

**MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD SEPTEMBER 19, 2007**

The governing body met in regular session on September 19, 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: 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, Kalob Dykes, Chris Thomas, Jim Stromberg, Ron Deal, Ruby Maline, Larry Remmenga, Larry Eubanks, Don Lanoue, Ted Collins, Don Dean, Ron Copple, David Redmond, Allison Redmond, Tom Tuggle, Eldon & Anita Wisdom, Marvin Copple, Lowell Thoman, Alan Corbeil, Julie Corbeil, Trisha McDaniel, Dana Brewer, Chelsea Brown and Shellana Mendenhall.

Pastor David Redmond provided the invocation before the city commission meeting.

Commissioner Jindra moved to approve the agenda. Commissioner Lanoue seconded. Motion carried.

APPROVAL OF MINUTES

Commissioner Hosie moved to approve the minutes of the September 5, 2007, regular meeting. Commissioner Gilliland seconded. Motion carried. Commissioner Gilliland moved to approve the minutes of the September 12, 2007, special call meeting. Commissioner Lanoue seconded. Motion carried. Commissioner Johnson moved to approve the minutes of the September 15, 2007, special call meeting. Commissioner Jindra seconded. Motion carried.

APPROPRIATION ORDINANCE NO. 17

APPROVED

Commissioner Gilliland moved to approve Appropriation Ordinance No. 17. Commissioner Jindra seconded. Motion carried.

PUBLIC COMMENTS

There were no public comments.

RESOLUTION NO. 2007-1782 – 1004 REPUBLICAN AMERIQUEST FUNDING II, SUBSIDIARY LLC NUISANCE ABATEMENT ASSESSMENT –

APPROVED

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

WHEREAS, THE OWNER, OCCUPANT AND/OR PERSON IN CHARGE OF 1004 REPUBLICAN WAS DULY NOTIFIED AS PROVIDED BY ORDINANCE NO. 2624 OF THE NUISANCE TO BE ABATED AT A COST OF \$84.97.

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

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

Nay: None.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then numbered Resolution No. 2007-1782 and was signed by the Mayor and attested by the Clerk.

ORDINANCE NO. 2007-2938 - STANDARD TRAFFIC ORDINANCE

PASSED

Thereupon there was presented an Ordinance entitled:

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF CONCORDIA, KANSAS; INCORPORATING BY REFERENCE THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 2007, WITH CERTAIN OMISSIONS, AMENDMENTS, AND ADDITIONAL PROVISIONS;

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, the vote being as follows:

**MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD SEPTEMBER 19, 2007, contd.**

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

Nay: None.

Thereupon, the Ordinance having been received by at least two-thirds (2/3rds) majority vote of the members of the governing body, the Mayor declared said Ordinance duly adopted and the Ordinance was then duly numbered Ordinance No. 2007-2938 and was signed by the Mayor and attested by the clerk.

ORDINANCE NO. 2007-2939 - UNIFORM PUBLIC OFFENSE CODE PASSED

Thereupon there was presented an Ordinance entitled:

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF CONCORDIA, KANSAS; INCORPORATING BY REFERENCE THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, EDITION OF 2007, WITH CERTAIN OMISSIONS, AMENDMENTS AND ADDITIONAL PROVISIONS; PROVIDING CERTAIN PENALTIES; REPEALING EXISTING SECTION 14-1 OF THE CONCORDIA CODE; AND AMENDING THE CONCORDIA CODE, BY ADDING A SECTION NUMBERED 14-1.

Thereupon, Commissioner Gilliland 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, the vote being as follows:

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

Nay: None.

Thereupon, the Ordinance having been received by at least two-thirds (2/3rds) majority vote of the members of the governing body, the Mayor declared said Ordinance duly adopted and the Ordinance was then duly numbered Ordinance No. 2007-2939 and was signed by the Mayor and attested by the clerk.

2007-2940 – AT&T FRANCHISE APPROVED

Thereupon there was presented an Ordinance entitled:

A CONTRACT FRANCHISE ORDINANCE GRANTED TO SOUTHWESTERN BELL TELEPHONE COMPNAY, A TELECOMMUNICATIONS LOCAL EXCHANGE SERVICE PROVIDER PROVIDING LOCAL EXCHANGE SERVICE WITHIN THE CITY OF CONCORDIA, KANSAS.

Thereupon, Commissioner Hosie 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, the vote being as follows:

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

Nay: None.

Thereupon, the Ordinance having been received by at least two-thirds (2/3rds) majority vote of the members of the governing body, the Mayor declared said Ordinance duly adopted and the Ordinance was then duly numbered Ordinance No. 2007-2940 and was signed by the Mayor and attested by the clerk.

2007-2941 – APPROVAL OF PRELIMINARY PLAN & ZONING CHANGE TO CREATE OVERLAY DISTRICT EAST HILLS ESTATES APPROVED

Bruno Rehbein, Building Inspector, informed the commission of the request from Alan and Julie Corbeil to rezone and create a planned unit development overlay district at 1301 L Street. Mr. Rehbein advised the commission this is the first step of the two step process. Mr. Rehbein stated the Planning Commission voted unanimously to recommend the commission accept the preliminary plan and order the zoning map be changed to create the overlay district.

Thereupon there was presented an Ordinance entitled:

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD SEPTEMBER 19, 2007, contd.

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN SPECIFICALLY DESCRIBED PROPERTY IN THE CITY OF CONCORDIA, KANSAS; ORDERING THE OFFICIAL CITY ZONING DISTRICT MAP TO BE CHANGED TO REFLECT SUCH AMENDMENTS; AND AMENDING SECTION 3-201 OF ARTICLE 3 OF THE ZONING ORDINANCE FOR THE CITY OF CONCORDIA, KANSAS.

Thereupon, Commissioner Gilliland 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, the vote being as follows:

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

Nay: None.

Thereupon, the Ordinance having been received by at least two-thirds (2/3rds) majority vote of the members of the governing body, the Mayor declared said Ordinance duly adopted and the Ordinance was then duly numbered Ordinance No. 2007-2941 and was signed by the Mayor and attested by the clerk.

APPROVAL OF FINAL PLAN & ACCEPT STREET DEDICATION FOR OVERLAY DISTRICT

1301 L STREET  
EAST HILLS ESTATES

Bruno Rehbein, Building Inspector, advised the commission by approving Ordinance 2007-2941, the second step of the process is to approve the final plan and accept street dedication for the overlay district. Mr. Rehbein stated Alan Corbeil wanted to present the preliminary plan as the final plan. Mr. Rehbein informed the commission, the Planning Commission voted unanimously to recommend the City Commission accept the final plan as submitted and the dedication of the "L" Street right-of-way. Commissioner Jindra moved to give approval to the final plan and accept the street dedication for the overlay district. Commissioner Lanoue seconded. Motion carried.

ACCEPT EAST WATER TOWER REHAB BIDS

Larry Remmenga, Director of Utilities, advised the commission, in the Spring of 2006 the east water tower was painted. Mr. Remmenga stated while the water tower was drained, the inside was inspected and it was identified that the interior of the tank needed repaired. Mr. Remmenga said the rehab project was budgeted for 2007. Mr. Remmenga stated the engineer's estimate was \$84,500.00. Following are the four (4) bids the city received on the project.

BID TABULATION SHEET  
WATER TOWER REHAB  
9-6-07  
1:30 P.M.

<u>BIDDER</u>	<u>AMOUNT</u>
Utility Service	\$66,000.00
Maguire Iron, Inc.	\$61,470.00
Hogan's Inc.	\$83,850.00
Cunningham Sandblasting	\$61,650.00

Mr. Remmenga recommends we accept the low bid from Maguire Iron, Inc. in the amount of \$61,470.00, with a start date of March 1, 2008 and a completion date of April 25, 2008. Commissioner Gilliland moved to accept the low bid from Maguire Iron in the amount of \$61,470.00 for the water tower rehab. Commissioner Jindra seconded. Motion carried.

EXECUTIVE SESSION – ATTORNEY/CLIENT PRIVILEGE

HELD

At this time, Commissioner Gilliland moved that the commission recess into executive session for fifteen (15) minutes for the discussion of attorney/client privilege. Inviting: Larry Uri and Tom Armour. Commissioner Hosie seconded. Motion carried by the following vote:

**MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD SEPTEMBER 19, 2007, contd.**

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

Nay: None.

Time: 5:59 p.m.

The commission reconvened at 6:14 p.m.

Mayor Johnson announced Mr. Uri would explain the discussion.

**SETTLEMENT AGREEMENT – AIRPORT****BLOSSER**

Larry Uri, City Attorney, stated the City had arrived at a settlement agreement with the Blosser family concerning the litigation that was filed sometime ago with respect to the relative interest of the Blosser family and the City in the airport. Mr. Uri stated the Blosser's suggestion, as part of the settlement; they will deed to the City their underlying interest in the land on the condition that for the next 25 years, the facility be used solely for airport purposes or that any non-airport purpose would be approved by the City appointed Airport Advisory Board. Mr. Uri said at the end of the 25 years, if all the conditions were met, the City would be the outright owner of the land. He stated the City had recently adopted a new Airport Use Policy as a part of the agreement. Commissioner Gilliland moved to authorize the Mayor and City Clerk to enter into the agreement. Commissioner Lanoue seconded. Motion carried.

**ACCEPT****PUBLIC UTILITIES TRUCK BID****WOMACK SUNSHINE FORD**

Larry Remmenga, Director of Utilities, advised the commission the City received two bids for the 2007 or newer ¾ ton crew cab pickup truck for the Public Utilities department. Following is the bid tabulation.

**TRUCK BID TABULATION SHEET  
PUBLIC UTILITIES  
2007 OR NEWER**

**August 27, 2007  
3:00 p.m.**

	<u>Without Trade</u>	<u>With Trade</u>
Babe Houser Motor Co., Inc. (2008)	\$21,932.00	\$20,932.00
Womack Sunshine Ford Mercury (2008)	\$19,282.00	\$18,782.00

Commissioner Lanoue stated she must have missed the meeting where the specifications were reviewed. Commissioner Lanoue stated she was not in favor of a crew cab. Following discussion, Commissioner Gilliland moved to accept staff recommendation to accept the with-trade bid from Womack Sunshine Ford, in the amount of \$18,782.00. Commissioner Hosie seconded. Motion carried by the following vote:

Aye: Commissioners Jindra, Johnson, Gilliland and Hosie.

Nay: Commissioner Lanoue.

**BROADCAST COMMISSION  
MEETINGS DISCUSSION****TRISHA MCDANIEL**

Trisha McDaniel, instructor at Concordia High School, was present to discuss broadcasting the commission meetings on the local channel. Ms. McDaniel informed the commission they do broadcast anything on the cable channel and could easily broadcast the meetings. Ms. McDaniel said the only issue would be getting the meeting taped. She asked several students if they would donate their time to attend the commission meetings twice a month and could not find a student willing to do this twice a month. Ms. McDaniel thought this would be a good senior project. Ms. McDaniel made recommendations on how and where to set equipment to tape the meeting. The Commission thanked Ms. McDaniel for being present and discussing the broadcast of commission meetings.

**EXECUTIVE SESSION –  
NON-ELECTED PERSONNEL****HELD**

At this time, Commissioner Johnson moved that the commission recess into executive session for thirty (30) minutes for the discussion of non-elected personnel. Inviting: Tom Armour. Commissioner Lanoue seconded. Motion carried by the following vote:

**MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD SEPTEMBER 19, 2007, contd.**

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

Nay: None.

Time: 6:35 p.m.

The commission reconvened at 7:05 p.m.

Mayor Johnson announced they made a decision to make an offer to a candidate for the city manager position.

**MANAGER'S REPORT**

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

- HWS invited Commission to an Airport Planning Conference in Kansas City, October 2, 2007
- Report on letters the City received from senior citizens about City's support of the senior citizens program in the 2008 budget
- FAA informed the City they rejected the proposal to use the airport for the Sampler Festival for the next two (2) years. Mr. Armour stated they have started looking for an alternative site.
- Final pay request, \$12,170.00, for the Orphan Train Complex project, was submitted from Campbell & Johnson
- Chér continues to work on the nuisances. 28 nuisance letters were mailed out recently.
- Review of the purchasing policy set for a Study Session the second meeting in October.

**STAFF COMMENTS**

Larry Eubanks, Fire Chief, informed the Commission Nathan Shaffer, a volunteer in the fire department, is going to paramedic school in Junction City. Mr. Eubanks stated he had applied for and received a grant for \$5,100 to pay for his education.

Ron Cople, Director of Public Works, advised the Commission the slurry seal project had been postponed until Monday, due to the recent rain.

**MAYOR/COMMISSIONER COMMENTS AND REPORTS**

Commissioner Lanoue stated she had not received the revolving loan information she had requested. Ms. Maline stated she would give it to her tonight. Commissioner Lanoue requested staff to do a report on swimming pool attendance and revenue taken in by tickets sold, by family, individual, ten-punch, each of the ones we sell, as well as cash payments. She would like this information to compare how many times someone goes to the pool versus what we are charging to see if our rates are adequate.

Commissioner Johnson asked if Mr. Armour or Larry had discussed an engineer for the clarifier repair at the wastewater treatment plant. Mr. Armour advised he had not discussed this with Larry.

Commissioner Jindra recognized several organizations for making a positive difference in the community, Relay for Life, Brown Grand/Orphan Train and Fall Fest.

**EXECUTIVE SESSION –  
NON-ELECTED PERSONNEL**

HELD

At this time, Commissioner Hosie moved that the commission recess into executive session for thirty (30) minutes for the discussion of non-elected personnel. Inviting: Larry Uri and Tom Armour. Commissioner Gilliland seconded. Motion carried by the following vote:

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

Nay: None.

Time: 7:16 p.m.

The commission reconvened at 7:46 p.m.

Mayor Johnson announced there was no binding action taken.

**MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD SEPTEMBER 19, 2007, contd.**

Mayor Johnson announced the commission would like to schedule a special call meeting. After discussion, a special call meeting was scheduled for Monday, September 24, 2007, at 6:30 p.m., in the City Commission room at City Hall.

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

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

(Seal)