

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MAY 7, 2008

The governing body met in regular session on May 7, 2008, at 5:30 p.m. in the City Commission Room at City Hall, with the following members being present: Commissioners Hosie, Jindra, Johnson, Lanoue and Mayor Hattan.

Absent: None

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

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

Visitors: Jessica LeDuc, Toby Nosker, Larry Remmenga, Don Lanoue, Steve Womack, Kirk Lowell, Ted Collins, Marvin Copple, Ron Copple, Bruno Rehbein, Susan Retter, Armand Balthazor, Richard Eakins, Jim Wahlmeire, Danny Parker, Janet Eubanks, Ron Deal, Larry Eubanks, James Ganson, John Davis, Jack Gould.

Upon a request by Mayor Hattan for changes to the agenda, City Manager Skiles added item H, FAA Grant Agreement, under New Business and item G, Wisdom Land and Quitclaim Deed, under Resolutions – No. 2008-1813. Mayor Hattan suggested that Executive Session be moved to follow Staff Comments.

APPROVAL OF MINUTES

APPROVED

Commissioner Hosie moved to approve the minutes of the April 16, 2008 regular meeting. Commissioner Lanoue seconded. Motion carried 5-0 with the vote being as follows:

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

APPROPRIATION ORDINANCE NO. #8

APPROVED

Upon discussion, Commissioner Hosie moved to approve Appropriation Ordinance #8. The motion died for lack of a second. Commissioner Lanoue made a motion to approve Appropriation Ordinance #8 with the following amendment: When Ruby Maline, Director of Finance, is done posting the journal entry for \$648.00 that was in 221 and needs to be in 208 and \$2531.86 that was coded to 222 and needs to be in 221 that she be provided a copy of the entries. Mayor Hattan seconded. Motion carried 5-0 with the vote being as follows:

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

PROCLAMATION – BUDDY POPPY WEEK

Mayor Hattan proclaimed the week of May 12 May 17, 2008 as Buddy Poppy Week

PROCLAMATION – MOTORCYCLE AWARENESS MONTH

Janet Eubank's read a statement in regards to motorcycle safety. Mayor Hattan proclaimed May as Motorcycle Awareness Month.

PROCLAMATION – MENTAL HEALTH MONTH

Mayor Hattan proclaimed May as Good Mental Health Month.

PUBLIC COMMENTS

Armand Balthazor voiced his concern for the nuisance situations that exist in the community and expressed his pleasure that the issue was an agenda item for this meeting.

NEW BUSINESS:

FUEL MASTER CARD READER

APPROVED

Ron Copple, Director of Public Works addressed the Commission in regards to purchasing a fuel card reader for the city shop. It would be used for all department to fuel there vehicles and the fuel card would stay with the vehicle not the person. Ron would also ask about getting a card for the bulk tanks to fuel mowers, gas cans, etc. The amount to purchase the card reader is approximately \$8,798.93 and that includes two (2) options. One being a printer and the other is a 110 volt pump with meter. Commissioner Johnson made a motion to approve \$8,298.00 to purchase the fuel master card reader. Commissioner Lanoue seconded stating that is the amount without the two (2) options. Motion carried 5-0 with the vote being as follows:

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

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VEHICLE PURCHASE – FIRE DEPARTMENT

APPROVED

Larry Eubanks, Fire Chief addressed the Commission in regards to purchasing a 2002 GMC Envoy from Babe House Motor Company. The vehicle will be used for travel to training and for equipment purposes. Commissioner Hosie made a motion to accept the bid from Babe Houser Motor Company in the amount of \$5,950.00 for the 2002 GMC Envoy. Commissioner Jindra seconded. Motion carried 5-0 with the vote being as follows:

Yea: Mayor Hattan, Commissioners Johnson, Jindra, Hosie and Lanoue
Nay: None

CONVEY'S AND WARRANTS TO MSMT, LLC

DEFERRED ACTION

City Manager Skiles explained that this is in regards to installation of a public sidewalk at the site of the proposed Taco John's. Skiles stated that the City is giving 8' of property to MSMT, LLC in exchange for an 8' easement from Taco John's. Skiles said that this would be explained in more detail in Resolution #2008-1008.

PETITION – CURB & GUTTER PROJECT

ODELLA YAKSICH – 715 ARCHER
WENDELL WILSON TRUST – 717 2nd AVENUE
DAVID & LISA MIKESSELL – 404 W. 9TH
WINSTON & JANET SHRADER – 418 W. 14TH

ACCEPTED

Ron Copple, Director of Public Works, reported that he had received four (4) signed petitions for the curb and gutter replacement project. Copple presented engineer's estimates which detail the total cost of the project.

Mayor Hattan moved to accept all four (4) curb and gutter petitions from Odella Yaksich, Wendell Wilson Trust, David & Lisa Mikesell and Winston & Janet Shrader. Commissioner Lanoue seconded. Motion carried 5-0 will the vote being as follows:

Yea: Mayor Hattan, Commissioners Johnson, Jindra, Hosie and Lanoue
Nay: None

FAA GRANT AGREEMENT

APPROVED

City Manager Skiles presented an Agreement indicating the City portion of the Master Plan Update cost, \$6,165.00. Commissioner Johnson made a motion to authorize Mayor Hattan and City Attorney Uri to sign the FAA grant agreement. Commissioner Hosie seconded. Motion carried with the vote being as follows: 5-0.

Yea: Mayor Hattan, Commissioners Johnson, Jindra, Hosie and Lanoue
Nay: None

PUBLIC HEARING – 833 E. 6TH

Mayor Hattan opened the public hearing at 6:33 p.m. Bruno Rehbein, Building Inspector informed the Commission that the owner had requested 30 additional days. Their intentions are to demolish the structure as stated in Resolution #2008-1807. Being no other comments, Mayor Hattan made a motion to close the public hearing at 6:35 p.m. Commissioner Hosie seconded. Motion carried 5-0 with the vote being as follows:

Yea: Mayor Hattan, Commissioners Johnson, Jindra, Hosie and Lanoue
Nay: None

RESOLUTION NO: 2008-1807: POST FIRE DEBRIS REMOVAL: 833 E. 6th

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 NO LONGER UNSAFE AND DANGEROUS:

The owner of the premises, located at 833 E. 6th Street, Concordia, Kansas requested that Bruno Rehbein, Building Inspector, speak on their behalf and requested a 30 day extension to demolish said structure.

Commissioner Johnson made a motion to approve Resolution No. 2008-1807 granting a 30 day extension. Commissioner Lanoue seconded. Motion carried 5-0 with the vote being as follows:

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

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RESOLUTION 2008-1808 EASEMENT FROM T & C ENTERPRISES APPROVED

WHEREAS, THE GOVERNING BODY FINDS THAT THE BEST INTERESTS OF THE CITY IS SERVED BY ACCEPTING THE ATTACHED EASEMENT FROM T & C ENTERPRISES, LLC, TO PROVIDE FOR PUBIC ACCESS TO ADJOINING CITY PROPERTY, AND TO CONVEY AN EQUIVALENT TRACT TO MSMT, LLC IN ORDER TO ACCOMMODATE THE TRANSACTION.

City Manager Skiles informed the Commission that this Resolution is stating what was explained in the New Business, item C. Mayor Hattan made a motion to accept the deeding of land to MSMT, LLC. Commissioner Hosie seconded. Motion carried 5-0 with the vote being as follows:

Yea: Mayor Hattan, Commissioners Johnson, Jindra, Hosie and Lanoue
Nay: None

RESOLUTION 2008-1809
CURB & GUTTER REPAIR –
ODELLA YAKSICH – 715 ARCHER APPROVED

RESOLUTION 2008-1810
CURB & GUTTER REPAIR –
WENDELL WILSON TRUST – 717 2ND AVE APPROVED

RESOLUTION 2008-1811
CURB & GUTTER REPAIR –
DAVID & LISA MIKESELL – 404 W. 9TH APPROVED

RESOLUTION 2008-1812
CURB & GUTTER REPAIR –
WINSTON & JANET SHRADER – 418 W. 14TH APPROVED

Thereupon, there was presented a Resolution entitled:

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF A CERTAIN INTERNAL IMPROVEMENT IN THE CITY OF CONCORDIA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENT IN ACCORDANCE WITH SUCH FINDINGS.

Commissioner Hosie made a motion to approve Resolutions 2008-1809, 2008-1810, 2208-1811 and 2008-1813. Commissioner Lanoue seconded. Motion carried 5-0 with the vote being as follows:

Yea: Mayor Hattan, Commissioners Johnson, Jindra, Hosie and Lanoue
Nay: None

RESOLUTION 2008-1813 SALE OF REAL ESTATE APPROVED

WHEREAS, THE CITY OFFERED FOR SALE BY SEALED BID THE FOLLOWING REAL ESTATE:

LOTS ONE (1), TWO (2), THREE (3), FOUR (4), FIVE (5), SIX (6), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15), SIXTEEN (16), SEVENTEEN (17) AND EIGHTEEN (18) IN BLOCK EIGHTEEN (18) IN THE CITY OF CONCORDIA, CLOUD COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF.

City Manager Skiles informed the Commission that Dale & Linda Simpson made a bid of \$2,525.25. They have been advised that there are \$8000.00 in special assessments against this property. Attorney Uri commented that the Simpson's have been advised of the special assessments by phone call and letter. He also indicated that it would be permissible for the Commission to authorize the City Manager to sign the quitclaim deed.

Commissioner Johnson made a motion to approve the resolution. Commissioner Lanoue seconded. Motion carried 5-0 with the vote being as follows:

Yea: Mayor Hattan, Commissioners Johnson, Jindra, Hosie and Lanoue
Nay: None

ORDINANCES:

ORDINANCE NO. 2008-2958:
DELEGATING NUISANCE ENFORCEMENT TO CITY MANAGER APPROVED

AN ORDINANCE DESIGNATING THE CITY MANAGER TO ACT ON BEHALF OF THE GOVERNING BODY WITH RESPECT TO NUISANCE ABATEMENT; AND AMENDING THE CONCORDIA CODE, BY ADDING A NEW SECTION 13-4.

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Larry Uri, City Attorney explained the current nuisance abatement procedure to the Commission. Empowering the City Manager should reduce the amount of time currently associated with the process.

Commissioner Johnson made a motion to approve Ordinance 2008-2958. Mayor Hattan seconded. Motion carried 5-0 with the vote being as follows:

Yea: Mayor Hattan, Commissioners Johnson, Jindra, Hosie and Lanoue
Nay: None

MANAGERS REPORT

There were no comments.

MAYOR/COMMISSIONER COMMENTS AND REPORTS

Commissioner Johnson voiced support for a "full blown" audit of the City's financials so that we could have a base line of where we are at financially. Manager Skiles stated that Commissioner Johnson was referring to a "Performance Audit" and he would seek a list of firms qualified to perform such an audit. Skiles went on to state that one firm had advised that an audit of such depth would cost a minimum of \$12,000 and a maximum of between \$15,000 and \$20,000.

Commissioner Johnson inquired as to the status of the Fire Fighter/EMT'S physical fitness program. Fire Chief Eubanks reported has been working with Dr. Jordan and Ted Schmitz of Cloud County Community College to formalize a program. Commissioner Johnson questioned Danny Parker, Chief of Police with respect to communications with the Sheriff's Department. Danny Parker stated that the Police and the Sheriff's Department are not on the same frequency.

Mayor Hattan inquired as to whether Representative Tiahart had been contacted regarding funding for the Dam project. City Manager Skiles reported that he had not, but would do so in the near future.

The Commissioners thanked the City staff for all of their hard work preparing for the Kansas Sampler Fest. They also inquired as to whether City staff reported nuisances as they came across them in their daily routines.

Commissioner Hosie informed the staff that he will not be here for the Commission meeting of May 21, 2008. He also asked the staff to continue to look into the cost of removing the elevated platform in the commission room.

STAFF COMMENTS

Larry Remmenga, Director of Utilities updated the commission on the rehabbing of the east water tower. He and the City Manager both climbed the water tower to inspect the job and determined that it was unacceptable. The City has been in contact with the contracted company, McGuire Iron. McGuire Iron has stated their desire to come back and do a spot patch repair. Remmenga stated that this may not be acceptable to the City. Remmenga stated that one option was for them to return in the Fall of '08 and re-do the whole project. The City can go back on McGuire Iron's performance bond.

Ruby Maline, Finance Director asked the Commission for the authority to void all of the old outstanding check's that are under \$100.00 and over two years of age.

Commissioner Johnson made a motion to allow the Finance Director to void all of the outstanding checks that are under \$100.00 and over two years of age. Commissioner Hosie seconded. Motion carried 5-0 with the vote being as follows:

Yea: Mayor Hattan, Commissioners Johnson, Jindra, Hosie and Lanoue
Nay: None

Maline provided the Commission with a list of outstanding checks for over \$100.00 and asked that she be authorized to void these checks as well. Maline went on to report that she is re-issuing a check, still outstanding, to a former employee. The employee stated that he had never received the check.

Mayor Hattan made a motion to allow the Finance Director to remove the checks from the outstanding check list. Commissioner Hosie seconded. Motion carried 5-0 with the vote being as follows:

Yea: Mayor Hattan, Commissioners Johnson, Jindra, Hosie and Lanoue
Nay: None

Maline reported that she had received notification from the Board of Tax Appeals that another parcel had been determined to be property tax exempt. Of the (16) sixteen properties that she submitted, 12 were approved. She also stated that at a prior Commission meeting, Commissioner Lanoue had questioned her decision to combine the Central Garage Fund and the Inventory Revolving Fund, stating that this would jeopardize the Special City/County Highway Funds that the City receives each year. At

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that same meeting, Commissioner Johnson requested documentation that this, jeopardizing of monies, would not happen. Maline provided the Commission with that documentation.

Larry Eubanks, Fire Chief, repeated the importance of the LMI surveys and requested that they be completed and returned to the City. He stated that approximately 40.5% of the surveys had been returned.

EXECUTIVE SESSION
NON-ELECTED PERSONNEL

HELD

At this time Commissioner Johnson moved that the Commission recess into executive session for (30) thirty minutes for Preliminary Discussion with Respect to Acquisition of Real Estate. Mayor Hattan seconded. Motion to include: Mark Skiles, Larry Uri, Susan Retter, Brian Donovan and Jim Wahlmeier. Motion carried 5-0 with the vote being as follows:

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

Nay: None

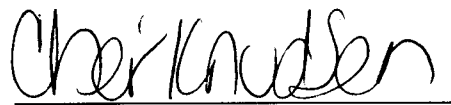
Time: 7:47 p.m.

The commission reconvened at 8:17 p.m.

Mayor Hattan asked if there was any action to be taken.

Mayor Hattan stated that there will be a study session following the adjournment of the meeting.

There being no further business, Commissioner Lanoue moved to adjourn. Mayor Hattan seconded. Motion carried 5-0.



Chér Knudsen
Interim City Clerk

(Seal)