF THE NUISANCE TO BE ABATED AT A COST OF \$160.48.

**MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD AUGUST 2, 2006, cont.**

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

Aye: Commissioners Hosie, Jindra, Gilliland and Johnson.

Nay: None.

Thereupon, the Mayor Pro Tem declared said Resolution duly adopted and the Resolution was then numbered Resolution No. 2006-1708 and was signed by the Mayor Pro Tem and attested by the Clerk.

**RESOLUTION NO. 2006-1709  
NUISANCE ABATEMENT ASSESSMENT – 112 W 11TH APPROVED**

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

WHEREAS, THE OWNER, OCCUPANT AND/OR PERSON IN CHARGE OF LOT 4, BLOCK 81, IN THE ORIGINAL TOWN (112 W 11TH) WAS DULY NOTIFIED AS PROVIDED BY ORDINANCE NO. 2624 OF THE NUISANCE TO BE ABATED AT A COST OF \$99.23.

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

Aye: Commissioners Hosie, Jindra, Gilliland and Johnson.

Nay: None.

Thereupon, the Mayor Pro Tem declared said Resolution duly adopted and the Resolution was then numbered Resolution No. 2006-1709 and was signed by the Mayor Pro Tem and attested by the Clerk.

**RESOLUTION NO. 2006-1710  
NUISANCE ABATEMENT – 414 E 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 6, BLOCK 183 SUBDIVISION CONCORDIA, ORIGINAL TOWN (414 E 2ND).

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

Aye: Commissioners Hosie, Jindra, Gilliland and Johnson.

Nay: None.

Thereupon, the Mayor Pro Tem declared said Resolution duly adopted and the Resolution was then numbered Resolution No. 2006-1710 and was signed by the Mayor Pro Tem and attested by the Clerk.

**RESOLUTION NO. 2006-1711  
NUISANCE ABATEMENT – 1112 E 7TH 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 LOTS 4 & E 2 OF LOT 5, BLOCK E FOSTER'S ADDITION CONCORDIA (1112 E 7TH).

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

Aye: Commissioners Hosie, Jindra, Gilliland and Johnson.

Nay: None.

**MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD AUGUST 2, 2006, cont.**

Thereupon, the Mayor Pro Tem declared said Resolution duly adopted and the Resolution was then numbered Resolution No. 2006-1711 and was signed by the Mayor Pro Tem and attested by the Clerk.

**RESOLUTION NO. 2006-1712  
NUISANCE ABATEMENT – 209 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 12, BLOCK 79 SUBDIVISION CONCORDIA, ORIGINAL TOWN (209 E 12TH).**

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

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

**Nay: None.**

Thereupon, the Mayor Pro Tem declared said Resolution duly adopted and the Resolution was then numbered Resolution No. 2006-1712 and was signed by the Mayor Pro Tem and attested by the Clerk.

**RESOLUTION NO. 2006-1713  
MID KANSAS HOMES & MOVERS, LLC  
DEVELOPMENT AGREEMENT**

**APPROVED**

Commissioner Johnson stated he felt the plan should be submitted to the Attorney General on the Shady Lake Redevelopment agreement. Commissioner Johnson moved to submit the Shady Lake Plan to the Attorney General. Motion Failed for a lack of a second.

Commissioner Johnson moved to submit the Mid-Kansas Homes & Movers, LLC Plan to the Attorney General. Motion Failed for a lack of a second.

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

**WHEREAS THE GOVERNING BODY FINDS IT ADVISABLE TO ENCOURAGE THE CONSTRUCTION OF NEW COMMERCIAL FACILITIES AND HOUSING WITHIN THE COMMUNITY.**

The Resolution was considered and discussed; and thereupon on motion of Commissioner Gilliland seconded by Commissioner Jindra. Commissioner Johnson stated the city commission should approve the changes to the contract not the city manager. Following discussion, the Resolution was adopted by the following roll call vote:

**Aye: Commissioners Hosie, Jindra and Gilliland**

**Nay: Commissioner Johnson.**

Thereupon, the Mayor Pro Tem declared said Resolution duly adopted and the Resolution was then numbered Resolution No. 2006-1713 and was signed by the Mayor Pro Tem and attested by the Clerk.

**MAYOR/COMMISSIONER  
COMMENTS AND REPORTS**

Commissioner Johnson stated he would like information on agenda items in his packet so he may review it before the meeting.

Commissioner Johnson asked if the money from the lost account has been receipted in the general fund.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD AUGUST 2, 2006, cont.

City Manager Paine stated the account is not lost and no the money was not going to be receipted in the General Fund. City Manager Paine stated he had been doing budgets for thirty-three (33) years and one of the tactics that normally happens is if someone expends some money on a line item and it comes out of the budget again, again and again. City Manager Paine stated the \$11,000 was on that line item last year and he is not spending it again this year and it becomes an incremental creep on the budget. What his strategy is, is to take care of those items the police department needs and does not show up as an item against a particular part of their annual budget appropriation and therefore it will not show up again as a request in the following year and the year after that, so in that aspect he believes the decision he made and the direction he has given the police chief, protect the city's budget integrity much better.

Commissioner Johnson asked if all monies are to go to the general fund by state statute.

City Manager Paine stated the monies were pre - Burl Maley's time. This is a continuation of a budget problem. In this particular problem the direction he gave to the police chief with the consent of the prior commission, Commissioner Johnson was not on the commission at the time the process was discussed, was the way for it to be done.

Commissioner Johnson asked City Attorney Uri if the funds should go to the general fund by statue.

City Attorney Uri stated he did not have an answer but would look it up.

Commissioner Jindra asked for an update on the ethanol plant.

Kirk Lowell, CloudCorp, updated the commission on the ethanol plant.

STAFF COMMENTS

There were no staff comments.

Mayor Pro Tem Gilliland announced there would be a work session following the meeting.

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

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Cheryl Lanoue  
City Clerk

(Seal)