

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MAY 19, 2010

The governing body met in regular session on May 19, 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, Rev. Sandra Moore, Ken Johnson, Ruth Bombardier, Edith Uri, Isadore Bombardier, Chuck Bouly, Patricia Gerhardt, Kirk Lowell, Jean Rosemarynoski, Gloria Hamel, Joe Hamel, Marvin Copple, Marty Tatum, Jin Winter, Frank Hottman, Harley Adams, Kevin Cowan, Cheryl Lanoue, Tom Tuggle. Staff present: Chad Buckley, director of public utilities; Larry Eubanks, fire chief, Ron Copple, director of public works; Chris Edin, chief of police.

Rev. Sandra K. Moore gave the invocation, followed by the reciting of the Pledge of Allegiance.

Mayor Hattan asked for changes to the agenda. Commissioner Hosie asked to add a discussion on the remodeling of the commission room.

APPROVAL OF MINUTES**TABLED**

Commissioner Johnson asked that the answers be recorded for all questions noted in the minutes. City Manager Uri said the changes would be made and brought back to the next meeting.

Commissioner Fraser moved to approve the minutes of the May 5, 2010, meeting. Commissioner Johnson seconded. Commissioner Hosie asked if the commission could approve the minutes at the next meeting, after seeing the changes. Commissioner Fraser withdrew his motion.

APPROPRIATION ORDINANCE NO. #9**APPROVED**

Mayor Hattan asked about Hart's Supply, and why the auto parts could not be purchased locally. Ron Copple answered that these are special parts that cannot be found at the local stores. Mayor Hattan also asked if sports equipment purchased from Sport Supply could be found at Coppoc's. City Clerk Crum stated that Tom Gennette had told her these items could not be purchased locally. Commissioner Johnson asked about the voided check (#52607) written to the Chartiers several weeks ago and why the commission had not seen the voided check on the check register. City Manager Uri said it would be investigated. Commissioner Johnson asked for the breakdown of the credit card charges, which were not included in the packets. Finance Director Farha passed out copies.

Commissioner Johnson moved to approve appropriation ordinance #9. Commissioner Hosie seconded. Motion carried unanimously.

PUBLIC COMMENTS

Jim Winter encouraged the commission to act quickly to complete the dam project.

PROCLAMATION**BUDDY POPPY DAY – MAY 22**

Ruth Bombardier and Edith Uri gave the presentation, explaining the origin of the buddy poppies.

NEW BUSINESS:**FUND BALANCE MAINTENANCE AGREEMENT RENEWAL**

City Manager Uri said that a commissioner inquiry earlier in the day questioned if any of the applications could be discontinued, answering that GASB and capital assets were not being used at this time. This would save the City almost \$1000, bringing the total of the renewal for support to \$5448.

Commissioner Wentz moved to approve the Fund Balance maintenance agreement renewal. Commissioner Hosie seconded. Motion carried unanimously.

LONG TERM FINANCING ALTERNATIVES

City Manager Uri explained that, by the City receiving bids lower than expected on recent projects, additional bond funds are available for other projects, should the commission choose. Finance Director Farha prepared a spreadsheet with two options; bonding only the actual funds needed for these current projects, or bonding the funds originally estimated. The difference in interest was shown, along with possible projects that could be completed with the additional funds. City Manager Uri reminded the commission, after

questions about the pros and cons of temporary notes, that temporary notes were more desirable, considering there is a possibility of procuring the low interest USDA loan. Mayor Hattan said the City would need funds shortly to pay the contractors, and with the chance of getting the USDA loan for the north development project, temporary notes were the best way to go.

CORPS OF ENGINEERS CONTRACT

City Manager Uri presented the contract that would be signed to enter into the next phase with the Corps of Engineers on the dam project. To proceed with the next phase, \$200,000 would be contributed, which had already been allocated from TIF funds.

Discussion included the Womack Ford project and the location of the dam.

Commissioner Hosie stated he does not have confidence in the Corps, citing the length of this project, and the Corps' schedule for the next phase through completion, and recommended continuing the dam without the Corps' help. Commissioner Hosie said that KLA Environmental, which is familiar with the project, would be a better choice for completing the dam.

Commissioner Hosie moved to postpone action on the agreement between the Dept. of Army and the City of Concordia on the 20th Street dam, and proceed as rapidly as possible to contract with KLA Environmental to design the South Concordia flood control project. Commissioner Wentz seconded.

Mayor Hattan stated that the City already has the backing of the state's legislators, who are familiar with the urgency of the project, and said the Corps of Engineers is the number one builder of flood control projects in the country. Mayor Hattan said that an additional \$1.8 million of taxpayer money would be spent if the City chose to complete the project without the Corps' help. Mayor Hattan said the vote had already taken place to appropriate the \$200,000 feasibility study funds.

Commissioner Hosie fears the City's liability should the City flood, knowing that the dam was inadequate.

Commissioner Wentz discussed the possibility that the sale of land to Womack Ford could lessen the value of the City's contribution of matching funds. Commissioner Wentz said the Corps continues to extend the project completion time.

Commissioner Johnson noted that the major failure of the dam has been corrected by the tube that was recently installed.

City Manager Uri discussed the option of using TIF funds for the completion of the dam, which could be done but would greatly deplete the fund.

The motion was voted upon. Motion carried 3-2, with Mayor Hattan and Commissioner Johnson opposing.

The commission recessed at 7:39 p.m., and returned at 7:50 p.m.

APPROVAL OF KANSAS REVOLVING LOAN FUND WITH KANSAS BOARD OF EMS GRANT

Larry Eubanks informed the new commissioners of a grant he has received, which would purchase a new power cot with a 50/50 match. The City's portion would be \$5982.50. Both Commissioner Wentz and Commissioner Fraser said they had no problem with the prior commission's commitment.

APPROVAL OF NEW FIREFIGHTER GRANT FOR SCBA

Larry Eubanks asked to proceed with applying for a firefighters support grant, which would allow the fire department to purchase self-contained breathing apparatus. Twenty air packs and twenty cylinders would cost \$98,000, with the City matching 5% of the funds.

Mayor Hattan moved to approve the grant application for the breathing apparatus. Commissioner Wentz seconded. Motion carried unanimously.

ORDINANCES:

2010-2993 NEIGHBORHOOD REVITALIZATION PLAN

PASSED

Thereupon, there was presented to the City Commission an Ordinance entitled:

AN ORDINANCE OF THE CITY OF CONCORDIA, KANSAS, ADOPTING THE "NEIGHBORHOOD REVITALIZATION PLAN FOR CLOUD COUNTY, KANSAS, APRIL 2010" AND AUTHORIZING ENTERING INTO AN INTERLOCAL AGREEMENT FOR THE ADMINISTRATION OF THAT PLAN.

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

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

Nay: None.

Thereupon, the Mayor declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. 2010-2993 and was signed and approved by the Mayor and attested by the Clerk.

2010-2994 CTI INDUSTRIAL REVENUE BONDS

PASSED

Thereupon, there was presented an ordinance entitled:

AN ORDINANCE AUTHORIZING THE CITY OF CONCORDIA, KANSAS TO ISSUE ITS RECOVERY ZONE FACILITY BONDS, SERIES A, 2010 (CONCORDIA TRACTOR, INC.) IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,000,000, AND ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES B, 2010 (CONCORDIA TRACTOR, INC.) IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,000,000 FOR THE PURPOSES OF ACQUIRING, CONSTRUCTING, INSTALLING AND EQUIPPING A COMMERCIAL FARM IMPLEMENT AND EQUIPMENT FACILITY; AUTHORIZING EXECUTION OF A BOND AGREEMENT BY AND BETWEEN THE CITY, CONCORDIA TRACTOR, INC. AND THE BENNINGTON STATE BANK, BENNINGTON, KANSAS; AUTHORIZING THE CITY TO LEASE SUCH FACILITY TO CONCORDIA TRACTOR, INC. AND AUTHORIZING EXECUTION OF A LEASE BETWEEN SAID CITY AND CONCORDIA TRACTOR, INC.; AUTHORIZING EXECUTION OF A TAX COMPLIANCE AGREEMENT BETWEEN THE CITY, CONCORDIA TRACTOR, INC. AND THE BENNINGTON STATE BANK; APPROVING THE FORM OF A GUARANTY AGREEMENT BY AND BETWEEN THE TENANT, WESTERN STAR AG RESOURCES, INC. AND THE BENNINGTON STATE BANK; AND AUTHORIZING THE EXECUTION OF ADDITIONAL DOCUMENTS NECESSARY OR DESIRABLE TO EFFECT THE TRANSACTION CONTEMPLATED HEREBY.

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

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

Nay: None.

Commissioner Hosie moved to authorize the city manager or the mayor to sign related documents. Commissioner Wentz seconded. Motion carried unanimously.

Thereupon, the Mayor declared said ordinance duly passed and the ordinance was then duly numbered Ordinance No. 2010-2994 and was signed by the Mayor and the signature attested by the City Clerk.

2010-2995 NORTH DEVELOPMENT SPECIAL ASSESSMENTS

PASSED

Thereupon, and among other business, there were presented certain documents relating to the following described improvements heretofore authorized by the Governing Body:

Construction of sewage collection line and related improvements and construction of public water supply line and related.

The documents presented are as follows:

- Exhibit A** - Statement of Final Costs
- Exhibit B** - Assessment Roll Certification
- Exhibit C** - Waiver of Assessment Proceedings

After full consideration thereof, Mayor Hattan moved to take the following action:

1. Approve each of said documents;
2. File each of said documents of record in the office of the City Clerk and make the same available for public inspection.

The motion was seconded by Commissioner Hosie, and approved by the following roll call vote:

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

Nay: None.

Thereupon, an Ordinance was presented entitled:

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF CONCORDIA, KANSAS, AS HERETOFORE AUTHORIZED BY RESOLUTION NO. 2010-1871 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.

The Ordinance was considered and discussed; and on motion of Mayor Hattan seconded by Commissioner Hosie the Ordinance as a whole was passed by the following roll call vote:

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

Nay: None.

Thereupon, a majority of the members of the Governing Body having voted in favor of the adoption of the Ordinance, it was given No. 2010-2995, was signed by the Mayor and attested by the City Clerk; and the City Clerk was ordered to cause the Ordinance to be published one time in the official City newspaper as required by law, and to cause to be mailed a Notice of Assessment to each and all of the known property owners affected thereby on the same date that the Ordinance is published.

2010-2996 K-9 HIGHWAY AS MAIN TRAFFICWAY

PASSED

Thereupon, there was presented an Ordinance entitled:

AN ORDINANCE DESIGNATING HIGHWAY K-9 WITHIN THE CITY OF CONCORDIA, KANSAS, AS A MAIN TRAFFICWAY.

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

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

Nay: None.

Thereupon, the Mayor declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. 2010-2996 and was signed and approved by the Mayor and attested by the Clerk.

RESOLUTIONS:

2010-1875 IMPROVEMENT OF 5TH STREET

PASSED

Thereupon, there was presented a Resolution entitled:

A RESOLUTION OF THE CITY OF CONCORDIA, KANSAS AUTHORIZING THE IMPROVEMENT OR REIMPROVEMENT OF A MAIN TRAFFICWAY WITHIN THE CITY OF CONCORDIA, KANSAS; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.

Mayor Hattan said he opposed using bonds for this property as he believed this to be a legitimate TIF project.

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

Aye: Commissioners Wentz, Hosie, and Fraser.

Nay: Commissioners Hattan and Johnson.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 2010-1875 and was signed by the Mayor and attested by the Clerk.

2010-1876 TEMPORARY NOTES

PASSED

The matter of providing for the offering for sale of approximately \$1,900,000 principal amount of General Obligation Temporary Renewal and Improvement Notes, Series A, 2010, came on for consideration and was discussed. Mayor Hattan said extra burden was being put on the taxpayer, and noted this should be a TIF project.

Commissioner Hosie presented and moved the adoption of a Resolution entitled:

RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION TEMPORARY RENEWAL AND IMPROVEMENT NOTES, SERIES A, 2010, OF THE CITY OF CONCORDIA, KANSAS.

Commissioner Fraser 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 Wentz, Johnson, Hosie, and Fraser.

Nay: Commissioner Hattan.

The Mayor declared the Resolution duly adopted; the Clerk designating the same Resolution No. 2010-1876.

COMMISSION ROOM REMODELING

Commissioner Hosie said that the new project looked nice, but still preferred the commission area to be lowered and handicap accessible. He also would like to see the front tables turned sideways, and the podium and audience moved forward. Commissioners Wentz and Johnson voiced their approval of the remodel. Mayor Hattan said he sees no need to move the tables, as court requires the current setup. Commissioner Fraser said the microphones were too long, making them too close. It was decided to purchase two new microphones.

MANAGER'S REPORT

City Manager Uri said the Boy Scouts were requesting \$30 for activities. There was no opposition to this. There was discussion on the new gazebo's location in the park. It should be installed shortly. City Manager Uri talked of the comprehensive plan which is set to be updated. A topic of discussion at last week's intergovernmental meeting was the acceptance of the gifting proposal from Horizon Energy. City Manager Uri said that a resolution could be passed in support or opposition of the amount. Mayor Hattan said Kirk Lowell is creating a document to aid in negotiations with the wind farm.

MAYOR/COMMISSIONER COMMENTS AND REPORTS

Commissioner Johnson asked for an update on nuisances. Several letters have been sent to property owners. Commissioner Johnson asked about the number of rumble strips at 5th Street. Ken Johnson said that there are fewer strips than what KDOT requested. There was discussion on filling ruts by the tracks on the railroad's right of way. Commissioner Johnson made a motion to investigate if we can take care of this with the railroad's permission. Commissioner Hosie seconded. The motion and the commission's wishes were so noted.

Mayor Hattan said that the City and the commission had taken a step backwards by destroying the relationship and credibility with the Corps and the congressional representatives.

STAFF COMMENTS

Ken Johnson said that the contractor has begun work on the north development.

Larry Eubanks invited the commission and the public to a meet and greet next Tuesday to show off the new fire truck.

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 Wentz seconded. Motion carried unanimously.

(Seal)



Stacey Crum
City Clerk

VETERANS OF FOREIGN WARS OF THE UNITED STATES
BUDDY POPPY DEPARTMENT

NEWSPAPER FILLERS

The Veterans of Foreign Wars have been selling "Buddy" Poppies since 1922. The proceeds from "Buddy" Poppy sales are used exclusively to assist disabled and needy veterans and the widows and children of deceased veterans.

The Veterans of Foreign Wars maintains a nation-wide system of Veterans' Service Officers trained to help veterans obtain "veterans benefits", and to assist in establishing disability claims. This service is provided free of charge and a portion of the cost comes from the proceeds of VFW "Buddy" Poppy sales.

Nearly 500,000 men, women and children donate considerable time and effort annually conducting the VFW "Buddy" Poppy sale.

More than 1,300 children of veterans have been, or are being cared for in the Veterans of Foreign Wars National Home in Eaton Rapids, Michigan. A portion of the cost is raised through the annual sale of VFW "Buddy" Poppies.

VFW "Buddy" Poppies are assembled by disabled veterans in hospitals throughout the United States. Funds raised through "Buddy" Poppy sales by VFW Posts and Auxiliaries are used exclusively for aid to veterans and their dependents.

The "Buddy" Poppy has been the symbolic flower of Memorial Day since its first sale by the Veterans of Foreign Wars in 1922.

What better way to bring meaning to the VFW motto "Honor the Dead by Helping the Living" than by buying and wearing a VFW "Buddy" Poppy.

A PROCLAMATION

WHEREAS: The annual sale of Buddy Poppies by the Veterans of Foreign Wars of the United States has been officially recognized and endorsed by governmental leaders since 1922, and

WHEREAS: VFW Buddy Poppies are assembled by disabled veterans, and the proceeds of this worthy fund-raising campaign are used exclusively for the benefit of disabled and needy veterans, and the widows and orphans of deceased veterans, and

WHEREAS: The basic purpose of the annual sale of Buddy Poppies by the Veterans of Foreign Wars is eloquently reflected in the desire to "Honor the Dead by Helping the Living", therefore

I, _____, Mayor of the city of _____ do hereby urge the citizens of this community to recognize the merits of this cause by contributing generously to its support through the purchase of Buddy Poppies on the day set aside for the distribution of these symbols of appreciation for the sacrifices of our honored dead.

I urge all patriotic citizens to wear a Buddy Poppy as mute evidence of our gratitude to the men and women of this country who have risked their lives in defense of the freedoms which we continue to enjoy as American citizens.

Signed Gregory L. Nathan
Mayor

Attested [Signature]
City Clerk