

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD NOVEMBER 7, 2007

The governing body met in regular session on November 7, 2007 at 5:32 p.m. in the City Commission Room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Johnson, Lanoue and Hosie.

Absent: Commissioner Gilliland.

Other Officers: Interim City Manager Armour, City Attorney Uri and City Clerk Fleming.

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

Visitors: Jessica LeDuc, Toby Nosker, Chér Knudsen, Bruno Rehbein, Lawrence Schleuder, Jolene Crotinger, Delores Deneault, Pat Senner, Wanda Nelson, Jackie Nault, Levi Deneault, Pat Cory, John Cory, Jan Engle, Rickey Ninemire, Keith Geisler, Ronald W. Crotinger, Brenda Deneault, Judy Lambert, Brian Donovan, Fred DeArmond, Steve Runyan, Kathleen C. Rice, Betty L. Havens, Diane Reed, Darleene Schleve, Betty Guinn, Tosha Larkins, Dorothy Cook, James D. Ganson, Ron Cople, Bonnie Bray, Lorene Phipps, Ruby Cairns, Vicki Roberts, Ted Collins, Stacey Crum, Peter Fabarez, Ian Smith, Danny Parker, Jim Kell, Don Lanoue, Nina Sheely, Everett Sheely, Paul E. Girard, Ellis L. Hathaway, Lois Cook, Cathy Bieker, Bob Burns, Marvin Cople, Kelly Allen, Larry Jackson, Kirk Lowell, John Hood, Jean Taylor, Marylu Fellows, Larry Eubanks, Marcia A. Johnson, Mark Budreau, Ron Deal, Tressie Robbins, Tabytha Brown, LeRoy Regnier, Joan McCollough, Janet Eubanks, Tom Tuggle, Jason Townsdin, Donna A. Farrell, Diane Price, Ruby Maline, Jack Gould, Katelyn Koerber, Armand Balthazor, Carol Fortin, John Alexander and Lyle Koerber.

Pastor Bob Burns, Wesleyan Church, provided the invocation before the city commission meeting.

Commissioner Jindra asked to add an item on the agenda. The discussion of moving the meeting scheduled for November 21, 2007 (the night before Thanksgiving) to another date.

APPROVAL OF MINUTES

Commissioner Hosie moved to approve the minutes of the October 17, 2007, regular meeting, with the amendment of removing the word capabilities on page three (3) in the second paragraph. (This refers to using foam to fight a fire.) Commissioner Lanoue seconded. Motion carried. Commissioner Johnson moved to approve the minutes of the October 23, 2007, special call meeting. Commissioner Jindra seconded. Motion carried.

APPROPRIATION ORDINANCE NO. 19

TABLED

Commissioner Lanoue moved to table Appropriation Ordinance No. 19, until clarification is given on the UB adjustments in the amount of \$175.19. Commissioner Johnson seconded. The tabled motion was defeated. The vote being as follows:

Aye: Commissioners Johnson and Lanoue.

Nay: Commissioners Jindra and Hosie.

Commissioner Hosie moved to approve Appropriation Ordinance No. 19. Commissioner Jindra seconded. Motion defeated. The vote being as follows:

Aye: Commissioners Hosie and Jindra.

Nay: Commissioners Johnson and Lanoue.

APPROPRIATION ORDINANCE NO. 20

TABLED

Commissioner Lanoue moved to table Appropriation Ordinance No. 20, until corrections can be made on the Bond and Interest transfers and the TIF transfers and for clarification on the chart of accounts journal entry of \$40.00, and clarification of the cash receipts adjustment of \$141.82 and \$28.02. Commissioner Johnson seconded. Motion carried.

CHANGE MEETING DATE

Following discussion, Mayor Johnson advised there would be a special call meeting, Tuesday, November 20, 2007, at 4:00 p.m. in the commission room. The commission will not meet on November 21, 2007, which is the Wednesday before Thanksgiving.

PLANNING COMMISSION APPOINTMENTS

SUZY TUGGLE & MELVIN DAVENPORT

Bruno Rehbein advised the commission the terms of Suzy Tuggle and Melvin Davenport on the Planning Commission will expired on 11-1-07. Both individuals were contacted and indicated a willingness to serve another term on the Planning Commission. Commissioner Jindra moved to reappoint Suzy Tuggle and Melvin Davenport to another three (3) year term for each on the Planning Commission, with their terms ending November 1, 2010. Commissioner Lanoue seconded. Motion carried.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD NOVEMBER 7, 2007, contd.

PUBLIC COMMENTS

Jolene Crotinger, owner of the Downtown, Inc. (the Downtown Smoke Shop), asked the commission to reconsider the violations of the city ordinance that currently bans smoking in the Downtown Smoke Shop. Ms. Crotinger advised the commission as of November 1st, smoking had been banned in her business. A petition, with 500 signatures, requests the City of Concordia and its representatives to exempt the Downtown Smoke Shop as the business has made necessary accommodations which fall under Sections 11-304 through 11-307 of the ordinance. The petition also requests the City of Concordia to provide a comprehensive investigation and evaluation of the Downtown Smoke Shop's violation of Concordia Code Section 13-1(a)(6), which declares substances which emit foul, unhealthy, or disagreeable odors to be a public nuisance. Ms. Crotinger stated the City labels the Downtown Smoke Shop as a restaurant which subsequently falls under Section 11-302 of the city ordinance, which prohibits smoking inside a restaurant. Ms. Crotinger stated "Mr. Mayor we call on you and your fellow Commissioners to protect the businesses of our community by restricting a single individual to cause a local business to alter its operation with a simple nuisance complaint."

Several citizens spoke on behalf of Jolene Crotinger, showing their support for her and her business.

Larry Uri, City Attorney, informed the commission the city received a nuisance complaint from a citizen. The citizen stated he could smell smoke in his office building, which is located next door to the smoke shop. Mr. Uri reviewed the complaint, and stated there are two ordinances that address the issue. The first ordinance states that a nuisance can be any "foul substance or substances which emit or cause any foul, nauseous, unhealthy or disagreeable odors." The second ordinance relates to smoking in restaurants. Mr. Uri said a restaurant was a building with "table, booth or counter and used as, maintained as, advertised as, or held out to be an operation which prepares, serves or otherwise provides for sale of food and beverages for consumption on the premises." Mr. Uri stated as he interprets the ordinances, they do apply to the smoke shop. He called the owner and landlord of the smoke shop and informed them what he intended to do about the complaint. Mr. Uri then wrote a letter explaining why he thought they were in violation of the ordinances. The letter gave them until November 1, 2007 to cease. Mr. Uri stated he is preparing to precede with formal actions on both nuisance and restaurant violations in municipal court, if there is still smoking in the building.

Commissioner Lanoue asked Mr. Uri, if the smoke shop does not sell food or beverage and only sells cigarettes, would they be classified as a restaurant. Mr. Uri stated they would not be considered a restaurant, but there still would be the nuisance ordinance.

Following a lengthy discussion, Mayor Johnson said the Commission would take everyone's comments under advisement. Commissioner Hosie said the comments pointed out some problems with the smoking in restaurants ordinance, which will be reviewed.

AIRPORT BUILDING IMPROVEMENTS

DISCUSSION

Tom Armour, Interim City Manager, reviewed the airport improvement project and informed the Commission he had visited with Ron Copple and with potential contractors about the project. Mr. Armour had also met with Beldon Blosser and with Mr. Blosser's bank escrow agent to first nullify the original agreement from a year or so ago and second to formalize and sign the new agreement. Mr. Armour informed the Commission the city would have to match the \$54,100 Blosser Foundation Grant for use in the improvement of the main airport building, with such improvements being substantially completed on or before December 31, 2007. Mr. Armour said the total cost to remodel the airport lobby, office and hangar would be \$158,362. Mr. Armour recommends approving this project.

Mr. Armour stated he identified sources in the 2007 budget to fund the \$54,100 match. The sources are as follows: \$2,100 from elections; \$20,000 from liability insurance, \$12,000 from utilities, \$3,000 from the fire department maintenance fund and \$17,000 from the downtown improvement project.

Commissioner Hosie was concerned that by approving this agreement, \$50,000 plus obligation would come out of 2008 budget. Commissioner Lanoue stated the city share in 2008 would only be \$25,081. Mr. Armour said Mr. Blosser indicated he would possibly do this again in 2008, with matching funds being \$25,081/\$25,081.

John Hood and Mark Budreau, potential contractors for the project were present and explained the scope of work for improvements at the airport building.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD NOVEMBER 7, 2007, contd.

Commissioner Jindra pointed out the project had not been bid because of the time constraints. Commissioner Lanoue agreed, the deviation in policy with this project is worth it, because of the \$54,000 the city would get from Blossers.

Mayor Johnson suggested a meeting would be held Tuesday, November 20, 2007 at 10:00 a.m., with John Hood, Mark Budreau, a representative from the Airport Advisory Board, Mark Skiles and Tom Armour to review the improvement project.

Commissioner Jindra moved to authorize the Mayor to sign a contract, along with the contractor and a representative from the Airport Advisory Board for a total of \$158,362, of which \$108,200 will come from the 2007 budget and \$50,162 would come from the 2008 budget; with the contingency that the city will get an additional \$25,081 contribution from the Blosser Foundation. Commissioner Lanoue seconded. Mark Budreau stated the dollar amount does not include a bond. A discussion followed regarding the bonding of the project and bonding requirements. Mr. Uri checked the state requirements for bonding projects.

Commissioner Hosie moved to table the motion until after the executive session. Commissioner Johnson seconded. Motion carried.

Ron Copple asked the commission for approval of using Jet A fuel at the airport. After discussion, Mayor Johnson stated it was the consensus of the commission to allow Mr. Copple to go ahead with the Jet A fuel at the airport.

EXECUTIVE SESSION – NON-ELECTED PERSONNEL

HELD

At this time, Commissioner Johnson moved that the commission recess into executive session for fifteen (15) minutes for the discussion of non-elected personnel. Inviting: Tom Armour. Commissioner Hosie seconded. Motion carried by the following vote:

Aye: Commissioners Jindra, Johnson, Lanoue and Hosie.

Nay: None.

Time: 7:43 p.m.

The commission reconvened at 7:58 p.m.

Mayor Johnson announced there was no binding action taken.

MANAGER'S REPORT

Tom Armour, Interim City Manager, mentioned the following items:

- Distributed a memo to Commission on the Fixed Base Operator.
- Mentioned the City may want to surplus or donate the old scoreboard at the Sports Complex to another city.
- Health insurance carrier requested to be at the December 5, 2007 meeting to discuss the city's insurance for next year.
- Informed Commission of his schedule for the weekend and that he would be back for a 7:00 p.m. meeting on Monday with the City of Jamestown.
- Distributed a comparison between the budget book and the accounting system that identifies what caused the discrepancies.

Mr. Armour stated it had been a pleasure to help out the city the last few months.

AIRPORT BUILDING IMPROVEMENTS

After Mr. Uri checked the statutes, he stated a project requires a bond or certificate of deposit. A certificate of deposit requires that it be in the amount of at least equal to the amount of the construction price and payable to the city and be held by the city for six (6) months after date of acceptance or final completion.

Mark Budreau, contractor, stated he would use a performance bond at two and half percent (2 ½ %) on the first \$100,000 and one and half (1 ½ %) on the remainder.

Commissioner Hosie moved to take the motion off the table. Commissioner Lanoue seconded. Motion carried.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD NOVEMBER 7, 2007, contd.

Commissioner Jindra rescinded his first motion and moved to authorize the Mayor and a representative from the Airport Advisory Board to sign a contract with Budreau Construction, Inc. for a total of \$158,362 (plus 2 ½ percent on the first \$100,000 and 1 ½ % on the remainder) with \$108,200 coming from the 2007 budget and \$50,162 coming from the 2008 budget and with the contingency that we get additional funding from the Blosser Foundation in the amount of \$25,081. Commissioner Lanoue seconded. Motion carried.

**MAYOR/COMMISSIONER
COMMENTS AND REPORTS**

Commissioner Hosie requested a report on the Kansas City Chiefs bus trip. Commissioner Hosie thanked Mr. Armour for his time here. Commissioner Hosie questioned the letter to the editor about the 3rd quarter report that was not in the paper. Mr. Armour stated that has been corrected and is ready for publication.

Commissioner Lanoue thanked Tom Armour for his time here. Commissioner Lanoue asked if the revenue was being reviewed along with expenditures. Mr. Armour advised he had only reviewed the expenditures and Ruby had done some revenue review. Commissioner Lanoue asked about the revolving loan fund request she made several months ago. Ruby Maline informed her a check was written today to put the money back in. Commissioner Lanoue thanked staff for the pool report she received.

Commissioner Johnson thanked Tom Armour for his service. Commissioner Johnson asked Mr. Armour if he had checked on his request for proposal on the clarifier. Mr. Armour advised he had not had chance to get to it. Commissioner Johnson asked Chief Parker about burglaries in the area. Chief Parker passed out a report on the 2007 (to date) crimes.

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


Lisa Fleming
City Clerk

(Seal)