

**MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD OCTOBER 6, 2010**

The governing body met in regular session on October 6, 2010, at 5:30 p.m. in the City Commission Room at City Hall, with the following members being present: Commissioners Hattan, Wentz, Johnson, Hosie, and Fraser.

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, Joe Jindra, Mary Jo Thummel, Ken Johnson, Cathy Miller, Sara Newell, Christina Grogan, Kathy Rice, Kirk Lowell, Vonn Malcuit, Wade Carter, Cameron Thurner. Staff present: Chad Buckley, director of public utilities; Larry Eubanks, fire chief; Ron Copple, director of public works; Chris Edin, chief of police, Bruno Rehbein, building inspector.

Sr. Mary Jo from Sisters of St. Joseph gave the invocation, followed by the reciting of the Pledge of Allegiance.

**APPROVAL OF MINUTES****APPROVED**

Commissioner Wentz moved to approve the minutes of the September 15, 2010, meeting. Commissioner Johnson seconded. Motion carried unanimously.

**APPROPRIATION ORDINANCE NO. #18****APPROVED**

Commissioner Wentz inquired about the permit application with the railroad. Ken Johnson responded that the permit allows for boring under the tracks for the Broadway sewer project. It has been submitted for but not yet received.

Commissioner Hosie asked about the crop damage reimbursement. Chad Buckley answered that it was for property near the north development.

Commissioner Johnson asked what traffic signal was repaired. Ron Copple said it was the light at College Drive and Hwy. 81.

Commissioner Wentz moved to approve appropriation ordinance #18. Commissioner Fraser seconded. Motion carried unanimously.

**PUBLIC COMMENTS**

Cathy Miller spoke on being served notice for her tenant having too many pets. Ms. Miller suggested changing the ordinance, to better explain what constitutes a pet and a kennel. Ms. Miller claimed to have been singled out on this issue, as she cited her knowledge of numerous other citizens with pets exceeding the maximum number allowed who have not been served.

Kathy Rice asked what could be done if a person cannot afford to spay or neuter their pets. She has puppies and until they can be given away, she exceeds the maximum allowed pets.

City Manager Uri responded with the City's definition of a kennel, and said the residence in question is in a commercial zone, therefore needing a kennel permit. The City code was updated in 2001 to be more lenient on the number of pets allowed and on kennels.

**PROCLAMATIONS****DOMESTIC VIOLENCE AWARENESS MONTH**

Cameron Thurner presented and read the proclamation. Mayor Hattan declared October to be Domestic Violence Awareness month.

**OLD BUSINESS:****GO BOND**

Finance Director Farha said that the \$2,000,000 bond will cover all current projects, including the north development, land acquisition, 5<sup>th</sup> Street, administrative costs, and current temporary notes. As over \$1,000,000 of this money is a 0% loan from the USDA, the payments on this bond will be lower than what is being paid currently. Finance Director Farha recommended issuing a ten year bond, to save considerable interest.

Commissioner Fraser pointed out that the principal balance on a portion of the note would not be paid until beginning in 2014. It was asked if we could pay on this sooner, to lower the principal. City Manager Uri said he could ask if it was possible to pay more than the designated amount, to pay the bond off earlier.

**BROADWAY SEWER FUNDING**

Finance Director Farha said that the water/sewer fund would be able to fund the City's portion through the operating fund.

Mayor Hattan reiterated his stand that the Broadway sewer is a viable TIF project, and said there are a number of projects the water department could fund. By using TIF funds, it would save money for later work on the sewer project as development on the south side of town occurs. Ken Johnson said the bid letting for the project would take place on November 9, with the possibility of starting in December.

Commissioner Hosie said that, in his opinion, the City's portion should be paid with City funds, and the City should not expect the other taxing entities to be responsible for maintenance.

Mayor Hattan asked Kirk Lowell for his thoughts. Mr. Lowell said that new development near the flood control area could benefit from the project, but did not state a definite preference.

Commissioner Wentz said she could see this project either way, but as long as there's money in the water/sewer fund, would prefer to use it and save TIF funds for other projects.

Commissioner Johnson said this was identified as an original TIF project, and would prefer to then use City funds to repair residential mains.

Commissioner Fraser preferred not voting until the bids come in for the project. The general consensus was to wait.

**NEW BUSINESS:****DEMO PROGRAM REIMBURSEMENT – 124 W. 11TH**

The property was destroyed by fire. Cleanup is complete and the final invoices were turned in, totaling \$3875.00.

**SALVATION ARMY FOOTBALL**

Wade Carter appeared before the commission to thank the City for its donations in the past years. The upcoming championship, to be held in Concordia, will consist of twenty-five teams of fifth and sixth graders. The donation has not been dispersed this year, but was budgeted and will be paid on the next appropriation.

**RESOLUTIONS:****2010-1884 KANSAS ENTERPRISE ZONE****PASSED**

Thereupon there was presented a Resolution entitled:

**WHEREAS, THE CITY OF CONCORDIA HAS RECEIVED FEDERAL FUNDING THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM;  
AND,**

**WHEREAS, SECTION 519 OF THE DEPARTMENT OF VETERAN AFFAIRS AND U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT OF 1990 REQUIRES THAT ALL CDBG RECIPIENTS ADOPT AND ENFORCE A POLICY TO PROHIBIT THE USE OF EXCESSIVE FORCE BY LAW ENFORCEMENT AGENCIES WITHIN THE RECIPIENT'S JURISDICTION AGAINST ANY INDIVIDUALS ENGAGED IN NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS;**

Thereupon, Commissioner Wentz moved that said Resolution be passed. The motion was seconded by Commissioner Johnson. Said Resolution was duly read and considered, and upon being put, the motion for the passage of said Resolution was carried by the vote of the City Commission, the vote being as follows:

Yea: Commissioners Hattan, Wentz, Johnson, Hosie, and Fraser.

Nay: None.

Thereupon, the Mayor declared said Resolution duly passed and the Resolution was then duly numbered Resolution No. 2010-1884 was signed and approved by the Mayor and attested by the Clerk.

**MANAGER'S REPORT**

City Manager Uri asked which commissioners planned to attend the Corps meeting this week. Commissioners Hosie, Wentz and Johnson said they would attend. The announcement will be placed in the newspaper.

The North Central Kansas Regional Planning Commission annual banquet is October 26 and the commissioners are invited.

City Manager Uri said staff is suggesting more sewer line be laid between CloudCorp's and KDOT's properties, which will cost approximately \$70,000, to better accommodate new development on both sides. This would be accomplished with a change order with the current contractors.

Mayor Hattan moved to approve the change order for the sewer extension for the north development. Commissioner Wentz seconded. Motion carried unanimously.

### **MAYOR/COMMISSIONER COMMENTS AND REPORTS**

Commissioner Johnson asked if the one way status on 8<sup>th</sup> and 9<sup>th</sup> Streets could be removed. City Manager Uri said staff would consider this and get back with him. Commissioner Johnson asked if the work being done on Broadway and 5<sup>th</sup> is a TIF project. It was answered that it is the TIF Homestore project. Commissioner Johnson asked about a hole in the sidewalk at 5<sup>th</sup> and Washington and wondered if there is storm sewer underneath. Ron Cople answered that he had checked this out, and it is several feet away from the sewer.

Commissioner Wentz asked to tour the wastewater treatment plant.

Commissioner Hosie praised the staff for the 5<sup>th</sup> Street project, working with local businesses and routing traffic. Following up on public comments, Commissioner Hosie asked if anything is being done with other properties with numerous pets. City Manager Uri said he has met with the animal control officer and the City prosecutor, and enforcement is being initiated on several others.

Mayor Hattan said he'd received appreciation from the Rasure family on the open house at the new field.

### **STAFF COMMENTS**

Bruno Rehbein said the comp plan survey will soon be sent out to all addresses. He also said he has responded to several kennel complaints.

Finance Director Farha announced that the City now has a facebook page.

City Clerk Crum thanked the commission for the Chevy Impala that was recently purchased, and reminded the commissioners of the nights each has rooms for the League conference this weekend.

Chris Edin said a lead from Crimestoppers helped solve the Rod's break-in, and praised Officer Voelker for his investigation. Mr. Edin said that Officer Belden is now a certified narcotics and tracking officer to work with the drug dog.

Larry Eubanks said the trees have been trimmed on 5<sup>th</sup> and 6<sup>th</sup> Streets, and the workers are on 8<sup>th</sup> Street until the funds run out. Mr. Eubanks announced that Chuck Nondorf, who had been trained for the tactical medical position, continued that training and has recently become a state certified arson investigator. He also said that Toys For Tots raised over \$11,000 for the resource council.

Ken Johnson presented a change order for the north development of \$22,708.16. After earlier change orders lowered the original bid, this brings the final price to just under \$5,000.00 over the original bid. The contractor has asked for additional days for the project. Staff recommends approving the change order, with fourteen additional days to complete the project. Mr. Johnson also gave an update of CTI's building project at this time.

Mayor Hattan moved to approve change order #3. Commissioner Hosie seconded. Motion carried unanimously.

Ron Cople announced that 5<sup>th</sup> Street is completed, and the airport runway project may not begin until spring.

Ken Johnson gave an update on the LDS church.

### **EXECUTIVE SESSION – ATTORNEY-CLIENT PRIVILEGE**

**HELD**

Mayor Hattan moved that the commission recess into executive session for ten (10) minutes for attorney-client privilege. Inviting: City Manager Uri. Commissioner Johnson seconded. Motion carried by the following vote:

Aye: Commissioners Hattan, Wentz, Johnson, Hosie, and Fraser.

Nay: None.

Time: 7:30 p.m.

The commission reconvened at 7:40 p.m.

Mayor Hattan announced there was no binding action taken.

ADJOURN

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

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

(Seal)

  
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Stacey Crum  
City Clerk