

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

19

The governing body met in regular session on Wednesday, March 5, 2008 at 5:30 p.m. in the City Commission Room at City Hall, the following members being present and participating, to wit: Commissioners Jindra, Johnson, Lanoue, Gilliland and Hosie.

Absent: None.

Other Officers: City Manager Skiles, City Attorney Uri, Interim City Clerk Knudsen.

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

Visitors: Jessica LeDuc, Toby Nosker, L. Dean Thompson, Stacey Crum, Sara Hicks, Renee Hubert, Danny Parker, Don Lanoue, Ron Copple, Don Dean, Ron Deal, Larry Eubanks, Marvin Copple, John States, Larry Remmenga, John Davis, Ted Collins and Tom Gennette.

Rev. L. Dean Thompson, Trinity United Methodist Church, provided the invocation.

Mayor Johnson asked if there were any changes to the agenda. City Manager Skiles asked to add item B under Approval of Minutes for the February 6, 2008 meeting and add item 2 under Study Session - Gift of Land. Commissioner Hosie moved to approve the agenda. Commissioner Jindra seconded. Motion carried.

APPROVAL OF MINUTES

Commissioner Lanoue moved to approve the minutes of the February 20, 2008, regular meeting, with the following amendment: Commissioner Lanoue asked if there was going to be a detailed budget, investment report and the workman's compensation report. City Manager Skiles replied that, at this time, he does not intend to make a "budget" book. Mayor Johnson seconded. Motion carried.

Commissioner Hosie moved to approve the amended minute from the February 6, 2008, regular meeting as they were presented at the March 5, 2008, regular meeting to include the following: to replace the one meter diving board and for swimming pool paint as presented by Ron Copple at that meeting. Commissioner Jindra seconded. Motion carried.

Appropriation Ordinance #4

APPROVED

Commissioner Lanoue moved to approve Appropriation Ordinance #4 with the following changes: reclassify the downtown project from 222 to 220 and to void the check to Family Care Center and turn it over to the insurance company to pay. It was an injury to a woman who played volleyball this fall. Commissioner Gilliland seconded. Motion carried by the following vote:

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

Nay: None

PUBLIC COMMENTS:

Rev. John States expressed his thoughts on the ordinance that would allow drinking establishments within 200 feet of a church, school or hospital. He encouraged the commission to take the Planning Commissions recommendation and not approve the ordinance.

NEW BUSINESS:

SALE OF LAND

APPROVED

Commission Gilliland made a motion to authorize the City Manager to publish a notice of interest and accept bids for the sale of land. Land description is as follows: Block 18, Section 4, Lot's 1, 2, 3, 4, 5, 6, 13, 14, 15, 16, 17 and 18 of Concordia Original Town subdivision. Commission Lanoue seconded. Motion carried by the following vote:

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

Nay: None

SLURRY SEAL

APPROVED

Ron Copple told the commission the city received three (3) bids for the slurry seal-resurfacing with the following bids:

Vance Brothers, Inc.	\$121,598.50
Beachner Construction Co., Inc.	\$189,692.50
Ballou Construction Co., Inc.	\$192,082.50

Vance Brothers, Inc. was the low bid of \$121,598.50. With design and construction inspection the total cost of the project would be \$137,598.50. Commissioner Gilliland asked why there was such a difference in the bids. Commissioner Hosie asked who did the Slurry Seal last year. Mr. Copple stated it was Vance Brothers, Inc. Commissioner Lanoue stated that she didn't feel the City got what they paid for in last years

**MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MARCH 5, 2008, cont'd**

slurry seal and had concerns if Vance Brothers, Inc. was awarded the bid. She stated she would like to see what they are going to do before they are awarded another bid.

Mr. Cople stated he was not satisfied with the work that was done last year and he has spoken with Vance Brothers, Inc. He believes that some of those things would be worked out with the new contract. Don Dean with Campbell & Johnson also stated that the weather played a big factor in the job that was done last year. He also stated that Campbell & Johnson would be more diligent inspection.

Mr. Cople stated the start date is June 30<sup>th</sup> and the end date is September 15. He stated the reason for the June 30<sup>th</sup> start date is that he needs time to prepare the streets prior to slurry sealing. Commissioner Hosie asked if we could get them to add on more blocks for the same cost per block.

A discussion was held regarding 5<sup>th</sup> Street between State and Cedar Streets. Don Dean stated it would cost approximately \$500,000 to fix both lanes. Commissioner Lanoue asked how long does the Slurry Seal last. Mr. Cople stated usually 3 to 4 years.

Commissioner Hosie made a motion to approve the bid from Vance Brothers, Inc. for the Slurry Seal. Commissioner Gilliland stated he would second if Commissioner Hosie would add to the motion that the work be monitored closely. Commissioner Hosie agreed. Commissioner Gilliland seconded. Motion carried by the following vote:

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

Nay: None.

STREET MILLS AND OVERLAYS

APPROVED

Ron Cople stated the only bid the city received was from Hall Brothers, Inc. Staff recommends the city accept the bids from Hall Brothers Inc. in the amount of \$360,489.30, with the total cost including design and construction inspection totaling \$430,789.30.

The streets that are to be overlaid are as follows:

- 11<sup>th</sup> Street, 1<sup>st</sup> Avenue to city limits, Elmhurst from 10<sup>th</sup> to 11<sup>th</sup> Street
- 7<sup>th</sup> Street from Lincoln to State
- 6<sup>th</sup> Street from Broadway to Cedar, Cedar Street from 5<sup>th</sup> to 6<sup>th</sup> Street
- Washington Street from 5<sup>th</sup> to 7<sup>th</sup> Street

Commissioner Gilliland made a motion to approve the bid from Hall Brothers, Inc. for the Street Mills and Overlays. Commissioner Jindra seconded. Motion carried by the following vote:

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

Nay: None

STATEMENT OF ACTIVITIES

Finance Director Ruby Maline went over the Statement of Activities for the month ended January 31, 2008. Commissioner Hosie stated this was a good report and would be even better after the commission is used to seeing it.

Mayor Johnson asked about the statement at the bottom of the Statement of Net Assets Report. Mrs. Maline explained that it is because of the long term liabilities which are the debt we issued for infrastructure improvements.

Commissioner Lanoue asked why don't we determine the value of the infrastructure and put it the general information book that is available to the public.

STREET DEPARTMENT 1 - TON TRUCK BID

APPROVED

Ron Cople stated that on the February 6, 2008 commission meeting he recommended the purchase of the truck from Babe Houser. He later found out that the truck did not meet the specs. He is recommending the purchase of the truck from Womack Sunshine Ford at a cost of \$31, 563.00 with trade-in.

Commissioner Gilliland made a motion to accept the bid from Womack Sunshine Ford for a 1-ton truck and dump box. Commissioner Lanoue seconded. Motion carried by the following vote:

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

Nay: None

AMBULANCE BILLING

Fire Chief Eubanks stated that when an ambulance goes on a run, they enter the patient information into their system. Reports are generated and given to Stacey Crum about twice a month. Stacey then mails the reports to Delisa's Medical Billing. When payments are received, Stacey records the payment on a spread

**MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MARCH 5, 2008, cont'd**

sheet, makes a copy of the payment report, either faxes or mails a copy to Delisa and deposits the check. Payments are posted to each individuals account and the patient totals are matched with Delisa's Medical Billing each month. It is to be noted that City staff and Delisa's are working to make the process more efficient and effective for both parties. Stacey, via remote, will be able to access Delisa's patient files. Scanning and e-mailing of payment verification, versus mailing, is also being considered.

Delisa Merry with Delisa's Medical Billing presented a summary of her background, the number of ambulance services that she has for customers and the annual training that she and her employees undergo. Delisa introduced her employee, Jenna, who explained the claims billing process. After all applicable insurances have been billed and have responded, the client is billed for the remainder of the fee. Delisa's fees are based upon monies collected as a result of their billing. This fee is 15% on "old" accounts (prior to 10/1/07), and 7% on "current" accounts. At this point, most of the old accounts have been processed. Jenna explained that medicare, medicaid and traditional insurance companies will not consider claims that are more than one year past the date of service. Jenna stated that the approximate dollar amount lost, during '05 and '06, due to untimely filing was \$26,022.87. The majority of these claims were never filed nor did Delisa, based upon age, intend to file them.

The Commission thanked Delisa's Medical Billing for coming in and speaking with them.

ORDINANCE NO. 2008-2952: ZONING ADMINISTRATIVE POWER & DUTIES TABLED

Therefore, there was presented an Ordinance entitled:

AN ORDINANCE amending articles 1, 3, 4, 6, 20, 26 and 27 of the Zoning Regulations of the City of Concordia.

A discussion was held regarding these changes. Mayor Johnson stated he had problems reading the ordinance due to punctuation and grammar errors. He stated the ordinances are considered legal document and should be corrected. Building Inspector Bruno Rehbein stated that Attorney Jim Kaup wrote the ordinances and made the notes where items were changed or deleted, so the commissioners would know what was changed. Commissioner Lanoue stated that she would feel better passing the ordinance if it was a cleaner version.

Thereupon, Commissioner Jindra moved that said Ordinance be tabled. The motion was seconded by Commissioner Lanoue. Said Ordinance was duly read and considered, and upon being put, the motion to table said Ordinance was tabled by the vote of the Commission, the vote being as follows:

- Yea: Mayor Johnson, Commissioners Hosie, Lanoue, Gilliland and Jindra.
- Nay: None

ORDINANCE NO. 2008-2953: DRINKING ESTABLISHMENT DENIED

Therefore, there was presented an Ordinance entitled:

AN ORDINANCE amending section 9-3, permitted and conditional uses, in article 9, Commercial zones districts, and section 2-3, definitions, of the zoning regulations of the City of Concordia.

Following a discussion, Bruno Rehbein stated the Planning Commission recommended that this ordinance not be passed. Commissioner Gilliland made a motion to support the Planning Commission recommendation and not approve Ordinance No. 2008-2953. Commissioner Lanoue seconded.

- Yea: Mayor Johnson, Commissioners Hosie, Lanoue, Gilliland and Jindra.
- Nay: None

ORDINANCE NO. 2008-2954: TEMPORARY USES TABLED

Therefore, there was presented an Ordinance entitled:

AN ORDINANCE amending section 20-7, Temporary Uses, of article 20, Supplemental District Regulations of the Zoning Regulations of the City of Concordia.

Thereupon, Commissioner Gilliland moved that said Ordinance be tabled. The motion was seconded by Commissioner Lanoue. Said Ordinance was duly read and considered, and upon being put, the motion to table said Ordinance was tabled by the vote of the Commission, the vote being as follows:

- Yea: Mayor Johnson, Commissioners Hosie, Lanoue, Gilliland and Jindra.
- Nay: None

**MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MARCH 5, 2008, cont'd**

Bruno Rebhein, Building Inspector and Larry Remmenga, Director of Public Works answered questions from the Commission regarding the two (2) ordinances that were tabled. Mayor Johnson asked if MHS in Ordinance 2008-2954 could be spelled out as Manufacture Home Subdivision. Commissioner Lanoue asked if persons applying for a temporary use permit would be required to hook up to city water. Mr. Remmenga stated at this time there is not an ordinance requiring this. Commissioner Lanoue stated that she understands that they are not required to hook up to the city's water and sewer lines but chances are they will be dumping out at the airport and we should recoup some of that cost. She stated some of the fees should go to the utility department general fund. Mr. Rehbein stated that this ordinance does not spell out a temporary use fee. Mr. Rehbein asked if she would like a statement in the ordinance that relates to this. City Attorney Uri suggested that the fee should be included in the permit and ordinance. Commissioner Hosie stated he thought the Planning Commission did a good job working on the ordinance.

RESOLUTION NO: 2008-1803: POST FIRE DEBRIS REMOVAL: 620 W. 3RD APPROVED

The undersigned, as building inspector of the City of Concordia and enforcing officer pursuant to K.S.A. 12-1750 et seq. hereby notifies the Governing Body that in his opinion the following structure is unsafe and dangerous:

The premises located at 620 W. 2<sup>nd</sup> Street, Concordia, Kansas.

City Attorney stated this resolution needs to be passed so the City can retain the insurance check until the property is cleaned.

Commissioner Jindra made a motion to approve Resolution No. 2008-1803. Commissioner Gilliland seconded. Motion carried with the vote being as follows:

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

Nay: None

MAYOR/COMMISSIONER  
COMMENTS AND REPORTS

City Manager Skiles told the commission that he has checked on adding two (2) microphones to the Commission Table. The mixing board is maxed out at the current 3 microphones. The cost would be \$1,000.00 for a new mixing board and the two (2) microphones.

Mr. Skiles said he has spoken with the County Commissioners regarding the Plum Road Dam Project. If the dam is moved south of the road there will be 15 acres of watershed that would be lost. The County has no preference as to dam location and chooses, at this time, not to participant in the cost of the dam. Commissioner Hosie asked if the City needed to get a written agreement from the County stating that it is alright for the City to construct a dam on Plum Road? Mr. Skiles said he thought that would be a good idea.

Commissioner Gilliland made a motion to direct the City Manager to pursue with the County, to build the dam on the Plum Road Right of Way. Commissioner Hosie seconded. Motion carried with the vote being as follows:

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

Nay: None

Mayor Johnson asked for clarifation on the time line for the dam project. Mr. Skiles stated that Frank Mercurio had indicated that it was 3 years from design to completion.

Commissioner Hosie stated he would like to see the City have a spring clean-up. Mr. Copple stated there is one scheduled for April 7<sup>th</sup> thru April 11<sup>th</sup>.

Commissioner Lanoue asked about the penalty and interest on the water connection fee. Finance Director Ruby Maline stated she had not heard anything regarding the penalty and interest. Commissioner Lanoue also asked about the workman's compensation being posted twice. Mrs. Maline stated that she will be doing a reversal entry.

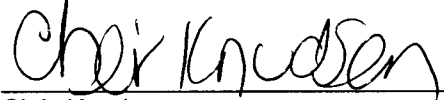
Mayor Johnson asked if the commission and the library will be receiving a copy of the revised minutes that were amended. Mr. Skiles stated that they would be receiving them.

STAFF COMMENTS

Ruby Maline gave an update on the applications for property tax exemption. She has received notification from the state. They have approved the request for exemption for nine (9) of ten (10) properties. The tenth property is still in review.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MARCH 5, 2008, cont'd

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

  
\_\_\_\_\_  
Chér Knudsen  
Interim City Clerk

(seal)

