

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JULY 18, 2007

The governing body met in regular session on July 18, 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, Tom Armour, Armand Balthazor, Kirk Lowell, Danny Parker, Tom Tuggle, Bruno Rehbein, Bob Maxson, Albert Kieffer, Marvin Copple, Ruby L. Maline, Donald Lanoue, Janet Eubanks, Ron Copple, Larry Remmenga, Larry Eubanks, Suzi Tuggle, Chér Knudsen, Ima Jean Chavey, Walt Huber, Richard Underbakke and Arlene Clayton.

Commissioner Johnson presented a gift to Larry Paine for his years of service with the city of Concordia from staff and commission.

APPROVAL OF MINUTES

Commissioner Johnson requested to have the questions that were asked during Doug Glenn's audit presentation, be added to the minutes. Commissioner Johnson stated the one in particular was if 1099's were issued. Commissioner Hosie moved to approve the minutes of the July 3, 2007 regular meeting as amended. Commissioner Jindra seconded. Motion carried.

APPROPRIATION ORDINANCE NO. 13

APPROVED

Commissioner Jindra moved to approve Appropriation Ordinance No. 13. Commissioner Gilliland seconded. Motion carried.

PUBLIC COMMENTS

Tom Tuggle distributed to the commission, news media and staff a copy of a letter he wrote to Commissioner Lanoue dated July 7th and her response dated July 17th. Mr. Tuggle stated his comments would deal with discussing commissioner responses to questions from the public. Mr. Tuggle stated he had an important and timely question in the letter to Commissioner Lanoue regarding how Commissioner Lanoue will deal with compensation issues; in view of the fact she has two (2) or three (3) relatives on city staff. Mr. Tuggle felt Commissioner Lanoue's response did not answer the question he asked in his letter. Mr. Tuggle proceeded to read his letter. Mr. Tuggle asked what Commissioner Lanoue's position is. He felt she did not answer his question comprehensively and felt as public policy this question should be answered.

Mr. Tuggle asked, if it was appropriate, if both letters be made a part of the minutes or other public record of the Commission. Commissioner Johnson stated they would be. The letters are as follows:

THOMAS M. TUGGLE
CONCORDIA, KANSAS 66901

Hon. Cheryl Lanoue
1415 Archer
Concordia, Kansas 66901

July 7, 2007

Re: 2008 Budget

Cheryl:

As the budget process starts it has raised questions. The major portion of the budget is spent on employee compensation.

You have two or three relatives on the city payroll and you have many friends at city hall. Everyone knows you are going to look after the employees when it comes to pay raises and other compensation enhancement. What we want to know is if you are going to look after the other people of Concordia. If you are going to look after the other people's money, exactly how you will do it.

For Example: Will you abstain from participating in any personnel issues that concern departments where your relatives work? Both formally and informally? (When Gary Frazer was on the county commission he followed this practice.) What will be your position when it comes time to discuss compensation issues in study sessions? Abstain?

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As a business owner for over 20 years I know what it takes to make the payroll and cover the other expenses. Have you been a business owner and have you faced these same challenges or have you always worked for the government?

If you have been a business owner you know that you and your employees do not get a pay raise every year. Often, government workers think they have a "right" to pay raises every year in the form of a COLA.

There are many financially poor people in Concordia. Can they afford to raise the pay of city employees every year through increased taxes? You know the city is not the only political subdivision in the county levying taxes. And remember you voted against the "Golden Goose", the ethanol plant that will increase the tax base.

Please give me your comprehensive answer in writing prior to the next regular commission meeting.

Sincerely,

July 17th, 2007

Hon. Thomas M. Tuggle
304 West 9th Street
Concordia, KS 66901

Dear Mr. Tuggle:

Thank you for the letter dated July 7, 2007 regarding the 2008 budget. As you know, the budget is one of the Commission's most important responsibilities and your concerns will be taken under advisement. As a Commission, we need to monitor all expenditures and revenues not only during the budget process but during the approval of the appropriation ordinances.

Thank you for your concerns.

Cheryl Lanoue

Bob Maxson, Vice President of Administrative Services at Cloud County Community College, representing the college, was present in regard to the completed remodeling of apartment building seven (7) at the college. Mr. Maxson apologized for coming before the commission in the "Public Comment" section of the meeting, but could not get this item on the agenda because a time issue. Mr. Maxson stated February 27th of this year the college accepted bids from Stupka Construction for the remodeling of apartment building seven (7) at the college. He stated over the last three (3) years the college has remodeled five (5) of the 13 apartments. He went on to state as the college was developing the bid specifications for this building, the college became aware, for the first time, that the college would be required to install fire sprinklers in each of the apartments. Mr. Maxson said they did not object to that requirement, in spite of the added cost of \$25,000.00.

Mr. Maxson advised the commission the apartment is now ready for occupancy, two (2) weeks ahead of schedule. Mr. Maxson stated there is an issue of lack of adequate water pressure provided to the college by the city, needed to run the sprinklers. Mr. Maxson said in order to fix the problems, the cost for the project is over \$17,000.00. He stated the city meets its needs of providing water pressure of 20 pounds per square inch and with the college apartments being up on a hill and at the end of the water line which causes some reduction of water pressure. Mr. Maxson said the real issue was the water pressure going into the college is 27 pounds per square inch, the residual water pressure in the line. He continued to state the static pressure, used to determine the pressure when the water is flowing is 22 pounds per square inch. Mr. Maxson stated the issue relates to the requirement of installing an RPZ backflow valve to control which takes the pressure further down on the water below the 20 pounds per square inch. Mr. Maxson stated the backflow valve that is required is not stated in city code 21-70, that he read, but was informed by the interim city manager, it may be covered in section 21-68. He went on to state with the backflow preventer valve installed in the line that would operate the sprinkler system. Mr. Maxson said information from the college engineer and architect that indicated the likelihood of any contamination coming back through the valve is very unlikely, the main source is when fire department provides fire protection, they may connect a hose to a valve that is located on the apartment building and pump water into the sprinklers that might potentially enter back into the city system. Mr. Maxson requested to allow for a temporary permit for occupancy for the apartments. He stated if the college had to spend \$17,000.00

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for a pump to run a single sprinkler system in an apartment, it would be wiser for the college to buy a centralized pump, which would cost double the \$17,000.00, that would provide additional water pressure for all the apartments. Mr. Maxson stated they do have some water pressure issues in the apartments. Mr. Maxson advised the commission this was a timing issue. He stated kids would be moving into the apartment on August 13th. Mr. Maxson requested that the college be allowed or at least be considered in getting a temporary occupancy permit relating to the valve only. Mr. Maxson requested to schedule a meeting to work with the city to find out if the RPZ valve is necessary and if the college has to install it and try to install a centralized pump that may serve the apartments and very well serve the campus.

Commissioner Johnson asked Mr. Maxson if the permit would be for 30 to 90 days. Mr. Maxson advised 60 days would be what he was looking for. He stated this was not a new issue, but has come to the urgency point. Mr. Maxson stated the college has always had a good relationship with the city. Commissioner Johnson asked Fire Chief Eubanks where the fire department hooks on the building to pump water into their buildings. Mr. Eubanks replied that they would use a fire department connection on the side of the building and take it from the truck and pump the water from the truck into the building. Commissioner Johnson also asked if it was on the back side or front side of the backflow valve and if that was a problem could you move the backflow valve. Mr. Eubanks stated that this was not his issue but the water department's issue. Commissioner Johnson asked if it was in the buried water line or in the building.

Larry Remmenga, Director of Utilities, addressed several items with this issue. Mr. Remmenga stated a letter was sent to the contractor dated March 20th of this year, stating that the college would be required to put an RPZ in the system. He continued stating Mr. Maxson had never communicated with him. Mr. Remmenga stated the hookup for the water department with a non-potable water source makes this a high hazard. Mr. Remmenga said the backflow preventer that is in place is not approved for high hazard. He stated there is no way by looking at the machine whether it is operating correctly. Mr. Remmenga advised the commission his responsibility is to protect the public water system of this community. He stated several locations in town have RPZ valves installed, which differs from a double check valve, because it can not flow backwards. Mr. Remmenga stated if the fire department hooks to that building, they could very well, and in all likelihood would over-pressure the system and force non-potable water, which could be contaminated into the system and further stated he would not let this happen.

Mr. Remmenga said there could possibly be a compromise for short term. He said that one might be if they take away that hookup while they are asking for the temporary, so the fire department could not hook up to it, which makes it a medium hazard, and a double check valve would be acceptable in this instance.

Commissioner Johnson asked if the hookup remains there is it a high hazard. Mr. Remmenga stated it would remain a high hazard.

Commissioner Gilliland asked Mr. Eubanks if an event occurred and the hydrant on the building was marked and you could not use it, would it cause a problem in extinguishing a fire. Mr. Eubanks said it would not cause the department any problems if they discontinued the use of the outlet. He continued stating all apartments are accessible for the hose and they could sustain or knock down a fire in the same amount of time as it would take to go from the truck to the fire department outlet. Commissioner Gilliland also asked if it would be difficult to disable the valve or clearly mark it. Mr. Remmenga stated he did not care how it was disabled, as long as the fire department can not hook to it.

Commissioner Lanoue asked Bruno Rehbein, Building Inspector, if he would be able to issue a temporary permit. Mr. Rehbein advised when dealing with a sprinkler system, he would have to see the engineering and make sure it's approved and the state fire marshal must approve all sprinkler systems installed in the state. Mr. Rehbein stated if the fire marshal, Larry Eubanks and the installer has signed a check list, then he could allow a temporary occupancy, based on whatever issue comes out of the backflow prevention. He stated the contractor was notified on March 2nd that a double check valve would not be allowed in this case and that it would have to be an RPZ.

Commissioner Johnson asked if staff could meet Thursday morning, July 19, 2007 to discuss this matter.

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Armand Balthazor stated he listened to Mr. Paine on the radio about two (2) forms of government. Mr. Balthazor's problem with the city is the city manager recruitment with the League and asked what happened to using want ads in the paper. He would like to come up with a solution to help the City of Concordia and tax payers and not put all the power in one hand.

**SET PUBLIC HEARING FOR
AUGUST 15, 2007 – 2008 BUDGET**

APPROVED

City Manager Paine recommended to the commission to set the date of the 2008 budget public hearing for August 15, 2007 at 5:30 p.m. Commissioner Johnson asked if Mr. Armour, Interim City Manager, had any comments. Mr. Armour stated that August 15th would be fine with him. Commissioner Jindra stated he would appreciate hearing what the people think about the City of Concordia property taxes. Commissioner Jindra stated at previous budget hearings most public comments at the budget hearing dealt with the right numbers being on the right line of the state budget form and very few comments were made regarding the actual mill levy. Commissioner Jindra advised due to small increases in property tax valuation, from the impact of county-wide sales tax and also from belt tightening by city staff, the mill levy had gone down nearly thirteen mills in recent years. He stated his biggest personal objective was to lower the mill levy. Commissioner Jindra encouraged public comments at the budget hearing regarding what the people want to happen with their public property taxes. Commissioner Jindra moved to set the 2008 budget public hearing for August 15, 2007 at 5:30 p.m. Commissioner Gilliland seconded. Motion carried.

**PLANNING COMMISSION
RECOMMENDATION ON SUB-DIVISION REGULATIONS**

Bruno Rehbein, Building Inspector, advised the commission of the Planning Commission's recommendation on the sub-division regulation and rule changes. Mr. Rehbein stated the Planning Commission's biggest concern was the consensus issue. He said the Planning Commission felt it was one (1) or two (2) and not a full consensus of the commission. Commissioner Gilliland stated he assumed he was one (1) of the one (1) or two (2) that had expressed his concern. Commissioner Jindra stated rather than making changes on a piece mill basis and letting more businesses fall through the cracks, he recommends hiring a professional firm such as Land Plan or Jim Kaup take a bird's eye view so the Commission could anticipate where the problems are. Commissioner Jindra said the city needs something that is more in the middle of the road and felt currently it is too rigid. Commissioner Jindra commented that dollars were available in this year's budget and felt something needed to be done this year, especially on the commercial side. Commissioner Jindra would like to see this as an agenda item for the next meeting.

Mr. Rehbein looked at Commission Policy #2 that relates to construction and financing of streets and is in conflict with the sub-division regulations. Commissioner Hosie stated he was the other commissioner who felt there needed to be changes made to the sub-division regulations and would support Commissioner Jindra's idea of discussing changes. Commissioner Lanoue commented she still felt CloudCorp Industrial Park needs sidewalks, but is in favor of looking not only at sub-division regulations, but also at the code book and policy statements, so they all would be on the same page.

Commissioner Johnson agreed this item should be put on the next agenda as a study session item. Mr. Rehbein stated the commission may also want to consider the comprehensive plan as a part of that.

**DISCUSSION OF
2007 AMBULANCE PURCHASE**

Larry Eubanks, Fire Chief, informed the commission about the 2007 ambulance purchase, with the money available in the equipment replacement fund. Mr. Eubanks reviewed the background of the five (5) year ambulance replacement program. Mr. Eubanks visited with Mr. Armour who asked two (2) questions about the ambulance purchase. Mr. Eubanks advised Mr. Armour the base price for the ambulance, less discounts, was \$111,630 and the absolute drop dead date was August 31, 2007. Mr. Eubanks stated the ambulance has jumped another five (5) percent in price with another price increase anticipated in January. Mr. Eubanks stated the department would need a new cot, with a price of \$7,500.00.

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Commissioner Gilliland questioned if the 1998 MedTec Ambulance was having any problems. Mr. Eubanks stated no. Commissioner Gilliland asked if a study had been done on what the cost would be to keep the 1995 as a forth ambulance and is there enough staff to cover all the ambulances. Commissioner Gilliland suggested staggering purchases and looking at a planned placement program. Commissioner Gilliland would like to table the issue for another couple weeks and study it further. Commissioner Johnson advised no action needs to taken at this time. Commissioner Hosie agreed to set this issue back to August 15th. Commissioner Lanoue would like to look at revenue for 2008 budget and would like to look at on-going costs for 1995 and maybe drop the insurance to liability.

RESOLUTION –

AMEND PERSONNEL POLICY

SECTION 3.17 – PAY AND BENEFITS ON TERMINATION

TABLED

City Manager Paine advised the Commission an employee requested to have his or her health care insurance paid for a period of time. City Manager Paine stated after reviewing the existing policy, there was a portion of the health care plan allowed for the city to pay the base cost of the insurance and the employee to pay the excess. City Manager Paine stated once the city changed the insurance plan last November, the element of that second half of the employee paying for the extra claims cost generally went away. He stated in reviewing the current policy and after visiting with the health care consultant, the new policy was written. Mr. Paine stated that employees retiring before December 31, 2007, would be eligible to continue receiving health care benefits, irrespective of COBRA and if a person retired after January 1, 2008, the employee could continue health care but the employee would bear the cost.

Commissioner Lanoue stated Item C on the policy refers to an employee who has been with the city for 10 years is eligible for the benefit for an extended period of time, which is state statute. City Manager Paine advised Commission the policy did state 20 years and it was changed to 10 years. Commissioner Lanoue requested Mr. Uri to address what the City Commission's role is in personnel. Commissioner Lanoue felt setting policies and cost of living increases in the budget are the only roles as a commissioner. Larry Uri, City Attorney, stated he would prefer to address this issue in writing. Commissioner Lanoue moved to table this personnel issue until Mr. Uri addresses the issue with Commissioner Lanoue voting on personnel. Commissioner Hosie asked if there was a deadline for getting this done or would it create problems putting it off. City Manager Paine informed the Commission there was no deadline and if the Commission did nothing, there would still be a policy. Commissioner Hosie seconded. Mr. Uri said the next resolution will have a minor change, it will state on or before December 31, 2007. Commissioner Johnson had a question on Item B, second line, "Request for such continued coverage must be made, in writing, to the city clerk within 30 days", prior to the date of retirement or 30 days before or after. Commissioner Lanoue suggested "30 days prior to retirement", along with several other Commissioners agreeing. Mr. Uri said that change would be made. Motion carried.

RESOLUTION NO. 2007-1777

NUISANCE ABATEMENT–1601 LINCOLN

MID-KANSAS HOMES

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 OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: LOTS 1 THRU 9, BLOCK 36, CONCORDIA, ORIGINAL TOWN, (1601 LINCOLN)

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:

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

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1777 and was directed to be signed by the Mayor and attested by the City Clerk.

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RESOLUTION NO. 2007-1778
NUISANCE ABATEMENT-205 W. 2ND
TERRY & SHEILA HYDE

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 OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: LOTS 19 & 20, BLOCK 193, CONCORDIA, ORIGINAL TOWN, (205 W. 2ND)

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

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

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1778 and was directed to be signed by the Mayor and attested by the City Clerk.

EXECUTIVE SESSION –
ATTORNEY/CLIENT PRIVILEGE

HELD

At this time, Commissioner Johnson moved that the commission recess into executive session for thirty (30) minutes for the discussion of attorney/client privilege. Inviting: Larry Paine, Larry Uri, Tom Armour and Ron Copple. Commissioner Lanoue seconded. Motion carried by the following vote:

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

Nay: None.

Time: 6:54 p.m.

Ron Copple left the executive session at 7:02.

The commission reconvened at 7:24 p.m.

Mayor Johnson announced there was no action taken.

MAYOR/COMMISSIONER
COMMENTS AND REPORTS

Commissioner Gilliland thanked Larry Paine for his years of service to the City of Concordia. He stated the highest compliment I can pay a city manager would be that they were effective in carrying out the Commission's policy, vision for the community and he felt Larry has carried this out quite well and has been a positive advocate for the city with his blog and radio programs. Commissioner Gilliland added the city manager position is an important position to the community.

Commissioner Jindra thanked Larry Paine. Commissioner Jindra suggested scheduling a goal setting session for the commission as soon as possible, even prior to the budget. He stated with the 40% turn over in the commission since the last goal setting session early last year. Commissioners Johnson and Lanoue have not had the opportunity to discuss their individual short term and long term goals.

Commissioner Jindra commented about the discussion at the last meeting of whether we recruit in town or out of town people for economic development, and stated its best that we concentrate on both local and out of town businesses when it comes to economic development and creating new jobs.

Commissioner Hosie thanked Larry Paine for the four (4) plus years of service. Commissioner Hosie commented on the state qualified paramedic, hoping the second person will be soon, and the plan that had been put forth in the past and it worked. Commissioner Hosie said he requested out of town transfer information from Larry Eubanks and he gave me that from the hospital. He stated from August 29, 2006 to July 7, 2007 the Fire Department covered 40 of 41 out of town transfers.

Commissioner Lanoue thanked Larry Paine for your years of service. Commissioner Lanoue requested when information is given to one (1) commissioner it be shared with all the commissioners. Commissioner Lanoue stated the long distance transfers were a great accomplishment for the Fire Department.

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Commissioner Johnson thanked Larry for his one year of service while he has been on the commission. Commissioner Johnson informed the commission he was appointed to a position on the Lower Republican River Basin Advisory Commission.

STAFF COMMENTS

Larry Paine, City Manager advised the commission the resolutions were numbered out of sequence, because of the first resolution being tabled. Mr. Paine recommended to re-number the resolutions. Commissioner Hosie moved that the numbers on the resolutions be corrected to 2007-1777 and 2007-1778. Commissioner Lanoue seconded motion carried.

Larry Paine, City Manager, informed the Commission Mark Tomb had called and said over 20 applicants were received. Mr. Tomb wanted to schedule a time to meet with the commission next week and begin the review process. After discussion, Wednesday, July 25, 2007, 7:00 p.m. was set as a special call meeting for an executive session to discuss non-elected personnel and discuss city manager selection. Commissioner Jindra requested getting copies of the applications ahead of time for review. He would also like to get copies of the questionnaires from the other Commissioners.

At this point, Larry Paine stated he had worked with nine (9) of you in the last four (4) years. He went on to state that the professional opportunity he was given has been outstanding and incredible and he appreciates that. Mr. Paine stated two words "Thank You".

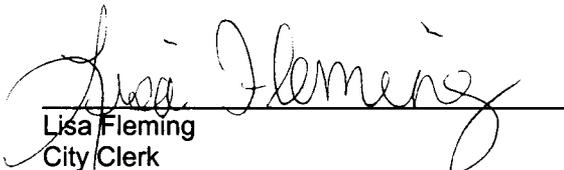
Larry Eubanks, Fire Chief, commented about single source purchasing, Policy #18 does not include a single source policy, if Commission approves the ambulance purchase, policy would have to be amended. Mr. Eubanks requested permission from the Commission to solicit bids for two (2) refurbished Zoll monitors, with trade of a life pack and life pack monitor. Commissioner Johnson moved to allow Chief Eubanks to get bids for two (2) Zoll monitors. Commissioner Gilliland seconded. Motion carried.

Larry Uri, City Attorney, stated if the Commission decides to allow the purchase of the ambulance, the policy would not have to be amended.

Ruby Maline, Director of Finance, advised the Commission the balance in the Police Department account was \$1.44 interest. A check was written to the City to clear and close the account.

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 Johnson seconded. Motion carried.


Lisa Fleming
City Clerk

(Seal)