

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

The governing body met in regular session on September 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: Interim 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, Jo Barclay, Paul Abram, Mark Boands, Chuck Bouly, Leland Tice, Harley Adams, Sam Whitehead, Charley Lowers, Bruce Johnson, Bruno Rehbein, Kyle Adams, Johnny Adams, Michael Adams, Jim Ganson, Jean Rosemarynoski, Anna Marie Broxterman, Ron Copple, Don Dean, Mark Morgan, Sister Beth Stover, Marvin Copple, Roy Reif, Darla Adams, Larry Eubanks, Bob Maxson, Marcia Allen, Julie Christensen, Lowell Thoman, Charles Cyr, Janet Eubanks, Jim Stromberg, Don Lanoue, Ken Johnson, Tammy Britt, Janet Lowell, Phil Gilliland, Kirk Lowell, Tom Tuggle, Dana Brewer, Robert Steimel.

Pastor Sandra Moore 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 the north development and the Cloud County Community College development agreement were placed first on the agenda to accommodate those involved in the agreements and the public interested in the discussion.

OLD BUSINESS:**NORTH DEVELOPMENT AGREEMENT****CONCORDIA TRACTOR, KDOT**

Leland Tice spoke on behalf of KDOT on the shortcomings of the present KDOT facility and how beneficial a new facility would be. Future plans include bringing a regional facility to Concordia, along with the probability of at least twenty new jobs. Harley Adams of Concordia Tractor discussed how his business could not be developed further at its present location. The current building does not facilitate newer, larger equipment. Plans include a much larger facility with the possibility of new jobs and further expansion in the future. Sam Whitehead, John Deere Dealer Development Manager at the Kansas City branch, spoke of CTI's importance to our agricultural community. Kirk Lowell and Dana Brewer, representing CloudCorp, talked of the impact of opening a new area for development, and a resolution of support recently passed by the CloudCorp board was read to the commissioners. Mr. Lowell discussed other land available for development should the annexation occur.

Chuck Bouly of George K. Baum & Company, Wichita, was on hand to discuss several options for refinancing of existing bonds, plus a new general obligation bond to be issued for this project, and answered questions from the commissioners. The new bond would include the current wastewater treatment plant project now financed with temporary notes. He presented a resolution to be signed should the commission agree to go forward with the project.

Commissioner Jindra moved to approve the north development agreement with Concordia Tractor. Commissioner Hosie seconded. Motion carried unanimously.

Commissioner Jindra moved to approve the north development agreement with KDOT. Commissioner Lanoue seconded. Motion carried unanimously.

The matter of offering for sale of General Obligation Refunding and Improvement Bonds, Series 2009, came on for consideration and was discussed.

Mayor Hattan presented and moved the adoption of a resolution entitled:

**RESOLUTION AUTHORIZING CERTAIN ACTIONS RELATING TO THE OFFERING
FOR SALE OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS,
SERIES 2009, OF THE CITY OF CONCORDIA, KANSAS.**

Commissioner Lanoue seconded the motion to adopt the resolution. Thereupon, the resolution was read and considered, and, the question being put to a roll call vote, the vote thereon was as follows:

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

Nay: None.

The Mayor declared the resolution duly adopted; the clerk designating the same Resolution No. 2009-1850.

CCCC DEVELOPMENT AGREEMENT & ELECTRIC LINE LICENSE

The college desires to put a high voltage electric line underground in city right of way where the college's wind tower generator will be erected. Bruno Rehbein presented the license, along with a map showing the area.

Commission Jindra moved to approve the electric license with Cloud County Community College. Commissioner Lanoue seconded. Motion carried unanimously.

The development agreement between CCCC and the city addresses the issue of the water pressure problem on the south side of town. The college has agreed to contribute \$100,000 towards the project, with a total project cost of approximately \$484,000.

Commission Hosie moved to approve the development agreement with CCCC. Commissioner Lanoue seconded. Motion carried unanimously.

DISCUSSION OF FLOOD CONTROL FINANCING

The next phase of the project with the Corps of Engineers will contain extensive planning and engineering and the city has been asked to contribute a \$225,000 match. It is Interim City Manager Uri's understanding that if the city pays the entire amount, this phase of the project could be completed in 2010, but if the money is contributed over time, the planning project will also take several years to complete.

Mayor Hattan stated that since the CCCC project was less than budgeted, he felt the city could proceed with TIF funding for this project. Commissioner Jindra said that since this item was added late to the agenda, he'd like to see discussion tabled until the next meeting. Interim City Manager Uri said that Kirk Lowell has a new revolving loan applicant, would it be possible to discuss both items at a special meeting next week? It was decided to meet September 25 at 8:00 a.m. for the purpose of discussing flood control financing and the revolving loan application.

APPROVAL OF MINUTES

APPROVED

Commission Jindra moved to approve the minutes of the September 2, 2009, meeting. Commissioner Johnson seconded. Motion carried unanimously.

APPROPRIATION ORDINANCE NO. #17

APPROVED

Commissioner Lanoue asked if local businesses had been considered on the printer purchase, and felt that purchases should be local when possible. Commissioner Lanoue asked if city employees are getting the government rate when booking hotel rooms, as it seemed that several on this appropriation were higher than normal. It was promised this would be considered. Commissioner Johnson asked why employees were sent to southwest Kansas for training. Larry Eubanks stated that this was the only site offered. Commissioner Johnson asked about the medical billing. Interim City Manager Uri said that the outsourcing is being phased out slowly.

Commissioner Johnson moved to approve appropriation ordinance #17. Commissioner Jindra seconded. Motion carried unanimously.

PUBLIC COMMENTS

Dana Brewer invited the public to the whole wall project dedication on September 26, during Fall Fest.

PROCLAMATION - CONCORDIA YEAR OF PEACE

Sister Jean Rosemarynoski of the Sisters of St. Joseph read a proclamation and Mayor Hattan declared September 2009-December 2010 a year of peace in Concordia.

OLD BUSINESS:

TREE TRIMMING

Concerning tree trimming, it has been determined by a local tree trimmer that \$20,000 would do one quarter (1/4) of the city. As the commission has been reluctant to appropriate that much money for this project, Interim City Manager Uri proposed spending \$5,000 to take a section of town and trim the trees in the city right of way. After this is done, it can be discussed if the commission would want to continue the project. Commissioner Johnson said he would be in agreement of doing one street, rather than picking and choosing different areas. Commissioner Lanoue was not in favor of spending \$80,000 to trim trees.

CAMPBELL & JOHNSON BROADWAY SEWER MONITORING & FLAGGING AGREEMENT

This agreement goes along with the CDBG application for the Broadway sewer project, and contains a clause that the agreement is only valid if funds are approved for the project.

Commissioner Hosie moved to approve the agreement with Campbell & Johnson. Commissioner Jindra seconded. Motion carried unanimously.

NEW BUSINESS:**COMMISSION ROOM REMODELING****FAILED**

There was discussion on changing the dais and the layout of the commission room. Interim City Manager Uri suggested a projector that could put any document on a screen for viewing, for easy access to the commissioners.

Commissioner Johnson made a motion to go forward with the project. Commissioner Hosie seconded. Motion failed 2-3 by the following vote:

Aye: Commissioners Johnson and Hosie.

Nay: Commissioners Hattan, Jindra, and Lanoue.

CITY MANAGER CONTRACT

There was discussion in a previous meeting about Interim City Manager Uri taking vacation time without loss of pay. He pointed out that the contract states that he will generally work twenty hours per week, but that the hours are his to set. Commissioner Johnson still expressed reservations on this issue. Mayor Hattan said the contract was written for both sides to be flexible.

CITY MANAGER SEARCH

There was discussion on the search for a fulltime city manager. Mayor Hattan had done research with other cities, and his finding was that in order to find a city manager, the previous managers must be willing to recommend the city. Commissioner Jindra said that, although he had reservations with the idea of a half time manager a year ago, his expectations had been exceeded with Interim City Manager Uri.

Commissioner Jindra moved to extend Interim City Manager Uri's contract for two years. Commissioner Hosie seconded. Commissioner Lanoue stated she preferred to continue with the month-to-month contract, in order to solicit for a permanent city manager in the future. Commissioner Johnson said he did not approve of a part time city manager. Interim City Manager Uri said that he was tired of being called an interim, but otherwise did not mind leaving the contract the way it is. Commissioner Jindra did not support the month to month, as things had the possibility of getting political. Mayor Hattan said he was comfortable with the contract the way it is. Interim City Manager Uri said that as a practical matter, there should be a 60 day notice period, where either party could get out, and could include that in the contract to be reviewed at the next meeting.

Commissioner Jindra withdrew his motion.

STIMULUS ESTIMATE FOR 5TH STREET

Ron Copple presented changes on the cost of the 5th Street project. The increases were found during the design phase, and included an unstable sub base and inadequate storm drainage. Originally, the cost of the project was estimated at \$450,000, with the city contributing \$25,000. The current estimate is \$641,000, with the city contributing \$225,000. Mr. Copple said that he recommended paying for the project by omitting the slurry sealing for 2010.

After discussion of drainage, bid letting, and KDOT, Mayor Hattan suggested that funds could possibly be taken from the TIF fund in order to be able to do the slurry sealing next year.

RESOLUTIONS:**2009-1849 CDBG - SEWER**

This resolution had been passed previously (Res. 2009-1847), but due to the change in the money requested, Deb Ohlde of the North Central Regional Planning Commission asked for a new resolution to be submitted to the state.

Commissioner Jindra moved to approve resolution 2009-1849. Mayor Hattan seconded. Motion carried by the following vote:

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

Nay: None.

ORDINANCES:**2009-2980 WATER RATE ORDINANCE**

The ordinance, as previous discussed in study session, would raise rates 5% across the board each year for the next three years.

Mayor Hattan noted to those in attendance that this rate increase would not pay for new projects such as the north development. Those projects are being paid for with bonds. The increase for the first year will be approximately \$50,000.

Commissioner Johnson was concerned that the residential customers with moderate usage would see the higher rates accordingly, than heavier users. Commissioner Lanoue stated that the heavy commercial users had budgets and would need advance notice of the new rates. Commissioner Lanoue suggested that there might be a separate commercial rate. Interim City Manager Uri said that this ordinance could be passed now, and changes could be made later with a new ordinance.

Mayor Hattan moved to approve ordinance 2009-2980. Commissioner Johnson seconded. Motion carried by the following vote:

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

Nay: None.

MANAGER'S REPORT

Interim City Manager Uri asked if the Commission was interested in spending another \$1000 on alternative economic development advertising, as the sponsors of the "shop local" program had agreed to a \$1000 match. Mayor Hattan suggested seeing what the next sales tax allocation would be before making the decision.

Interim City Manager Uri reminded the Commissioners that the League conference was coming up and if they planned to attend, to get their reservations to City Clerk Crum.

Interim City Manager Uri said that it appeared that Tom Gennette was getting good responses to a request for members for the recreation advisory board.

MAYOR/COMMISSIONER COMMENTS AND REPORTS

Commissioner Johnson wanted to know what was being done about stickers at Hood Park. Ron Copple said that they had been sprayed. Commissioner Johnson asked about the tennis court surface. Mr. Copple said that he planned to caulk the cracks, to make sure moisture couldn't get in.

Commissioner Hosie asked if staff had gotten an explanation why sales tax dropped substantially last month. Interim City Manager Uri explained that major retailers have been required to pay sales tax by ACH, and this can result in distributions being underpaid one month, with the difference being made up the next month.

Mayor Hattan praised Amber Farha on quick responses to questions, and also thanked Ron Copple for allowing the use of the sports complex for Relay for Life.

STAFF COMMENTS

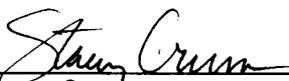
There were no staff comments.

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 Lanoue seconded. Motion carried unanimously.

(Seal)



Stacey Crum
City Clerk

PROCLAMATION
Concordia Year of Peace
September 2009-December 2010

WHEREAS, all people in Concordia deserve to be treated with dignity and respect; and,

WHEREAS, good communication includes non-violent communication skills; and,

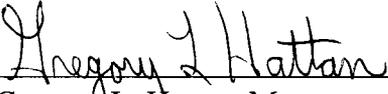
WHEREAS, all citizens from the youngest to the eldest can help spread peace and goodwill throughout our city; and,

WHEREAS, there is strong evidence that programs promoting nonviolence at a community level have decreased incidents of violence among all ages; and,

WHEREAS, we affirm that peace and nonviolence are ideals whose time has come and we encourage all citizens to promote and participate in activities teaching nonviolence throughout our city;

NOW, THEREFORE, I, Gregory L. Hattan, mayor of Concordia, Kansas, proclaim September 2009-December 2010 as Concordia Year of Peace.

Dated this 16th day of September, 2009.



Gregory L. Hattan, Mayor