

**MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD DECEMBER 5, 2007**

The governing body met in regular session on December 5, 2007 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, Johnson, Lanoue, Gilliland and Hosie.

Absent: None.

Other Officers: City Manager Skiles, 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, Tom Armour, Marcia A. Johnson, Ruby L. Maline, Larry Remmenga, Stacey Crum, Bill Garrison, Nancy Reynolds, Renee Hubert, Don Lanoue, Danny Parker, Joe Strecker, Emily Redmond, Megon Hittle, Jason Grogan, Lindsey Eakins, Marvin Copple, Kirk Lowell, J.T. Klaus, JR Way, Blake Hendrix, Ron Deal, Ron Copple, Larry Eubanks, George A. Shaffer, Jim Kaup, Susie Haver, Rick Underbakke, Jolene Crotinger, Rod Crotinger and Bob Maxson.

Pastor Jason Grogan, Baptist Church, provided the invocation before the city commission meeting.

At the request of City Manager Mark Skiles, Commissioner Jindra moved to add an executive session for non-elected personnel to the agenda. Commissioner Lanoue seconded. Motion carried.

APPROVAL OF MINUTES

Commissioner Jindra moved to approve the minutes of the November 9, 2007 special call meeting. Commissioner Gilliland seconded. Motion carried with the following vote:

Yea: Commissioners Jindra, Gilliland, Hosie and Johnson.

Nay: Commissioner Lanoue.

Commissioner Hosie moved to approve the minutes of the November 20, 2007, special call meeting. Commissioner Gilliland seconded. Motion carried. Commissioner Hosie moved to approve the minutes of the November 21, 2007, regular meeting. Commissioner Lanoue seconded. Motion carried.

APPROPRIATION ORDINANCE NO. 22

Commissioner Jindra moved to approve Appropriation Ordinance No. 22. Commissioner Gilliland seconded. Motion carried.

PROCLAMATION – PEARL HARBOR DAY OF REMEMBRANCE

Mayor Johnson read a proclamation and declared the December 7, 2007, as Pearl Harbor Day of Remembrance.

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARING – CURB AND GUTTER

HELD

Mayor Johnson opened the public hearing for the curb & gutter projects. Mayor Johnson announced that this was a hearing on proposed assessments for the following improvements:

Curb and gutter replacement at the following locations: 407 E. 7<sup>th</sup>, 904 1<sup>st</sup> Ave., 403 E. 7<sup>th</sup> and 443 W. 13<sup>th</sup>

Ron Copple, Director of Public Works, reviewed the curb and gutter improvement projects and recommended approving final costs.

The Governing Body determined that the notice of hearing and a statement of the costs proposed to be assessed had been mailed to the owners of the property made liable to pay such assessments, all as provided by Section 9(b) of Chapter 99, of the Kansas Legislative Session Laws of 1957, otherwise cited as K.S.A. 12-6a09(b).

There were no public comments.

Mayor Johnson closed the public hearing.

APPROVE FINAL COST FOR CURB AND GUTTER IMPROVEMENT PROJECTS

Commissioner Hosie moved to approve final costs for the curb and gutter projects for 2007. Commissioner Jindra seconded. Motion carried.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD DECEMBER 5, 2007 cont'd

REVIEW EMPLOYEE HEALTH INSURANCE

Mark Skiles, City Manager, informed the commission he had visited with six (6) companies regarding employee health insurance plans. Mr. Skiles stated he would like to schedule a special call meeting to have a representative from one of the companies give a presentation to the commission. Following discussion, a special call meeting was scheduled for Monday, December 10, 2007 at 5:30 p.m. in the commission room.

DESIGNATION OF OFFICIAL DEPOSITORIES

APPROVED

Commissioner Lanoue moved to authorize The Citizens National Bank, Central National Bank, United Bank, Peoples Exchange Bank and Elk State Bank the official depositories for the City of Concordia for 2008. Commissioner Johnson seconded. Motion carried.

LEASE AGREEMENT FOR NEW COPIER

Ruby Maline advised the commission she was contacted by IKON Office Solutions about the current copier in the city office, which is an obsolete model. Ms. Maline stated she had checked with several businesses to get quotes on the purchase or lease of a new copier. She recommended using a lease program with Century Business Systems. Following discussion, Commissioner Gilliland moved to authorize staff, upon their approval of the lease agreement, to execute a lease agreement for a new copier. Commissioner Jindra seconded. Motion carried.

ORDINANCE NO. 2007 – 2943  
2007 CURB AND GUTTER PROJECTS

APPROVED

Thereupon, there was presented an Ordinance entitled:

AN ORDINANCE ASSESSING TO EACH LOT, PIECE AND PARCEL OF LAND LIABLE FOR SPECIAL ASSESSMENT THE AMOUNT TO BE PAID FOR THE COST.

Thereupon, Commissioner Jindra moved that said Ordinance be adopted. The motion was seconded by Commissioner Lanoue. Said Ordinance was duly read and considered, and upon being put, the motion for the adoption of said Ordinance was carried by the vote of the governing body, being as follows:

Yea: Commissioners Johnson, Gilliland, Jindra, Lanoue and Hosie.

Nay: None.

Thereupon, the Mayor Johnson declared said Ordinance duly adopted and the Ordinance was then duly numbered Ordinance No. 2007-2943 and was signed by the Mayor and attested by the Clerk.

ORDINANCE NO. 2007 – 2944  
EVERTON ENERGY REZONE

APPROVED

Bruno Rehbein reviewed the rezoning request of a 111.67 tract of land for Everton Energy, LLC from A-L Agricultural District to I-2 Heavy Industrial District and introduced Jim Kaup, retained by the City, to address the Commission about the rezone.

Mr. Kaup advised the Commission to declare whether they had anything which would obstruct or impair their ability to objectively assess and determine to make their decision on these applications based upon the record presented by the Planning Commission, plus whatever is said tonight. There were no comments from the Commission.

Commissioner Gilliland moved to adopt the findings of the Planning Commission regarding the rezoning of Everton Energy, LLC. Commissioner Jindra seconded. Motion carried.

Thereupon, there was presented an Ordinance entitled:

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CONCORDIA BY APPROVAL OF A REZONING OF 111.67 ACRES AT 1831 NORTH 180<sup>TH</sup> ROAD FROM "A-L" AGRICULTURAL DISTRICT TO "I-2" HEAVY INDUSTRIAL DISTRICT.

Thereupon, Commissioner Gilliland moved that said Ordinance be adopted. The motion was seconded by Commissioner Hosie. Said Ordinance was duly read and considered, and upon being put, the motion for the adoption of said Ordinance was carried by the vote of the governing body, being as follows:

Yea: Commissioners Johnson, Gilliland, Jindra, Lanoue and Hosie.

Nay: None.

**MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD DECEMBER 5, 2007, contd.**

Thereupon, the Mayor Johnson declared said Ordinance duly adopted and the Ordinance was then duly numbered Ordinance No. 2007-2944 and was signed by the Mayor and attested by the Clerk.

**ORDINANCE NO. 2007 – 2945**  
**EVERTON ENERGY CONDITIONAL USE PERMIT** **APPROVED**

Mr. Kaup reviewed the Everton Energy, LLC conditional use permit application. He informed the commission Everton Energy had graciously volunteered to maintain conditions on the surrounding property. Mr. Kaup informed the Commission the language in Section 5, item 2, "including lands off site owned by Everton Energy" had been changed from the ordinance they received in the packet. A discussion was held about whether the City would be held liable if a "noxious" complaint was received. Mr. Kaup advised it would not fall on the City's liability because business omission of fumes would be subject to state and federal regulations.

Commissioner Gilliland moved to adopt the findings of the Planning Commission in regard to the Conditional Use Permit of Everton Energy, LLC. Commissioner Jindra seconded. Motion carried.

Thereupon, there was presented an Ordinance entitled:

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CONCORDIA BY APPROVAL OF A CONDITIONAL USE PERMIT TO ESTABLISH AND OPERATE AN ETHANOL PRODUCTION FACILITY ON PROPERTY REZONED TO "I-2" HEAVY INDUSTRIAL AND LOCATED AT 1831 NORTH 180<sup>TH</sup> ROAD.**

Thereupon, Commissioner Hosie moved that said Ordinance be adopted with the revisions presented by Mr. Kaup. The motion was seconded by Commissioner Gilliland. Said Ordinance was duly read and considered, and upon being put, the motion for the adoption of said Ordinance was carried by the vote of the governing body, being as follows:

Yea: Commissioners Johnson, Gilliland, Jindra, Lanoue and Hosie.

Nay: None.

Thereupon, the Mayor Johnson declared said Ordinance duly adopted and the Ordinance was then duly numbered Ordinance No. 2007-2945 and was signed by the Mayor and attested by the Clerk.

Blake Hendrix, representative of Everton Energy, gave an update on the progress of the construction and reviewed the schedule of the Everton Energy project.

**ORDINANCE NO. 2007 – 2946**  
**ALLOWING SAMPLES OF WINE & BEER IN CITY PARK – SAMPLER FESTIVAL** **APPROVED**

Thereupon, there was presented an Ordinance entitled:

**AN ORDINANCE ALLOWING CONSUMPTION OF SAMPLES OF WINE AND BEER IN CITY PARK IN THE CITY OF CONCORDIA IN CONJUNCTION WITH THE KANSAS SAMPLER FESTIVAL.**

Thereupon, Commissioner Gilliland moved that said Ordinance be adopted. The motion was seconded by Commissioner Johnson. Said Ordinance was duly read and considered, and upon being put, the motion for the adoption of said Ordinance was carried by the vote of the governing body, being as follows:

Yea: Commissioners Johnson, Gilliland, Jindra, Lanoue and Hosie.

Nay: None.

Thereupon, the Mayor Johnson declared said Ordinance duly adopted and the Ordinance was then duly numbered Ordinance No. 2007-2946 and was signed by the Mayor and attested by the Clerk

**RESOLUTION NO. 2007-1797**  
**DEFINE CORPORATE LIMITS OF THE CITY** **APPROVED**

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

**A RESOLUTION OF THE CITY OF CONCORDIA, KANSAS, DEFINING THE CORPORATE LIMITS OF THE CITY OF CONCORDIA, KANSAS.**

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

**MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD DECEMBER 5, 2007, contd.**

Yea: Commissioners Johnson, Jindra, Gilliland, Hosie and Lanoue.

Nay: None.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then numbered Resolution No. 2007-1797 and was signed by the Mayor and attested by the Clerk.

ACCPET BID FOR UTILITY BOX FOR NEW UTILITY TRUCK

ACCEPTED

Larry Remmenga, Director of Utilities, reviewed the bids he received for the utility box and lift gate. Staff's recommendation was to accept the low bid in the amount of \$5,395.00 from Friend Truck Equipment. Following discussion, Commissioner Hosie moved to accept the bid from Friend Truck Equipment, Hastings, Nebraska, in the amount of \$5,395.00, for the utility box and lift gate. Commissioner Johnson seconded. Motion carried.

MANAGER'S REPORT

Mark Skiles, City Manager, reported on the airport terminal project. Mr. Skiles stated the Blosser Foundation had verbally agreed to obligate themselves to half of the \$53,000, which is \$26,500. The City's half, \$26,500, will come out of the 2008 budget.

Ron Copple, Director of Public Works, gave an update on the status of the airport project. He stated the jet fuel tank had been cleaned out and filled and will soon be ready to start selling jet fuel. Mr. Copple advised the Commission he had visited with Brian Donovan about the Fixed Base Operator at the airport. Mr. Donovan informed Mr. Copple he may be interested in being the Fixed Base Operator.

Tom Armour presented the Commission with the ethanol notebook he had been working on. Mr. Armour advised the Commission the college had contacted the City about the possibility of an intern at City Hall for the next semester.

MAYOR/COMMISSIONER COMMENTS AND REPORTS

Commissioner Lanoue stated she did not remember the quarterly investment reports being on the agenda and wanted to make sure they had been done. Commissioner Lanoue asked Mr. Copple if the City will be required to inspect the viaduct. Mr. Copple stated not that he knew of, but the City would hire Campbell and Johnson to do the inspection if needed.

Commissioner Lanoue asked if anyone had reviewed the budget for budget amendments. Mr. Skiles stated he did not of any at this time. Commissioner Lanoue asked if the detailed copy of the 2008 budget was done.

Commissioner Lanoue thanked Lisa for her years of service.

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: Mark Skiles and Tom Armour. Commissioner Gilliland seconded. Motion carried by the following vote:

Yea: Commissioners Jindra, Johnson, Gilliland, Lanoue and Hosie.

Nay: None.

Time: 7:27 p.m.

The commission reconvened at 7:42 p.m.

Mayor Johnson announced there was no binding action taken.

Commissioner Johnson announced there would be a study session following the meeting.

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

\_\_\_\_\_  
Lisa Fleming  
City Clerk

(Seal)