

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JANUARY 19, 2011

The governing body met in regular session on January 19, 2011, at 5:30 p.m. in the City Commission Room at City Hall, with the following members being present: Commissioners Hattan, Hosie, Wentz, Johnson, 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, Sister Beth Stover, Everett Ford, Don Dean, Ken Johnson, Peggy Walbridge. Staff present: Chad Buckley, director of public utilities; Ron Copple, director of public works; Bruno Rehbein, building inspector; Larry Eubanks, fire chief, Chris Edin, police chief, Tom Gennette, recreation director.

Sister Beth 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 January 5, 2011, meeting. Commissioner Johnson seconded. Motion carried unanimously.

APPROPRIATION ORDINANCE NO. #1**APPROVED**

Commissioner Hosie asked if the payment for J&K Contracting was the final. City Manager Uri said approximately \$20,000 was held back for cleanup.

Commissioner Fraser asked about the water protect fee. City Clerk Crum answered that it is a charge in place of sales tax, and is on each bill. What is collected is then paid in to the State.

Commissioner Hosie moved to approve appropriation ordinance #1. Commissioner Wentz seconded. Motion carried unanimously.

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARINGS:**UNSAFE & DANGEROUS – 324 W. 2ND**

Mayor Hattan opened the public hearing for 324 W. 2nd. Everett Ford was on hand to speak about his property. He said he wanted to work with the City, and would possibly be interested in the demo program. He asked for a thirty day extension to decide whether he would fix up the property, or apply for the demo program. The extension was granted. Mayor Hattan closed the public hearing for 324 W. 2nd.

UNSAFE & DANGEROUS – 834 E. 5TH

Mayor Hattan opened the public hearing for 834 E. 5th. Bruno Rehbein said that the owner had wanted to be on the demo program for about two years, but there were liens on the property. The lienholders have released the property. Peggy Walbridge was present for questions. She expressed a desire to move quickly to remove the structure. It was decided that the language in the resolution would change to allow the property owner to immediately commence repair or removal, rather than waiting fourteen days. Mayor Hattan closed the public hearing for 834 E. 5th.

UNSAFE & DANGEROUS – 403 E. 2ND

Mayor Hattan opened the public hearing for 403 E. 2nd. Mr. Rehbein said the owner of this property had not responded to any mailings, and has not paid abatements on the property. It was decided to go forward with razing the property after the fourteen day period stated in the resolution. Mayor Hattan closed the public hearing for 403 E. 2nd.

OLD BUSINESS:**RECREATION VAN BIDS**

After receiving only one bid which did not meet the approval of the recreation director, Tom Gennette changed the specifications, and last week received two bids, which he presented. Concordia Auto Mart bid a 2001 Ford Windstar for \$4850, and Car Zone bid a 2003 Dodge Caravan for \$3000. Mr. Gennette recommended the purchase of the 2003 Dodge Caravan, stating it would meet his needs.

Commissioner Johnson moved to accept the bid from Car Zone for the 2003 Dodge Caravan for \$3000. Commissioner Fraser seconded. Motion carried unanimously.

BROADWAY SEWER

The City has accepted the bid from a contractor for a much lower amount than the engineers estimated. As the City has received a grant to do several blocks, the motion will allow the City to request replacing more sewer than originally bid, in order to use the entire grant.

Commissioner Wentz moved to authorize the Mayor and the City Clerk to enter into such supplemental contracts and agreements as may be necessary or advisable for the purpose of including within the construction to be accomplished pursuant the Approved Project Application attached to State of Kansas Grant Agreement No. 10-PF-030, such additional portions of sanitary sewer located under Broadway Street in the City of Concordia, Kansas, as may be permitted and approved by the Kansas Department of Commerce. Commissioner Johnson seconded. Motion carried unanimously.

NEW BUSINESS:

EMPLOYEE HANDBOOK

City Manager Uri presented the amended employee handbook, after discussion at a previous study session. As per Mayor Hattan's suggestion, compensatory time was capped at 100 hours, rather than the federally-mandated 480 hours.

Commissioner Fraser moved to approve the amended handbook including tonight's changes. Commissioner Wentz seconded. Motion carried unanimously.

CAMPBELL & JOHNSON SUPPLEMENTAL AGREEMENT NORTH DEVELOPMENT

The agreement allows for the additional construction inspections for the north development. The additions were the new lines constructed by CloudCorp's property, and to modify plans originally designed by BG Consultants, to reflect the new lines.

Commissioner Wentz moved to approve the Campbell & Johnson supplemental agreement for the north development. Commissioner Johnson seconded. Motion carried unanimously.

CITY MANAGER CONTRACT

City Manager Uri said the contract is for the same services and money as the previous contract, but modified to reflect the IRS' findings that he should be an employee rather than an independent contractor.

Commissioner Johnson asked if the contract was legal, since there was no termination date. City Manager Uri said it is a month to month contract, and is legal. Commissioner Johnson stated the contract should specify that City Manager Uri work at least 20 hours, rather than approximately 20 hours.

After discussion, modifications included removing a section which authorizes the finance director to disperse monies, the mayor approving the city manager's vouchers in advance, and a statement that City Manager Uri is an independent contractor.

Commissioner Hosie moved to approve the city manager contract with modifications. Commissioner Fraser seconded. Motion carried unanimously.

ORDINANCES:

2011-3008 KENNEL DEFINITION AMENDMENT

PASSED

Thereupon, there was presented an ordinance entitled:

AN ORDINANCE OF THE CONCORDIA CITY COMMISSION AMENDING THE CONCORDIA ZONING REGULATIONS BY ADOPTING AMENDMENTS TO ARTICLES 2, REGULATING KENNELS.

Thereupon, Commissioner Hosie 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 governing body, 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. 2011-3008 and was signed by the Mayor and the signature attested by the City Clerk.

2011-3009 USDA BOND

PASSED

Thereupon, there was presented an Ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$1,100,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2011-B, OF THE CITY OF CONCORDIA, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

Thereupon, Commissioner Wentz moved that said Ordinance be passed. The motion was seconded by Mayor Hattan. 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:

Yea: 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. 2011-3009 and was signed and approved by the Mayor and attested by the Clerk.

2011-3010 GO BOND

PASSED

Thereupon, there was presented an Ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2011-A, OF THE CITY OF CONCORDIA, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

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 governing body, the vote being as follows:

Yea: 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. 2011-3010, was signed by the Mayor and attested by the Clerk and was directed to be published one time in the official newspaper of the City.

RESOLUTIONS:

2011-1894 USDA BOND

PASSED

Thereupon, there was presented a Resolution entitled:

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF \$1,100,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2011-B, OF THE CITY OF CONCORDIA, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 2011-3009 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

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 governing body, the vote being as follows:

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

Nay: None.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 2011-1894 and was signed by the Mayor and attested by the Clerk.

2011-1895 GO BONDPASSED

Thereupon, there was presented a Resolution entitled:

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2011-A, OF THE CITY OF CONCORDIA, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 2011-3010 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

Thereupon, Commissioner Johnson moved that said Resolution be adopted. The motion was seconded by Commissioner Wentz. 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 governing body, the vote being as follows:

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

Nay: None.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 2011-1895 and was signed by the Mayor and attested by the Clerk.

2011-1896 UNSAFE & DANGEROUS – 324 W. 2NDPASSED

Thereupon, there was presented a Resolution entitled:

WHEREAS, THE ENFORCING OFFICER PURSUANT TO K.S.A. 12-1750 ET SEQ., AS PROVIDED BY SECTION 7-47 (C) OF THE CODE OF ORDINANCES OF THE CITY OF CONCORDIA, KANSAS, HAS INFORMED THE GOVERNING BODY THAT IN HIS OPINION THE FOLLOWING STRUCTURE IS UNSAFE AND DANGEROUS:

Thereupon, Commissioner Fraser moved that said Resolution be adopted with a change giving the property owner thirty days instead of fourteen days to commence repair or removal of structure. The motion was seconded by Commissioner Johnson. 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 governing body, the vote being as follows:

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

Nay: None.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 2011-1896 and was signed by the Mayor and attested by the Clerk.

2011-1897 UNSAFE & DANGEROUS – 834 E. 5THPASSED

Thereupon, there was presented a Resolution entitled:

WHEREAS, THE ENFORCING OFFICER PURSUANT TO K.S.A. 12-1750 ET SEQ., AS PROVIDED BY SECTION 7-47 (C) OF THE CODE OF ORDINANCES OF THE CITY OF CONCORDIA, KANSAS, HAS INFORMED THE GOVERNING BODY THAT IN HIS OPINION THE FOLLOWING STRUCTURE IS UNSAFE AND DANGEROUS:

Thereupon, Commissioner Hosie moved that said Resolution be adopted with a change allowing the property owner to commence repair or removal of structure immediately, rather than waiting fourteen days. The motion was seconded by Commissioner Wentz. 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 governing body, the vote being as follows:

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

Nay: None.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 2011-1897 and was signed by the Mayor and attested by the Clerk.

2011-1898 UNSAFE & DANGEROUS – 403 E. 2NDPASSED

Thereupon, there was presented a Resolution entitled:

WHEREAS, THE ENFORCING OFFICER PURSUANT TO K.S.A. 12-1750 ET SEQ., AS PROVIDED BY SECTION 7-47 (C) OF THE CODE OF ORDINANCES OF THE CITY OF CONCORDIA, KANSAS, HAS INFORMED THE GOVERNING BODY THAT IN HIS OPINION THE FOLLOWING STRUCTURE IS UNSAFE AND DANGEROUS:

Thereupon, Commissioner Fraser moved that said Resolution be adopted. The motion was seconded by

Mayor Hattan. 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 governing body, the vote being as follows:

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

Nay: None.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 2011-1898 and was signed by the Mayor and attested by the Clerk.

2011-1899 EMPLOYEE HANDBOOK

PASSED

Thereupon, there was presented a Resolution entitled:

WHEREAS, THE GOVERNING BODY DETERMINES IT TO BE IN THE BEST INTERESTS OF THE CITY TO APPROVE AND ADOPT CERTAIN CHANGES TO THE PERSONNEL POLICIES OF THE CITY;

Thereupon, Commissioner Johnson moved that said Resolution be adopted with the earlier discussed change. 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 governing body, the vote being as follows:

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

Nay: None.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 2011-1899 and was signed by the Mayor and attested by the Clerk.

MANAGER'S REPORT

City Manager Uri announced there would be an intergovernmental meeting at the hospital on February 9 at 7:00 p.m. He also said the Royals grant paperwork was sent earlier in the day, with hopes to receive money for the recreation department.

City Manager Uri said after talking to bond counsel earlier that morning, it was determined that \$42,000 – money the commission agreed to contribute towards the USDA grant with Resolution No. 2010-1872 – needed to be paid up front, before the grant money is received. Finance Director Farha said the money could come from the bond and interest fund.

Mayor Hattan moved to authorize the City Manager to make the payment to Rolling Hills Electric Cooperative. Commissioner Wentz seconded. Motion carried unanimously.

MAYOR/COMMISSIONER COMMENTS AND REPORTS

Commissioner Wentz congratulated Concordia Tractor on their new facility and to those who worked on the north development, as well as CloudCorp for bringing in the USDA loan.

Commissioner Johnson asked about the airport master plan. Ron Copple answered that it should be ready in a couple of months. Commissioner Johnson asked if the water department mapped the location of the taps. Chad Buckley answered no. He said that the camera helped locate each tap, whenever possible.

Commissioner Hosie seconded Commissioner Wentz' praise of CTI's new facility.

Mayor Hattan asked if KLA Environmental would be at the next meeting. City Manager Uri said it was possible they would be here with variations of configurations for the north dam. Upon inquiring about Heavy's plans, the answer was they are ready to solicit bids. Ron Copple said the library work would take place in the spring. Other questions included the start date for the Broadway sewer, which will be March; the new ambulance should be delivered in March; and the end of the year finance report will be presented at the next meeting. Mayor Hattan also asked about Rasure Field. City Manager Uri said staff will be meeting with members of the Optimist Club, who have pledged assistance, with ideas on how to proceed.

STAFF COMMENTS

Ron Copple discussed the topic of turning one way streets in front of the school back to a two way. The school has told Mr. Copple they are not in favor of this. He informed the commission that bid letting for this year's slurry seal projects is slated for around February 22.

Chris Edin said that the grant that would be shared with the County was awarded. The City's portion will be \$5875. He also said the animal shelter was inspected by the State, and failed. He discussed plans for the renovation to bring it up to code, with local volunteers beginning the process of raising funds and City employees offering their services for labor. Mr. Edin explained his reasons for being in uniform that night,

which is to protect the citizens at the meetings. He spoke of the importance of law enforcement, and services they provide to the City.

EXECUTIVE SESSION – ATTORNEY-CLIENT PRIVILEGE

HELD

Mayor Hattan moved that the commission recess into executive session for five (5) minutes for an attorney-client privilege discussion. Inviting: City Manager Uri. Commissioner Johnson seconded. Motion carried by the following vote:

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

Nay: None.

Time: 7:53 p.m.

The commission reconvened at 7:58 p.m.

Mayor Hattan announced there was no binding action taken.

ADJOURN

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

(Seal)



Stacey Crum
City Clerk