

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD NOVEMBER 5, 2008

The governing body met in regular session on November 5, 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, Steve Womack, Steve Womack Jr., Jimmy Workman, Danny Parker, Joe Walter, Megan Murdock, Kirk Lowell, Ron Copple, Larry Eubanks, Don Lanoue, Jim Ganson, Ted Collins, Larry Remmenga, Ron Deal, Marvin Copple, Nathan Eberline, Jack Gould, Harley Adams, Johnny Adams, Howard Danzig, Ruby Maline, Bruno Rehbein.

There was no invocation.

The Pledge of Allegiance was recited.

Mayor Hattan asked for changes on the agenda. Interim City Manager Uri stated that the Nathan Eberline of the Kansas League of Municipalities was in attendance.

APPROVAL OF MINUTES

APPROVED

Commissioner Lanoue questioned the Executive Session part of the minutes that made it appear the Commission reconvened a couple of minutes after the stated five minute session. Interim City Manager Uri said that the wording could be changed in the future. Commissioner Johnson made a motion to approve the minutes of the October 15, 2008 meeting as presented. Commissioner Lanoue seconded. Motion carried unanimously.

APPROPRIATION ORDINANCE NO. #20

APPROVED

Mayor Hattan asked if CBIZ was associated with the City's former auditing firm. Interim City Manager Uri explained that they had been retained by former City Manager Skiles for advice and aid during the self-funding insurance process. Interim City Manager Uri said that he would investigate the possibility of terminating the contract with CBIZ, as their services were no longer needed. Commissioner Johnson asked what CCMFOA stood for. Ruby Maline explained that it is the City Clerk Municipal Finance Officer Association. Commissioner Lanoue questioned why training is still continuing to be taken out of office furniture. Ruby Maline answered that the budgeted software programs for 2008 came out of that line. Commissioner Johnson wanted to know how many employees were included in Colonial Life Insurance's premium, which is one. Commissioner Johnson also asked about ICMA contributions. Ruby Maline answered that we currently have one employee participating in that program. Mayor Hattan made a motion to approve appropriation ordinance #20. Commissioner Hosie seconded. Motion carried unanimously.

PUBLIC COMMENTS:

There were no public comments.

PUBLIC HEARING:

STREET PROJECTS 5 YEAR PLAN

Ron Copple addressed the Commission concerning the streets included in KDOT's 5 Year Plan, as follows:

Year 2010	K-9/K-28 Hwy. (5 th St.) Davies Dr. E. to W. Side of 5 th /Washington
Year 2011	18 th Street: State Street to Lincoln Street
Year 2012	Cedar Street: 7 th Street to 11 th Street
Year 1013	Matthew Street: 6 th Street to 11 th Street
Year 1014	State Street: 18 th Street to 21 st Street and Campus Drive: State to Republican

KDOT will pay 80% of these projects, with the City paying the remaining 20%. Commissioner Johnson asked if we are committed to these projects in the five year period. Mr. Copple explained that the projects could be changed if another street were to be added, and that the projects could also be rearranged according to need. Commissioner Johnson asked which streets are on the Federal Aid Urban system. Mr. Copple gave him a small list of the streets included in the FAU system. Mayor Hattan moved to close the public hearing. Commissioner Johnson seconded. Motion carried unanimously.

APPOINTMENTS:

PLANNING COMMISSION MEMBERS

Bruno Rehbein said that the terms of LaDonna Peltier and Thea-Dora Lineberry expired on November 1, and they had both expressed interest in serving another term on the planning commission. Mr. Rehbein recommended that the commission appoint each of them to another three year term. Commissioner Hosie moved to appoint LaDonna Peltier and Thea-Dora Lineberry to three year terms. Commissioner Lanoue seconded. Motion carried unanimously.

OLD BUSINESS:

BAS INSURANCE UPDATE

Howard Danzig of Benefit Administrative Systems was on hand to present an analysis packet to the commissioners and gave a presentation on the current health care of the City. He explained the City's performance for the current year. There were two large claims above the \$35,000 current stop/loss, which has caused a premium increase with the current insurance carrier. The analysis packet included bids from other insurance carriers that should keep the costs down for the coming year.

NEW BUSINESS:

CEREAL MALT BEVERAGE LICENSE

WAL-MART

There were no comments. Mayor Hattan moved to approve the CMB license for Wal-Mart. Commissioner Lanoue seconded. Motion carried unanimously.

BUILDING INSPECTOR TRUCK BIDS

ACCEPTED

Bruno Rehbein presented the two bids he had received for a new community development truck:

Babe Houser Chevrolet	2008 Chevy ½ Ton SC 4x4	\$21069
Womack Sunshine Ford	2008 Ford F-150 SC 4x4	\$20075

Both of these bids included the trade of a 1997 Ford F-150. He recommended the lower bid of the Ford. Commissioner Johnson moved to approve the bid from Womack Sunshine Ford for a 2008 Ford F-150 for \$20075. Commissioner Hosie seconded. Motion carried unanimously.

2009 SLURRY SEAL PROJECTS AGREEMENT

TABLED

Ron Copple presented the 2009 Slurry Seal Projects Agreement from the engineering firm of Campbell and Johnson. Commissioner Lanoue asked how many streets remained for slurry seal. Mr. Copple answered that there are over 50 blocks and he could finish all streets by 2012. Commissioner Johnson was concerned about the condition of several streets and asked when they would be finished. His question was addressed by Mr. Copple. Commissioner Johnson read paragraph 4 on page 2: "If the termination is for the convenience of the Owner, an equitable adjustment in the Agreement price shall be made..." He wondered who makes the equitable adjustment. Interim City Manager Uri answered that if both parties could not agree on what is equitable, then a judge would decide. Commissioner Johnson asked about paragraph 9 on the same page that states that "The consultant's drawings, specifications and other documents shall not be used by the Owner of others..." He questioned who the others are. There was discussion on this wording and who owns the engineer plans. City Manager Uri agreed to discuss this matter with Campbell and Johnson. Mayor Hattan moved to table the 2009 Slurry Seals Project Agreement. Commissioner Lanoue seconded. Motion carried unanimously.

RESOLUTIONS:

RESOLUTION 2008-1826 MIXED MARTIAL ARTS COMPETITION

APPROVED

Jimmy Workman and Steve Womack Jr. of NCK MMA, presented an upcoming cage boxing tournament to be held at Cloud County Community College. State law requires a City to authorize such an event within the city limits. Mr. Workman explained that the college would provide spectator insurance. The Kansas Boxing Commission will be in attendance to have weigh-ins, doctors, and physicals. The State provides judges and referees, and collects the taxes. Commissioner Jindra made a motion to approve Resolution #2008-1826. Commissioner Lanoue seconded. Motion carried 5-0 with the vote being as follows:

Yea: Commissioners Hattan, Johnson, Jindra, Hosie, and Lanoue

Nay: None

RESOLUTION 2008-1827 KDOT 5 YEAR PLAN

APPROVED

There were no comments. Commissioner Hosie made a motion to approve Resolution #2008-1827. Commissioner Lanoue seconded. Motion carried 5-0 with the vote being as follows:

Yea: Commissioners Hattan, Johnson, Jindra, Hosie, and Lanoue

Nay: None

MANAGER'S REPORT:

Interim City Manager Uri said that the next study session would include a proposal from Paul Justyna on video equipment for commission meetings. He encouraged the health insurance proposal by BAS to be discussed at the next study session. He discussed a newly formed committee of department heads to give a voice to the employees concerning health care. Interim City Manager Uri discussed this year's audit and the \$8000 overrun that the City will not be responsible for, since the auditor was required to get prior approval for anything over the bid amount. The auditor has notified the City that this is a clean audit even if the financial statements are changed. The City is required to file the audit with the Division of Accounts and Reports by year end. This will be filed next week to be in compliance with legal requirements.

MAYOR/COMMISSIONER COMMENTS AND REPORTS:

Commissioner Johnson asked if all departments have complete equipment maintenance records. Ron Copple explained the process when vehicles are serviced in the City shop. Larry Remmenga stated that his department keeps complete records on all vehicles. Commissioner Hosie read a list of the lengths of employment of recent city managers and suggested that the commission should discuss why several city managers left after a short time. Commissioner Lanoue commended the staff for the new street between 16th & 17th on Spruce.

STAFF COMMENTS:

Ruby Maline discussed her request from eight CPA firms for audit bids. She would like to see the contracts discussed at the November 19 meeting, and the contract awarded to the accepted firm at the December 3 meeting. It was decided that these bids be discussed in the study session at the November 19 meeting.

Larry Eubanks presented the debris management plan and disaster emergency operation plan. He explained that federal and state money could be received for having these plans in place. Mr. Eubanks also asked for permission to deviate from the ambulance purchasing policy by purchasing with Cheyenne County to receive a better price. He has received a bid of \$140,900 for an ambulance with a power cot. Mr. Eubanks discussed a grant that he is applying for, for the purpose of purchasing a new ambulance. It will cover either 65% or 50% of the purchase price. If the grant is received, it can be used for the ambulance on order. Mayor Hattan made a motion to deviate from the standard purchasing practice. Commissioner Lanoue seconded. Motion carried unanimously. Commissioner Johnson made a motion to purchase the ambulance with power cot for \$140,900. Commissioner Lanoue seconded. Motion carried unanimously.

Interim City Manager said that there are several items for discussion at the November 19 study session, and asked if it would be appropriate to order dinner.

Commissioner Johnson asked if the City had a tree removal program. Interim City Manager stated that the City did not have money for that.

Danny Parker said that he had complete records on all his vehicles. He also discussed that morning's bomb threat at the courthouse and talked of the investigation.

Larry Remmenga said that the water tower work was underway, and that the company would completely redo the project at no additional cost. At this point, no money has been paid to them. He also updated the Commission on the wastewater treatment plant project.

EXECUTIVE SESSION – NON- ELECTED PERSONNEL

HELD

Mayor Hattan moved that the commission recess into executive session for thirty (30) minutes for the discussion of non-elected personnel. Inviting: Nathan Eberline. Commissioner Lanoue seconded. Motion carried by the following vote:

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

Nay: None.

Time: 7:13 p.m.

The commission reconvened at 7:43 p.m.

Mayor Hattan announced there was no binding action taken.

EXECUTIVE SESSION – NON- ELECTED PERSONNEL

HELD

Mayor Hattan moved that the commission recess into executive session for thirty (30) minutes for the discussion of non-elected personnel. Inviting: Nathan Eberline. Commissioner Lanoue seconded. Motion carried by the following vote:

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

Nay: None.

Time: 7:44 p.m.

The commission reconvened at 8:14 p.m.

Mayor Hattan announced there was no binding action taken.

EXECUTIVE SESSION – NON- ELECTED PERSONNEL

HELD

Mayor Hattan moved that the commission recess into executive session for fifteen (15) minutes for the discussion of non-elected personnel. Inviting: Nathan Eberline. Commissioner Lanoue seconded. Motion carried by the following vote:

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

Nay: None.

Time: 8:15 p.m.

The commission reconvened at 8:30 p.m.

Mayor Hattan announced there was no binding action taken.

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 Hosie seconded. Motion carried unanimously.

(Seal)



Stacey Crum
City Clerk