

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD OCTOBER 7, 2009

The governing body met in regular session on October 7, 2009, at 5:30 p.m. in the City Commission Room at City Hall, with the following members being present: Commissioners Hattan, Jindra, Johnson, Lanoue, and Hosie.

Absent: None.

Other Officers: Interim City Manager Uri, Finance Director Farha, City Clerk Crum, and Deputy City Clerk Hicks.

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

Visitors: Jessica LeDuc, Toby Nosker, Bruce Johnson, Isadore Bombardier, Brian Warren, John States, Chad Lawson, Ron Deal, Chad Buckley, Frankie Hottman, Jim Winter, Jim Coash, Thaniel Monaco, Jason Grogan, Kari Grogan, Gloria Hamel, Joe Hamel, J.T. Klaus, Allan Miller, Patricia Gerhardt, Barry Madden, Bruno Rehbein, Ron Copple, Marvin Copple, Larry Eubanks, Janet Eubanks, Don Lanoue, Ken Johnson, Janet Lowell, and Kirk Lowell.

Pastor John States gave the invocation followed by the reciting of the Pledge of Allegiance.

Mayor Hattan asked for changes to the agenda. Interim City Manager Uri mentioned that a Contract for Geisler Roofing repairing hail damage to city buildings was added as item F. under Old Business and the item under Ordinances was moved to a Study Session item.

APPROVAL OF MINUTES**APPROVED**

Commissioner Hosie moved to approve the minutes of the September 16, 2009, meeting. Commissioner Lanoue seconded. Motion carried unanimously.

Commissioner Johnson moved to approve the minutes of the September 25, 2009, Special Call Meeting. Commissioner Jindra seconded. Motion carried unanimously.

APPROPRIATION ORDINANCE NO. #18**APPROVED**

Commissioner Johnson asked what the check for \$5,000 to the Downtown Improvement Fund was for. Kirk Lowell answered that it was for Monte Wentz's application for the Grant to remodel the old City Hall building on 6th and Lincoln.

Commissioner Hosie moved to approve appropriation ordinance #18. Commissioner Johnson seconded. Motion carried unanimously.

PUBLIC COMMENTS

Izzy Bombardier, representing the American Legion, publicly thanked Ron Copple for his efforts in preparing for Fall Fest.

APPOINTMENTS

Interim City Manager Uri presented the list of the five Recreation Advisory Board Members for approval. Interim City Manager Uri explained that there were eight equally qualified applicants, and the five being presented were chosen at random. The applicants chosen are Kenny Allen, Megan Patterson, John Hernandez, Paige Rudolph, and Channin McEuen. Commissioner Johnson requested background information on the applicants, and City Manager Uri said he would comply. Commissioner Lanoue asked if the terms were staggered. Interim City Manager Uri explained that the first two positions would be shorter terms, and the fifth position would be the longest.

Commissioner Hosie moved to appoint the five applicants presented to the Recreation Advisory Board. Commissioner Johnson seconded. Motion carried unanimously.

OLD BUSINESS:**REVOLVING LOAN APPLICATION****APPROVED**

Interim City Manager Uri reminded the Commission that the Revolving Loan Application from Jason and Kari Grogan had been discussed and explained during the Public Hearing at the September 25, 2009, Special Call Meeting. The Grogans are asking for a loan in the principal amount of \$22,000 payable for five years. This loan will be used to open a book store in downtown Concordia. The city will provide a \$15,000 guaranty by placing a CD in that amount at the lending bank, Central National Bank. The amount of the guaranty amount will be lowered as the debt is paid off. It will be held by the bank until the full amount of the loan, plus interest, is paid off.

Kirk Lowell said that the CD will stay in the bank for five years, but when the principal amount has been paid down to \$5,000, that money can be used toward another loan if necessary.

Commissioner Johnson asked if the City collects the interest on the CD. Janet Lowell informed him that yes, we do.

Commissioner Johnson moved to approve the Revolving Loan Application from the Grogans. Commissioner Lanoue seconded. Motion carried unanimously.

ENVIRONMENTAL REVIEW – 216 B W. 6TH ST.

APPROVED

Kirk Lowell explained that the Federal Government now requires an environmental review for projects funded by revolving loans. Sara Crangle of the North Central Regional Planning Commission reviewed the project and determined that it is exempt from having a full environment review because there is no major building or reconstruction being done to the property. Mr. Lowell requested Mayor Hattan sign the document stating that the project is exempt, so it can be sent in to the state.

Commissioner Johnson moved to authorize Mayor Hattan to sign the environmental review. Commissioner Jindra seconded. Motion carried unanimously.

CITY MANAGER CONTRACT

APPROVED

Interim City Manager Uri explained that the contract he is presenting for approval includes the changes discussed at the previous meeting.

Commissioner Johnson questioned whether there was a conflict of interest for the permanent city manager to also be the acting city attorney. Interim City Manager Uri informed the Commission that there are certain stipulations to holding both job titles, such as: he is not allowed to set his city attorney salary and he is not allowed to represent the City in litigation. He stated that there is no law that prohibits the holding of both job titles. Commissioner Johnson questioned why the City was paying for two city attorneys. Interim City Manager Uri explained that he is acting as the attorney, and being paid less than what he was when he previously held the full time position as City Attorney; and Erin Riffey is the City Prosecutor, handling Municipal Court cases.

Commissioner Lanoue pointed out that on page three of the original City Manager Contract the hourly rate figure has been crossed out. Interim City Manager Uri stated that it was crossed off by mistake, and that the presented contract has been accurately updated. Commissioner Lanoue asked about the salary figure for the City Prosecutor. Interim City Manager Uri explained that it was \$1,500 per month, but was raised to \$1,800 in January of this year.

Commissioner Hosie moved to approve the City Manager Contract. Commissioner Jindra seconded. Motion carried 4-1, with Commissioner Johnson opposing.

GENERAL OBLIGATION BOND FINANCING

City Manager Uri mentioned that there is a separate column reflecting money to be paid by special assessment by Concordia Tractor.

Mayor Hattan asked if we were skipping temporary notes on the North Development Project and going directly to bonds. Amber Farha said the plan was to do bonds only. Mayor Hattan said that an engineering firm had told him that recent construction bids have been 25-40% below estimates. Mayor Hattan asked where the unused funds, if any, would be distributed to. Commissioner Lanoue suggested possibly using it toward future projects.

City Manager Uri suggested waiting until the end of the year to see the results of the project bids before they make any final decisions.

Mayor Hattan inquired about bond counsel's opinion on the subject. City Manager Uri stated that he would postpone adding the bond discussion to the agenda until after the bond counsel advised the City that it was time to move forward with the project.

There was discussion on the pros and cons of temporary notes vs. bonds, and the difference in interest rates. Amber Farha informed the Commission that this information was for discussion only, and no action was requested.

Mayor Hattan announced that the discussion will be tabled until further notice from the Bond Council.

FLOOD CONTROL FINANCING

City Manager Uri stated that the City has submitted a letter of intent to the Corps of Engineers asking them to proceed with the feasibility study on the flood control project. The project will be financed partially by the City, and partially by the Corps. The estimated cost of the feasibility study is \$431,000; \$215,000 of which is the City's responsibility. The Corps has informed City Manager Uri that if the fee is paid now, the study could be completed as early as 2010.

City Manager Uri told the Commission that they could decide to issue a check for the \$215,000, which is available in the City's TIF Fund, and it would be sent to the Corps. His opinion, however, is that it would be in the City's best interest to wait until after an in-depth discussion could be held between the Corps, the

commissioners, and himself. He does not think that the Corps' brief presentation sufficiently explained its intentions in regards to the substantial amount of time and money the City is being asked to invest.

Mayor Hattan explained his reason for wanting to use the TIF Fund as opposed to the CIP funds for this project.

Commissioner Hosie asked what the original projected cost and time estimate was for the complete project. City Manager Uri said the original cost estimate was \$1,500,000-\$2,000,000. The City's cost would be the \$215,000 share of the feasibility study, and 35% of the remaining cost.

Commissioners expressed concern with the projected timeline for the project. Commissioners Hosie and Jindra requested to invite Frank Mercurio with KLA Environmental to the next City Commission Meeting to compare his plans for the flood control project with the Corps' plans. Commissioner Jindra read some cost figures from KLA's December, 2005, study. Commissioner Hosie stated that Mr. Mercurio is still interested in doing the dam project for the City, and that there would be no cost to the City for him to attend the following Commission Meeting.

Mayor Hattan agreed that Mr. Mercurio should be invited to the following meeting in order to hear his presentation for the dam project.

Commissioner Jindra moved to invite Frank Mercurio to the next Concordia City Commission Meeting to discuss the Flood Control Project. Commissioner Hosie seconded. Motion carried unanimously.

GEISLER ROOFING CONTRACT FOR ROOF REPLACEMENT

City Manager Uri presented a \$47,000 contract for Geisler Roofing for repairing the damage done by the hail storm to the roofs of city buildings. The City has received \$144,000 out of \$166,000 from the insurance company, and will receive the remaining money after the final contract has been submitted. Commissioner Johnson asked why the City did not receive the entire \$160,000 up front. Ron Copple explained that the insurance company holds a portion of the money until the project (repairs) has been completed. If the repairs are not done, they do not pay the full amount.

Mayor Hattan moved to approve the contract for Geisler Roofing. Commissioner Jindra seconded. Motion carried unanimously.

NEW BUSINESS:

C & J CONSTRUCTION MONITORING CONTRACTS

APPROVED

City Manager Uri explained that this contract is for monitoring the contractors, to make sure everything is done correctly, to be on hand to answer any questions, and to act as the liaison for the city. The contract calls for work at an hourly rate and a maximum of \$94,250. He thinks it is appropriate to have separate contracts for design and for inspection, and to have the City Engineers perform the inspections. Campbell & Johnson declined to bid on the design portion of the project thus to avoid a conflict of interest.

Commissioner Johnson asked why BG Consultants would not be inspecting their own work, and how much it would cost if they did. City Manager Uri replied that it might be easier if a different company needed to point out a design flaw, etc. Commissioner Johnson noted that it was mentioned in both contracts that they would be in charge of the change orders, and he felt it should be stated more clearly who would be in charge.

Thaniel Monaco of BG Consultants replied that typically, if the firm doing the inspections requires a change order, they first consult the design engineers, and then the inspectors issue the change order through the city. City Manager Uri stated that it was made clear in the bids and the contracts that the design firm would not perform any of their own inspections.

Mr. Monaco stated that he was fully aware of the City's wanting to have its own engineers perform the inspections, and that if BG Consultants was not completely comfortable with the situation, it would have been addressed in their proposal.

Ken Johnson explained that depending on how the construction process goes, they could be running four contractors at the same time. With one contractor and one crew to watch over, there is not as much time spent with personnel, and the cost will be less. Whereas with more contractors, when you need more personnel on the site, then the cost will be higher due to the hours being worked.

Commissioner Johnson moved to approve the Campbell & Johnson Construction Monitoring Contract. Commissioner Jindra seconded. Motion carried unanimously.

CCCC PROJECT ENGINEERING CONTRACT

APPROVED

City Manager Uri stated that he had previously recommended not bidding out the engineering contract for the CCCC Project to other engineering firms, but instead offer it to BG Consultants. Due to the time constraints on the project, the City's best option is to hire BG Consultants, who is knowledgeable and familiar with the concept and has already done the preliminary.

Commissioner Lanoue questioned why the City hires different companies to do the design and the inspections. She asked Ken Johnson if engineers typically do their own inspection during the design process.

Mr. Johnson replied that this was true only about half the time. There was some discussion on whether BG Consultants should perform their own inspections, and how it would affect the contract.

Commissioner Johnson moved to authorize the mayor to sign the CCCC project engineering contract. Commissioner Jindra seconded. Motion carried unanimously.

NORTH DEVELOPMENT ENGINEERING CONTRACT

APPROVED

City Manager Uri presented the following bids for the design of the water and sewer improvements for the north development:

| FIRM | SANITARY SEWER | WATERLINE | COMBINED TOTAL |
|-------------------------------|---------------------|--------------------|---------------------|
| Wilson & Company | \$36,286.00 | \$26,816.00 | \$63,102.00 |
| HWS Consulting Group | \$41,000.00 | \$28,000.00 | \$69,000.00 |
| Kaw Valley Engineering | \$56,600.00 | \$62,900.00 | \$119,500.00 |
| BG Consultants | \$82,500.00 | \$60,250.00 | \$142,750.00 |
| BWR | | | |
| Design | \$99,012.37 | \$70,155.29 | \$169,167.66 |
| Engr/Topo Survey | \$19,233.41 | \$16,306.68 | \$35,540.09 |
| Prop/Boundary Survey | \$13,137.41 | \$13,222.96 | \$26,360.37 |
| BWR Total | \$131,383.19 | \$99,684.93 | \$231,068.12 |
| Discounts Offered if Combined | | | |
| Design | -\$5,227.85 | -\$3,704.20 | |
| Prop/Boundary Survey | -\$2,627.48 | -\$2,644.59 | |
| Totals | -\$7,855.33 | -\$6,348.79 | |
| BWR Total/w Discounts | \$123,527.86 | \$93,336.14 | \$216,864.00 |

City Manager Uri stated that eight or nine engineering firms were asked to bid on this project. Six of these firms submitted bids, with one of those withdrawing their bid. A committee consisting of Ken Johnson, Don Dean, Chad Buckley, Larry Uri, and Commissioner Johnson listened to proposals from the five firms, which were Wilson & Company, HWS Consulting Group, Kaw Valley Engineering, BG Consultants, and BWR. Based on the firms' presentations and qualifications, City Manager Uri said the committee recommends BG Consultants for the project. City Manager Uri also mentioned that the contract is for \$138,730, which is less than the \$142,750 that they originally bid.

Commissioner Jindra moved to award the North Development Engineering Contract to BG Consultants for an amount not to exceed \$138,730. Commissioner Hosie seconded. Motion carried unanimously.

EAST HILLS SPECIAL ASSESSMENT

City Manager Uri reminded the Commission that this matter was presented to them several meetings prior. The East Hills development had constructed a small portion of access roads which was paid for by special assessment. At the request of Mr. and Mrs. Corbeil, the included ordinance has been amended to narrow the area subject to the special assessment to the lot where the community building of the development is located.

Commissioner Hosie moved to approve ordinance 2009-2981. Commissioner Lanoue seconded. Motion carried by the following vote:

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

Nay: None.

RESOLUTIONS:

2009-1851 ELK STATE BANK DEPOSITORY

City Manager Uri explained that even though Elk State Bank is one of our designated depositories, the City has not yet placed any funds with them. One of the City's CDs has reached maturity. City Manager Uri informed the Commission that the interest rates were unfavorable, showing a decrease from 2-3% to 0.2%. After bidding out for a six month CD, the City has opted to go with Elk State Bank, who offered a 0.78% interest rate.

Mayor Hattan moved to approve resolution 2009-1851. Commissioner Johnson seconded. Motion carried by the following vote:

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

Nay: None.

2009-1852 HOSIE FIRE PROCEEDS PUBLIC HEARING

City Manager Uri stated that due to Commissioner Hosie's personal involvement with said resolution, it would be appropriate for him to abstain from voting.

The resolution calls for a public hearing which must be scheduled more than thirty days after approval of the ordinance; the hearing has been scheduled for November 18, 2009, at 5:30 p.m.

Commissioner Johnson moved to approve resolution 2009-1852. Mayor Hattan seconded. Motion carried by the following vote:

Aye: Commissioners Hattan, Jindra, Johnson and Lanoue.

Nay: None.

Abstain: Commissioner Hosie.

MANAGER'S REPORT

City Manager Uri mentioned the Annual Regional Supper hosted by the League of Kansas Municipalities on October 28, 2009; RSVP no later than October 21, 2009.

Another quarterly intergovernmental meeting will be held on Tuesday, November 10, 2009 at 7:00 p.m.

City Manager Uri asked the commission whether they were interested in spending \$1,000 of economic development funds on a continuation of the recent radio campaign urging people to spend locally. He noted that the people who organized that campaign have received pledges of matching funds. No motion was made.

MAYOR/COMMISSIONER COMMENTS AND REPORTS

Commissioner Jindra thanked Ron Copple for filling up potholes.

Commissioner Johnson asked about the tree trimming.

STAFF COMMENTS

Fire Chief Larry Eubanks informed the Commission that the tree trimming would begin on Saturday, October 10, 2009. Door knockers have been placed at the homes which might be affected by the tree trimming, and Mr. Eubanks assured the Commission that someone from the tree trimming crew would personally go to the door of each home prior to doing any cutting, in order to be sure that they have given sufficient notice to the public.

Mr. Eubanks also noted that his department has had some individuals pass the EMTI (Emergency Medical Technician Intermediate test. There are nine personnel qualified in rope rescue that have climbed the Wind Towers.

ADJOURN

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

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

(Seal)


Sara Hicks
Deputy City Clerk

