

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MAY 2, 2007

The governing body met in regular session on May 2, 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, Gilliland, Lanoue and Hosie.

Absent: None.

Other Officers: City Manager Paine, 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, Pastor Gay Robertson, Kirk Lowell, Randall Hobrock, Ted Collins, John States, Ralph E. Campbell, Ron Copple, Jack Gould, Chér Knudsen, Stacey Crum, Ruby Maline, Janet Eubanks, Marvin Copple, Charles and Virginia Leckberg, Bob Ballard, Janet Lowell, Armand Balthazor, Larry Eubanks, Charlie Bowers, Ron Deal, John Forshee, Robin Hood, Greg Hattan, Don Lanoue, Loren Swenson, Steve Womack, Mike Lamb, Emily Fonken, Marcia Johnson, and Bruno Rehbein.

Pastor Gay Robertson, Trinity United Methodist Church, provided the invocation before the city commission meeting.

Mayor Johnson announced the next item as approval of the agenda. City Manager Paine recommended switching agenda items seven (7) and eight (8). The action taken on item 8A (Approve 2007 Capital Improvement Project Program) could affect the action on 7A (Industrial Park Infrastructure). Commissioner Hosie moved to switch numbers seven and eight on the agenda. Commissioner Jindra seconded. Motion carried.

APPROVAL OF MINUTES

Commissioner Gilliland moved to approve the minutes of the April 18, 2007 regular meeting as written. Commissioner Jindra seconded. Motion carried.

Commissioner Jindra moved to approve the minutes of the special call meeting (work session) held April 25, 2007 as written. Commissioner Hosie seconded. Motion carried.

APPROPRIATION ORDINANCE NO. 8

APPROVED

Commissioner Gilliland moved to approve Appropriation Ordinance No. 8. Commissioner Hosie seconded. Motion carried.

PROCLAMATION –
BUDDY POPPY WEEK

READ

Mayor Johnson read a proclamation and declared the week of May 13–19, 2007 as Buddy Poppy week.

PROCLAMATION –
MOTORCYCLE AWARENESS MONTH

READ

Mayor Johnson read a proclamation and declared the month of May as Motorcycle Awareness Month.

APPOINTMENTS - BOARD OF BUILDING TRADES

DENNIS FLEMING & JOHN HOOD

Bruno Rehbein, Building Inspector, advised the commission that Dennis Fleming and John Hood's terms on the Board of Building Trade expires on May 31, 2007. The city advertised for interest from the public with no response. Mr. Fleming and Mr. Hood were contacted and are willing to serve another three (3) year term. Commissioner Gilliland moved to reappoint Dennis Fleming and John Hood, each to a three (3) year term, on the Board of Building Trades (6-1-07 through 5-31-10). Commissioner Jindra seconded. Motion carried.

PUBLIC COMMENTS

Greg Hattan was present to make comments regarding the proposed Everton Energy development agreement. Mr. Hattan asked if the six million dollars would be applied to the 30% debt ceiling on the special assessment bonds. Mr. Paine informed him it was not affected. Mr. Hattan advised the commission an ethanol plant was being built in Liberal and received a two million dollar grant from Kansas Department of Transportation for infrastructure improvements and asked if the city had applied for a grant similar to that. Mr. Paine stated the city had not at this point. Mr. Hattan asked if it would be possible to roll the \$6 million special assessment into the industrial revenue bond issue. Mr. Hattan suggested the commission consider less than 100% abatement. Mr. Hattan asked if the building permit fee for Everton Energy would be waived or if it would be part of the incentive package.

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Mr. Hattan commented on the 1,284 acre foot water request. He stated this seems very reasonable and hoped the city was not being too conservative. He asked if there was updated information on the water situation since the 1991 geological survey. Mr. Hattan also asked about the state of the art monitoring system that will be placed on the new wells and if there was a monitoring system on the current wells. He suggested staying in contact with the governor about the stream flow of the river. He hoped the city and Everton Energy come together on a level playing field.

Robin Hood was present to comment about the Everton Energy project. He thought the commission had a responsibility to the citizens of Concordia to make wise decisions with public money and before making decisions the commission should ask themselves if Everton's ethanol plant would be here in 15 years. Mr. Hood provided the commission with several articles out of the Wall Street Journal relating to ethanol. Mr. Hood read a line from an article in the Wall Street Journal "How many of the 111 U.S. ethanol refineries already in operation depend on tax handouts, mandates and import tariffs to keep themselves profitable? Probably all of them." Another part of an article stated Brazil can produce ethanol made from sugar cane for as little as 80 cents a gallon, less than half the price of U.S. ethanol producers. Mr. Hood asked the commission if they were willing to give a 15 year stand behind guarantee on the ethanol plant when there are a lot of ifs and ands with this plant.

Charlie Bowers advised the commission he was excited about the ethanol project and hopes it will come to pass and that he admires Everton for taking a risk in this type of venture.

2007 CAPITAL IMPROVEMENT PROJECT PROGRAM

City Manager Paine reviewed the capital improvement project procedures. Per Section 2 of Ordinance 2002-2844 "the capital improvement plan may be amended from time to time as deemed advisable by the governing body". The current plan was reviewed and approved by the planning commission. Mr. Paine stated the capital improvement plan can be approved by motion. Commissioner Lanoue stated the tennis court resurfacing was supposed to come out of the CIP. Commissioner Lanoue questioned the recreation and cemetery line items in the CIP. She felt these two items should be put back in the 2008 budget. After discussion, Commissioner Gilliland moved to approve the capital improvement project fund as presented in the original budget with the following modifications: Industrial Park Infrastructure \$115,500; Tennis Improvements \$13,000; Downtown Improvement Projects \$50,000 and reduce engineering on the flood control project by \$178,500. Commissioner Jindra seconded. Motion carried.

PETITION – CURB & GUTTER PROJECT
LOWELL MOON – 407 E. 7TH

ACCEPTED

Ron Copple, Director of Public Works, advised the commission the city received four (4) signed petitions for the curb and gutter replacement project. Mr. Copple explained the total cost of the project with the engineer's estimates for the district (property owner) and city's share. Commissioner Lanoue questioned the estimated cost of improvement in the resolution. The resolution in the agenda packets had the district amount as the estimated cost of improvement. The amount of the estimated cost of improvement will be changed on each of the resolutions to be the total cost of improvement, not the district's cost.

Commissioner Jindra moved to accept the curb and gutter petition from Lowell Moon. Commissioner Lanoue seconded. Motion carried.

PETITION – CURB & GUTTER PROJECT
JOHN MURRAY – 904 1ST AVE.

ACCEPTED

Commissioner Hosie moved to accept the curb and gutter petition from John Murray. Commissioner Jindra seconded. Motion carried.

PETITION – CURB & GUTTER PROJECT
RUTH A. JONES – 403 E. 7TH

ACCEPTED

Commissioner Johnson moved to accept the curb and gutter petition from Ruth A. Jones. Commissioner Hosie seconded. Motion carried.

PETITION – CURB & GUTTER PROJECT
JEFF EAKINS – 433 W. 13TH

ACCEPTED

Commissioner Lanoue moved to accept the curb and gutter petition from Jeff Eakins. Commissioner Gilliland seconded. Motion carried.

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DISCUSSION OF
INDUSTRIAL PARK INFRASTRUCTURE

City Manager Paine advised commission, after previous meeting discussions regarding the infrastructure at the industrial park, specifically the road, that staff's recommendation was still to use concrete for the road and authorize staff to proceed with construction of the infrastructure. Commissioner Gilliland moved to approve infrastructure improvement at the Industrial Park with city staff doing the construction of a concrete street in the approximate amount of \$115,500. Commissioner Jindra seconded. Commissioner Lanoue asked if a sidewalk would have to be put in with the new street, as per city code or could the city be exempt from the policy. City Manager Paine advised the current plan in the plat has a sidewalk as part of the recommendation. Commissioner Gilliland asked staff to review the sidewalk issue. City Manager Paine stated this could be addressed at the June meeting. Commissioner Hosie commented he still favors to use gravel for the road, but he would support the recommendation so the project may move forward. After no further discussion, motion carried.

RESOLUTION NO. 2007-1761
CURB & GUTTER REPAIR –
LOWELL MOON – 407 E. 7TH

PASSED

City Manager Paine informed the commission the estimated cost in each of the resolutions will be corrected.

Thereupon, there was presented a Resolution entitled:

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF A CERTAIN INTERNAL IMPROVEMENT IN THE CITY OF CONCORDIA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENT IN ACCORDANCE WITH SUCH FINDINGS.

Thereupon, Commissioner Hosie moved that said Resolution be adopted. 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 governing body, being as follows:

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

Nay: None

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 2007-1761 and was signed by the Mayor and attested by the Clerk.

RESOLUTION NO. 2007-1762
CURB & GUTTER REPAIR –
JOHN MURRAY – 904 1ST AVE

PASSED

Thereupon, there was presented a Resolution entitled:

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF A CERTAIN INTERNAL IMPROVEMENT IN THE CITY OF CONCORDIA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENT IN ACCORDANCE WITH SUCH FINDINGS.

Thereupon, Commissioner Jindra 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 governing body, being as follows:

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

Nay: None

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 2007-1762 and was signed by the Mayor and attested by the Clerk.

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RESOLUTION NO. 2007-1763
CURB & GUTTER REPAIR –
RUTH A. JONES – 403 E. 7TH

PASSED

Thereupon, there was presented a Resolution entitled:

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF A CERTAIN INTERNAL IMPROVEMENT IN THE CITY OF CONCORDIA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENT IN ACCORDANCE WITH SUCH FINDINGS.

Thereupon, Commissioner Lanoue moved that said Resolution be adopted with \$13,012.90 as the cost. The motion was seconded by Commissioner Hosie. 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 governing body, being as follows:

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

Nay: None

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 2007-1763 and was signed by the Mayor and attested by the Clerk.

RESOLUTION NO. 2007-1764
CURB & GUTTER REPAIR –
JEFF EAKINS – 433 W. 13TH

PASSED

Thereupon, there was presented a Resolution entitled:

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF A CERTAIN INTERNAL IMPROVEMENT IN THE CITY OF CONCORDIA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENT IN ACCORDANCE WITH SUCH FINDINGS.

Thereupon, Commissioner Johnson moved that said Resolution be adopted. 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 governing body, being as follows:

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

Nay: None

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 2007-1764 and was signed by the Mayor and attested by the Clerk.

MAYOR/COMMISSIONER
COMMENTS AND REPORTS

Commissioner Gilliland asked about the progress on the flag pole. Ron Copple, Director of Public Works, informed the commission he and Armand Balthazor selected a site for the new flag pole. Mr. Copple stated the approximate cost would be \$2,865 for the 40' pole with \$300 freight and \$500 for a light. Mr. Copple visited with Dennis Fleming about paying for a portion of the flag pole out of the Pee Wee fund. Commissioner Gilliland, along with Commissioner Hosie, recommended a press release or news story about the new flag pole at the complex and the possible donations from the public for this project. Ron Deal stated McKinley and Garfield schools still have flag poles and the city may be able to purchase them for a lot less. Commissioner Gilliland also wanted to thank Randall Hobrock, Tallgrass, for his investment in the community.

Commissioner Lanoue asked if the audit report would be on the next agenda. City Manager Paine advised that he did not think so. Commissioner commented about the employee benefit fund's balance of \$3,800 and where would the employee benefits be paid from. Mr. Paine said he would look at that.

Commissioner Johnson asked about the ad that was in the paper last week stating people living along the abandoned railroad right-away are responsible for mowing the weeds. Mr. Johnson asked who owns the property. City Manager Paine informed him the railroad owns the right-away and this issue has been discussed in the past. Mr. Johnson stated in dealing with the railroad they do not want public on their property and questioned if the city would be liable if someone was injured on the railroad property. Commissioner Johnson asked if staff would review this issue.

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Commissioner Lanoue informed staff there are appliances and a refrigerator with the doors on it behind the appliance store that need to be looked at for a nuisance.


STAFF COMMENTS

City Manager Paine asked commission to update their contact forms. Mr. Paine stated Tom Gennette and Ron Copple have been working on recreational activities and preparing the pool for the summer.

Following staff comments Jack Gould informed commission in the 300 block of West 5th on the south side a property needs to be mowed. He said there are trash cans in the front yards and a vehicle parked on the sidewalk at the location.

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

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


Lisa Fleming
City Clerk

(Seal)