

**MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JANUARY 17, 2007**

The governing body met in regular session on January 17, 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 Strecker, Hosie, Johnson, Gilliland and Jindra.

Absent: None

Other Officers: City Manager Paine, Deputy City Clerk Phil Deneault and City Attorney Uri.

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

Visitors: Jessica LeDuc, Toby Nosker, Danny Parker, Ron Deal, Larry Eubanks, John States, Larry Remmenga, Bruno Rehbein, Don & Cheryl Lanoue, and Ron Copple.

Pastor John States, First Christian Church, provided the invocation before the city commission meeting.

**APPROVAL OF MINUTES**

Commissioner Johnson made the motion to amend the December 20, 2006 minutes to include the statement by Kirk Lowell that the financial records of CloudCorp. are open to the public. Commissioner Hosie seconded.

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

Nay: None.

Commissioner Johnson made the motion to approve the minutes of the Jan. 3, 2007 meeting as amended. Commissioner Hosie seconded.

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

Nay: None.

**APPROPRIATION ORDINANCE NO. 24**

**APPROVED**

Commissioner Gilliland moved to approve Appropriation Ordinance No. 24. Commissioner Strecker seconded. Motion carried.

**PUBLIC COMMENTS**

There were no public comments.

**PUBLIC HEARING – 2007 BUDGET AMENDMENT**

**HELD**

Mayor Strecker opened the 2007 budget amendment hearing as required by state statute.

City Manager Larry Paine presented to the commissioners an amendment to the 2007 budget and explained why it was necessary. After the 2007 budget had been approved it was discovered that the 911 wireless money the city had been receiving was required by statute to be in a separate fund. To comply, a new fund 312 would be used to keep the 911 wireless money separate from the regular 911 funds put into fund 212. The budget amendment would allow the city to move the 911 wireless monies currently in fund 212 to the new fund 312. Also this would allow the city to receipt any new funds received in 2007 into that new wireless 911 fund. To make those funds in the 911 wireless account available at any given time during the year, it was decided to do the amendment at the beginning of the calendar year instead of waiting until the end of the year giving the city budget authority to expend those funds if necessary.

Commissioner Johnson stated that when you go back and compare the figures to those in the original budget they approved, there is a discrepancy of \$2,905.00. After reviewing those figures, the City Manager stated he did not know at the current time why there was a difference of \$2,905.00, but the total amount being amended is the correct amount.

Cheryl Lanoue addressed the commission with a question in regard to the transfer of funds from 212 to 312. She stated she would like to know where the \$30,455.00 for transfers in the new fund was at. She said all she could see was the \$14,000.00 for the 2007 911 wireless fees. The City Manager stated it showed up as the cash balance. Cheryl stated that the unencumbered cash balance is beginning cash and should be a transfer. Mr. Paine said that she is correct.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JANUARY 17, 2007, cont'd.

ORDINANCE NO. 2007-2928 - ADOPTION OF AMENDED 2007 BUDGET

ACCEPTED

Thereupon there was presented an Ordinance entitled:

AN ORDINANCE AMENDING THE 2007 ADOPTED BUDGET OF THE CITY OF CONCORDIA.

Thereupon, Commissioner Johnson moved that said Ordinance be passed. The motion was seconded by Commissioner Jindra. Said Ordinance was duly read and considered, and upon being put, the motion for the passage of said Ordinance was carried by the vote of the City Commission, the vote being as follows:

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

Nay: None.

Thereupon, the mayor declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. 2007-2928 was signed by the Mayor and attested by the Clerk.

ORDINANCE NO. 2007- 2929-CONTRACTOR LICENSING

ACCEPTED

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE LICENSING OF THE ELECTRICAL, HVAC MECHANICAL, AND PLUMBING TRADES IN THE CITY OF CONCORDIA;

The Ordinance was considered and discussed; and thereupon a motion was made by Commissioner Jindra and seconded by Commissioner Gilliland. Commissioner Hosie voiced concerns about the new contractor licensing and he felt the City and county should not be exempt. Commissioner Gilliland agreed. Motion failed with the following roll call vote:

Yea: Commissioners Jindra and Strecker.

Nay: Commissioners Gilliland, Hosie and Johnson.

Thereupon Commissioner Gilliland presented a motion to approve Ordinance #2007-2929 for the new contractor licensing excluding the exemptions for city and county organizations. Commissioner Jindra seconded.

The ordinance was passed by the following roll call vote:

Yea: Commissioners Gilliland, Jindra, Strecker and Johnson.

Nay: Commissioner Hosie.

Thereupon, the mayor declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. 2007-2929 was signed by the Mayor and attested by the Clerk.

RESOLUTION NO. 2007-1750- WAIVER OF GAAP

ACCEPTED

Thereupon, there was presented a Resolution entitled:

A RESOLUTION OF THE CITY OF CONCORDIA, KANSAS HAS CONSIDERED AND DEEMED IT ADVISABLE TO WAIVE THE REQUIREMENTS OF LAW RELATING TO THE PREPARATION OF FINANCIAL STATEMENTS AND FINANCIAL REPORTS THAT CONFORM TO THE GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

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

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

Nay: None.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then numbered Resolution No. 2007-1750 and was signed by the Mayor and attested by the Clerk.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JANUARY 17, 2007, cont'd.

RESOLUTION NO. 2007-1751-ADOPT HEALTH REIMBURSEMENT PLAN

ACCEPTED

Thereupon, there was presented a Resolution entitled:

WHEREAS, THE GOVERNING BODY FINDS THAT THE BEST INTERESTS OF THE CITY ARE SERVED BY ADOPTION OF A CERTAIN HEALTH REIMBURSEMENT ARRANGEMENT, AS DESCRIBED IN THE DOCUMENTS ATTACHED HERETO AND TITLED HEALTH REIMBURSEMENT ARRANGEMENT AND SUMMARY PLAN DESCRIPTION.

Thereupon, Commissioner Gilliland moved that said Resolution be adopted with the addition of the following: Resolved, that this plan shall be dissolved on December 31, 2007. The motion was seconded by Commissioner Jindra. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the City Commission, being as follows:

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

Nay: None.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then numbered Resolution No. 2007-1751 and was signed by the Mayor and attested by the Clerk.

RESOLUTION NO. 2007-1752-ADOPT CAFETERIA PLAN

ACCEPTED

Thereupon, there was presented a Resolution entitled:

WHEREAS, THE GOVERNING BODY FINDS THAT THE BEST INTERESTS OF THE CITY ARE SERVED BY ADOPTION OF A CAFETERIA PLAN INCLUDING A DEPENDENT CARE FLEXIBLE SPENDING ACCOUNT AND HEALTH FLEXIBLE SPENDING ACCOUNT EFFECTIVE JANUARY 1, 2007 FOR THE BENEFIT OF CITY EMPLOYEES, AS DESCRIBED IN THE DOCUMENTS ATTACHED HERETO AND TITLED AMENDMENT NUMBER ONE TO CITY OF CONCORDIA, KANSAS FLEXIBLE BENEFITS PLAN AND SUMMARY PLAN DESCRIPTION:

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

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

Nay: None

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then numbered Resolution No. 2007-1752 and was signed by the Mayor and attested by the Clerk.

RESOLUTION NO. 2007-1753-ESTABLISH FLEX BENEFIT PLAN

ACCEPTED

Thereupon, there was presented a Resolution entitled:

WHEREAS, THE GOVERNING BODY FINDS THAT THE BEST INTERESTS OF THE CITY ARE SERVED BY ADOPTION OF CERTAIN AMENDMENTS TO THE FLEXIBLE BENEFIT PLAN MAINTAINED FOR THE BENEFIT OF CITY EMPLOYEES, AS DESCRIBED IN THE DOCUMENTS ATTACHED HERETO AND TITLED AMENDMENT NUMBER ONE TO CITY OF CONCORDIA FLEXIBLE BENEFITS PLAN, THE SUMMARY PLAN DESCRIPTION - MATERIAL MODIFICATIONS, AND HIPAA PRIVACY PLAN SPONSOR CERTIFICATION TO HEALTH PLAN;

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

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

Nay: None

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JANUARY 17, 2007, cont'd.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then numbered Resolution No. 2007-1753 and was signed by the Mayor and attested by the Clerk.

DECLARATION FOR PARTICIPATION IN THE FIREFIGHTERS RELIEF FUND APPROVED

The State of Kansas annually sends the City a Declaration for Participation in the Firefighters Relief Fund. This entitles the fire department to participate in the Firefighters Relief Act, a fund created by law (K.S.A. 40-1701, et.Seq., and K. A.R. 40-10-1, et. Seq.).

Commissioner Gilliland made a motion to approve and sign the declaration. Commissioner Johnson seconded. Motion carried.

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

Nay: None

MAYOR/COMMISSIONER COMMENTS

There were no comments

STAFF COMMENTS

City Manager Larry Paine informed the City Commission that there would be a Sexual Harassment Training for all city employees on February 8, 2007.

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

  
Phil Deneault  
Deputy City Clerk

(Seal)

~~December~~ <sup>JANUARY</sup> 17, 2007

This transcript of conversation between Kirk Lowell, Executive Director, Cloud Corp and Charles B. Johnson, City Commissioner, Concordia, Kansas at the City Commission meeting, December 20, 2006 is submitted as an amendment to the minutes of the December 20, 2006 city commission meeting.

Question by C. Johnson: What are the prospects of the public being informed of how the money (Cloud Corp's expenditure of the public monies contributed to their support) is being spent?

Response by Mr. Lowell: This is why we have a fixed seat on the Board for a City Commissioner and a fixed seat for a County Commissioner, and you as a Commission appoint to that seat. We want those Commissioners at the table so they are at our board meetings, they hear about the projects and what those other twenty-four directors are talking about on general policy and also to watch your money, your funds. After our board meetings, after our financials have been reviewed by a Certified Public Accountant, they are also reviewed by our finance committee, which is chaired by a director, and then we have other volunteers who are not on the board look those financials over and then our Executive Committee looks at them, and they go to the full Board. After the board approves those financials, they are copied to the rest of the City Commissioners and the County Commissioners so you have our expenditures by category and also our budget and those percentages to see how we are doing. I feel like that if that is a document you feel like needs to be shared it becomes a public document when we submit it to you.

Question by C. Johnson: How come that letter comes along that says all this is confidential?

Response by Mr. Lowell: Primarily that is for our projects and we can work on that. We do submit our minutes to you that have projects in them that are sometimes confidential, but our financials, I don't feel are and I think we maybe can clarify that language. Our feelings in the past are that those financials are for you, the city manager, so that you know where your money is going. If you have a citizen approach you, I feel like it is something you can share with them.

Statement by C. Johnson: It probably would be a lot better for the public if you would share it with them because that seems to be where they think there is a lack of communication.


Response by Mr. Lowell: We do share it with the public when we provide it to you as an elected official. There might be a better way to do it, but there are five sets of those documents, plus the city manager, and at the County, three sets, so that is what we are trying to do when we provide them to you as Commissioners, so you can go through them. You are welcome to come into the office and we will go through them. I have even had questions over the years where we have arranged time with our accountant, if you want to go in and sit down with our accountant because we are a for-profit corporation, tax and all and things we have got to do, and we have arranged time over the years with our accountant if you want to go through our financials.

Statement by C. Johnson: I don't have a problem with it, but the public does and we are providing about 55% of your budget from tax dollars. If the general public came in would you explain it to them?

Response by Mr. Lowell: Why I think so, I answer questions all the time.

Question by C. Johnson: Would you answer questions about your finances?

Response by Mr. Lowell: Absolutely, absolutely.

  
Charles B. Johnson  
City Commissioner, Concordia, Kansas

The attached transcript dated January 17, 2007, is from Commissioner Johnson in regard to the December 20, 2006 meeting minutes.

This transcript is not a part of the December 20, 2006 minutes approved by the city commission but it will be filed with the amended December 20, 2006 minutes approved by the city commission on February 7, 2007.