

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD DECEMBER 16, 2009

The governing body met in regular session on December 16, 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: City Manager Uri, Finance Director Farha, and City Clerk Crum.

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

Visitors: Jessica LeDuc, Toby Nosker, Mary Jo Thummel, Ron Deal, Kirk Lowell, Steve Wetter, Marvin Copple, Jason Grogan, Marcia Allen, Ken Johnson, Thaniel Monaco, Don Lanoue, Janet Eubanks, Janet Lowell, Arlene Clayton, Sara Hicks, Bob Maxson, Ken Johnson, Chad Buckley, Larry Eubanks, Ron Copple, Bruce Johnson, Bruno Rehbein.

Rev. Jason Grogan gave the invocation, followed by the reciting of the Pledge of Allegiance.

Mayor Hattan asked for changes to the agenda. City Manager Uri added an item to new business, 5th Street Bids.

APPROVAL OF MINUTES**APPROVED**

Commissioner Johnson moved to approve the minutes of the November 18, 2009, meeting. Commissioner Lanoue seconded. Motion carried unanimously.

Mayor Hattan moved to approve the minutes of the December 2, 2009, meeting. Commissioner Johnson seconded. Motion carried unanimously.

APPROPRIATION ORDINANCE NO. #22**APPROVED**

Commissioner Johnson inquired what we were receiving for our money on the annual 911 maintenance. City Manager Uri promised to look into it.

Commissioner Lanoue moved to approve appropriation ordinance #23, along with the December 31, 2009, encumbrance list. Mayor Hattan seconded. Motion carried unanimously.

PUBLIC HEARING:**2009 BUDGET AMENDMENT****HELD**

Mayor Hattan moved to close the public hearing on the 2009 budget amendment. Commissioner Lanoue seconded. Motion carried unanimously.

529 E. 7TH UNSAFE AND DANGEROUS**HELD**

Bruno Rehbein said the owner had not responded to the certified letter, although he had received it.

Mayor Hattan moved to close the public hearing on 529 E. 7th. Commissioner Lanoue seconded. Motion carried unanimously.

PUBLIC COMMENTS

There were no public comments.

APPOINTMENTS**SHERRI RADCLIFFE**

City Manager Uri said that since former Police Chief Danny Parker had resigned, there has been no one representing the City on the JJRA advisory board. In her letter of recommendation, Ellen Anderson, Agency Director, said that Sherri Radcliffe has been serving since the inception of the board, and recommended that Ms. Radcliffe be appointed to represent the City.

Commissioner Hosie moved to appoint Sherri Radcliffe to the community corrections JJRA advisory board. Commissioner Johnson seconded. Motion carried unanimously.

OLD BUSINESS:**KANSAS LUMBER REDEVELOPMENT AGREEMENT****APPROVED**

City Manager Uri said that the original agreement committed the City to spend an amount equal to the estimated increment from the additional improvements. The amendment up for a vote tonight does not

commit the City but identifies that the improvements could be undertaken. There is an estimated cost of \$23,680.35 in the agreement.

Mayor Hattan inquired why the City should pay for seeding and mulch when there was no irrigation at the property. Discussion included the possibility of paving the area to avoid mowing and having an onslaught of weeds without proper irrigation.

Commissioner Hosie moved to approve the Kansas Lumber redevelopment agreement. Commissioner Jindra seconded. Motion carried unanimously.

REVISION OF MINUTES

Minutes of the February 18 meeting reflecting corrections requested by Commissioner Johnson will be presented to the commission at the January 6 meeting.

NEW BUSINESS:

AFFIRMATION OF EXEMPT PROPERTY STATUS FOR IRB CERTIFICATES APPROVED

City Manager Uri said this is an annual event of businesses that have received industrial revenue bonds from the City and are required to certify to the City annually that they still have property exempt from taxation. Commissioner Johnson asked if this was ever checked. City Manager Uri said that we rely on the businesses giving us the correct information.

Commissioner Jindra moved to affirm the exempt property status for F&A Food Sales, Marquis Place, and Mt. Joseph Senior Village. Mayor Hattan seconded. Motion carried unanimously.

DESIGNATION OF OFFICIAL DEPOSITORIES APPROVED

City Manager Uri explained that this names all local banks as depositories where the City may invest its funds. Commissioner Johnson asked if the City ever changes the banks where we have our cash accounts. City Manager Uri said that we could bid the checking account.

Commissioner Jindra moved to approve Citizens National Bank, Central National Bank, United Bank & Trust, Peoples Exchange Bank, and Elk State Bank as official depositories for 2010. Commissioner Lanoue seconded. Motion carried unanimously.

CLOUDCORP 2010 FUNDING AGREEMENT APPROVED

Kirk Lowell requested \$50,000 of City support for 2010, the same amount as 2009. He presented a recently passed resolution from the County in which they designate the county as a recovery zone.

Commissioner Jindra moved to accept the CloudCorp 2010 funding agreement. Commissioner Hosie seconded. Motion carried unanimously.

EMERGENCY GENERATOR HOOKUPS APPROVED

Larry Eubanks presented a bid from Hood's for \$7454 to install hookups at City Hall for installing a 60kw generator should the need arise in an emergency situation. The bid does not include a generator, which Mr. Eubanks said could be procured from Kansas Emergency Management. Discussion included the City's base of operations in an emergency. Both Mayor Hattan and Commissioner Lanoue felt that there were other City locations with generators, including the police department.

Commissioner Johnson moved to accept the bid from Hood's for \$7454 to install hookups to accommodate a 60kw generator. Commissioner Jindra seconded. Motion carried 3-2, with Mayor Hattan and Commissioner Lanoue opposing.

2010 CMB LICENSES APPROVED

The following CMB licenses were up for renewal: Wood Oil, Casey's, Short Stop, Wal-Mart, Rod's Food Store, Club 76, Gambino's Pizza, Country Honky Tonk, Thunder Strikez, and Pizza Hut.

Mayor Hattan moved to approve the 2010 CMB licenses. Commissioner Lanoue seconded. Motion carried unanimously.

EXTENSION OF CITY ENGINEER CONTRACT APPROVED

City Manager Uri said that last year's agreement with Campbell & Johnson allowed for an extension of one year without changes, and recommended the commission extend the contract.

Commissioner Lanoue moved to authorize the mayor to sign the city engineer contract extension. Commissioner Jindra seconded. Motion carried unanimously.

KANSAS BOARD OF EMS GRANT APPLICATION

Larry Eubanks said that a 50/50 grant was available to purchase a new power cot. The City's share would be \$5,982.50.

Commissioner Lanoue moved to authorize the appropriate official to sign the grant application with funding coming from the 2010 budget if it is awarded. Commissioner Johnson seconded. Motion carried unanimously.

ADDENDUM TO CONCORDIA TRACTOR DEVELOPMENT AGREEMENT APPROVED

City Manager Uri said the original agreement stated that within 60 days after signed, CTI would have consented to annexation, signed a contract with the contractor to build the facility, presented the IRB application to the City, and presented their application for special assessment funding of \$500,000 for the water and sewer. The deadline has been extended once. CTI is asking for a second.

Commissioner Jindra moved to approve the addendum to the Concordia Tractor development agreement. Mayor Hattan seconded. Motion carried unanimously.

5TH STREET BIDS TABLED

Ron Copple said that KDOT had received five bids for this project, with Wrench Construction coming in with the lowest bid of 850,982.72, of which the state will contribute \$425,283.00. The engineer's original estimate for the project had been \$450,283.00, with a second estimate in November of \$650,000.00. Wrench Construction is \$40,000 over the state's original estimate. After the engineering contract of \$94,956.94, the City's share will be \$520,656.66. Mr. Copple's recommendation was using CIP funds, and cut some projects for next year including street overlays. Mayor Hattan asked if TIF money could be spent on this, He suggested that Finance Director Farha list pending obligations and possible resources available to fund this project before any decisions are made. There was concern that the bids came in so much higher than the original engineer's bid. Ken Johnson answered that findings on the soil underneath greatly increased the cost, and the State added almost \$150,000 for trafficking, due to the unavailability of alternate routes during construction. The State has not checked the bid numbers yet, but is asking for a verbal commitment to the project within a few days.

Mayor Hattan moved to table the 5th Street bids until City staff could prepare the necessary reports to make a decision. Commissioner Hosie seconded. Motion carried unanimously.

RESOLUTIONS:

2009-1859 NON-CLASSIFIED EMPLOYEE PAY PLAN PASSED

The resolution includes all salaried department heads, to receive a 3% cost of living increase for 2010. Commissioner Lanoue said a salary comparison should be done, as she felt that \$69,000 is too high for a department head. City Manager Uri promised to see about doing a salary comparison.

Mayor Hattan moved to approve resolution 2009-1859. Commissioner Jindra seconded. Motion carried by the following vote:

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

Nay: None.

2009-1860 CLASSIFIED EMPLOYEE PAY PLAN PASSED

The resolution includes all hourly fulltime employees, to receive a 3% cost of living increase for 2010. The most updated financial information had been presented to the Commissioners as requested, in order to make an educated decision. City Manager Uri said that the pay scale had been modified, to include employees who have reached the end of the scale with no room for a wage increase.

Mayor Hattan moved to approve resolution 2009-1860 including the revised pay scale. Commissioner Jindra seconded. Motion carried by the following vote:

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

Nay: None.

2009-1861 WAIVER OF GAAP PASSED

This is an annual resolution to waive generally accepted accounting principles (GAAP).

Mayor Hattan moved to approve resolution 2009-1861. Commissioner Jindra seconded. Motion carried by the following vote:

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

Nay: None.

2009-1862 AUTHORIZED SIGNERS PASSED

City Manager Uri said the resolution authorizes the City Manager, City Clerk, and Finance Director as check signers.

Commissioner Jindra moved to approve resolution 2009-1862. Commissioner Lanoue seconded. Motion carried by the following vote:

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

Nay: None.

2009-1863 529 E. 7TH UNSAFE AND DANGEROUS

PASSED

The resolution declares the property at 529 E. 7th as unsafe and dangerous and ordered repaired or demolished.

Mayor Hattan moved to approve resolution 2009-1863. Commissioner Lanoue seconded. Motion carried by the following vote:

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

Nay: None.

ORDINANCES:

2009-2984 COURT COSTS

PASSED

City Manager Uri said the ordinance will raise court costs to be in line with other cities. The initiative was taken by Sara Hicks, the court clerk, and the previous assistant city attorney, Erin Riffey, to investigate the fees. A new item in the ordinance is a fee for expungements.

Commissioner Jindra moved to approve ordinance 2009-2984. Commissioner Lanoue seconded. Commissioner Hosie said that time should be taken to discuss the ordinance, as fees could be higher than the fines. Commissioner Hosie wondered if the new fees were merely generating revenue for the city, and was concerned that those guilty would pay less for expungements than those who were found not guilty.

Commissioner Hosie moved to table ordinance 2009-2984. Commissioner Johnson seconded. Motion failed by the following vote:

Aye: Commissioners Johnson and Hosie.

Nay: Commissioners Hattan, Jindra and Lanoue.

The vote was then taken on the original motion to approve ordinance 2009-2984. Motion carried by the following vote:

Aye: Commissioners Hattan, Jindra and Lanoue.

Nay: Commissioners Johnson and Hosie.

2009 BUDGET AMENDMENT

Commissioner Lanoue stated that the budget amendment should have been approved during the earlier public hearing.

Mayor Hattan moved to approve the 2009 budget amendment. Commissioner Lanoue seconded. Motion carried unanimously.

EXECUTIVE SESSION – PRELIMINARY DISCUSSION FOR ACQUISITION OF REAL ESTATE HELD

Mayor Hattan moved that the commission recess into executive session for ten (10) minutes for preliminary discussion for acquisition of real estate. Inviting: Interim City Manager Uri and Ken Johnson. Commissioner Lanoue seconded. Motion carried by the following vote:

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

Nay: None.

Time: 6:46 p.m.

The commission reconvened at 6:56 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 ten (10) minutes for non-

elected personnel. Inviting: Interim City Manager Uri. Commissioner Jindra seconded. Motion carried by the following vote:

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

Nay: None.

Time: 6:56 p.m.

The commission reconvened at 7:06 p.m.

Mayor Hattan announced there was no binding action taken.

MANAGER'S REPORT

City Manager Uri talked about a water quality test that staff does six times a month. During a recent test, coliform bacteria were found. A second test at the same location also revealed the bacteria. Chad Buckley explained that the third test was performed inside the residence, and that test was negative. However, due to state regulations, the community must be notified of the earlier findings.

City Manager Uri provided documentation from the inception of the TIF district that showed the Broadway sewer could be funded through TIF. He also discussed the possibility of diverting some flow from this sewer, which is currently running at nearly 100% capacity, to another lower usage sewer, at a considerable savings. Currently, the City is waiting to hear on a CDBG grant, which has a 50/50 match at a cost to the City of approximately \$400,000. The diversion would cost approximately \$50,000. City Manager Uri told the commission that regardless of cost, the project needs to be a top concern for 2010 and must be done.

Ken Johnson then showed a map of both of these sewer lines. He said that after consideration, diverting the flow would not be feasible as this would overload the sewer. This would put nearly two-thirds of the City's flow into one sewer line. Also, this would strain an already aging sewer line and eventually this would have to be replaced.

MAYOR/COMMISSIONER COMMENTS AND REPORTS

There were no comments.

STAFF COMMENTS


Ron Copple gave a report on the recent snowstorm, including 895 miles of streets that were plowed and 768 loads of snow hauled away. With wages, the total cost of the storm was \$20,400. Mr. Copple thanked Cloud Ceramics for furnishing trucks and helping to haul snow. He also noted that the water department had helped in the snow removal.

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 Jindra seconded. Motion carried unanimously.

(Seal)



 Stacey Crum
 City Clerk