

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD OCTOBER 15, 2008

The governing body met in regular session on October 15, 2008, at 5:30 p.m. in the City Commission Room at City Hall, with the following members being present: Mayor Hattan, Commissioners Johnson, Lanoue, Jindra and Hosie.

Absent: None

Other Officers: Interim City Manager Uri and City Clerk Crum.

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

Visitors: Jessica LeDuc, Toby Nosker, Ted Collins, Don Deal, Linda Houser, Ron Copple, Susan Sutton, Danny Parker, Don Lanoue, Jim Ganson, Kirk Lowell, Larry Remmenga, Larry Eubanks, Marvin Copple, Michael Wentz, LaDonna Peltier, Janet Eubanks, Holly Andrews, Joan Frasier, Tony Studt, James LaBarge, Ronda Phillips, Brenton Phillips, Deb Ohlde, Sara Hicks, Ruby Maline, Bruno Rehbein.

Pastor Bob Burns of the Wesleyan Church gave the invocation followed by the reciting of the Pledge of Allegiance.

Mayor Hattan asked for changes on the agenda. Interim City Manager Uri stated that the results of the bid opening for the Taco John's driveway and sidewalk construction project were just received and should be discussed at the study session.

APPROVAL OF MINUTES

APPROVED

There were no comments. Mayor Hattan made a motion to approve the minutes of the October 1, 2008 meeting as presented. Commissioner Lanoue seconded. Motion carried unanimously.

APPROPRIATION ORDINANCE NO. #19

APPROVED

Commissioner Hosie questioned the amount of the Campbell & Johnson check, which was for more than their normal monthly professional services. Interim City Manager Uri said he would get that question answered. Commissioner Hosie made a motion to approve appropriation ordinance #19. Commissioner Johnson seconded. Motion carried unanimously.

PUBLIC COMMENTS:

There were no public comments.

PUBLIC HEARING:

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Fire Chief Larry Eubanks asked for the approval of the CDBG Program, which was presented to the commission at the October 1 meeting, to move forward with the grant. The grant will help pay for a new fire truck, with the City paying 50% of the purchase price. Mayor Hattan asked for public comments for the CDBG Program. Commissioner Lanoue asked about the portion the City would be spending. The grant paperwork states the City's portion would be up to \$168,000. Chief Eubanks clarified that the amount listed was a high amount, and that in all probability the City would not be spending that much. The total project price was listed at approximately \$340,000, and anything over that the City would have to cover. Mayor Hattan moved to close the public hearing. Commissioner Lanoue seconded. Motion carried unanimously.

APPOINTMENTS:

AIRPORT ADVISORY BOARD MEMBERS

Interim City Manager Uri stated that since the airport board is now full, and so many members were approved at the same time, there was the need to stagger the length of their terms in order for reappointment to come at various times. The board members decided amongst themselves at the last airport meeting the length of their terms, which is what was before the Commission for approval. Commissioner Hosie suggested that this approval come after the change in the bylaws, which was up next on the agenda. Interim City Manager Uri agreed, and asked for Kirk Lowell to give his report concerning the airport bylaws.

OLD BUSINESS:

AIRPORT ADVISORY BYLAWS

APPROVED

Kirk Lowell presented several recent changes to the airport advisory bylaws since they were passed in September by the Commission. A chart of terms was developed to stagger the terms of the recent board members. Also, a change was made to the first paragraph of the bylaws, adding, "In addition, the Board is empowered to determine, approve, and permit appropriate non-airport uses of Blosser Municipal Airport." Article I

Section 2 has been revised as well. Mr. Lowell pointed out that the bylaws also state that all members shall reside within Cloud County; therefore the City needs to update Concordia Code Section 2-442, which still states that members must reside within three miles of planning jurisdiction. Article I Section 3 contains a new addition to the paragraph, and Article I Section 4 has a wording change. Article I Section 6 replaces the previous Article VIII concerning meeting attendance. Article III states the quarterly meetings shall be held regularly in January, April, July and October. Article IV Section 5 gives the board power to make determinations concerning future non-aviation use of Blosser Municipal Airport. Mayor Hattan asked if the Code change could be approved immediately. Interim City Manager Uri determined that it was possible to pass the change without having the ordinance in writing in front of the Commission. Commissioner Johnson asked about advertising procedures for the board positions. It was decided that the ordinance number would be 2971. Commissioner Johnson made a motion to approve Ord. #2008-2971, amending Concordia Code Section 2-442 to provide that all members of the airport advisory board shall reside within Cloud County. Commissioner Lanoue seconded. Motion carried unanimously.

Commissioner Johnson moved to approve the airport advisory bylaws as presented. Mayor Hattan seconded. Motion carried unanimously.

Commissioner Hosie moved to approve the airport advisory board members as presented. Commissioner Lanoue seconded. Motion carried unanimously.

NEW BUSINESS:

ADMINISTRATIVE CONTRACT COMMUNITY DEVELOPMENT BLOCK GRANT

Commissioner Hosie asked if only a portion of the grant could be approved, wondering if there was a possibility of only getting half the grant. Chief Eubanks said that the grant would either be approved or denied, in full. Commissioner Lanoue made a motion to authorize the mayor to sign the CDBG agreement. Commissioner Hosie seconded. Motion carried unanimously.

RESOLUTION 2008-1824 LEGAL AUTHORITY TO APPLY FOR CDBG APPROVED

Interim City Manager Uri suggested that the two resolutions be approved at this point in the meeting since they went along with the grant agreement. Mayor Hattan made a motion to approve Resolution #2008-1824. Commissioner Lanoue seconded. Motion carried 5-0 with the vote being as follows:

- Yea: Hattan, Johnson, Jindra, Hosie, and Lanoue
- Nay: None

RESOLUTION 2008-1825 CONTINUAL FUNDING OF FIREFIGHTING OPERATION APPROVED

Deb Ohlde, North Central Regional Planning Council representative, explained that this resolution deals with the promise of ongoing maintenance to the fire truck should the City get this grant and purchase the equipment. Chief Eubanks added that \$45,000 has already been put aside for this. Commissioner Johnson made a motion to approve Resolution #2008-1825. Commissioner Lanoue seconded. Motion carried 5-0 with the vote being as follows:

- Yea: Hattan, Johnson, Jindra, Hosie, and Lanoue
- Nay: None

Deb Ohlde presented the Residential Anti-Displacement & Relocation Assistance Plan that states block grant funds would not be used to destroy occupied or occupiable low to moderate income housing. Commissioner Hosie moved that Mayor Hattan be allowed to sign this agreement. Commissioner Lanoue seconded. Motion carried unanimously.

DEMOLITION PROGRAM APPLICATIONS APPROVED

Bruno Rehbein, Building Inspector, presented 219 W. 3rd to the commission for approval for demolition. Estimated costs of the demolition are \$4585. Mayor Hattan questioned whether this building could be used as a controlled burn for fire department training. Mr. Rehbein stated that a project of this sort must be approved by the state and the KDHE and that the house could not contain lead paint or asbestos. Mayor Hattan made a motion to approve the demolition program for 219 W. 3rd. Commissioner Johnson seconded. Motion carried unanimously.

BROWN GRAND/ORPHAN TRAIN SIGNS

Sue Sutton of the Brown Grand Opera House presented a sign proposal to the Commission, asking for the purchase and installation of three signs highlighting the Brown Grand and Orphan Train Complex. The quotes were as follows:

Three signs with engineered grade sheeting incl. posts	\$1157
Three signs with high intensity sheeting incl. posts	\$1515

Ron Copple stated that a permit has already been acquired for KDOT to approve the project. Commissioner Jindra moved to approve the purchase of the high intensity sheeting signs. Commissioner Lanoue seconded. Motion carried unanimously.

ANIMAL CONTROL VEHICLE BIDS

Police Chief Danny Parker presented the animal control vehicle bids from area dealerships. It was established that the Commission preferred the bids from Womack Sunshine Ford. Both are new, one having some hail damage. Commissioner Hosie asked about the \$1,000 rebate for financing. Interim City Manager Uri did not think that the City could enter into an installment contract. Commissioner Johnson asked about receiving bids for smaller pickups, which was answered that the animal cages and light bar would not fit. After discussing specs, Commissioner Lanoue moved to approve the bid for the white vehicle with no hail damage for \$14,500 from Womack Sunshine Ford. Mayor Hattan seconded. Motion carried unanimously.

AIRPORT ADVISORY BOARD

Kirk Lowell shared the presentation made to the airport advisory board by Jim Wahlmeier, president and CEO of Cloud County Health Center. He discussed the possibility of the hospital being located on a tract of airport land adjacent to Highway 81, rather than on a tract further south. At the request of the Cloud County Health Center, the Airport Advisory Board, in accordance with city policy which requires the Airport Advisory Board to approve all non-aviation uses of airport land, is considering whether to approve the proposed location of the hospital.

ORDINANCES:

ORDINANCE #2008-2968
UNIFORM PUBLIC OFFENSE CODE

APPROVED

Interim City Manager Uri explained that the Uniform Public Offense Code is a booklet containing most ordinances that the City uses and enforces in City court, other than traffic ordinances, and each year it is updated by the League of Kansas Municipalities. The ordinance will be to approve any new changes to this booklet. There was discussion about non-highway vehicles, and speed limits. Commissioner Hosie made a motion to approve Ordinance #2008-2968. Commissioner Johnson seconded. Motion carried 5-0 with the vote being as follows:

- Yea: Hattan, Johnson, Jindra, Hosie, and Lanoue
- Nay: None

ORDINANCE #2008-2969
INCORPORATING STANDARD TRAFFIC ORDINANCE

APPROVED

Commissioner Hosie asked about the section of the ordinance stating a 12 mph speed limit. Interim City Manager Uri explained how a private property owner could post such a sign. Commissioner Johnson made a motion to approve Ordinance #2008-2969. Mayor Hattan seconded. Motion carried 5-0 with the vote being as follows:

- Yea: Hattan, Johnson, Jindra, Hosie, and Lanoue
- Nay: None

ORDINANCE #2008-2970
COMMERCIAL VEHICLE SAFETY ACT-TRUCK INSPECTIONS

APPROVED

Interim City Manager Uri discussed the ordinance which would enable a city police officer with the required training to stop a truck for safety violations. He also stated that an officer has had the 40 hour training for this purpose. Commissioner Lanoue raised concerns over the liability issue with declaring a truck unsafe. Interim City Manager Uri discussed these concerns. Commissioner Johnson asked for an explanation of Sect. 19-153, which is a list of vehicles that will not be stopped. He stated that he has listened to concerns that all commercial vehicles will be stopped. Danny Parker said the police department's intent is not to stop local grain and livestock trucks. Commissioner Johnson also questioned whether this duty would require more overtime for the officer. Danny Parker said that the officer would do this during his normal schedule. Mayor Hattan made a motion to approve Ordinance #2008-2970. Commissioner Hosie seconded. Motion carried 4-1 with the vote being as follows:

- Yea: Hattan, Jindra, Hosie, and Lanoue
- Nay: Johnson

MANAGER'S REPORT:

Interim City Manager Uri discussed getting bids from other health insurance companies to compare with Benefit Administrative System's figures when they attend a future meeting. He had also contacted the Corp of Engineers regarding updates on the flood control project.

MAYOR/COMMISSIONER COMMENTS AND REPORTS:

Commissioner Johnson asked about the progress on getting a performance audit. Interim City Manager Uri reported that no satisfactory bids were received and that the matter would be discussed with the accounting firm hired to do the 2008 audit. Commissioner Johnson questioned whether city staff are staying on top of

nuisances, and was updated on the status of nuisance enforcement by the staff. Commissioner Johnson inquired as to the possibility of videotaping future commission meetings. Interim City Manager Uri said that information on this will be presented at a future meeting. Commissioner Hosie spoke of the November 6 League regional supper at Beloit, and encouraged commission members to attend. Commissioner Lanoue asked about updating the employee handbooks to reflect the residency requirement changes. Interim City Manager Uri said this would be done.

STAFF COMMENTS:

Larry Eubanks reported that he received a \$450 grant from KDHE for smoke detectors, plus \$2000 for tools and wages to install. He also stated that the fire department had won the recent Battle of the Badges during the blood drive. Danny Parker invited attendance to the grand opening of the new Child Advocacy Center, which is located in the basement of the health department.

EXECUTIVE SESSION:
NON-ELECTED PERSONNEL

At this time, Mayor Hattan moved that the commission recess into executive session for five (5) minutes for the discussion of non-elected personnel. Inviting: Larry Uri. Commissioner Lanoue seconded. Motion carried by the following vote:

Aye: Hattan, Johnson, Jindra, Hosie, and Lanoue

Nay: None.

Time: 7:20 p.m.

The commission reconvened at 7:27 p.m.

ADJOURN

Mayor Hattan announced there would be a study session following the adjournment of the meeting.

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

(Seal)



Stacey Crum
City Clerk

Cloud County Health Center

Presentation to Concordia Airport Advisory Board

October 8, 2008

Usage of Blosser Municipal Airport Land for New Hospital Building Site

On April 8, 2008, Cloud County Health Center (CCHC) had Airport Advisory Board Member, Kirk Lowell present information concerning a possible Blosser Municipal Airport (Airport) site location for the proposed new hospital to the Concordia Airport Advisory Board. This Airport site is located between F&A Food Sales, Inc. and the National Guard Armory.

CCHC understands from Lowell that the Advisory Board was somewhat discouraging about this non-aviation use of Airport land because of Blosser Family requirements concerning usage of Airport land and facilities. CCHC also understands the Advisory Board has, "big picture" interest in this proposed Airport site location for the new hospital because of the very positive benefits the hospital project could have for the Airport.

On May 7, 2008, CCHC representatives had a meeting with the Concordia City Commission in Executive Session to discuss acquisition from the City of Airport land for the new hospital. The City Commission discouraged CCHC about using Airport land for a non-aviation use. The City Commissioners encouraged CCHC to attempt obtaining other land located adjacent to the Airport.

CCHC believes a site adjacent to the Airport must be accomplished because the key to the current new hospital proposal is to have a taxiway extend from the main Airport runway to the backdoor of the new hospital. This would put CCHC in an excellent position to facilitate fixed-wing Life Flight services for CCHC patients needing critical, emergency, and/or trauma care. This accomplishment would also put CCHC in an excellent position to recruit new doctors and effectively compete with other community hospitals located in the North Central Kansas Region.

During July 2008, CCHC obtained an option to purchase approximately 56 acres located on the southwest end of the Airport from Lynn and Patricia Mosher. This property is also located on the northeast corner of the intersection of 81 Expressway and Plum Road. With this site, a taxiway is buildable from the new hospital to the Airport runway. The CCHC Board of Trustees is very pleased with what the Mosher Site offers. CCHC then began to promote a positive countywide bond election for the project by publicly announcing the Site on July 8, 2008.

At the CCHC New Hospital Promotional booth during Fall Fest on September 27, 2008, and at the CCHC Town Hall Meeting conducted in the Brown Grand Theatre on October 2, 2008, CCHC had several voters voice concerns about the safety of the Mosher Site when it comes to vehicles entering and leaving the Site from the 81 Expressway. CCHC informed these voters that the Board of Trustees would make an effort to consider other appropriate sites located adjacent to the Airport runway.

Because of this perceived Site safety issue, CCHC reviewed a document that then City Manager, Mark Skiles provided to CCHC. The document is titled, *City of Concordia, Kansas Commission Policy Statement Number 2007-1* and dated September 30, 2007. In Section 4 - Non-aviation Uses of Airport Land and Facilities the policy states:

- *“Non-aviation uses of airport land and facilities shall be discouraged. Any future non-aviation use of airport land and facilities shall be permitted only with the written consent and approval of the Airport Advisory Board. Any permitted non-aviation use of the airport land and facilities by city or persons authorized by the city shall be conducted in a manner that is not detrimental to the primary use of the airport for aviation purposes.”*

Several months ago, the City and Airport Advisory Board discouraged CCHC from attempting to acquire a site located on Airport land. However, even though CCHC is still very comfortable with promoting the Mosher Site with possible KDOT required safety enhancements, CCHC believes a due diligence should be conducted by again considering acquisition of the F&A / Armory Site because of the stoplight intersection access to this Site. This will give voters two Sites to consider and ponder during the bond election campaign.

CCHC believes that Commission 2007-1 Policy clearly gives the Airport Advisory Board authority to permit CCHC to use Airport land for a non-aviation use (new hospital) if the new hospital is not detrimental to the use of the Airport for aviation purposes.

CCHC also believes that a new hospital located on said Airport land will actually enhance Airport aviation purposes by:

- Helping create substantially more aircraft operations at the Airport, this could help lure more grant funding to the Airport for aviation purposes;
- Having a business operating 24 hours per day, 7 days per week, and 365 days per year located right on the Airport. This could possibly provide hospital staff to help facilitate 24-7 Airport courtesy car availability and usage, pilot accommodations, etc.; and
- Create more local public awareness of the Airport by 175 CCHC employees, patients, doctors, service providers, vendors, etc. traveling to the Airport every day. This should help make local citizens more comfortable with investing City tax dollars in the Airport facilities and land for aviation purposes.

Because of these potential very positive impacts on Airport aviation purposes that building a new hospital on Airport land could have, Cloud County Health Center respectfully requests that the Airport Advisory Board approve and permit the non-aviation use of Airport land to build a new hospital in Concordia.

Respectfully submitted,
Cloud County Health Center

STATEMENT OF ASSURANCES AND CERTIFICATIONS

The applicant hereby assures and certifies with respect to the grant that:

- (1) It possesses legal authority to make a grant submission and to execute a community development and housing program.
- (2) Its governing body has duly adopted or passed as an official act a resolution, motion, or similar action authorizing the person identified as the official representative of the grantee to submit the final statement, all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the grantee to act in connection with the submission of the final statement and to provide such additional information as may be required.
- (3) Prior to submission of its application to Commerce, the grantee has met the citizen participation requirements, prepared its application of community development objectives and projected use of funds, and made the application available to the public, as required by Section 104(a)(2) of the Housing and Community Development Act of 1974, as amended, and implemented at 24 CFR 570.486.
- (4) It has developed its final statement (application) of projected use of funds so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight; the final statement (application) of projected use of funds may also include activities that the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available.
- (5) Its chief executive officer or other officer of the grantee approved by Commerce:
 - (a) Consents to assume the status of a responsible federal official under the National Environmental Policy Act of 1969 and other provisions of federal law as specified in 24 CFR 58.1(a);
 - (b) Is authorized and consents on behalf of the grantee and himself/herself to accept the jurisdiction of the federal courts for the purpose of enforcement of his/her responsibilities as such an official; and
- (6) The grant will be conducted and administered in compliance with the following federal and state regulations (see Appendix A: Applicable Laws and Regulations):

- (a) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), and implementing regulations issued at 24 CFR Part 1:
- (b) Fair Housing Amendments Act of 1988, as amended, administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing; and will take action to affirmatively further fair housing in the sale or rental of housing, the financing of housing, and the provision of brokerage services;
- (c) Section 109 of the Housing and Community Development Act of 1974, as amended; and the regulations issued pursuant thereto (24 CFR Section 570.602);
- (d) Section 3 of the Housing and Urban Development Act of 1968, as amended; and implementing regulations at 24 CFR Part 135;
- (e) Executive Order 11246, as amended by Executive Orders 11375 and 12086 and implementing regulations issued at 41 CFR Chapter 60;
- (f) Executive Order 11063, as amended by Executive Order 12259 and implementing regulations at 24 CFR Part 107;
- (g) Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended and implementing regulations when published for effect;
- (h) The Age Discrimination Act of 1975, as amended, (Pub. L. 94-135), and implementing regulations when published for effect;
- (i) The relocation requirements of Title II and the acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing regulations at 24 CFR 570.488;
- (j) Anti-displacement and relocation plan requirements of Section 104(d) of Title I, Housing and Community Development Act of 1974, as amended:
- (k) Relocation payment requirements of Section 105(a)(11) of Title I, Housing and Community Development Act of 1974, as amended.
- (l) The labor standards requirements as set forth in 24 CFR 570.603 and HUD regulations issued to implement such requirements;
- (m) Executive Order 11988 relating to the evaluation of flood hazards and Executive Order 11288 relating to the prevention, control, and abatement of water pollution;

- (n) The regulations, policies, guidelines and requirements of OMB Circular Nos. A-87, A-110 and A-122 as they relate to the acceptance and use of federal funds under this federally assisted program;
 - (o) The American Disabilities Act (ADA) (P.L. 101-336: 42 U.S.C. 12101) provides disabled people access to employment, public accommodations, public services, transportation, and telecommunications;
- (7) The conflict of interest provisions of 24 CFR 570.489 apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or sub recipients which are receiving CDBG funds. None of these persons may obtain a financial interest or benefit from the activity, or have an interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter, and that it shall incorporate or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purpose of this certification;
 - (8) It will comply with the provisions of the Hatch Act that limits the political activity of employee;
 - (9) It will give the state, HUD, and the Comptroller General or any authorized representative access to and the right to examine all records, books, papers, or documents related to the grant;
 - (10) It will comply with the lead-based paint requirements of 24 CFR Part 35 Subpart B issued pursuant to the Lead-Based Paint Hazard Elimination Act (42 U.S.C. 4801 et seq.).
 - (11) The local government will not attempt to recover any capital costs of public improvements assisted in whole or in part with CDBG funds by assessing properties owned and occupied by low- and moderate-income persons unless: (a) CDBG funds are used to pay the proportion of such assessment that relates to non CDBG funding or; (b) the local government certifies to the state that, for the purposes of assessing properties owned and occupied by low- and moderate-income persons who are not very low-income, that the local government does not have sufficient CDBG funds to comply with the provision of (a) above.
 - (12) It accepts the terms, conditions, selection criteria, and procedures established by this program description and that it waives any right it may have to challenge the legitimacy and the propriety of these terms, conditions, criteria, and procedures in the event that its application is not selected for CDBG funding.

- (13) It will comply with the regulations, policies, guidelines, and requirements with respect to the acceptance and use of federal funds for this federally assisted program.
- (14) It will comply with all parts of Title I of the Housing and Community Development Act of 1974, as amended, which have not been cited previously as well as with other applicable laws.

The applicant hereby certifies that it will comply with the above stated assurances.

	Gregory L. Hattan
Signature, Chief Elected Official	Name (typed or printed)
Mayor	10/15/08
Title	Date

To Whom It May Concern:

As Chief Elected Official of the City of Concordia, I hereby certify that I have knowledge of all activities in the above-referenced application. I also certify that I am aware that the regulations of the CDBG program prevent the use of any facility built or rehabilitated with CDBG funds, or any portion thereof, to be used for the conduct of official business. I therefore certify that no portion of the above application violates this regulation.

Gregory L. Hattan, Mayor

ATTEST:

Stacey Crum, City Clerk