

## MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MAY 2, 2012

The governing body met in regular session on May 2, 2012, at 5:30 p.m. in the City Commission Room at City Hall, with the following members being present: Commissioners Wentz, Pounds, Johnson, Parker, and Fraser.

Absent: None.

Other Officers: City Manager Uri, Finance Director Farha and City Clerk Crum.

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

Visitors: Jessica LeDuc, Toby Nosker, Jesse Pounds, Zach Balthazor, Tina Barnett, Tammy Britt, Kirk Lowell, Suzanne Carlgren, Tyler Kucher. Staff present: Chad Buckley, Director of Public Utilities; Larry Eubanks, Fire Chief; Bruno Rehbein, Building Inspector; Ron Copple, Director of Public Works, and Chris Edin, Police Chief.

Pastor Tina Barnett 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 April 18, 2012, meeting. Commissioner Parker seconded. Motion carried unanimously.

### APPROPRIATION ORDINANCE #8

APPROVED

Commissioner Wentz asked about the check to Gades Sales. Ron Copple said it was time clock repairs. Commissioner Wentz asked about judges training fees. City Manager Uri explained these are partly the court costs brought in, and paid in to the State. There are benefits available to the judges, including training. Commissioner Wentz questioned the erasers purchased. Larry Eubanks said they are fire prevention items for the kids.

Commissioner Johnson asked about property taxes paid. Finance Director Farha said the check was for half a year's taxes, for the Mosher property as well as a few others.

Commissioner Parker moved to approve appropriation ordinance #8. Commissioner Johnson seconded. Motion carried unanimously.

### PUBLIC COMMENTS

Tina Barnett announced that May 3 is the National Day of Prayer, and those wishing to attend should be at the courthouse at noon.

Zach Balthazor spoke on relaxing City regulations on pit bulls. It was decided to bring the topic back to the next study session.

### OLD BUSINESS:

#### DEMO PROGRAM – 304 E. 16<sup>TH</sup> ST.

Bruno Rehbein said he is still waiting on one of the estimates for the demo of the property. He plans to tell the property owners to get an estimate from another contractor, or the City will start the condemnation process.

#### OFFER ON 834 E. 5<sup>TH</sup> ST. PROPERTY

The City property was acquired through voluntary deed to the City in order to forgive the special assessments on the property. Bernard James offered \$200 for the property, after it was advertised several months ago with no offers.

Commissioner Wentz moved to accept Mr. James' offer of \$200. Commissioner Parker seconded. Motion carried unanimously.

### NEW BUSINESS:

#### BG CONSULTANTS – ENGINEERING CONTRACT FOR NORTH DEVELOPMENT GAS LINES

APPROVED

Gas service at the north development has been considered. City Manager Uri said previously the best offer from Kansas Gas Service is for the City to purchase the line, allow KGS to operate it, and the City would receive a percentage of the gas service receipts for 10 years, but it has not been offered since. The County plans to contribute \$125,000 towards the cost. BG Consultants would work with the State on the

right-of-way, as they did on the north development project. City Manager Uri said we do not have to purchase from KGS.

Commissioner Fraser moved to approve the contract with BG Consultants for the engineering contract for north development gas lines. Commissioner Wentz seconded. Motion carried unanimously.

**NORTH DEVELOPMENT PLAT**

**APPROVED**

Bruno Rehbein introduced the plat. It has been platted into three blocks with three different landowners, and has been approved by the planning commission. Mr. Rehbein said approving the plat also will approve the dedication of easements; utility, street right-of-way, and drainage.

Commissioner Wentz moved to approve the plat of the north development as presented. Commissioner Johnson seconded. Motion carried unanimously.

Mr. Rehbein introduced the following ordinances pertaining to zoning changes in the north development.

**ORDINANCES:**

**2012-3033 NORTH DEVELOPMENT REZONING**

**PASSED**

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

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN SPECIFICALLY DESCRIBED PROPERTY IN THE CITY OF CONCORDIA, KANSAS; ORDERING THE OFFICIAL CITY ZONING DISTRICT MAP TO BE CHANGED TO REFLECT SUCH AMENDMENTS; AND AMENDING SECTION 2 OF ARTICLE IV OF THE ZONING ORDINANCE FOR THE CITY OF CONCORDIA, KANSAS.**

The ordinance changes the Prairie Land property from agricultural to light industrial.

Thereupon, Commissioner Fraser moved that said ordinance be passed. Commissioner Parker seconded.

Said ordinance was duly read and considered, and upon being put, the motion for the passage of said ordinance passed by the vote of the governing body, the vote being as follows:

Aye: Commissioners Pounds, Wentz, Johnson, Parker, and Fraser.

Nay: None.

Thereupon, the Mayor declared said ordinance duly passed and the ordinance was then duly numbered Ordinance No. 2012-3033 and was signed by the Mayor and the signature attested by the City Clerk.

**2012-3034 NORTH DEVELOPMENT REZONING**

**PASSED**

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

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN SPECIFICALLY DESCRIBED PROPERTY IN THE CITY OF CONCORDIA, KANSAS; ORDERING THE OFFICIAL CITY ZONING DISTRICT MAP TO BE CHANGED TO REFLECT SUCH AMENDMENTS; AND AMENDING SECTION 2 OF ARTICLE IV OF THE ZONING ORDINANCE FOR THE CITY OF CONCORDIA, KANSAS.**

The ordinance changes the Kansas Department of Transportation property from residential to light industrial.

Thereupon, Commissioner Parker moved that said ordinance be passed. Commissioner Fraser seconded.

Said ordinance was duly read and considered, and upon being put, the motion for the passage of said ordinance passed by the vote of the governing body, the vote being as follows:

Aye: Commissioners Pounds, Wentz, Johnson, Parker, and Fraser.

Nay: None.

Thereupon, the Mayor declared said ordinance duly passed and the ordinance was then duly numbered Ordinance No. 2012-3034 and was signed by the Mayor and the signature attested by the City Clerk.

**2012-3035 NORTH DEVELOPMENT REZONING**

**PASSED**

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

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN SPECIFICALLY DESCRIBED PROPERTY IN THE CITY OF CONCORDIA, KANSAS; ORDERING THE OFFICIAL CITY ZONING DISTRICT MAP TO BE CHANGED TO REFLECT SUCH AMENDMENTS; AND AMENDING SECTION 2 OF ARTICLE IV OF THE ZONING ORDINANCE FOR THE CITY OF CONCORDIA, KANSAS.**

Bruno Rehbein corrected a mistake, changing Lot A Block 1, to Lots A, B, and C Block 2.

Thereupon, Commissioner Johnson moved that said ordinance be passed, as amended. Commissioner Parker seconded.

Said ordinance was duly read and considered, and upon being put, the motion for the passage of said ordinance passed by the vote of the governing body, the vote being as follows:

Aye: Commissioners Pounds, Wentz, Johnson, Parker, and Fraser.

Nay: None.

Thereupon, the Mayor declared said ordinance duly passed and the ordinance was then duly numbered Ordinance No. 2012-3035 and was signed by the Mayor and the signature attested by the City Clerk.

**2012-3036 NORTH DEVELOPMENT REZONING**

**PASSED**

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

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN SPECIFICALLY DESCRIBED PROPERTY IN THE CITY OF CONCORDIA, KANSAS; ORDERING THE OFFICIAL CITY ZONING DISTRICT MAP TO BE CHANGED TO REFLECT SUCH AMENDMENTS; AND AMENDING SECTION 2 OF ARTICLE IV OF THE ZONING ORDINANCE FOR THE CITY OF CONCORDIA, KANSAS.**

The ordinance changes the Cloud County Development property from agricultural to light industrial.

Thereupon, Commissioner Wentz moved that said ordinance be passed. Commissioner Fraser seconded.

Said ordinance was duly read and considered, and upon being put, the motion for the passage of said ordinance passed by the vote of the governing body, the vote being as follows:

Aye: Commissioners Pounds, Wentz, Johnson, Parker, and Fraser.

Nay: None.

Thereupon, the Mayor declared said ordinance duly passed and the ordinance was then duly numbered Ordinance No. 2012-3036 and was signed by the Mayor and the signature attested by the City Clerk.

**2012-3037 FIREWORKS LICENSING**

**PASSED**

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

**AN ORDINANCE EXTENDING THE DATES ON WHICH FIREWORKS MAY BE SOLD IN THE CITY OF CONCORDIA AND INCREASING THE FEE FOR LICENSING OF RETAIL SALE OF FIREWORKS; REPEALING CONCORDIA CODE SECTIONS 10-202 AND 11-76; AND AMENDING THE CONCORDIA CODE, BY ADDING NEW SECTIONS 10-202 AND 11-76.**

Corrections to the ordinance included a change in the dates to sell licenses, stating they may only be sold between April 1 and June 28; and including section 10-203, to allow discharge of fireworks on July 1-4, rather than just July 3 and July 4.

Thereupon, Commissioner Fraser moved that said ordinance be passed, as amended. Commissioner Wentz seconded.

Said ordinance was duly read and considered, and upon being put, the motion for the passage of said ordinance passed by the vote of the governing body, the vote being as follows:

Aye: Commissioners Pounds, Wentz, Johnson, Parker, and Fraser.

Nay: None.

Thereupon, the Mayor declared said ordinance duly passed and the ordinance was then duly numbered Ordinance No. 2012-3037 and was signed by the Mayor and the signature attested by the City Clerk.

**MANAGER'S REPORT**

City Manager Uri said the auditors had just left this week, and commended Amber for her work on the audit.

City Manager Uri spoke with the Corps on the south development. They will possibly attend a June meeting to discuss the most viable design out of the five that were presented several months ago. Discussion included the City going forward to pay for the project or continuing with the Corps as a partner, and the possibility of a road across the dam, which will be discussed more after a design has been

chosen and a price can be figured. Bid letting will begin on May 29 for the dirt work and the project will soon move forward.

The City is contracting with a consulting company from Wichita for \$600 a month to review insurance policies and shop for health and life insurance for the employees.

City Manager Uri shared commendations to the dispatchers from county law enforcement during a recent standoff of a resident and subsequent surrender.

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

Commissioner Parker noted that rock is washing onto the sidewalk east of the football stadium. Ron Copple said he would contact the school to clean it up.

Commissioner Johnson requested that Niagra ditch be mowed. He also noted the erosion in the parking lot on the north side of the Alco building. Commissioner Johnson said a child had recently fallen off the bleachers at the sports complex, and asked about safety guards and handrails. City Manager Uri promised to look into the cost. Commissioner Johnson asked about redoing Broadway Street by the tracks. Mr. Copple said he would contact the railroad. He also said there are bumps in the streets in certain places where the concrete meets the asphalt.

Mayor Pounds requested a report from the administrative staff on the internal audits currently in place to avoid fraud.

### **STAFF COMMENTS**

Chad Buckley said he has been contacted by the missions group that had painted the fire hydrants last year, and they plan to help with a project this summer. The water crew is flushing hydrants this week.

Larry Eubanks said the new backup batteries for the storm sirens were installed and next week they will be tested. He also said due to City staff's safety procedures, the City has gone from bronze to gold level, which will save on work comp premiums.

City Clerk Crum said that the first meeting in July will fall on the 4<sup>th</sup>, and according to City ordinance, if a regular meeting falls on a holiday, the governing body must choose the day before or day after for the meeting date. The commission chose to move the meeting to July 5. City Clerk Crum said the League conference will be October 6-8, and said rooms should be reserved soon. She gave an update on the current LMI survey, and noted that many surveys have been returned to get the \$5 credit on the water bills. She will be traveling to Lyons on May 14 to help other clerks and the League write a disaster plan from a clerk's perspective.

Chris Edin commended KNCK during last week's storms. He also told the commission that the department is short-staffed at this point, until new officers are hired and injured personnel return to work.

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

**HELD**

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

Aye: Commissioners Pounds, Wentz, Johnson, Parker, and Fraser.

Nay: None.

Time: 6:58 p.m.

The commission reconvened at 7:08 p.m.

Mayor Pounds announced there was no binding action taken.

### **ADJOURN**

Mayor Pounds 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 Johnson seconded. Motion carried unanimously. The meeting adjourned at 7:08 p.m.

(Seal)

  
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Stacey Crum  
City Clerk