

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JANUARY 3, 2007

The governing body met in regular session on January 3, 2007, at 5:30 p.m. in the City Commission Room in the City Hall, the following members being present and participating, to wit: Commissioners Strecker, Hosie, Johnson, and Gilliland.

Absent: Commissioner Jindra.

Other Officers: City Manager Paine, Deputy City Clerk Phil Deneault and City Attorney Uri.

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

Visitors: Jessica LeDuc, Toby Nosker, Danny Parker, Ron Deal, Larry Eubanks, John States, Larry Remmenga, Bruno Rehbein, Don & Cheryl Lanoue, Ted Collins, Marvin Copple and Ron Copple.

Pastor John States, First Christian Church, provided the invocation before the city commission meeting.

APPROVAL OF MINUTES

Commissioner Johnson made the motion to change the minutes to include the statement he made at the December 20, 2006 meeting: Commissioner Johnson asked Kirk Lowell to provide CloudCorp's financial records. Mr. Lowell responded, he would provide to the City Commission a monthly balance sheet. Commissioner Hosie seconded. Motion carried.

Commissioner Gilliland made the motion to approve the December 20, 2006 minutes, as amended. Commissioner Strecker seconded. Motion carried.

APPROPRIATION ORDINANCE NO. 24A

APPROVED

Commissioner Strecker moved to approve Appropriation Ordinance No. 24A. Commissioner Hosie seconded. Motion carried.

PUBLIC COMMENTS

There were no public comments.

SET PUBLIC HEARING FOR BUDGET AMENDMENT

January 17, 2006

Commissioner Gilliland moved to set the budget amendment public hearing date as January 17, 2007 at 5:30 p.m. Commissioner Strecker seconded. Motion carried.

ORDINANCE NO. 2006 – 2928
2007 CONTRACTOR LICENSING

TABLED

Bruno Rehbein, building inspector for the City of Concordia presented a brief overview of the new contractor licensing for the city. Bruno worked with the Board of Building Trades to develop a plan that would meet the new requirements of the state and at the same time meet the needs of the community. The new licensing would grandfather in the current licensed contractors but require them to have twelve hours of continuing education a year to keep their license in Concordia, New contractors wanting to get licensed in Concordia would have to serve as an apprentice for two years and complete testing to obtain a Journey certification. Once the journeyman certification has been completed then 2 more years would have to be served as an apprentice and testing completed to get their master certification. Commissioner Darrell Hosie asked what the cost was for a contractor to fulfill the requirement of twelve hours of continuing education. Not only would it cost the contractor for the schooling but they would be looking at mileage, meals and lodging. All of these costs would be passed on to the consumer. Mr. Hosie was also concerned that the new licensing might reduce or eliminate someone new trying to get into the business because they would have to meet the new requirements and those business' with current licenses would be grandfathered in and not have to become certified. Darrell said he understood why the contractors being grandfathered in might support this new licensing because it would make it tougher for someone new to get into the business. He felt it would restrict competition and he didn't feel there was over abundance of service people in the rural communities.

Bruno Rehbein stated the alternative is to continue on like we are now, but if the city decides to do that the city would have to get rid of electrical testing and just license anybody who is will to provide insurance and get a license.

Mr. Hosie felt like the city should take a little time, ask some questions, and look at some alternatives. Maybe we don't need to jump in and comply with the states new requirement. We don't want to reduce services to the community and increase the cost to the consumer. Continuing education is a good thing but it doesn't necessarily mean that someone will learn to improve their skills and then come home and implement what they learned. Furthermore could those contractors being grandfathered in get their master certification if they were forced to? It is going to take four years to get licensed if you are someone trying to get into the business. If you were a contractor you would have to think it is pretty good

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JANUARY 3, 2007, cond't

deal since anybody new wanting to get into the business would have to work for them for four years before they could start their own business. Maybe we should look at what other communities are doing in regard to this?

Commissioner Johnson asked why city, county and state organizations would not have to comply with the new requirement. If we are going to make people qualified to work in the city, then the city, county, state and Federal government should have to comply. Commissioner Hosie also stated that if we are going to adopt the new licensing it should apply to everyone. Bruno Rehbein explained that the city does not compete with the private sector; the city does not do things for a profit. They are still required to meet code and have the work inspected. The difference is the city would not have to be licensed. City Manager Larry Paine commented that city's role is not much different than that of a home owner. A home owner is allowed to do the work on their own structures as long as it meets code and is inspected. The city would be doing the same thing, they would only be working on city buildings or structures and they would be inspected like anybody else.

Mayor Strecker felt that this new ordinance would increase knowledge in the field resulting in a better product and services to the consumer at little or minimal cost increase. Mayor Strecker suggested that a decision on the new licensing be tabled until the next meeting when all of the commissioners could be there to vote.

Thereupon, Commissioner Strecker moved that said Ordinance be tabled until the January 17, 2007 meeting. The motion was seconded by Commissioner Johnson.

Yea: Commissioners Johnson, Gilliland, Strecker and Hosie.

Nay: None.

MAYOR/COMMISSIONER COMMENTS

There were no comments

STAFF COMMENTS

There were no comments

EXECUTIVE SESSION
NON ELECTED PERSONNEL

HELD

At this time, Commissioner Strecker moved that the commission recess into executive session for 15 minutes for non elected personnel matters. Commissioner Hosie seconded. Motion carried. Time: 6:18 p.m.

The commission reconvened at 6:33 p.m.

Mayor Strecker announced there was no action taken.

There being no further business, Commissioner Hosie moved to adjourn the meeting. Commissioner Gilliland seconded. Motion carried.



Phil Deneault
Deputy City Clerk

(Seal)

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JANUARY 17, 2007

The governing body met in regular session on January 17, 2007, at 5:30 p.m. in the City Commission Room in the City Hall, the following members being present and participating, to wit: Commissioners Strecker, Hosie, Johnson, Gilliland and Jindra.

Absent: None

Other Officers: City Manager Paine, Deputy City Clerk Phil Deneault and City Attorney Uri.

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

Visitors: Jessica LeDuc, Toby Nosker, Danny Parker, Ron Deal, Larry Eubanks, John States, Larry Remmenga, Bruno Rehbein, Don & Cheryl Lanoue, and Ron Copple.

Pastor John States, First Christian Church, provided the invocation before the city commission meeting.

APPROVAL OF MINUTES

Commissioner Johnson made the motion to amend the December 20, 2006 minutes to include the statement by Kirk Lowell that the financial records of CloudCorp. are open to the public. Commissioner Hosie seconded.

Yea: Commissioners Strecker, Hosie, Gilliland, Johnson and Jindra.

Nay: None.

Commissioner Johnson made the motion to approve the minutes of the Jan. 3, 2007 meeting as amended. Commissioner Hosie seconded.

Yea: Commissioners Strecker, Hosie, Gilliland, Johnson and Jindra.

Nay: None.

APPROPRIATION ORDINANCE NO. 24

APPROVED

Commissioner Gilliland moved to approve Appropriation Ordinance No. 24. Commissioner Strecker seconded. Motion carried.

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARING – 2007 BUDGET AMENDMENT

HELD

Mayor Strecker opened the 2007 budget amendment hearing as required by state statute.

City Manager Larry Paine presented to the commissioners an amendment to the 2007 budget and explained why it was necessary. After the 2007 budget had been approved it was discovered that the 911 wireless money the city had been receiving was required by statute to be in a separate fund. To comply, a new fund 312 would be used to keep the 911 wireless money separate from the regular 911 funds put into fund 212. The budget amendment would allow the city to move the 911 wireless monies currently in fund 212 to the new fund 312. Also this would allow the city to receipt any new funds received in 2007 into that new wireless 911 fund. To make those funds in the 911 wireless account available at any given time during the year, it was decided to do the amendment at the beginning of the calendar year instead of waiting until the end of the year giving the city budget authority to expend those funds if necessary.

Commissioner Johnson stated that when you go back and compare the figures to those in the original budget they approved, there is a discrepancy of \$2,905.00. After reviewing those figures, the City Manager stated he did not know at the current time why there was a difference of \$2,905.00, but the total amount being amended is the correct amount.

Cheryl Lanoue addressed the commission with a question in regard to the transfer of funds from 212 to 312. She stated she would like to know where the \$30,455.00 for transfers in the new fund was at. She said all she could see was the \$14,000.00 for the 2007 911 wireless fees. The City Manager stated it showed up as the cash balance. Cheryl stated that the unencumbered cash balance is beginning cash and should be a transfer. Mr. Paine said that she is correct.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JANUARY 17, 2007, cont'd.

ORDINANCE NO. 2007-2928 -ADOPTION OF AMENDED 2007 BUDGET

ACCEPTED

Thereupon there was presented an Ordinance entitled:

AN ORDINANCE AMENDING THE 2007 ADOPTED BUDGET OF THE CITY OF CONCORDIA.

Thereupon, Commissioner Johnson moved that said Ordinance be passed. The motion was seconded by Commissioner Jindra. 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:

Yea: Commissioners Strecker, Hosie, Gilliland, Johnson and Jindra.

Nay: None.

Thereupon, the mayor declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. 2007-2928 was signed by the Mayor and attested by the Clerk.

ORDINANCE NO. 2007- 2929-CONTRACTOR LICENSING

ACCEPTED

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE LICENSING OF THE ELECTRICAL, HVAC MECHANICAL, AND PLUMBING TRADES IN THE CITY OF CONCORDIA;

The Ordinance was considered and discussed; and thereupon a motion was made by Commissioner Jindra and seconded by Commissioner Gilliland. Commissioner Hosie voiced concerns about the new contractor licensing and he felt the City and county should not be exempt. Commissioner Gilliland agreed. Motion failed with the following roll call vote:

Yea: Commissioners Jindra and Strecker.

Nay: Commissioners Gilliland, Hosie and Johnson.

Thereupon Commissioner Gilliland presented a motion to approve Ordinance #2007-2929 for the new contractor licensing excluding the exemptions for city and county organizations. Commissioner Jindra seconded.

The ordinance was passed by the following roll call vote:

Yea: Commissioners Gilliland, Jindra, Strecker and Johnson.

Nay: Commissioner Hosie.

Thereupon, the mayor declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. 2007-2929 was signed by the Mayor and attested by the Clerk.

RESOLUTION NO. 2007-1750- WAIVER OF GAAP

ACCEPTED

Thereupon, there was presented a Resolution entitled:

A RESOLUTION OF THE CITY OF CONCORDIA, KANSAS HAS CONSIDERED AND DEEMED IT ADVISABLE TO WAIVE THE REQUIREMENTS OF LAW RELATING TO THE PREPARATION OF FINANCIAL STATEMENTS AND FINANCIAL REPORTS THAT CONFORM TO THE GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

Thereupon, Commissioner Gilliland moved that said Resolution be adopted. 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 City Commission, being as follows:

Yea: Commissioners Strecker, Gilliland, Jindra, Hosie and Johnson.

Nay: None.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then numbered Resolution No. 2007-1750 and was signed by the Mayor and attested by the Clerk.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JANUARY 17, 2007, cont'd.

RESOLUTION NO. 2007-1751-ADOPT HEALTH REIMBURSEMENT PLAN

ACCEPTED

Thereupon, there was presented a Resolution entitled:

WHEREAS, THE GOVERNING BODY FINDS THAT THE BEST INTERESTS OF THE CITY ARE SERVED BY ADOPTION OF A CERTAIN HEALTH REIMBURSEMENT ARRANGEMENT, AS DESCRIBED IN THE DOCUMENTS ATTACHED HERETO AND TITLED HEALTH REIMBURSEMENT ARRANGEMENT AND SUMMARY PLAN DESCRIPTION.

Thereupon, Commissioner Gilliland moved that said Resolution be adopted with the addition of the following: Resolved, that this plan shall be dissolved on December 31, 2007. The motion was seconded by Commissioner Jindra. 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:

Yea: Commissioners Strecker, Gilliland, Jindra, Hosie and Johnson.

Nay: None.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then numbered Resolution No. 2007-1751 and was signed by the Mayor and attested by the Clerk.

RESOLUTION NO. 2007-1752-ADOPT CAFETERIA PLAN

ACCEPTED

Thereupon, there was presented a Resolution entitled:

WHEREAS, THE GOVERNING BODY FINDS THAT THE BEST INTERESTS OF THE CITY ARE SERVED BY ADOPTION OF A CAFETERIA PLAN INCLUDING A DEPENDENT CARE FLEXIBLE SPENDING ACCOUNT AND HEALTH FLEXIBLE SPENDING ACCOUNT EFFECTIVE JANUARY 1, 2007 FOR THE BENEFIT OF CITY EMPLOYEES, AS DESCRIBED IN THE DOCUMENTS ATTACHED HERETO AND TITLED AMENDMENT NUMBER ONE TO CITY OF CONCORDIA, KANSAS FLEXIBLE BENEFITS PLAN AND SUMMARY PLAN DESCRIPTION:

Thereupon, Commissioner Strecker moved that said Resolution be adopted. The motion was seconded by Commissioner Gilliland. 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:

Yea: Commissioners Strecker, Gilliland, Jindra, Hosie and Johnson.

Nay: None

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then numbered Resolution No. 2007-1752 and was signed by the Mayor and attested by the Clerk.

RESOLUTION NO. 2007-1753-ESTABLISH FLEX BENEFIT PLAN

ACCEPTED

Thereupon, there was presented a Resolution entitled:

WHEREAS, THE GOVERNING BODY FINDS THAT THE BEST INTERESTS OF THE CITY ARE SERVED BY ADOPTION OF CERTAIN AMENDMENTS TO THE FLEXIBLE BENEFIT PLAN MAINTAINED FOR THE BENEFIT OF CITY EMPLOYEES, AS DESCRIBED IN THE DOCUMENTS ATTACHED HERETO AND TITLED AMENDMENT NUMBER ONE TO CITY OF CONCORDIA FLEXIBLE BENEFITS PLAN, THE SUMMARY PLAN DESCRIPTION - MATERIAL MODIFICATIONS, AND HIPAA PRIVACY PLAN SPONSOR CERTIFICATION TO HEALTH PLAN;

Thereupon, Commissioner Gilliland moved that said Resolution be adopted. 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 City Commission, being as follows:

Yea: Commissioners Strecker, Gilliland, Jindra, Hosie and Johnson.

Nay: None

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JANUARY 17, 2007, cont'd.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then numbered Resolution No. 2007-1753 and was signed by the Mayor and attested by the Clerk.

DECLARATION FOR PARTICIPATION IN THE FIREFIGHTERS RELIEF FUND APPROVED

The State of Kansas annually sends the City a Declaration for Participation in the Firefighters Relief Fund. This entitles the fire department to participate in the Firefighters Relief Act, a fund created by law (K.S.A. 40-1701, et.Seq., and K. A.R. 40-10-1, et. Seq.).

Commissioner Gilliland made a motion to approve and sign the declaration. Commissioner Johnson seconded. Motion carried.

Yea: Commissioners Strecker, Gilliland, Jindra, Hosie and Johnson.

Nay: None

MAYOR/COMMISSIONER COMMENTS

There were no comments

STAFF COMMENTS

City Manager Larry Paine informed the City Commission that there would be a Sexual Harassment Training for all city employees on February 8, 2007.

There being no further business, Commissioner Strecker moved to adjourn the meeting. Commissioner Jindra seconded. Motion carried.


Phil Deneault
Deputy City Clerk

(Seal)

~~JANUARY~~
~~December~~ 17, 2007

This transcript of conversation between Kirk Lowell, Executive Director, Cloud Corp and Charles B. Johnson, City Commissioner, Concordia, Kansas at the City Commission meeting, December 20, 2006 is submitted as an amendment to the minutes of the December 20, 2006 city commission meeting.

Question by C. Johnson: What are the prospects of the public being informed of how the money (Cloud Corp's expenditure of the public monies contributed to their support) is being spent?

Response by Mr. Lowell: This is why we have a fixed seat on the Board for a City Commissioner and a fixed seat for a County Commissioner, and you as a Commission appoint to that seat. We want those Commissioners at the table so they are at our board meetings, they hear about the projects and what those other twenty-four directors are talking about on general policy and also to watch your money, your funds. After our board meetings, after our financials have been reviewed by a Certified Public Accountant, they are also reviewed by our finance committee, which is chaired by a director, and then we have other volunteers who are not on the board look those financials over and then our Executive Committee looks at them, and they go to the full Board. After the board approves those financials, they are copied to the rest of the City Commissioners and the County Commissioners so you have our expenditures by category and also our budget and those percentages to see how we are doing. I feel like that if that is a document you feel like needs to be shared it becomes a public document when we submit it to you.

Question by C. Johnson: How come that letter comes along that says all this is confidential?

Response by Mr. Lowell: Primarily that is for our projects and we can work on that. We do submit our minutes to you that have projects in them that are sometimes confidential, but our financials, I don't feel are and I think we maybe can clarify that language. Our feelings in the past are that those financials are for you, the city manager, so that you know where your money is going. If you have a citizen approach you, I feel like it is something you can share with them.

Statement by C. Johnson: It probably would be a lot better for the public if you would share it with them because that seems to be where they think there is a lack of communication.

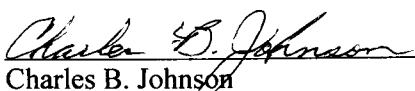
Response by Mr. Lowell: We do share it with the public when we provide it to you as an elected official. There might be a better way to do it, but there are five sets of those documents, plus the city manager, and at the County, three sets, so that is what we are trying to do when we provide them to you as Commissioners, so you can go through them. You are welcome to come into the office and we will go through them. I have even had questions over the years where we have arranged time with our accountant, if you want to go in and sit down with our accountant because we are a for-profit corporation, tax and all and things we have got to do, and we have arranged time over the years with our accountant if you want to go through our financials.

Statement by C. Johnson: I don't have a problem with it, but the public does and we are providing about 55% of your budget from tax dollars. If the general public came in would you explain it to them?

Response by Mr. Lowell: Why I think so, I answer questions all the time.

Question by C. Johnson: Would you answer questions about your finances?

Response by Mr. Lowell: Absolutely, absolutely.


Charles B. Johnson
City Commissioner, Concordia, Kansas

The attached transcript dated January 17, 2007, is from Commissioner Johnson in regard to the December 20, 2006 meeting minutes.

This transcript is not a part of the December 20, 2006 minutes approved by the city commission but it will be filed with the amended December 20, 2006 minutes approved by the city commission on February 7, 2007.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD FEBRUARY 7, 2007

The governing body met in regular session on February 7, 2007 at 5:30 p.m. in the City Commission Room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Johnson, Hosie and Gilliland.

Absent: Commissioner Strecker.

Other Officers: City Manager Paine, City Clerk Fleming and City Attorney Uri.

The Mayor Pro Tem declared that a quorum was present and called the meeting to order.

Visitors: Jessica LeDuc, Toby Nosker, Larry Remmenga, Ron Copple, Danny Parker, Phil Deneault, Kirk Lowell, Ron Deal, Pastor Sandra K. Moore, Estalene Harrington, Darrell Kearn, Robert Mensel, Jack Gould, Larry Eubanks, Ted Collins, Steve Dailey, Marvin Copple, Albert Kieffer, John Atkinson, Don Dean and Don and Cheryl Lanoue.

Pastor Sandra Moore, First United Methodist Church, provided the invocation before the city commission meeting.

APPROVAL OF MINUTES

Commissioner Gilliland moved to approve the minutes of the January 17, 2007 regular meeting as written. Commissioner Jindra seconded. Motion carried with the following vote:

Yea: Commissioners Gilliland, Jindra and Hosie.

Nay: Commissioner Johnson.

APPROPRIATION ORDINANCES NO. 1 and 2

APPROVED

Commissioner Hosie moved to approve Appropriation Ordinance No. 1 and 2. Commissioner Jindra seconded. Motion carried.

PUBLIC COMMENTS

There were no public comments.

ACCEPT BID FOR RESURFACING PROJECT

BEACHNER CONST. CO.

Ron Copple, Director of Public Works, advised the commission the city received three bids for the resurfacing project, with the bids as follows:

Beachner Construction Co.	\$208,280.80
Vance Brothers	\$261,568.00
Ballou Construction Co.	\$261,700.00

Following discussion, Commissioner Jindra moved to accept the low bid from Beachner Construction Co., Inc. for the resurfacing project in the amount of \$208,280.80. Commissioner Johnson seconded. Motion carried.

**CONCORDIA SENIOR RECREATION CENTER
FUNDING REQUEST FOR 2008 BUDGET**

ESTALENE HARRINGTON

Estalene Harrington, Board Chairman, Concordia Senior Recreation Center, gave a brief overview of the Senior Recreation Center. The Center provides the only dependable transportation service in the community. The Center has voted to apply for a new minivan with a chairlift, which, if accepted, will be delivered in July of 2008. Kansas Department of Revenue will provide 80% of the cost of the van, with the Senior Center's share being 20%. The Concordia Senior Recreation Center is requesting the city to add \$2,000 to the 2008 budget to help with the funding of a handicapped accessible minivan. Commissioner Jindra moved to put \$2,000 in the 2008 budget to help fund the purchase of the van. Commissioner Hosie seconded. Motion carried.

REVIEW OF CITY CODE CHANGE

CITY CLERK/FINANCE DIRECTOR

City Manager Paine advised the commission and presented the markup draft of the proposed changes to the City Code, for their review, regarding the City Clerk/Director of Finance Director position. Approving the revised code would put Finance Director as a Department Head and the City Clerk as regular staff. Mr. Paine thanked Phil Deneault, who has been Acting City Clerk since August, for all the extra hours he has put in as well as thanking Cher Knudsen for her extra hours. Mr. Paine informed the commission, last week he appointed Ruby Maline as Finance Director and Lisa Fleming as City Clerk.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD FEBRUARY 7, 2007, contd.

City Manager Paine informed the commission at the February 21, 2007 meeting there will be an ordinance on the agenda for the commission's consideration that would adopt the changes to the city code in regard to the city clerk and finance director and will prepare organizational chart of before and after the position changes.

RESOLUTION NO. 2007-1754

NATIONAL ORPHAN TRAIN GRANT FUND

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE CITY HAS BEEN SELECTED AS THE RECIPIENT OF A GRANT IN THE AMOUNT OF \$121,707.00 FROM KANSAS DEPARTMENT OF TRANSPORTATION FOR THE NATIONAL ORPHAN TRAIN COMPLEX – DEPOT RESTORATION; AND WHEREAS, THE GOVERNING BODY FINDS IT ADVISABLE THAT THE GRANT SHOULD BE ACCEPTED AND EXPENDED FOR THE PURPOSES INTENDED.

The Resolution was considered and discussed; and thereupon on motion of Commissioner Gilliland, seconded by Commissioner Hosie, the Resolution was adopted by the following roll call vote:

Aye: Commissioners Jindra, Hosie, Johnson and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1754, and was directed to be signed by the Mayor Pro Tem and attested by the City Clerk.

MAYOR/COMMISSIONER
COMMENTS AND REPORTS

Commissioner Hosie asked Larry to bring the commission update on the retention dam project. Commissioner Hosie stated he appreciated Estalene Harrington coming in ahead of time and asking the commission to include \$2,000 in the budget for next year. He also welcomed Ruby Maline and Lisa Fleming and thanked Phil for his extra duties.

Commissioner Gilliland welcomed Ruby and congratulated Lisa and thanked Phil for his extra effort.

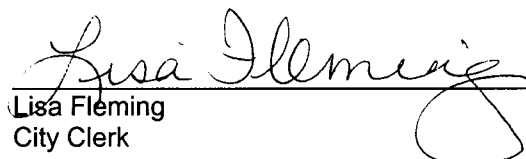
STAFF COMMENTS

City Manager Paine introduced Ruby Maline, the new finance director. Ms. Ruby Maline introduced herself and gave a brief background of herself.

City Manager Paine gave a brief update on the dam retention project. Mr. Paine also pointed out that he wanted the commission to look at the driveway in front of the fire department for eventual replacement. City Manager Paine also informed the Commission there is work being done on a draft agreement with Everton.

Mayor Pro Tem Gilliland announced there would be a study session following the meeting.

There being no further business, Commissioner Hosie moved to adjourn the meeting. Commissioner Johnson seconded. Motion carried.


Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD FEBRUARY 21, 2007

The governing body met in regular session on February 21, 2007 at 5:30 p.m. in the City Commission Room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Strecker, Johnson, Hosie and Gilliland.

Absent: None.

Other Officers: City Manager Paine, City Clerk Fleming and City Attorney Uri.

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

Visitors: Jessica LeDuc, Toby Nosker, Pastor Sandra K. Moore, Larry Remmenga, Ron Copple, Danny Parker, Kirk Lowell, Ron Deal, Ted Collins, Steve Dailey, Marvin Copple, Albert Kieffer, Don and Cheryl Lanoue, Eldon Wisdom, Steve Womack, Dave Clemons, Jim Menard and Michael Dexter.

Pastor Sandra Moore, First United Methodist Church, provided the invocation before the city commission meeting.

APPROVAL OF MINUTES

Commissioner Gilliland moved to approve the minutes of the February 7, 2007 regular meeting as written. Commissioner Strecker seconded. Motion carried.

APPROPRIATION ORDINANCE NO. 3 APPROVED

Commissioner Jindra moved to approve Appropriation Ordinance No. 3. Commissioner Gilliland seconded. Motion carried.

PUBLIC COMMENTS

There were no public comments.

ORDINANCE - AMEND CODE OF ORDINANCE
RELATING TO FINANCE DIRECTOR AND CITY CLERK TABLED

City Manager Paine presented to the commission the proposed amendment to the code of ordinance relating to the finance director and city clerk that was reviewed at the last meeting. Commissioner Johnson moved to add the words "and the city commissioners" to the end of Section 2-176. Commissioner Strecker seconded the motion. Motion carried. Commissioner Johnson questioned Section 2-127 regarding duties of the city clerk in certifying the cash basis law if the director of finance performs the work and the city clerk reports to the director of finance. After discussion of the proposed ordinance Commissioner Gilliland moved to table the ordinance for two weeks. Commissioner Jindra seconded the motion. Motion carried.

RESOLUTION DIRECTING CITY CLERK
TO CERTIFY SIGNATURE
AUTHORIZATION FOR PEOPLES EXCHANGE BANK TABLED

Mayor Strecker stated the resolution directing the city clerk to certify signature authorization for Peoples Exchange Bank would be affected by the previous ordinance being tabled. Commissioner Jindra moved to table the resolution to the next meeting. Commissioner Gilliland seconded. Motion carried.

RESOLUTION NO. 2007-1755
EXTENSION OF WOMACK DEVELOPMENT
AGREEMENT FOR PURCHASE OF LAND-
COLLEGE DRIVE BUSINESS PARK APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, ON DECEMBER 1, 2004, THE GOVERNING BODY ENTERED INTO A DEVELOPMENT AGREEMENT WITH WOMACK SUNSHINE FORD, INC., WHICH AGREEMENT EXPIRED ACCORDING TO ITS TERMS ON DECEMBER 31, 2006; AND, WHEREAS, THE GOVERNING BODY FINDS THAT THE INTERESTS OF THE CITY ARE SERVED BY ENTERING INTO A NEW DEVELOPMENT AGREEMENT PROVIDING AN ADDITIONAL PERIOD OF TIME FOR THE PROJECT PLANNED BY WOMACK SUNSHINE FORD, INC.;

The Resolution was considered and discussed; and thereupon on motion of Commissioner Strecker, seconded by Commissioner Hosie, the Resolution was adopted by the following roll call vote:

Aye: Commissioners Jindra, Hosie, Strecker, Johnson and Gilliland.

Nay: None.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD FEBRUARY 21, 2007, contd.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1755, and was directed to be signed by the Mayor and attested by the City Clerk

EXECUTIVE SESSION NON-ELECTED PERSONNEL

HELD

At this time, Commissioner Strecker moved that the commission recess into executive session for thirty (30) minutes for the discussion of non-elected personnel. Commissioner Gilliland seconded. Inviting: Larry Uri. Motion carried by the following vote:

Aye: Commissioners Jindra, Strecker, Hosie and Gilliland

Nay: Commissioner Johnson

Time: 6:02 p.m.

The commission reconvened at 6:32 p.m.

Mayor Strecker announced there was no action required.

Commissioner Jindra moved that the commission recess into executive session for an additional five (5) minutes for the discussion of non-elected personnel. Commissioner Hosie seconded. Motion carried. (5-0) Time: 6:32 p.m.

The commission reconvened at 6:38 p.m.

Mayor Strecker announced there was no action required.

MAYOR/COMMISSIONER COMMENTS AND REPORTS

Commissioner Gilliland asked City Manager Paine for an update on the downtown improvement project. Mr. Paine stated work will start next on the 2007 downtown improvement projects.

Commissioner Jindra thanked Ron Copple and his crew for the good job and long hours worked on the snow removal. Commissioner Jindra commented about Salina's water shortage and asked staff about the water situation in Concordia. Larry Remmenga, Director of Utilities, informed the commission about current water status in Concordia. He stated in the 11 (eleven) years he has worked for the city the city has never been on any water restrictions.

Mayor Strecker also thanked Ron Copple and his crew for the snow removal. Mayor Strecker asked about how many commissioners can be together in the same place. Mr. Paine stated with the city's five (5) member commission, four (4) is a quorum, three (3) is a majority and two (2) commissioners can be together. If more than two commissioners are planning to be together the media is notified about the meeting time and place.

Commissioner Johnson commented about the packet of minutes (December 20th, January 3rd and January 17th) he received prior to the meeting. Commissioner Johnson stated the sheet he wanted attached to the December 20th minutes was missing from his copy. Mr. Paine informed Commissioner Johnson a copy of the sheet was attached to a copy of the minutes that went to the Library and a copy is attached to the original set of minutes. Commissioner Johnson stated the minutes he received were not the ones that had been amended and approved. The minutes in question were the December 20th and January 3rd minutes. Commissioner Johnson suggested maybe the meetings should be videotaped and aired live on the local channel and then the public could watch it.

Commissioner Johnson asked staff if all the downtown projects done last year were complete. Commissioner Gilliland stated there was one project from last year that is not completed.

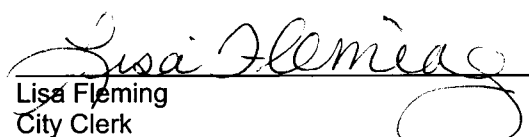
STAFF COMMENTS

Larry Uri, City Attorney, stated the statute states the city clerk shall keep records and certify them. The clerk is not required to compile certain information, only keep records.

City Manager Paine introduced Jim Menard with the Fire Department. Mr. Menard showed the commission the new lightweight turnout gear the fire department received with the grant.

Mayor Strecker announced there would be a study session following the meeting.

There being no further business, Commissioner Hosie moved to adjourn the meeting. Commissioner Johnson seconded. Motion carried.


Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MARCH 7, 2007

The governing body met in regular session on March 7, 2007 at 5:30 p.m. in the City Commission Room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Strecker, Johnson, Hosie and Gilliland.

Absent: None.

Other Officers: Deputy City Clerk Deneault and City Attorney Uri.

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

Visitors: Jessica LeDuc, Toby Nosker, Chér Knudsen, Ron Deal, Eldon Wisdom, Anita Wisdom, Danny Parker, Ron Copple, Larry Eubanks, Ben Retter, Susan Retter, Tammy Hamel, Larry Hamel, Kirk Lowell, Lowell Thoman, Pastor Bob Burns, Jack Gould, Marsha Wentz, Michael Wentz, Marvin Copple, Ted Collins, John Forshee, Father Dale Lumley, Albert Kieffer, Janet Eubanks, Joyce Coppoc, Jim Coppoc, Don Lanoue, Cheryl Lanoue, LaVern C. Robbins, Joyce A. Robbins and Debra Peters.

Pastor Bob Burns, Wesleyan Church, provided the invocation before the city commission meeting.

Mayor Strecker announced additions to the agenda. Add an additional executive session - B. Attorney/Client Privilege and under new business add item C. Commission Minutes. Commissioner Jindra moved to add the additional items to the agenda. Commissioner Gilliland seconded. Motion carried.

APPROVAL OF MINUTES

Commissioner Gilliland moved to approve the minutes of the February 21, 2007 regular meeting as written. Commissioner Strecker seconded. Motion carried.

<u>APPROPRIATION ORDINANCE NO. 4</u>	<u>APPROVED</u>
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Commissioner Gilliland moved to approve Appropriation Ordinance No. 4. Commissioner Strecker seconded. Motion carried.

<u>FOURTH QUARTER INVESTMENT REPORT</u>	<u>ACCEPTED</u>
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Commissioner Jindra moved to place on file the fourth quarter investment report. Commissioner Johnson seconded. Motion carried.

PUBLIC COMMENTS

Ben Retter and Susan Retter representing Cloud Ceramics were present to thank the fire department and rural fire fighters for their prompt response to the fire at Cloud Ceramics.

<u>ACCEPT BID FOR MAINTENANCE DISTRIBUTOR TRAILER</u>	<u>G.W. VANKEPPEL CO.</u>
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Ron Copple, Director of Public Works, advised the commission the City solicited bids for a maintenance distributor trailer. The City only received one bid from G.W. Van Keppel Co. in the amount of \$35,419.00. Following discussion, Commissioner Strecker moved to accept the bid for the maintenance distributor trailer from G.W. Van Keppel Co. in the amount of \$35,419.00, with a delivery date of 90 days. Commissioner Hosie seconded. Motion carried.

<u>SET PUBLIC HEARING DATE FOR CONCORDIA REVOLVING LOAN FUND PROJECT</u>	<u>APPLICANTS LARRY & TAMMY HAMEL</u>
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Kirk Lowell, CloudCorp, addressed the commission regarding the application to the Concordia Revolving Loan Fund. Mr. Lowell introduced Larry and Tammy Hamel, as the applicants to the revolving loan fund. The business is Coppoc's Sports and is located at 126 W. 6th in Concordia, Kansas. The City of Concordia Revolving Loan Fund is being requested to provide \$60,000.00 for the purchase of the business. Mr. Lowell stated there is some confidential information and the city should not provide any confidential information to the public. Commissioner Hosie moved to set the public hearing date for March 21, 2007, at 5:30, for Larry & Tammy Hamel request for a Concordia Revolving Loan Fund project. Commissioner Jindra seconded. Motion carried.

COMMISSION MINUTES – DISCUSSION

Upon discussion of preparing the commission meeting minutes, Commissioner Hosie moved that the revised minutes of the January 3rd meeting be removed from the official city minute book and the

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MARCH 7, 2007, contd.

public library and the original January 3rd minutes be reinstated and placed in the official city minute book and at the public library. Commissioner Jindra seconded. Motion carried.

ORDINANCE NO. 2007-2930
AMEND CODE OF ORDINANCE RELATING
TO FINANCE DIRECTOR AND CITY CLERK

APPROVED

Thereupon there was presented an Ordinance entitled:

AN ORDINANCE AMENDING THE DUTIES OF THE CITY CLERK; ESTABLISHING THAT THE FINANCE DIRECTOR OF THE CITY IS THE HEAD OF THE DEPARTMENT OF FINANCE; SETTING FORTH THE DUTIES OF THE FINANCE DIRECTOR; REPEALING CONCORDIA CODE SECTIONS 2-111, 2-120, 2-121, 2-122, 2-123, 2-124, 2-125, 2-191, 2-192, AND 2-197; AND AMENDING THE CONCORDIA CODE, BY ADDING NEW SECTION 2-111; BY ADDING A NEW DIVISION 5 TO ARTICLE III OF CHAPTER 2, WHICH SHALL CONSIST OF SECTIONS 2- 171 THROUGH 2-178, INCLUSIVE; AND BY ADDING NEW SECTIONS 2-191, 2-193, AND 2-197.

Thereupon, Commissioner Jindra moved that said Ordinance be passed. The motion was seconded by Commissioner Gilliland. 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:

Yes: Commissioners Hosie, Strecker, Jindra, Gilliland and Johnson.

No: None

Thereupon, the Mayor declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. 2007-2930 and was signed and approved by the Mayor and attested by the Clerk.

ORDINANCE NO. 2007-2931
AMEND AIRPORT PARK
LONG TERM PARKING

APPROVED

Thereupon there was presented an Ordinance entitled:

AN ORDINANCE AMENDING THE PROVISIONS FOR LONG TERM PARKING OF TRAILERS AND RECREATION VEHICLES IN AIRPORT PARK; REPEALING PARAGRAPH (A) CONCORDIA CODE SECTION 15-73; AND AMENDING THE CONCORDIA CODE, BY ADDING A NEW PARAGRAPH (A) TO SECTION 15-73.

Thereupon, Commissioner Strecker 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 City Commission, the vote being as follows:

Yes: Commissioners Hosie, Strecker, Jindra, Gilliland and Johnson.

No: None

Thereupon, the Mayor declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. 2007-2931 and was signed and approved by the Mayor and attested by the Clerk.

ORDINANCE NO. 2007-2932
USE OF PLEASANT HILL CEMETERY

APPROVED

Thereupon there was presented an Ordinance entitled:

AN ORDINANCE PERTAINING TO THE USE OF PLEASANT HILL CEMETERY IN THE CITY OF CONCORDIA; REPEALING SECTIONS 7-31, 7-35, 7-36, 7-37, 7-38, 7-39, AND 7-40 OF THE CONCORDIA CODE, AND AMENDING THE CONCORDIA CODE, BY ADDING NEW SECTIONS 7-31 AND 7-35 THROUGH 7-49, INCLUSIVE.

Thereupon, Commissioner Hosie moved that said Ordinance be passed. The motion was seconded by Commissioner Strecker. 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:

Yes: Commissioners Hosie, Strecker, Jindra, Gilliland and Johnson.

No: None

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MARCH 7, 2007, contd.

Thereupon, the Mayor declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. 2007-2932 and was signed and approved by the Mayor and attested by the Clerk.

**RESOLUTION NO. 2007-1756
DIRECTING CITY CLERK TO CERTIFY SIGNATURE
AUTHORIZATION FOR PEOPLES EXCHANGE BANK**

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY FINDS THAT THE BEST INTERESTS OF THE CITY TO DESIGNATE THE POWERS AND AUTHORITIES OF CITY EMPLOYEES WITH RESPECT TO CERTAIN ACCOUNTS OF THE CITY.

The Resolution was considered and discussed; and thereupon on motion of Commissioner Hosie, seconded by Commissioner Gilliland, the Resolution was adopted by the following roll call vote:

Aye: Commissioners Jindra, Hosie, Strecker, Johnson and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1756, and was directed to be signed by the Mayor and attested by the City Clerk.

**RESOLUTION NO. 2007-1757
SET PUBLIC HEARING DATE
FOR SHADY LAKE EASEMENT VACATION**

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

SET PUBLIC HEARING DATE FOR APRIL 4, 2007 AT 5:30 TO CONSIDER AN ORDINANCE VACATING DESCRIBED EASEMENTS AT SHADY LAKE PROPERTY

The Resolution was considered and discussed; and thereupon on motion of Commissioner Jindra, seconded by Commissioner Johnson, the Resolution was adopted by the following roll call vote:

Aye: Commissioners Jindra, Hosie, Strecker, Johnson and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1757, and was directed to be signed by the Mayor and attested by the City Clerk.

**RESOLUTION NO. 2007-1758
DOWNTOWN IMPROVEMENT PROGRAM**

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT THE LIMITED EXPENDITURE OF PUBLIC FUNDS FOR THE IMPROVEMENT OF THE EXTERIORS OF PRIVATELY-OWNED STRUCTURES IN THE DOWNTOWN BUSINESS AREA OF THE CITY WILL FULFILL A PUBLIC PURPOSE AND PROMOTE THE PUBLIC WELFARE BY STIMULATING AND ENCOURAGING GROWTH AND DEVELOPMENT OF THE DOWNTOWN, WILL AUGMENT REDEVELOPMENT ACTIVITIES IN THE DOWNTOWN AREA, AND WILL ENCOURAGE AND ENHANCE FURTHER ECONOMIC DEVELOPMENT AND REVITALIZATION WITHIN THE COMMUNITY,

The Resolution was considered and discussed; and thereupon on motion of Commissioner Strecker, seconded by Commissioner Jindra, the Resolution was adopted by the following roll call vote:

Aye: Commissioners Jindra, Hosie, Strecker and Johnson.

Nay: None.

Abstention: Commissioner Gilliland.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1758, and was directed to be signed by the Mayor and attested by the City Clerk.

**RESOLUTION NO. 2007-1759
APPOINT LOCAL FREEDOM OF
INFORMATION OFFICER**

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MARCH 7, 2007, contd.

A RESOLUTION APPOINTING A LOCAL FREEDOM OF INFORMATION OFFICER FOR THE CITY OF CONCORDIA, AND PROVIDING THE OFFICER'S DUTIES.

The Resolution was considered and discussed; and thereupon on motion of Commissioner Hosie, seconded by Commissioner Strecker, the Resolution was adopted by the following roll call vote:

Aye: Commissioners Jindra, Hosie, Strecker, Johnson and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1759, and was directed to be signed by the Mayor and attested by the City Clerk.

EXECUTIVE SESSION
NON-ELECTED PERSONNEL

HELD

At this time, Commissioner Strecker moved that the commission recess into executive session for twenty (20) minutes for the discussion of non-elected personnel. Commissioner Jindra seconded. Motion carried by the following vote:

Aye: Commissioners Jindra, Strecker, Johnson, Hosie and Gilliland.

Nay: None.

Time: 6:29 p.m.

The commission reconvened at 6:49 p.m.

Mayor Strecker announced there was no action required.

EXECUTIVE SESSION
ATTORNEY/CLIENT PRIVILEGE

HELD

At this time, Commissioner Strecker moved that the commission recess into executive session for five (5) minutes for the discussion of attorney/client privilege. Commissioner Jindra seconded. Inviting: Larry Uri. Motion carried by the following vote:

Aye: Commissioners Jindra, Strecker, Hosie, Johnson and Gilliland.

Nay: None.

Time: 6:50 p.m.

The commission reconvened at 6:55 p.m.

Mayor Strecker announced there was no action required.

MAYOR/COMMISSIONER
COMMENTS AND REPORTS

Commissioner Gilliland commented on a political ad that had been in the newspaper that could be taken out of context. He felt there was not enough information in the ad to tell the whole story. Commissioner Gilliland stated that the commission had been using some of the reserves for capital improvements instead of bonding projects. The city's fund balance is like a savings account and he did not feel it was necessary to have a lot of savings lying around because government has a tendency to waste it. The commission made the decision to use reserves to pay for capital improvement projects rather than retiring debt.

STAFF COMMENTS

There were no staff comments.

Mayor Strecker announced there would be a study session following the meeting.

There being no further business, Commissioner Gilliland moved to adjourn the meeting. Commissioner Strecker seconded. Motion carried.


Phil Deneault, Deputy City Clerk

(Seal)

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MARCH 21, 2007

The governing body met in regular session on March 21, 2007 at 5:30 p.m. in the City Commission Room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Strecker, Johnson and Hosie.

Absent: Commissioner Gilliland.

Other Officers: City Manager Paine, City Attorney Uri and City Clerk Fleming.

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

Visitors: Jessica LeDuc, Toby Nosker, Larry Remmenga, Ron Copple, Danny Parker, Kirk Lowell, Ron Deal, Larry Eubanks, Ted Collins, Ruby Maline, Marvin Copple, Marcia A. Johnson, Jim Coppoc, Joyce Coppoc, Tammy Hamel, Larry Hamel, John Forshee, Marsha Wentz, Renee Hubert, Chér Knudsen, Michael Wentz, Eldon Wisdom, Roberta Lowery, Richard Lowery, Randall Hobrock, Debra Peters, Linda Sutton, LaVern Robbins, Janet Lowell, Dennis Maline, Arlene Clayton, Janet Eubanks, Don and Cheryl Lanoue.

Mayor Strecker announced a change to the agenda. The change is an addition of a five minute executive session – 8 B. Attorney/Client privilege. Commissioner Jindra moved to approve the agenda. Commissioner Strecker seconded. Motion carried.

APPROVAL OF MINUTES

Commissioner Hosie moved to approve the minutes of the March 7, 2007 regular meeting as written. Commissioner Strecker seconded. Motion carried.

APPROPRIATION ORDINANCE NO. 5

APPROVED

Commissioner Hosie moved to approve Appropriation Ordinance No. 5. Commissioner Jindra seconded. Motion carried.

PROCLAMATION – NATIONAL NUTRITION MONTH 2007

READ

Mayor Strecker read a proclamation and declared March as National Nutrition Month – 2007.

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARING FOR CONCORDIA REVOLVING LOAN FUND LARRY & TAMMY HAMEL – COPPOC SPORTS

HELD

Mayor Strecker opened the public hearing for the Concordia Revolving Loan Fund application for Coppoc Sports.

Kirk Lowell, CloudCorp, presented the following:

Applicant Eligibility

- Project located in Concordia or within three (3) miles of City limits.
- Create and/or retain one FTE job for every \$35,000 of CRLF funds.
- Jobs will be created and/or retained within 24 months.
- 51% of total FTE jobs created and/or retained benefit Low to Moderate Income (LMI) qualifying persons.
- Lending institution desires CRLF participation in the project.
- Demonstrate project can be economically viable and sustainable.

CRLF Financing Terms

- Interest rate no less than 2 1/2% below New York prime without written approval by Kansas Department of Commerce.
- CRLF has first position on collateral. However, CRLF security position may be inferior to that of other lenders.
- Moratorium on principal payments limited to 18 months.
- CRLF financing is secured by life insurance.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MARCH 21, 2007, contd.

Applicant and Proposed Business

- Larry and Tammy Hamel
- Sports Retail Store
- Location 126 W. 6th

Use of Funds

- Total Funds Required - \$497,270
- Fund Usage
 - Working Capital \$23,100
 - Real Estate \$84,000
 - Furniture & Fixtures \$ 9,700
 - Equipment \$14,800
 - Inventory \$300,000
 - Seasonal Inventory Needs \$40,000
 - Business Related Asset – 2006 Van \$25,670

Source of Funds

- Hamels and Coppocs - \$107,416
- Central National Bank Loans - \$284,854
- StartUp Kansas Loan - \$45,000
- CRLF/FORDI Participation Loan - \$60,000 pending

Financing Structure

- CRLF Commitment - \$60,000
- Loan Type – Participation with FORDI or Direct
- Term – 10 Years
- Interest – Fixed at 5.75% (Prime – 2.5%)
- Payments – Monthly principal and interest payments of \$659.00
- Collateral - Secured by all business assets, subject to prior liens of \$284,854 held by Central National Bank of Concordia.

Conditions of Approval

- Final Authorization – Formal approval by City of Concordia Commission.
- Default – Central National Bank and FORDI are to notify the City of Concordia if borrowers are ever in default on their respective loan agreements.
- Jobs - Creation of 2.5 Full Time Equivalent (FTE) jobs in which 51% benefit Low to Moderate Income (LMI) households.
- Payments - Automated Clearing House (ACH) loan payments.
- Life Insurance - assignment on the life of Larry Hamel in the amount of \$60,000.
- Funds Usage - CRLF funds used for furniture, fixtures, equipment and inventory.
- Collateral – CRLF Certificate of Deposit balance will decrease on an annual basis and will remain equal to the loan balance at each renewal.

The CloudCorp Finance Committee is responsible for reviewing the City of Concordia Revolving Loan Fund (CRLF) applications and making related loan recommendations to the City Commission, per Resolution No. 2001-1389. The Cloud Corp Finance Committee offers positive support for this project and recommends approval of the Coppoc Sports CRLF application with deviations.

Mr. Lowell stated the following action is required:

- Consider citizen comments for and/or against CRLF application during remainder of public hearing.
- Close Public Hearing.
- Governing Body formally approve the *Coppoc Sports* \$60,000 CRLF loan application today during regular session thus authorizing Mayor to sign CRLF related documents.

Mr. Lowell asked the mayor and commission for comments and comments from the audience.

Commissioner Strecker asked when work was started on this project. Mr. Lowell informed the commission the first conversation started about three years ago. Commissioner Johnson asked if the life

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MARCH 21, 2007, contd.

insurance was on both or just Larry. Mr. Lowell stated the life insurance would be on both, Tammy and Larry Hamel.

Debra Peters, with Four Rivers Development, Inc., clarified on the jobs. The program looks at full time equivalence. There will be 1.5 full time jobs being retained and one being created. Numerous part-time positions are used, but are not counted in the full time equivalence.

Mayor Strecker asked for any other questions or comments from the public.

Larry Hamel, on behalf of he and his wife, thanked the commission for their time and consideration regarding their proposed loan through the city revolving loan fund. They are excited to own their own business and have the opportunity to carry on tradition that Jim and Joyce Coppoc built from the ground up.

Mayor Strecker closed the public hearing.

APPROVE CONCORDIA REVOLVING LOAN FUND
APPLICATION FOR COPPOC SPORTS - LARRY & TAMMY HAMEL

APPROVED

Commissioner Jindra moved to approve the revolving loan fund application for Coppoc Sports. Commissioner Strecker seconded. Motion carried.

EXECUTIVE SESSION –
NON-ELECTED PERSONNEL

HELD

At this time, Commissioner Strecker moved that the commission recess into executive session for twenty (20) minutes for the discussion of non-elected personnel. Inviting: Larry Paine. Commissioner Jindra seconded. Motion carried by the following vote:

Aye: Commissioners Jindra, Strecker, Johnson and Hosie.

Nay: None.

Time: 6:13 p.m.

The commission reconvened at 6:33 p.m.

Mayor Strecker announced there was no action taken.

Commissioner Hosie moved to extend Larry Paine's (city manager) contract for one year with the following changes:

- Increase base salary three percent (3%). (Which is 2.8% of current salary)
- The last sentence of Section 6. Automobile - be changed to include an annual evaluation of the car allowance.
- Section 10. Official Business and Professional Development – Change 2007 ICMA annual conference attendance to the Senior Executive Institute in 2007.
- Salary change would be effective on the contract anniversary. (February 20th)

Commissioner Strecker seconded. Motion carried.

EXECUTIVE SESSION –
ATTORNEY/CLIENT PRIVILEGE

HELD

At this time, Commissioner Strecker moved that the commission recess into executive session for five (5) minutes for the discussion of attorney/client privilege. Commissioner Jindra seconded. Invite: Larry Paine and Larry Uri. Motion carried by the following vote:

Aye: Commissioners Jindra, Strecker, Johnson and Hosie.

Nay: None.

Time: 6:38 p.m.

The commission reconvened at 6:43 p.m.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MARCH 21, 2007, contd.

Mayor Strecker announced there was no action needed, but invited Larry Uri to read a statement.

City Attorney Uri read a statement regarding the airport litigation Mr. Blosser brought against the city, the Kansas Department of Transportation, and Rural Water District No. 1. The legal issue is whether the city acquired full title to the land or only the right to use the land as an airport. The district court judge decided the city did not acquire full title to the land. Mr. Uri's recommendation is that the city appeal the decision to the Kansas Court of Appeals. There have been discussions with Mr. Blosser's attorney and Mr. Uri as to whether the parties might be able to end the litigation on a mutually agreeable basis. Mr. Uri will advise the commission as the discussions continue.

**MAYOR/COMMISSIONER
COMMENTS AND REPORTS**

Commissioner Johnson asked if there are parking regulations in residential areas for rental properties or when you rent rooms to college kids. Mr. Paine stated he thought there were parking regulations in the single family/multi family areas and stated he would check on this issue and get back with Commissioner Johnson.

Commissioner Hosie congratulated and thanked the Hamels for their interest in purchasing Coppoc Sports. Commissioner Hosie commented about the TIF fund. He feels the TIF fund is in good shape and has been very successful.

STAFF COMMENTS

Larry Paine informed commission the ambulance long distance transfers have increased and before long there will be two (2) paramedics on staff. This will enable the ambulance service to do all the long distance transfers without relying on hospital staff or nearby ambulance services.

Mr. Paine also pointed out Mayor Hoffman McCann completed their field work for the financial audit. During the audit exit interview Doug Glenn, with Mayor Hoffman McCann, stated the city only had 2-3 journal entries.

The last item Mr. Paine wanted to mention was the Downtown Improvement Project. The city only received four (4) applications. Mr. Paine asked commission if the application deadline for the Downtown Improvement project could be extended until March 30, 2007. The commission agreed to extend the application process.

Larry Eubanks, Fire Chief, advised the commission Engine 2 was repaired. The estimated cost of the repair was \$5,000, with the actual cost being \$3,200 to fix Engine 2.

Mayor Strecker announced there would be a study session following the meeting.

There being no further business, Commissioner Johnson moved to adjourn the meeting. Commissioner Strecker seconded. Motion carried.


Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD APRIL 4, 2007

The governing body met in regular session on April 4, 2007 at 5:30 p.m. in the City Commission Room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Strecker, Johnson, Hosie and Gilliland.

Absent: None.

Other Officers: City Manager Paine, City Attorney Uri and City Clerk Fleming.

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

Visitors: Jessica LeDuc, Toby Nosker, Larry Remmenga, Ron Copple, Danny Parker, Armand Balthazor, Doris Hale, Michael Hale, Chér Knudsen, Kirk Lowell, Ron Copple, Cora Cairns, Monica _____, Ron Deal, Larry Eubanks, John Forshee, Randall Hobrock, Albert Kieffer, Marvin Copple, Steve Dailey, Janet Eubanks, Richard Lowrey, Jack Gould, Bruno Rehbein, and Cheryl and Donald Lanoue.

Mayor Strecker asked for changes to the agenda. Commissioner Hosie suggested moving item number one (commission reorganization) from the Study Session to the regular meeting agenda. It was added as item 10. New Business B. Commission Reorganization.

APPROVAL OF MINUTES

Commissioner Strecker moved to approve the minutes of the March 21, 2007 regular meeting as written. Commissioner Jindra seconded. Motion carried.

APPROPRIATION ORDINANCE NO. 6

APPROVED

Commissioner Gilliland moved to approve Appropriation Ordinance No. 6. Commissioner Strecker seconded. Motion carried.

PROCLAMATION –
FAIR HOUSING MONTH

READ

Mayor Strecker read a proclamation and declared April as Fair Housing Month.

APPOINTMENTS – LIBRARY BOARD

CHRISTY HASCH & CAROLYN ATKINSON

City Manager Paine stated the Library contacted the city and advised that the terms of Christy Hasch and Nancy Collins on the Library Board will expire on April 30, 2007. Ms. Hasch was contacted and indicated an interest and willingness to serve another term on the Library Board. Mrs. Collins has served two terms which is the maximum. Mrs. John (Carolyn) Atkinson was contacted and indicated an interest and willingness to serve on the Library Board. Commissioner Jindra moved to appoint Carolyn Atkinson to a four (4) year term and reappoint Christy Hasch to another four (4) year term on the Library Board (May 1, 2007 through April 30, 2011). Commissioner Johnson seconded. Motion carried.

HOUSING AUTHORITY APPOINTMENT

SHIRLEY STOLZENBURG

City Manager Paine stated that Theresa Grennan, manager for the Housing Authority, contacted the city that Shirley Stolzenburg had completed an expression of interest form and is willing to fulfill the term of Jerome Sorell on the Housing Authority, with the term expiring December 31, 2008. Commissioner Strecker moved to appoint Shirley Stolzenburg to fill the unexpired term on the Housing Authority, with her term expiring December 31, 2008. Commissioner Hosie seconded. Motion carried.

AIRPORT ADVISORY BOARD APPOINTMENTS

City Manager Paine advised the commission due to a relocation and an expiration of a term, there were two positions that were vacant on the Airport Advisory Board. Brian Donovan is willing to fill one position with his term to expire in July, 2008 and Kirk Lowell is interested in continuing to serve on the Airport Advisory Board with his term to expire July, 2009. Commissioner Hosie moved to appoint Brian Donovan to the Airport Advisory Board, with his term expiring in July, 2008, and reappoint Kirk Lowell to the Airport Advisory Board, with his term expiring July, 2009. Commissioner Gilliland seconded. Motion carried.

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARING

SHADY LAKE (MSMT) VACATION OF CERTAIN EASEMENTS

HELD

Mayor Strecker opened the public hearing for the vacation of certain easements on the Shady Lake property (MSMT).

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD APRIL 4, 2007, contd.

City Attorney Uri advised the commission there were several old utility easements in the general area of the Shady Lake Motel. All of the utilities have been relocated on the property. The old utility easements are not currently in use. By vacating this set of easements, the developers are granting to the city a new easement that the city needs to provide for development at the property. His recommendation is to vacate the easements on the Shady Lake property.

Mayor Strecker closed the public hearing.

**ORDINANCE NO. 2007-2933
VACATING CERTAIN EASEMENTS
SHADY LAKE (MSMT) PROPERTY**

APPROVED

Thereupon there was presented an Ordinance entitled:

AN ORDINANCE PURSUANT TO K.S.A. 12-504 AND 12-505, AS AMENDED, VACATING CERTAIN EASEMENTS IN THE SOUTHEAST QUARTER (SE/4) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION FOUR (4), AND THE NORTHWEST QUARTER (NW/4) OF SECTION NINE (9), ALL IN TOWNSHIP SIX (6) SOUTH, RANGE THREE (3) WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF CONCORDIA, KANSAS. WHEREAS, ON MARCH 13, 2007, NOTICE WAS PUBLISHED IN THE OFFICIAL CITY NEWSPAPER, PURSUANT TO K.S.A. 12-504, AS AMENDED, OF THE INTENT OF THE GOVERNING BODY OF THE CITY OF CONCORDIA TO HOLD A PUBLIC HEARING TO CONSIDER VACATION OF CERTAIN EASEMENTS ON THE ABOVE-DESCRIBED REAL ESTATE;

The Ordinance was considered and discussed; and thereupon on motion of Commissioner Strecker, seconded by Commissioner Jindra, the Ordinance was passed by the following roll call vote:

Aye: Commissioners Strecker, Hosie, Gilliland, Jindra and Johnson.

Nay: None.

Thereupon, the Ordinance having received a unanimous vote of the members of the governing body, the Mayor declared said Ordinance duly adopted and the Ordinance was then duly numbered Ordinance No. 2007-2933 and was signed and approved by the Mayor and attested by the Clerk.

**RESOLUTION NO. 2007-1760
APPROVE TALLGRASS
VETERINARY HOSPITAL/CLOUDCORP
DEVELOPMENT AGREEMENT**

PASSED

Thereupon, there was presented a Resolution entitled:

WHEREAS, AN AGREEMENT HAS BEEN DEVELOPED BETWEEN THE CITY OF CONCORDIA, TALLGRASS VETERINARY HOSPITAL, PA AND CLOUDCORP TO PROVIDE FOR THE DEVELOPMENT OF A TRACT WITHIN CONCORDIA INDUSTRIAL PARK FOR USE AS A VETERINARY HOSPITAL;

The development agreement is between the City of Concordia, Tallgrass Veterinary Hospital and CloudCorp. Randall Hobrock, owner of Tallgrass Veterinary Hospital will construct a new business in the Industrial Park. CloudCorp will provide the land for the new veterinary hospital. The city's part of the agreement is to construct the infrastructure. The infrastructure includes sewer, water and street construction, with an engineer's estimate of \$310,321. Discussion ensued regarding the waterline, which will be dead ended at the west end, and the cost of the street construction in the Industrial Park. The city's cost could be cut if the road was rocked instead of concrete and if the work was done in-house.

Commissioner Hosie suggested to enter into the development agreement with Exhibit B to be modified with two additional options. The first additional option is to consider doing the water line, sewer line and street work in house, which has already been discussed. The second additional option would be to look at the road being a graded rock road with ditches. The commission could review the two (2) options in the next couple of weeks.

After the Resolution was discussed and considered; Commissioner Hosie moved to approve Resolution No. 2007-1760 with the provision that some items in Exhibit B may be subject to change. The motion was seconded by Commissioner Jindra. The Resolution was adopted by the following roll call vote:

Aye: Commissioners Jindra, Hosie, Strecker, Johnson and Gilliland.

Nay: None.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD APRIL 4, 2007, contd.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then numbered Resolution No. 2007-1760 and was signed by the Mayor and attested by the City Clerk.

ACCEPT PROPOSAL FOR THE
RESURFACING OF TENNIS COURTS

RIGGS RECREATION EQUIPMENT

Ron Copple, Director of Public Works, advised the commission the city received two (2) proposals for the resurfacing of three (3) tennis courts at the City Park, as follows:

<u>COMPANY</u>	<u>PROPOSAL</u>
Mid-America Court Works	\$13,000.00
Riggs Recreation Equipment, Inc.	\$12,885.00

Following discussion, Commissioner Gilliland moved to accept the low bid of \$12,885.00 from Riggs Recreation Equipment, Inc. for the resurfacing of three (3) tennis courts in the City Park. Commissioner Strecker seconded. Motion carried.

COMMISSION REORGANIZATION

After discussion, the commission reorganization item was moved to the first action item on the agenda for the April 18, 2007 commission meeting.

MAYOR/COMMISSIONER
COMMENTS AND REPORTS

Mayor Strecker announced he will not be at the next commission meeting.

STAFF COMMENTS

There were no staff comments.

Mayor Strecker announced there would be a study session following the meeting.

There being no further business, Commissioner Gilliland moved to adjourn the meeting. Commissioner Jindra seconded. Motion carried.


Lisa Fleming, City Clerk

(Seal)

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD APRIL 18, 2007

The governing body met in regular session on April 18, 2007, at 5:30 p.m. in the City Commission Room in the City Hall, with the following members being present and participating, to wit: Commissioners Hosie, Johnson, Strecker, Gilliland and Jindra.

Absent: None.

Other Officers: City Manager Paine, City Attorney Uri and City Clerk Fleming.

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

Visitors: Jessica LeDuc, Toby Nosker, Ruby Maline, Armand Balthazor, Larry Remmenga, Renee Hubert, Chér Knudsen, Stacey Crum, Margo Hosie, Ron Copple, Stacey VandenBroder, Kirk Lowell, Steve Dailey, Darrell Kearn, James D. Ganson, Phil Deneault, Danny Parker, Jim Stromberg, Naomi Stromberg, Ron Deal, Janet Eubanks, Dean A. Lucko, Anne Lucko, Tamara L. Mansfield, John Davis, Marvin Copple, RONALDA Copple, Joan Olson, Doug Olson, Tom Gennette, Greg Hattan, Courtney Lanoue, Michaela Copple, Kaleb Copple, Mike Copple, Don Lanoue, Cheryl Lanoue, Dean Copple, Mark Copple, Bruno Rehbein, Janet Lowell, Jack Gould and Robin Hood.

Mayor Strecker asked for changes to the agenda. City Manager Paine added an item to the agenda under work session – 2. East Hills update. Commissioner Jindra moved to approve the agenda. Commissioner Strecker seconded. Motion carried.

ELECTION RESULTS

Mayor Strecker read the report from the Cloud County Clerk and Election Officer Linda Bogart, certifying the results of the city election for the City of Concordia held April 3, 2007 to be as follows (these are the certified results from the recount held on April 11, 2007):

For City Commission:

Joe Jindra	817
Cheryl Lanoue	982
Joe Strecker	745
Eldon Wisdom	812

Following the reading of the election results from the County Clerk, Mayor Strecker declared Cheryl Lanoue and Joe Jindra to the Office of City Commissioner for three (3) year terms.

OATH OF OFFICE

City Ordinance prescribes that elected officials take the Oath of Office before entering into the duties of his/her office. City Clerk Fleming administered the Oath of Office to Cheryl Lanoue and Joe Jindra for three (3) year terms.

COMMISSIONER COMMENT

Commissioner Strecker read the following:

"I want to thank all of the staff that works for the City of Concordia. Thanks to you, we have police and fire protection, good streets, parks, recreation and water systems. Try to imagine if any of these services didn't exist or work. The public would probably tar and feather the city manager and the commission for not doing their job. Again to the staff, thank you for your dedication.

To my fellow commissioners, it has been a privilege to have served with you. We didn't always agree but we generally came to a consensus. I appreciate all of you and what you have done and will continue to do as the commission for the city of Concordia."

PRESENTATION OF PLAQUE

Mayor Pro Tem Gilliland presented Mayor Strecker with a plaque for serving nine (9) years on the city commission.

Mayor Strecker recessed for fifteen (15) minutes. Time 5:35 p.m.

Mayor Pro Tem Gilliland reconvened the meeting at 5:50 p.m.

ANNUAL COMMISSION REORGANIZATION

City Ordinance requires the Commission annually elect one of its members as a chairman to serve as Mayor and preside at commission meetings and perform as official head of the City on formal occasions. Commissioner Gilliland moved that Commissioner Charles Johnson be elected to serve as Mayor for the ensuing year. Commissioner Hosie seconded. Motion carried. Commissioner Jindra moved that Commissioner Hosie be elected as Mayor Pro Tem for the next year. Commissioner Lanoue seconded. Motion carried 4-1 with Commissioner Hosie voting against.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD APRIL 18, 2007, contd.

APPROVAL OF MINUTES

Commissioner Hosie moved to approve the minutes of the April 4, 2007 regular meeting as written. Commissioner Gilliland seconded. Motion carried.

APPROPRIATION ORDINANCE NO. 7

APPROVED

Commissioner Hosie moved to approve Appropriation Ordinance No. 7. Commissioner Jindra seconded. Motion carried.

PROCLAMATION – ARBOR DAY

Mayor Johnson read a proclamation and declared April 27, 2007 as Arbor Day.

PUBLIC COMMENTS

Armand Balthazor stated a couple years ago he reported to the city there was a decaying sidewalk and he felt an old tree was the cause of the problem. The sidewalk is located near the Manna House of Prayer.

Mr. Balthazor also suggested the Sports Complex is in need of a new flag pole. Ron Copple, Director of Public Works, advised there is a flag pole by the Pee Wee fields and one at the Legion field. Commissioner Gilliland recommended that staff research the cost of erecting another flag pole at the Sports Complex. Commissioner Lanoue suggested using the pee wee baseball money (approximately \$1,500) to help fund this project. Mr. Copple stated he would check into erecting a new flag pole at the Complex.

DISCUSSION - INFRASTRUCTURE INDUSTRIAL PARK

Larry Paine, City Manager, stated at the last meeting a development agreement was approved for Tallgrass Veterinary Hospital. The infrastructure issue for Tallgrass Veterinary Hospital had not been settled. Since the last commission meeting the estimates were reviewed. The sewer line would have to remain the same as the first estimate. Staff suggested the water line go to and extend just past the first lot. Bruno Rehbein provided information to the city manager about the current subdivision ordinance. The subdivision ordinance requires a hard surface street. Staff's recommendation is to have a concrete street over gravel. CloudCorp is going to pay to re-plat the property. The new estimate for the infrastructure is \$279,313.64. The previous estimate was around \$310,000.00. The first estimate included the longer length water line, with the new estimate having a shorter water line.

Discussion continued about using concrete or gravel for the road and whether to have city crews or a contractor do the work. Commissioner Gilliland agreed with staff's recommendation of using concrete. He felt it made more sense to do this right from the start. Commissioner Johnson also stated it would be better to use concrete.

Commissioner Lanoue stated she would like to see the Capital Improvement Project and what projects would be cut if this project was funded out of the CIP. Commissioner Lanoue referred to Section 2-332 which states (d) moneys in the capital improvements fund may be used to finance, in whole or in part, any public improvement need set forth in the adopted capital improvement plan, including the repair and restoration. Commissioner Lanoue felt we should probably amend the CIP if we are going to use these funds to fund the project.

Commissioner Hosie differed with staff's recommendation. He still would like to look at rock instead of concrete.

Ron Copple, Director of Public Works, advised the commission he favors concrete and this would be a doable project for his crew.

Commissioner Gilliland moved to approve this project using city staff to construct the concrete street option approximately 380' into this project and use CIP to fund it. Commissioner Jindra seconded. Again Commissioner Lanoue stated she would like to look at the CIP and what projects would be cut before approving this project. She would like to see this project in the adopted CIP. She felt concrete is the way to go. City Manager Paine stated he would make the CIP available at the next meeting. The vote on the infrastructure for Tallgrass Veterinary Hospital was as follows, with the motion being defeated.

Yea: Commissioners Gilliland and Jindra.

Nay: Commissioners Johnson, Hosie and Lanoue.

Mayor Johnson stated this will be brought up again at the next meeting with the additional information.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD APRIL 18, 2007, contd.

WELLHEAD PROTECTION PROGRAM AWARD

LARRY REMMENG

Larry Remmenga, Director of Utilities, informed the commission at the Kansas Rural Water Association Spring conference, the city received a certificate of recognition for the wellhead protection committee.

EXECUTIVE SESSION –
ATTORNEY/CLIENT PRIVILEGE

HELD

At this time, Commissioner Gilliland moved that the commission recess into executive session for twenty (20) minutes for the discussion of attorney/client privilege. Commissioner Hosie seconded. Invite: Larry Paine and Larry Uri. Motion carried by the following vote:

Yea: Commissioners Jindra, Johnson, Gilliland, Hosie and Lanoue.

Nay: None.

Time: 6:40 p.m.

Commissioner Gilliland left at 6:51 p.m.

The commission reconvened at 7:00 p.m.

Mayor Johnson announced there was no action taken.

MAYOR/COMMISSIONER COMMENTS AND REPORTS

Commissioner Hosie congratulated Cheryl Lanoue and Joe Jindra on the election and thanked Joe Strecker for nine (9) years on the city commission. Commissioner Hosie commented on receiving his appraised value for his property for next year and it made a significant jump. He looked and compared his previous taxes from 2001 to 2006. During the five (5) year period his house increased in appraised value 11.6 percent. According to the property tax information sheet, the actual tax dollars paid to the City of Concordia decreased 13.1 percent. The 2006 tax bill had \$51.75 less that went to the City of Concordia. The city was the only one that had a decrease in that period of time.

Commissioner Lanoue requested the following information:

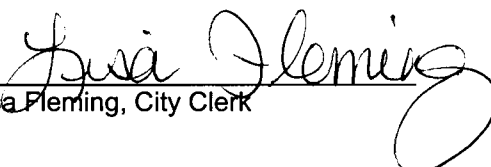
1. General Information Book (Blue Book)
2. All City Policies
3. Last 5 years of the detained budget and audit
4. Last 10 months of any and all agreements/contracts; any legal documents signed on behalf of the city (Shady Lake, Womack & Trailer 16th/Lincoln development agreements)
5. Capital Improvement Plan
6. Debt Schedule by GO, TIF Debt & Wt/Sw Debt by semi-annual payments
7. Lease schedules
8. Fund 222 [Equipment Replacement] breakdown of transfers in from each department to expenditures by department (what for) and ending balance as of 3-3-07
9. Any goals/objectives given by the commission to city manager Paine on his annual evaluation

Commissioner Johnson asked if the barricaded hole on Archer Street was a significant problem with the storm sewer system. Mr. Copple advised the side of the storm sewer just caved in at that location and his department will be patching the storm sewer.

STAFF COMMENTS

City Manager Paine stated he had received a letter from Everton Energy requesting to meet with the commission next week in a work session to discuss their project. A special call meeting would have to be scheduled to have this work session next week. Commissioner Johnson made a motion to schedule a meeting for 6:00 p.m., Wednesday, April 25, 2007. Commissioner Jindra seconded. Motion carried.

There being no further business, Commissioner Jindra moved to adjourn. Commissioner Lanoue seconded. Motion carried.


Lisa Fleming, City Clerk

(Seal)

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD APRIL 25, 2007

The governing body met in special call meeting to have a work session on April 25, 2007, at 6:00 p.m., in the City Commission room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Hosie, Gilliland, Johnson and Lanoue.

Absent: None.

Other Officers: City Manager Paine, City Attorney Uri and City Clerk Fleming.

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

Visitors: Mark C. Morgan, Steve Womack, Sr., J.T. Klaus, Bert Farrish, Bill Roddy, Dale Turner, Jerry Byrnes, Kirk Lowell, Ruby Maline, Ron Copple, R.L. (Bob) Vincent, Dean Hanson, Barbara Henry, Charley & Cathy Lowers, Ron Deal, Lowell Thoman, Marvin Copple, Gary Caspers, Mike Roberts, Emily Fonken, Joe Gerard, Bill Garrison, LaDonna Peltier, Michael Wentz, Marsha Wentz, Armand Balthazor, Janet Lowell, Kathy Imhoff, Dyan Barnes, Rod Imhoff, Dana Brewer, M. Barrington, Frank Headrick, Larry Remmenga, Don Lanoue, Tom Tuggle, Ron Copple, Toby Nosker, Jessica LeDuc, Tammy Gerlits, Carrie Williams and Kevin Cowan.

CALL FOR THE SPECIAL CITY COMMISSION MEETING CITY OF CONCORDIA, KANSAS

TO THE BOARD OF CITY COMMISSIONERS:

A special meeting of the Board of Commissioners is hereby called to be held as follows:

Place: City Commission Room, City Hall, Concordia, Kansas
Date: April 25, 2007
Time: 6:00 o'clock p.m.

The object of said meeting will be as follows:

Work Session – Everton Energy

PHIL GILLILAND
COMMISSIONER

CHARLES JOHNSON
COMMISSIONER

DARREL HOSIE
COMMISSIONER

JOE JINDRA
COMMISSIONER

CHERYL LANOUE
COMMISSIONER

"NOTICE OF SPECIAL CITY COMMISSION MEETING CITY OF CONCORDIA, KANSAS

TO: Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra and Cheryl Lanoue:

You are hereby notified that there will be a special meeting of the Board of Commissioners at 6:00 o'clock p.m. on the 25th day of April, 2007 at the City Commission Room, City Hall, Concordia, Kansas, the object of said meeting to be as follows:

Work Session – Everton Energy

PLACE: City Commission Room, City Hall
DATE: April 25, 2007
TIME: 6:00 o'clock p.m.

(Seal)

To Any Person Authorized to Serve Notice of Special City Commission Meeting Pursuant to K.S.A. (Weeks) 14-1403:

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD APRIL 25, 2007, contd.

You are hereby directed to serve the above notice at once personally upon Commissioner (s) Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra, Cheryl Lanoue or leave said notice at the usual place of residence of said Commissioner before 3:00 p.m. o'clock on the 24th day of April, 2007 and to make a return in writing of said service, showing the manner of such service.

Lisa Fleming
City Clerk

(Seal)

RETURN OF SERVICE

The undersigned received the original notice of Special City Commission meeting of which the foregoing is a copy at, 4:05 o'clock p.m., April 19, 2007 (Phil Gilliland); 7:10 o'clock p.m., April 18, 2007 (Darrel Hosie); 7:10 o'clock p.m., April 18, 2007 (Charles Johnson); 7:10 o'clock p.m., April 18, 2007 (Joe Jindra); and 7:10 o'clock p.m., April 18, 2007 (Cheryl Lanoue).

1. Served the same personally on Phil Gilliland. /s/ Larry Paine.
2. Served the same personally on Darrel Hosie. /s/ Lisa Fleming.
3. Served the same personally on Charles Johnson. /s/ Lisa Fleming.
4. Served the same personally on Joe Jindra. /s/ Lisa Fleming.
5. Served the same personally on Cheryl Lanoue. /s/ Lisa Fleming.

The work session was an informational presentation given by Everton Energy. After the presentation, the commission and audience were allowed to ask questions.

There being no further business, Commissioner Gilliland moved to adjourn the meeting. Commissioner Jindra seconded. Motion carried.

Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MAY 2, 2007

The governing body met in regular session on May 2, 2007 at 5:30 p.m. in the City Commission Room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Johnson, Gilliland, Lanoue and Hosie.

Absent: None.

Other Officers: City Manager Paine, City Attorney Uri and City Clerk Fleming.

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

Visitors: Jessica LeDuc, Toby Nosker, Pastor Gay Robertson, Kirk Lowell, Randall Hobrock, Ted Collins, John States, Ralph E. Campbell, Ron Copple, Jack Gould, Chér Knudsen, Stacey Crum, Ruby Maline, Janet Eubanks, Marvin Copple, Charles and Virginia Leckberg, Bob Ballard, Janet Lowell, Armand Balthazor, Larry Eubanks, Charlie Bowers, Ron Deal, John Forshee, Robin Hood, Greg Hattan, Don Lanoue, Loren Swenson, Steve Womack, Mike Lamb, Emily Fonken, Marcia Johnson, and Bruno Rehbein.

Pastor Gay Robertson, Trinity United Methodist Church, provided the invocation before the city commission meeting.

Mayor Johnson announced the next item as approval of the agenda. City Manager Paine recommended switching agenda items seven (7) and eight (8). The action taken on item 8A (Approve 2007 Capital Improvement Project Program) could affect the action on 7A (Industrial Park Infrastructure). Commissioner Hosie moved to switch numbers seven and eight on the agenda. Commissioner Jindra seconded. Motion carried.

APPROVAL OF MINUTES

Commissioner Gilliland moved to approve the minutes of the April 18, 2007 regular meeting as written. Commissioner Jindra seconded. Motion carried.

Commissioner Jindra moved to approve the minutes of the special call meeting (work session) held April 25, 2007 as written. Commissioner Hosie seconded. Motion carried.

APPROPRIATION ORDINANCE NO. 8

APPROVED

Commissioner Gilliland moved to approve Appropriation Ordinance No. 8. Commissioner Hosie seconded. Motion carried.

PROCLAMATION – BUDDY POPPY WEEK

READ

Mayor Johnson read a proclamation and declared the week of May 13–19, 2007 as Buddy Poppy week.

PROCLAMATION – MOTORCYCLE AWARENESS MONTH

READ

Mayor Johnson read a proclamation and declared the month of May as Motorcycle Awareness Month.

APPOINTMENTS - BOARD OF BUILDING TRADES

DENNIS FLEMING & JOHN HOOD

Bruno Rehbein, Building Inspector, advised the commission that Dennis Fleming and John Hood's terms on the Board of Building Trade expires on May 31, 2007. The city advertised for interest from the public with no response. Mr. Fleming and Mr. Hood were contacted and are willing to serve another three (3) year term. Commissioner Gilliland moved to reappoint Dennis Fleming and John Hood, each to a three (3) year term, on the Board of Building Trades (6-1-07 through 5-31-10). Commissioner Jindra seconded. Motion carried.

PUBLIC COMMENTS

Greg Hattan was present to make comments regarding the proposed Everton Energy development agreement. Mr. Hattan asked if the six million dollars would be applied to the 30% debt ceiling on the special assessment bonds. Mr. Paine informed him it was not affected. Mr. Hattan advised the commission an ethanol plant was being built in Liberal and received a two million dollar grant from Kansas Department of Transportation for infrastructure improvements and asked if the city had applied for a grant similar to that. Mr. Paine stated the city had not at this point. Mr. Hattan asked if it would be possible to roll the \$6 million special assessment into the industrial revenue bond issue. Mr. Hattan suggested the commission consider less than 100% abatement. Mr. Hattan asked if the building permit fee for Everton Energy would be waived or if it would be part of the incentive package.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MAY 2, 2007, contd.

Mr. Hattan commented on the 1,284 acre foot water request. He stated this seems very reasonable and hoped the city was not being too conservative. He asked if there was updated information on the water situation since the 1991 geological survey. Mr. Hattan also asked about the state of the art monitoring system that will be placed on the new wells and if there was a monitoring system on the current wells. He suggested staying in contact with the governor about the stream flow of the river. He hoped the city and Everton Energy come together on a level playing field.

Robin Hood was present to comment about the Everton Energy project. He thought the commission had a responsibility to the citizens of Concordia to make wise decisions with public money and before making decisions the commission should ask themselves if Everton's ethanol plant would be here in 15 years. Mr. Hood provided the commission with several articles out of the Wall Street Journal relating to ethanol. Mr. Hood read a line from an article in the Wall Street Journal "How many of the 111 U.S. ethanol refineries already in operation depend on tax handouts, mandates and import tariffs to keep themselves profitable? Probably all of them." Another part of an article stated Brazil can produce ethanol made from sugar cane for as little as 80 cents a gallon, less than half the price of U.S. ethanol producers. Mr. Hood asked the commission if they were willing to give a 15 year stand behind guarantee on the ethanol plant when there are a lot of ifs and ands with this plant.

Charlie Bowers advised the commission he was excited about the ethanol project and hopes it will come to pass and that he admires Everton for taking a risk in this type of venture.

2007 CAPITAL IMPROVEMENT PROJECT PROGRAM

City Manager Paine reviewed the capital improvement project procedures. Per Section 2 of Ordinance 2002-2844 "the capital improvement plan may be amended from time to time as deemed advisable by the governing body". The current plan was reviewed and approved by the planning commission. Mr. Paine stated the capital improvement plan can be approved by motion. Commissioner Lanoue stated the tennis court resurfacing was supposed to come out of the CIP. Commissioner Lanoue questioned the recreation and cemetery line items in the CIP. She felt these two items should be put back in the 2008 budget. After discussion, Commissioner Gilliland moved to approve the capital improvement project fund as presented in the original budget with the following modifications: Industrial Park Infrastructure \$115,500; Tennis Improvements \$13,000; Downtown Improvement Projects \$50,000 and reduce engineering on the flood control project by \$178,500. Commissioner Jindra seconded. Motion carried.

**PETITION – CURB & GUTTER PROJECT
LOWELL MOON – 407 E. 7TH**

ACCEPTED

Ron Copple, Director of Public Works, advised the commission the city received four (4) signed petitions for the curb and gutter replacement project. Mr. Copple explained the total cost of the project with the engineer's estimates for the district (property owner) and city's share. Commissioner Lanoue questioned the estimated cost of improvement in the resolution. The resolution in the agenda packets had the district amount as the estimated cost of improvement. The amount of the estimated cost of improvement will be changed on each of the resolutions to be the total cost of improvement, not the district's cost.

Commissioner Jindra moved to accept the curb and gutter petition from Lowell Moon. Commissioner Lanoue seconded. Motion carried.

**PETITION – CURB & GUTTER PROJECT
JOHN MURRAY – 904 1ST AVE.**

ACCEPTED

Commissioner Hosie moved to accept the curb and gutter petition from John Murray. Commissioner Jindra seconded. Motion carried.

**PETITION – CURB & GUTTER PROJECT
RUTH A. JONES – 403 E. 7TH**

ACCEPTED

Commissioner Johnson moved to accept the curb and gutter petition from Ruth A. Jones. Commissioner Hosie seconded. Motion carried.

**PETITION – CURB & GUTTER PROJECT
JEFF EAKINS – 433 W. 13TH**

ACCEPTED

Commissioner Lanoue moved to accept the curb and gutter petition from Jeff Eakins. Commissioner Gilliland seconded. Motion carried.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MAY 2, 2007, contd.**DISCUSSION OF
INDUSTRIAL PARK INFRASTRUCTURE**

City Manager Paine advised commission, after previous meeting discussions regarding the infrastructure at the industrial park, specifically the road, that staff's recommendation was still to use concrete for the road and authorize staff to proceed with construction of the infrastructure. Commissioner Gilliland moved to approve infrastructure improvement at the Industrial Park with city staff doing the construction of a concrete street in the approximate amount of \$115,500. Commissioner Jindra seconded. Commissioner Lanoue asked if a sidewalk would have to be put in with the new street, as per city code or could the city be exempt from the policy. City Manager Paine advised the current plan in the plat has a sidewalk as part of the recommendation. Commissioner Gilliland asked staff to review the sidewalk issue. City Manager Paine stated this could be addressed at the June meeting. Commissioner Hosie commented he still favors to use gravel for the road, but he would support the recommendation so the project may move forward. After no further discussion, motion carried.

**RESOLUTION NO. 2007-1761
CURB & GUTTER REPAIR –
LOWELL MOON – 407 E. 7TH**

PASSED

City Manager Paine informed the commission the estimated cost in each of the resolutions will be corrected.

Thereupon, there was presented a Resolution entitled:

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF A CERTAIN INTERNAL IMPROVEMENT IN THE CITY OF CONCORDIA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENT IN ACCORDANCE WITH SUCH FINDINGS.

Thereupon, Commissioner Hosie moved that said Resolution be adopted. The motion was seconded by Commissioner Jindra. 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, being as follows:

Yea: Commissioners Johnson, Jindra, Gilliland, Lanoue and Hosie.

Nay: None

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 2007-1761 and was signed by the Mayor and attested by the Clerk.

**RESOLUTION NO. 2007-1762
CURB & GUTTER REPAIR –
JOHN MURRAY – 904 1ST AVE**

PASSED

Thereupon, there was presented a Resolution entitled:

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF A CERTAIN INTERNAL IMPROVEMENT IN THE CITY OF CONCORDIA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENT IN ACCORDANCE WITH SUCH FINDINGS.

Thereupon, Commissioner Jindra moved that said Resolution be adopted. The motion was seconded by Commissioner Gilliland. 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, being as follows:

Yea: Commissioners Johnson, Jindra, Gilliland, Lanoue and Hosie.

Nay: None

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 2007-1762 and was signed by the Mayor and attested by the Clerk.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MAY 2, 2007, contd.

RESOLUTION NO. 2007-1763
CURB & GUTTER REPAIR –
RUTH A. JONES – 403 E. 7TH

PASSED

Thereupon, there was presented a Resolution entitled:

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF A CERTAIN INTERNAL IMPROVEMENT IN THE CITY OF CONCORDIA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENT IN ACCORDANCE WITH SUCH FINDINGS.

Thereupon, Commissioner Lanoue moved that said Resolution be adopted with \$13,012.90 as the cost. The motion was seconded by Commissioner Hosie. 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, being as follows:

Yea: Commissioners Johnson, Jindra, Gilliland, Lanoue and Hosie.

Nay: None

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 2007-1763 and was signed by the Mayor and attested by the Clerk.

RESOLUTION NO. 2007-1764
CURB & GUTTER REPAIR –
JEFF EAKINS – 433 W. 13TH

PASSED

Thereupon, there was presented a Resolution entitled:

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF A CERTAIN INTERNAL IMPROVEMENT IN THE CITY OF CONCORDIA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENT IN ACCORDANCE WITH SUCH FINDINGS.

Thereupon, Commissioner Johnson moved that said Resolution be adopted. The motion was seconded by Commissioner Jindra. 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, being as follows:

Yea: Commissioners Johnson, Jindra, Gilliland, Lanoue and Hosie.

Nay: None

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 2007-1764 and was signed by the Mayor and attested by the Clerk.

**MAYOR/COMMISSIONER
COMMENTS AND REPORTS**

Commissioner Gilliland asked about the progress on the flag pole. Ron Copple, Director of Public Works, informed the commission he and Armand Balthazor selected a site for the new flag pole. Mr. Copple stated the approximate cost would be \$2,865 for the 40' pole with \$300 freight and \$500 for a light. Mr. Copple visited with Dennis Fleming about paying for a portion of the flag pole out of the Pee Wee fund. Commissioner Gilliland, along with Commissioner Hosie, recommended a press release or news story about the new flag pole at the complex and the possible donations from the public for this project. Ron Deal stated McKinley and Garfield schools still have flag poles and the city may be able to purchase them for a lot less. Commissioner Gilliland also wanted to thank Randall Hobrock, Tallgrass, for his investment in the community.

Commissioner Lanoue asked if the audit report would be on the next agenda. City Manager Paine advised that he did not think so. Commissioner commented about the employee benefit fund's balance of \$3,800 and where would the employee benefits be paid from. Mr. Paine said he would look at that.

Commissioner Johnson asked about the ad that was in the paper last week stating people living along the abandoned railroad right-away are responsible for mowing the weeds. Mr. Johnson asked who owns the property. City Manager Paine informed him the railroad owns the right-away and this issue has been discussed in the past. Mr. Johnson stated in dealing with the railroad they do not want public on their property and questioned if the city would be liable if someone was injured on the railroad property. Commissioner Johnson asked if staff would review this issue.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MAY 2, 2007, contd.

Commissioner Lanoue informed staff there are appliances and a refrigerator with the doors on it behind the appliance store that need to be looked at for a nuisance.

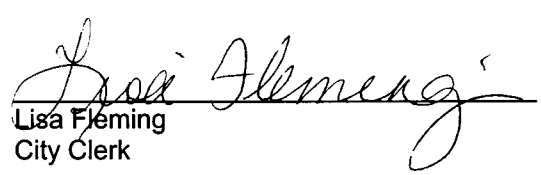
STAFF COMMENTS

City Manager Paine asked commission to update their contact forms. Mr. Paine stated Tom Gennette and Ron Copple have been working on recreational activities and preparing the pool for the summer.

Following staff comments Jack Gould informed commission in the 300 block of West 5th on the south side a property needs to be mowed. He said there are trash cans in the front yards and a vehicle parked on the sidewalk at the location.

Mayor Johnson announced there would be a study session following the meeting.

There being no further business, Commissioner Lanoue moved to adjourn the meeting. Commissioner Jindra seconded. Motion carried.


Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MAY 16, 2007

The governing body met in regular session on May 16, 2007 at 5:30 p.m. in the City Commission Room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Johnson, Gilliland, Lanoue and Hosie.

Absent: None.

Other Officers: City Manager Paine and City Clerk Fleming.

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

Visitors: Jessica LeDuc, Toby Nosker, Ammand Balthazor, Ralph E. Campbell, Susan Sutton, Steve Womack, Chér Knudsen, Mark Paul, Marcia Johnson, Bruno Rehbein, Jon F. Puckett, Bob Ballard, Ted Collins, Janet Lowell, Linda Houser, Ron Copple, Roger Nelson, Paul Abram, Ron Deal, Luann Miller, Janet Eubanks, Larry Eubanks, Mark C. Morgan, Susan Cantine-Maxson, Noel Hanson, Eric Johnson, Bob Maxson, Gay Robertson, Kirk Lowell, Marsha Wentz, Michael Wentz, Bill Garrison, Everett Miller, Robert L. Steimel, Burt Farrish, Blake Hendrix, Jerry Byrnes, Steven Bryant, Alan Epstein, J. T. Klaus, Larry Remmenga, John Forshee, Art Slaughter, Leonard Reedy, Judy Reedy, Everett L. Ford, Judy Hill, Tim Parker, Scott Condray, Ben Budreau, Julie Budreau, Mindy Condray, Dan Stehlik, Donald Lanoue, Marvin Copple, Barbara Henry, Lowell Thoman, and Bryan Deal.

Pastor Gay Robertson, Trinity United Methodist Church, provided the invocation before the city commission meeting.

Mayor Johnson announced a change to the agenda. City Manager Paine recommended the removal of item 7A Executive Session – Discussion of Confidential Information relating to Trade Secrets from the agenda and adding an executive session for non-elected personnel as item 9A. Commissioner Hosie moved to approve the agenda. Commissioner Lanoue seconded. Motion carried.

APPROVAL OF MINUTES

Commissioner Jindra moved to approve the minutes of the May 2, 2007 regular meeting as written. Commissioner Gilliland seconded. Motion carried.

APPROPRIATION ORDINANCE NO. 9

APPROVED

Commissioner Hosie moved to approve Appropriation Ordinance No. 9. Commissioner Gilliland seconded. Motion carried.

PROCLAMATION – EMERGENCY MEDICAL SERVICES WEEK

READ

Mayor Johnson read a proclamation and declared the week of May 20–26, 2007 as Emergency Medical Services Week.

PROCLAMATION – MENTAL HEALTH MONTH

READ

Mayor Johnson read a proclamation and declared the month of May 2007 as Mental Health Month.

APPOINTMENT TO CLOUDCORP BOARD OF DIRECTORS

DARREL HOSIE

Commissioner Gilliland moved to nominate Commissioner Hosie to the city representative of the CloudCorp Board of Directors. The term will expire January 2008. Commissioner Lanoue seconded. Motion carried.

PUBLIC COMMENTS

Ammand Balthazor asked the commission if a decision had been made on the flag pole at the Sports Complex. He stated if the Pee Wee Association could pay \$3,000, maybe the city could pay the balance of \$1,000. The flag pole is an important project. Ron Copple, Director of Public Works, informed the commission he has not had a chance to seek donations. Mr. Copple will work on this project next week.

Ron Deal stated a group of people approached him about some questions they had about the ethanol plant. Mr. Deal presented a sheet of questions to the mayor and commissioners.

Ben Retter encouraged the commission to consider the Everton Energy project.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MAY 16, 2007, contd.

Bob Maxson, Vice President of Administrative Services at Cloud County Community College, representing Richard Underbakke, President of the college. On Mr. Underbakke's behalf, Mr. Maxson wanted to add his endorsement and support to the efforts of the ethanol plant.

John Forshee encouraged the commission to look at what Everton Energy ethanol plant could do, not only for the City of Concordia, but the surrounding area and to support this project.

Charles Leckberg commended the commission for doing a good job.

Jon Puckett, Mayor of the City of Miltonvale, encouraged the commission to favorably consider the Everton Energy project.

Bryan Deal expressed his support for Everton Energy for the future of the children in this community.

Steve Wornack felt this community is a great place to raise kids and by voting for the ethanol plant you could give an additional 50-60 families a chance to raise a family in Concordia.

BROWN GRAND THEATER REQUEST ALCOHOL PERMIT

City Manager Paine informed the commission Susan Sutton has requested the commission to consider altering some of the ordinances to permit the serving of alcoholic beverages at the Brown Grand Theater. There are two main issues that do not allow alcoholic beverages in the Brown Grand. The first is K.S.A. 41-719(d) prohibits the sale or consumption of alcohol in public buildings and the city zoning ordinance prohibits dispensing of alcohol within 200 feet of a church, school or hospital (Article 9, Commercial Zoned Districts, Table 9-1, note 5). The statute allows local government to pass an ordinance to exempt particular buildings. A change to the zoning ordinance would require an initial public hearing process before the Planning Commission.

Susan Cantine-Maxson, manager of the Brown Grand Theater, spoke on behalf of the board and explained the request for an exemption from the current alcohol restrictions. She stated it is their wish to serve alcohol on special occasions and they could purchase a separate dram insurance policy which would cover each event, if necessary. Mrs. Cantine-Maxson thanked the commission for their consideration of this matter.

After discussion of this request, Bruno Rehbein stated he would add this as an agenda item for discussion at the Planning Commission meeting scheduled for May 22, 2007.

Pastor John States, First Christian Church, expressed his disagreement with the request and is not in favor of allowing alcohol to be served at the Brown Grand.

Charles Leckberg stated he also disagrees with serving alcohol at the Brown Grand.

DISCUSSION OF EVERTON ENERGY DEVELOPMENT AGREEMENT

HELD

Kirk Lowell, CloudCorp, thanked the commission for allowing further discussion of the proposed Everton Energy ethanol plant. Mr. Lowell introduced Burt Farrish and the Everton Energy team and stated they would allow each commissioner a chance to ask questions about the proposed project and would be reviewing the proposed development agreement and the draft Cost Benefit Analysis.

Commissioner Johnson suggested he would like to see the term "irrevocable" added to the letter of credit verbiage in the development agreement. Commissioner Johnson also questioned the airport being mentioned in the development agreement. Mr. Paine informed the commission if the airport item was in the development agreement, it would give the city a little more leverage with the FAA for another purpose.

Commissioner Gilliland addressed the building permit fees for the project. He stated the building permit fees could be \$180,000 to \$200,000 and wanted to be sure Mr. Farrish was aware what the fees might be. Mr. Farrish said he was aware of the fees and that it would be Everton Energy's responsibility.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MAY 16, 2007, contd.

Commissioner Jindra stated his questions were more "big picture" and not necessarily development agreement related. One of Commissioner Jindra's concerns was the fire department. He asked if a study had been done regarding necessary equipment for fire protection at the proposed plant and if specialized training would be needed. Fire Chief Eubanks stated he had visited two ethanol plants and both companies had exceeded the expectations of the insurance companies for fire suppression. At this time, Mr. Eubanks stated the city's equipment is good and will be okay for the proposed plant. He stated the only thing needed is some specialized foam, which the department already has. Mr. Eubanks did not foresee any problems with EMS. Commissioner Jindra asked if there would be an increase in operational expenses. Chief Eubanks said there would not be.

Commissioner Jindra asked the similar question regarding law enforcement. He asked if there would be any special needs for law enforcement or additional operational expenses. Mr. Farrish stated he was not aware of any special law enforcement needs.

Commissioner Jindra also asked Mr. Farrish for a general breakdown of the \$2.2 million yearly payroll and jobs. Mr. Farrish explained there would be around 49 to 50 employees, with the average salary of around \$41,000 a year, with a competitive benefit package.

Commissioner Hosie questioned the financing, the letter of credit for the water development and the industrial revenue and utility bonds. Mr. Hosie asked if the city would have any responsibility on the project. J.T. Klaus, Everton's bond counsel stated the city will have no financial obligation if Everton is ever in default. Mr. Klaus stated with respect to the credit, it would not affect the city's credit; it would fall on Everton Energy.

Commissioner Hosie asked if there were adequate safety nets in the agreement and what would happen if the plant folded in 15 years. Mr. Klaus stated in every conceivable method of the industrial revenue bonds Everton has attempted to protect the city. Mr. Klaus did state however the special assessments are different. He stated the special assessments are a liability, but a contingent liability and it is secured by a bank letter of credit and that the city would only have to pay them if Everton did not.

Commissioner Lanoue asked about the financing. She asked if the 15-year special assessment could be reduced down to 10-year to match the IRB issue. Mr. Farrish stated the statute allows for 20-years, but Everton felt 15-years worked financially for them. Commissioner Lanoue stated she would like to see it as a 10-year. Commissioner Lanoue asked if the city would own the rights to the water. Mr. Klaus stated the city would own the water rights. Commissioner Lanoue asked when the project is completed and it comes to the commission to approve the assessed costs and the property owners have 30 days to pay if there would be any way if there is money left from the IRB issue could be applied to the special assessment. J.T. Klaus stated that it would not be possible, because that is a tax, and there will not be any extra. Commissioner Lanoue stated she had asked for the appraised value and the taxes currently being paid on the land versus what the taxes would be when the land is annexed. Kirk Lowell informed Ms. Lanoue they are currently working on getting the information she requested.

Commissioner Lanoue questioned if the corn would be purchased from the local co-ops or AgMark or directly from the local farmers. Mr. Farrish stated Everton Energy has not reached a definitive agreement with anyone. He anticipated it would come from a commercial entity.

Commissioner Lanoue also asked about public safety and the addition of personnel (police, fire and ems) and the equipment to utilize the foam. Mr. Eubanks stated the fire trucks are foam capable. Mr. Paine stated Danny Parker, Police Chief, had prepared a report on response. In the report Mr. Parker stated by annexing the property they would have to expand patrol and it could impact response time. Traffic control would be another concern, with the large trucks moving through the city. Mr. Paine stated this does not necessarily mean the police department will need more officers. In the report Mr. Parker mentioned additional police staff is needed generally.

Commissioner Johnson asked if the plant would have its own security.

Mr. Farrish stated there would be people on site all the time, 24 hours a day, seven days a week.

Commissioner Hosie asked with Everton Energy covering all expenses associated with the utility bond, is there was any reason for him to be concerned whether the utility bond is 5, 10, 15 or 20 years.

Commissioner Gilliland stated he didn't see any liability to the city on the special assessment bond. Commissioner Gilliland also stated the most asked question he hears is about the water issue. Mr. Farrish informed commission Bob Vincent assisted Everton in the water search and Mr. Vincent felt extremely confident the water would be available.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MAY 16, 2007, contd.

Commissioner Lanoue asked about the increased traffic and maintenance cost on Sixth Street. Ron Copple stated there are KLINK grants available from KDOT to resurface streets. Mr. Lowell stated they have looked at resurrecting the bypass to the north. He said it would take time to get the project on KDOT's schedule.

J.T. Klaus reviewed the draft cost-benefit analysis for the Everton Energy project. Mr. Klaus said the cost-benefit analysis report was prepared using the Kansas Tax Abatement Cost-Benefit Model. The report shows the economic impact over the next ten years, along with the summary of costs and benefits for all taxing entities.

In conclusion, Mr. Farrish thanked the commission for their time and respectfully requested to move forward with an affirmative vote on June 6th.

DISCUSSION OF FINANCIAL
DONATION TO THE CITY OF GREENSBURG **TABLED**

Larry Paine requested the commission to consider making a gesture to the city of Greensburg, which had been damaged by a tornado. Commissioner Gilliland said he would prefer to study the issue before making a decision. Commissioner Lanoue did not feel local tax dollars should go there and it should be an individual choice. Commissioner Hosie moved to table this issue until the next meeting. Commissioner Gilliland seconded. Motion carried.

ORDINANCE NO. 2007-2934 ZONING CHANGE
FIRST CHRISTIAN CHURCH – 410 WEST 6TH **PASSED**

Bruno Rehbein stated the First Christian Church requested to rezone the property at 410 W. 6th "R-3" High Density Residential District to "C-4" Central Business District. The purpose of the rezone is to allow the church to build a multipurpose building adjacent to and abutting their property at 600 Cedar. The Planning Commission recommended the City Commission to approve the zoning change.

Thereupon there was presented 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 3-201 OF ARTICLE 3 OF THE ZONING ORDINANCE FOR THE CITY OF CONCORDIA, KANSAS; REZONED FROM "R-3" HIGH DENSITY RESIDENTIAL DISTRICT TO "C-4" CENTRAL BUSINESS DISTRICT.

The Ordinance was considered and discussed; and thereupon on motion of Commissioner Jindra, seconded by Commissioner Gilliland, the Ordinance was passed by the following roll call vote:

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

Nay: None.

Thereupon, the Ordinance having been adopted by a 2/3rds vote of the members of the City Commission, it was given No. 2007-2934, and was directed to be signed by the Mayor, attested by the City Clerk and directed to be published one time in the official City newspaper.

EXECUTIVE SESSION –
NON-ELECTED PERSONNEL **HELD**

At this time, Commissioner Johnson moved that the commission recess into executive session for five (5) minutes for the discussion of non-elected personnel. Inviting: Larry Paine. Commissioner Jindra seconded. Motion carried by the following vote:

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

Nay: None.

Time: 8:08 p.m.

The commission reconvened at 8:13 p.m.

Mayor Johnson announced there was no action taken.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD MAY 16, 2007, contd.**MAYOR/COMMISSIONER
COMMENTS AND REPORTS**

Commissioner Hosie asked if the Planning Commission could look into the requirements for sidewalks in the industrial area and look at requirements for hard surfacing and curb and gutters in new additions, and making the requirements more flexible. Commissioner also asked for an update on the engineering on the retention dam. Mr. Paine said he talked with Frank Mercurio and the first phase of the engineering is completed.

Commissioner Lanoue thanked staff for the information she had requested, but there were a few items missing. Commissioner Lanoue again requested the 222 breakdown, debit card expenses and policy, administrative policies and the goals and objectives for the city manager, and the status of the employee benefit fund. Ms. Lanoue asked when the audit would be on the agenda and when the budget will be started. Mr. Paine informed her the audit would be on the first meeting in July and the budget review will start in June. Commissioner Lanoue asked to have an executive session on the next agenda for non-elected personnel.

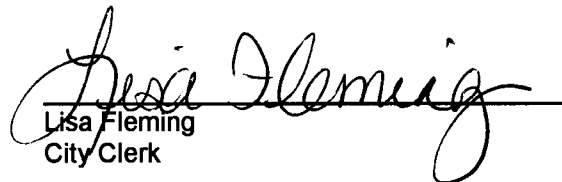
Commissioner Johnson asked what the status was on the Tallgrass Veterinary Hospital. Mr. Paine stated the plat is going to the Planning Commission agenda on May 22nd and should be back to the city commission the first meeting in June. Bruno Rehbein informed the commission the site plan is not done yet and if the final plat is approved by the Planning Commission, it will be presented to the city commission on June 6th. Commissioner Johnson asked if anything had been determined on mowing the railroad right-away. Commissioner Johnson reported on a few trees that need to be trimmed around town and some pot holes on Washington Street. Commissioner Johnson requested a salary schedule for employees.

Commissioner Lanoue asked if someone was addressing the nuisance problems. Mr. Paine informed Commissioner Lanoue staff has already sent some nuisance letters out.

STAFF COMMENTS

City Manager Paine informed the commission Cher Knudsen has been appointed Deputy City Clerk.

There being no further business, Commissioner Gilliland moved to adjourn the meeting. Commissioner Jindra seconded. Motion carried.


Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JUNE 6, 2007

The governing body met in regular session on June 6, 2007 at 5:30 p.m. in the City Commission Room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Johnson, Gilliland, Lanoue and Hosie.

Absent: None.

Other Officers: City Manager Paine, City Attorney Uri and City Clerk Fleming.

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

Visitors: Jessica LeDuc, Toby Nosker, Ron Deal, Bert Farrish, Blake Hendrix, Jerry Burns, Alan Epstein, J.T. Klaus, Tom Arkey, John Lapointe, Judy Hill, Mark C. Morgan, Joe Hamel, Kirk Lowell, Richard Lowery, Roberta Lowery, Janet Lowell, Michael Wentz, Ruby L. Maline, Tom Tuggle, Susan Tuggle, Roy Reif, Tim Wahlmeier, Marvin Copple, Albert Kieffer, Beverly Mortimer, Dana Brewer, Tina Brewer, Ted Collins, Marsha Wentz, John Atkinson, Frank Headrick, Steve Womack, Janet Eubanks, Bruno Rehbein, Art Slaughter, Ron Copple, Larry Remmenga, Larry Eubanks, Bill Garrison, Eric W. Johnson, Steven Bryant, Jacquie Aytes, Richard Underbakke, Chér Knudsen, Eldon Wisdom, Christy Dexter, Anita Wisdom, Dan Farha, Donald Lanoue, Troy Willoughby, Dan Stelik, Mike Lamm, Pastor Sandra Moore, Ben Retter, and Susan Retter.

Pastor Sandra Moore, First United Methodist Church, provided the invocation before the city commission meeting.

Mayor Johnson announced the agenda had been amended. A resolution for a nuisance abatement had been added. City Manager Paine requested an executive session for attorney/client privilege be added to the end of the agenda. Commissioner Lanoue moved to approve the agenda. Commissioner Gilliland seconded. Motion carried.

APPROVAL OF MINUTES

Commissioner Jindra moved to approve the minutes of the May 16, 2007 regular meeting as written. Commissioner Gilliland seconded. Motion carried.

APPROPRIATION ORDINANCE NO. 10

APPROVED

Commissioner Lanoue moved to approve Appropriation Ordinance No. 10 except for the transfer on 4-26-07 from health to cafeteria for \$20,000 and the transfer on May 17, 2007 from health to cafeteria for \$20,000. Commissioner Hosie seconded. Motion carried.

PUBLIC COMMENTS

Mike Lamm, Babe Houser Motor Company, stated the Everton Energy project is a golden opportunity and could be, by far, the most positive thing to happen in the community in the last seventeen years and suggested to move forward on this project.

Beverly Mortimer, superintendent of USD 333, presented the commission with a letter of support from USD 333 board of education for the Everton Energy project. Ms. Mortimer stated the board had concern with first proposed location and was glad to see the plant will be further away from the schools. She also stated the increased truck traffic on Sixth Street in front of Middle School is a concern. Ms. Mortimer informed the commission in the future the board would support a bypass.

Dr. Steven Bryant stated he supports the ethanol plant and the opportunity it would bring to this area.

Armand Balthazor informed the commission, he and Mr. Copple have almost reached their goal of donations for the flag pole at the Sports Complex. He wanted to thank everyone who donated to the flag project.

Rick Underbakke, of Cloud County Community College, stated he had been in contact with Everton Energy about training potential employees. He stated community colleges need to get involved with training a work force for renewable energy fields and CCCC is excited about working with industries.

Dana Brewer, local attorney, would strongly urge the commission to send a positive message to Everton and be a part of the team to bring this to creation.

Judy Hill, Mayor of the city of Jamestown, showed her support county wide for Everton and stated economically it would be the right thing for the county and encouraged commission to support the decision. Ms. Hill also challenged the commission to the donation to Greensburg, because the city of Jamestown had donated.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JUNE 6, 2007, contd.

Christy Dexter stated she lived across the street from the Everton Energy sign and had a few things for the commission to consider. She felt we're thinking more of the "cents" than if it really makes "sense", in the regard of lots of workers would come, and so will their children, but will the children be English speaking children. Ms. Dexter stated she has been disappointed in how some things have been handled. She would like to be more informed from Everton with what will be going on. She questioned Everton on getting MSDS sheets and has not yet received them. Ms. Dexter hopes we proceed with caution and with our eyes open.

DISCUSS FINANCIAL DONATION TO CITY OF GREENSBURG

Larry Paine, City Manager, reviewed the general donation to the city of Greensburg that had been tabled at the previous meeting. Mr. Paine recommends contributing to a program the city of Parsons has set up for the city employees of Greensburg. Commissioner Gilliland suggested the city do something to show support. Commissioner Lanoue encouraged employees to contribute and stated she did not think the city should use tax dollars for a donation and that it should be an individual choice. Commissioner Johnson asked if tax dollars could be used for a donation. Mr. Paine informed him you could use tax dollars. Commissioner Jindra moved to contribute \$1,000 to the city of Greensburg employee benefit fund. Commissioner Hosie seconded. Motion carried with the vote following:

Yea: Commissioners Johnson, Hosie, Jindra and Gilliland.

Nay: Commissioner Lanoue.

PLANNING COMMISSION RESPONSE TO HARD SURFACE STREET/SIDEWALK REQUIREMENTS

Bruno Rehbein, Planning Commission secretary, informed the commission about the Planning Commission response regarding hard surface street and sidewalk requirements. Mr. Rehbein stated the Planning Commission recommends that the requirements for sidewalks and hard surfacing streets remain as written in the subdivision regulations. Mr. Rehbein asked the commission for questions or concerns about the response. After discussion, the commission decided to invite the Planning Commission to the next study session, June 20, 2007, and review the hard surface street and sidewalk requirements.

DISCUSS INTERIM CITY MANAGER AND INTERIM OPERATIONS

City Manager Paine addressed the commission about the interim city manager search he has been working on. Mr. Paine developed a list of eight (8) individuals capable of handling the interim city manager position and has communicated with four (4) of the eight (8) individuals. Discussion ensued about the search for an interim city manager and the time schedule for hiring an interim city manager. After discussion, the commission agreed to schedule a special call meeting Friday, June 8, 2007 at 5:30 p.m. and Wednesday, June 13, 2007, to hold an executive session to discuss non-elected personnel at each special call meeting.

DISCUSS CITY MANAGER SEARCH

City Manager Paine introduced Mark Tomb a member of the Kansas League of Municipalities staff. Mr. Tomb presented information on the League Executive Administrative Position Search (LEAPS) and the overview process as follows.

- The Pre-Conference Session
- Governing Body Assessment
- We Work for You
- Advertising
- Processing Resumes
- Interviewing Candidates
- We Guide You Through the Entire Process
- Experience

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JUNE 6, 2007, contd.

Mr. Tomb stated all the above is included in the quote of \$4,866.00. Commissioner Hosie made a motion to engage with the League to assist in the search for a new manager. Commissioner Gilliland seconded. Motion carried. The commission asked Mr. Tomb if he would be available to meet with them after the commission meeting, during the study session, to continue the discussion.

**ACCEPT CLOUDCORP
INDUSTRIAL PARK FINAL PLAT**

TABLED

Mr. Rehbein informed the commission the Concordia Planning Commission voted 5-0 to recommend the City Commission approve the final plat of CloudCorp Industrial Park. He informed the commission they may approve or disapprove the final plat and accept or reject the street dedications within 30 days. He also informed the commission if they disapproved and or rejected the dedication of streets they must advise the Planning Commission of the reasons therefore and request reconsideration of the plat by the Planning Commission.

Several items relating to the CloudCorp Industrial Park final plat were discussed. Kirk Lowell informed the commission there is an agreement that is on a project by project basis; if the city and CloudCorp are comfortable with a project, CloudCorp would donate the land if the city would provide the infrastructure. Commissioner Johnson asked if Randall Hobrock could just be eliminated from the three way agreement. Mr. Lowell, as CloudCorp applicant, felt the commission had several concerns about the final plat and recommended the final plat be tabled. Commissioner Gilliland moved to table the acceptance of the CloudCorp Industrial Park plat and look at the development agreement between CloudCorp and the City. Commissioner Jindra seconded. Motion carried.

**RESOLUTION NO. 2007-1765
ACCEPT EVERTON ENERGY
DEVELOPMENT AGREEMENT**

PASSED

City Manager Paine invited Kirk Lowell to address the commission on the Everton Energy Development Agreement before they made a decision on the project. Mr. Lowell introduced Bert Farrish, President and CEO of Everton Energy and the Everton Energy team. Also in attendance were Tom Arkey and John Lapointe with US Water Services to answer questions on water quality.

Mr. Lowell started his presentation by stating there has never been a perfect project. Mr. Lowell conducted an exercise to review the population in Cloud County over the last several years. He said the commission has the opportunity to reverse the population decline. "The Commission will be considering a milestone that will be recorded in Cloud County and Concordia's history," Mr. Lowell said of the ethanol plant.

Bert Farrish with Everton Energy thanked the commission for the opportunity in the last few months to present the project. Mr. Farrish hoped all the questions in the development agreement had been answered and he hoped for a unanimous vote from the commission. He stated a unanimous vote would send a strong message to state officials and investment community as Everton Energy moves forward with the project.

Commissioner Lanoue asked if the commission would be discussing the recently passed House Bill 22-57. City Attorney Uri explained what Commissioner Lanoue was referring to. Mr. Uri stated House Bill 22-57 is an amendment to a state statute regarding some aspects of special assessment financing. Mr. Uri explained under the old law, a city would use special assessment funding to complete a project, which had to be built by the city. He advised with the new amendment, a city now has the option to let a developer build the project. He stated the second part of the change was in what type of financing that can be used for a project. Mr. Uri said in the past special assessment financing had to be with general obligation bonds and now a city has the option to use revenue bonds to finance a project.

Commissioner Gilliland asked Mr. Uri if a decision on what type of financing that will be used has been made. Mr. Uri stated language in the development agreement had been changed to reflect the possibility of an alternate type of financing.

Mayor Johnson asked if the city has to take bids for contracts. Mr. Uri stated the city does not have to bid contracts; he further stated first class cities with mayor-council form of government are the only cities in Kansas that have to by law.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JUNE 6, 2007, contd.

Commissioner Lanoue questioned the water quality, the levels of the radium in the water and if the water would be blended or treated. Mr. Farrish stated words had been added to the development agreement that Everton will put a filtration system in place to treat the high levels of radium in the water so it will meet municipal standards. Blake Hendrix stated Everton would be working with US Water Services on the treatment of the water.

Mayor Johnson asked about the letter of credit and the risk the city might be in with special obligation bonds if the plant did not produce as anticipated. Mr. Klaus advised Everton would have to pay their taxes before they would pay anybody else.

Commissioner Gilliland stated from a banker's perspective "we have just beat the hell out of this". He said every time we had a question or found a problem, Everton stepped up to make sure the city is not at risk. Commissioner Gilliland stated several more positive reasons for accepting the development agreement. After further discussion, Commissioner Gilliland made a motion to approve Resolution No. 2007-1765. Commissioner Jindra seconded.

Thereupon, there was presented a Resolution entitled:

WHEREAS, THE GOVERNING BODY FINDS IT ADVISABLE TO ENCOURAGE THE CONSTRUCTION OF NEW INDUSTRIAL FACILITIES WITHIN THE COMMUNITY; AND WHEREAS, AN AGREEMENT HAS BEEN DEVELOPED BETWEEN THE CITY AND EVERTON ENERGY CONCORDIA, LLC, TO PROVIDE FOR THE INCORPORATION OF A CERTAIN TRACT OF LAND INTO THE CITY OF THE CITY OF CONCORDIA AND DEVELOPMENT OF AN ETHANOL PLANT AND RELATED FACILITIES ON THAT TRACT;

Thereupon, Commissioner Gilliland moved that said Resolution be adopted. The motion was seconded by Commissioner Jindra. 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, being as follows:

Commissioner Lanoue commented she did not believe exposing taxpayers to the risk of a defaulted \$6.9 million in special assessments over a 15-year period is in the best interest of the community.

Yea: Commissioners Johnson, Jindra, Gilliland, and Hosie.

Nay: Commissioner Lanoue.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 2007-1765 and was signed by the Mayor and attested by the Clerk.

Mr. Farrish thanked the commission for their positive vote and looks forward to continuing work with the city on a positive basis.

RESOLUTION NO. 2007-1766

NUISANCE ABATEMENT- 1004 REPUBLICAN

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: N 77' OF LOTS 1 & 2, BLK. 85, SUBDIVISION ORIGINAL TOWN, CONCORDIA (1004 REPUBLICAN)

The Resolution was considered and discussed; and thereupon on motion of Commissioner Jindra, seconded by Commissioner Hosie, the Resolution was adopted by the following roll call vote:

Yea: Commissioners Hosie, Johnson, Jindra, Lanoue and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1766 and was directed to be signed by the Mayor and attested by the City Clerk.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JUNE 6, 2007, contd.

MAYOR/COMMISSIONER
COMMENTS AND REPORTS

Commissioner Lanoue asked if money had been transferred for the bond and interest payments that had been made to pay TIF Bonds. City Manager Paine stated yes we will make the transfers in a timely fashion. Commissioner Lanoue asked again for the administrative policies, break down of 222 by department and what it was for, debit card policy and expenditures, and would like to have the information in the next week. Ms. Lanoue questioned how the city would pay the employee benefits. Mr. Paine stated Ruby Maline, Finance Director would be amending the accounting process. Commissioner Lanoue requested a written report on the employee benefit fund from Ms. Maline. Commissioner Lanoue asked about the "red" balance in E911. City Manager Paine informed her that it has already been submitted. Ms. Lanoue requested an update from Danny Parker, Police Chief, on the letter she received from Dutch Braun.

Commissioner Johnson asked what the process was for a nuisance abatement. City Manager Paine informed Mr. Johnson of the nuisance abatement procedure.

Commissioner Lanoue asked if we were actively doing nuisance abatements. Lisa Fleming, City Clerk, stated 11 letters have been sent out.

STAFF COMMENTS

Ron Copple, Director of Public Works, reported on the flag pole project. Mr. Copple and Armand Balthazor have raised \$970, plus commitment on concrete to set the pole and to do the wiring for the light on the pole. \$3,000 will be taken out of the Sports Complex improvement fund. Mr. Copple wanted to thank all those who donated to this project. Mr. Balthazor again thanked everyone who donated. Commission gave approval to proceed with the flag pole project.

EXECUTIVE SESSION –
ATTORNEY/CLIENT PRIVILEGE

HELD

At this time, Commissioner Johnson moved that the commission recess into executive session for ten (10) minutes for discussion of attorney/client privilege. Inviting: Larry Paine and Larry Uri. Commissioner Hosie seconded. Motion carried by the following vote:

Yea: Commissioners Jindra, Johnson, Gilliland, Lanoue and Hosie.

Nay: None.

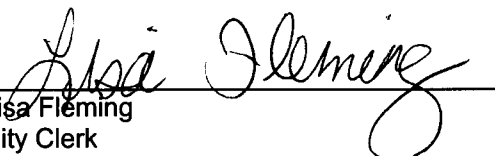
Time: 8:02 p.m.

The commission reconvened at 8:12 p.m.

Mayor Johnson announced there was no action taken.

Mayor Johnson announced there would be a study session following the meeting.

There being no further business, Commissioner Jindra moved to adjourn the meeting. Commissioner Lanoue seconded. Motion carried.


Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD JUNE 8, 2007

The governing body met in special call meeting on June 8, 2007, at 5:30 p.m., in the City Commission room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Hosie, Gilliland, Johnson and Lanoue.

Absent: None.

Other Officers: City Manager Paine and Deputy City Clerk Knudsen.

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

Visitors: None.

**CALL FOR THE SPECIAL CITY COMMISSION MEETING
CITY OF CONCORDIA, KANSAS**

TO THE BOARD OF CITY COMMISSIONERS:

A special meeting of the Board of Commissioners is hereby called to be held as follows:

Place: City Commission Room, City Hall, Concordia, Kansas
Date: June 8, 2007
Time: 5:30 o'clock p.m.

The object of said meeting will be as follows:

- 1. Call to Order
- 2. Executive Session – Non-Elected Personnel
- 3. Adjournment

PHIL GILLILAND
COMMISSIONER

CHARLES JOHNSON
COMMISSIONER

DARREL HOSIE
COMMISSIONER

JOE JINDRA
COMMISSIONER

CHERYL LANOUE
COMMISSIONER

**"NOTICE OF SPECIAL CITY COMMISSION MEETING
CITY OF CONCORDIA, KANSAS**

TO: Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra and Cheryl Lanoue:

You are hereby notified that there will be a special meeting of the Board of Commissioners at 5:30 o'clock p.m. on the 8th day of June, 2007 at the City Commission Room, City Hall, Concordia, Kansas, the object of said meeting to be as follows:

PLACE: City Commission Room, City Hall
DATE: June 8, 2007
TIME: 5:30 o'clock p.m.

The object of said meeting will be as follows:

- 4. Call to Order
- 5. Executive Session – Non-Elected Personnel
- 6. Adjournment

(Seal)

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD JUNE 8, 2007, contd.

To Any Person Authorized to Serve Notice of Special City Commission Meeting Pursuant to K.S.A. (Weeks) 14-1403:

You are hereby directed to serve the above notice at once personally upon Commissioner (s) Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra, and Cheryl Lanoue or leave said notice at the usual place of residence of said Commissioner before 9:00 a.m. o'clock on the 8th day of June, 2007 and to make a return in writing of said service, showing the manner of such service.

Lisa Fleming
City Clerk

(Seal)

RETURN OF SERVICE

The undersigned received the original notice of Special City Commission meeting of which the foregoing is a copy at, 2:56 o'clock p.m., June 7, 2007 (Phil Gilliland); 1:32 o'clock p.m., June 7, 2007 (Darrel Hosie); 10:09 o'clock a.m., June 7, 2007 (Charles Johnson); 10:35 o'clock a.m., June 7, 2007 (Joe Jindra); and 4:41 o'clock p.m., June 7, 2007 (Cheryl Lanoue).

- 1. Served the same personally on Phil Gilliland. /s/ Phil Deneault
- 2. Served the same personally on Darrel Hosie. /s/ Lisa Fleming.
- 3. Served the same personally on Charles Johnson. /s/ Lisa Fleming.
- 4. Served the same personally on Joe Jindra. /s/ Lisa Fleming.
- 5. Served the same at residence of Cheryl Lanoue. /s/ Jay Strait.

EXECUTIVE SESSION – NON- ELECTED PERSONNEL HELD

At this time, Commissioner Lanoue moved that the commission recess into executive session for five (5) minutes for the discussion of non-elected personnel. Commissioner Jindra seconded. Motion carried by the following vote:

Aye: Commissioners Jindra, Lanoue, Johnson, Hosie and Gilliland.
Nay: None.
Time: 5:31 p.m.

The commission reconvened at 5:36 p.m.

Mayor Johnson announced there was no binding action taken.

EXECUTIVE SESSION – NON- ELECTED PERSONNEL HELD

Commissioner Gilliland moved that the commission recess into executive session for two (2) minutes for the discussion of non-elected personnel. Commissioner Lanoue seconded. Inviting in: Larry Paine. Motion carried by the following vote:

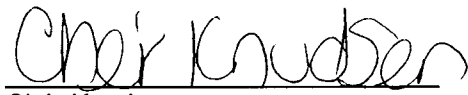
Aye: Commissioners Jindra, Lanoue, Johnson, Hosie and Gilliland.
Nay: None.
Time: 5:38 p.m.

The commission reconvened at 5:40 p.m.

Mayor Johnson announced there was no binding action taken.

Commission gave City Manager Paine instructions to contact and schedule interim city manager interviews.

There being no further business, Commissioner Gilliland moved to adjourn the meeting. Commissioner Jindra seconded. Motion carried.



Chér Knudsen
Deputy City Clerk

(Seal)

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD JUNE 13, 2007

The governing body met in special call meeting on June 13, 2007, at 6:00 p.m., in the City Commission room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Hosie, Gilliland, Johnson and Lanoue.

Absent: None.

Other Officers: City Manager Paine and City Clerk Fleming.

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

Visitors: Ron Deal.

**CALL FOR THE SPECIAL CITY COMMISSION MEETING
CITY OF CONCORDIA, KANSAS**

TO THE BOARD OF CITY COMMISSIONERS:

A special meeting of the Board of Commissioners is hereby called to be held as follows:

Place: City Commission Room, City Hall, Concordia, Kansas
Date: June 13, 2007
Time: 6:00 o'clock p.m.

The object of said meeting will be as follows:

- 1. Call to Order
- 2. Executive Session – Non-Elected Personnel
- 3. Discussion – Interim City Manager Selection
- 4. Adjournment

CHARLES JOHNSON
COMMISSIONER

PHIL GILLILAND
COMMISSIONER

DARREL HOSIE
COMMISSIONER

JOE JINDRA
COMMISSIONER

CHERYL LANOUE
COMMISSIONER

**"NOTICE OF SPECIAL CITY COMMISSION MEETING
CITY OF CONCORDIA, KANSAS**

TO: Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra and Cheryl Lanoue:

You are hereby notified that there will be a special meeting of the Board of Commissioners at 6:00 o'clock p.m. on the 13th day of June, 2007 at the City Commission Room, City Hall, Concordia, Kansas, the object of said meeting to be as follows:

PLACE: City Commission Room, City Hall
DATE: June 13, 2007
TIME: 6:00 o'clock p.m.

The object of said meeting will be as follows:

- 1. Call to Order
- 2. Executive Session – Non-Elected Personnel
- 3. Discussion – Interim City Manager Selection
- 4. Adjournment

(Seal)

To Any Person Authorized to Serve Notice of Special City Commission Meeting Pursuant to K.S.A. (Weeks) 14-1403:

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD JUNE 13, 2007, contd.

You are hereby directed to serve the above notice at once personally upon Commissioner (s) Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra, and Cheryl Lanoue or leave said notice at the usual place of residence of said Commissioner before 5:00 p.m. o'clock on the 12th day of June, 2007 and to make a return in writing of said service, showing the manner of such service.

Lisa Fleming
City Clerk

(Seal)

RETURN OF SERVICE

The undersigned received the original notice of Special City Commission meeting of which the foregoing is a copy at, 2:16 o'clock p.m., June 11, 2007 (Phil Gilliland); 12:00 o'clock p.m., June 11, 2007 (Darrel Hosie); 11:10 o'clock p.m., June 11, 2007 (Charles Johnson); 2:52 o'clock p.m., June 11, 2007 (Joe Jindra); and 4:05 o'clock p.m., June 11, 2007 (Cheryl Lanoue).

1. Served the same personally on Phil Gilliland. /s/ Lisa Fleming
2. Served the same personally on Darrel Hosie. /s/ Lisa Fleming.
3. Served the same personally on Charles Johnson. /s/ Lisa Fleming.
4. Served the same personally on Joe Jindra. /s/ Phil Deneault.
5. Served the same at residence of Cheryl Lanoue. /s/ Jay Strait

EXECUTIVE SESSION – NON- ELECTED PERSONNEL

HELD

Commissioner Johnson moved that the commission recess into executive session for one hour and fifteen minutes (1 hour 15 minutes) for the discussion of non-elected personnel. Commissioner Lanoue seconded. Motion carried by the following vote:

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

Nay: None.

Time: 6:01 p.m.

The commission reconvened at 7:16 p.m.

Mayor Johnson announced there was no binding action taken.

DISCUSSION – INTERIM CITY MANAGER SELECTION

Discussion was held to schedule a personal interview for interim city manager.

There being no further business, Commissioner Gilliland moved to adjourn the meeting. Commissioner Jindra seconded. Motion carried.

Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JUNE 20, 2007

The governing body met in regular session on June 20, 2007 at 5:30 p.m. in the City Commission Room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Johnson, Gilliland, Lanoue and Hosie.

Absent: None.

Other Officers: City Manager Paine, City Attorney Uri and City Clerk Fleming.

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

Visitors: Jessica LeDuc, Toby Nosker, Taylor Kline, Armand Balthazor, Ron Deal, Larry Eubanks, Ron Copple, Marvin Copple, Danny Parker, Suzy Tuggle, Bruno Rehbein, Jeff Thoman, Kirk Lowell, Larry Remmenga, Susie Haver, Barbara Henry, Barbara Shunn, Arlene Clayton, Delores Landry and Donald Lanoue.

Mayor Johnson announced the agenda had been amended. The executive session scheduled for the first item on the agenda was removed along with the new business item of approving the interim city manager contract. Commissioner Hosie moved to approve the amended agenda. Commissioner Jindra seconded. Motion carried.

APPROVAL OF MINUTES

Commissioner Jindra moved to approve the minutes of the June 6, 2007 regular meeting as written. Commissioner Gilliland seconded. Motion carried. Commissioner Lanoue moved to approve the minutes of the June 8, 2007 special call meeting as written. Commissioner Johnson seconded. Motion carried. Commissioner Gilliland moved to approve the minutes of June 13, 2007 special call meeting as written. Commissioner Lanoue seconded. Motion carried.

APPROPRIATION ORDINANCE NO. 11

APPROVED

Commissioner Gilliland moved to approve Appropriation Ordinance No. 11. Commissioner Jindra seconded. Motion carried.

PUBLIC COMMENTS

Armand Balthazor commented he felt with the five (5) commissioners in place, it would be a good time to change the form of government and get the city back.

Arlene Clayton wanted to inform the commission the Cloud County Historical Society Museum has a new look on the outside, due to the curator and volunteers (Ms. Clayton being a volunteer). Ms. Clayton said she was very happy to do this because she hung out at the library when she was young. Ms. Clayton also commented it was a sad day for the city of Concordia that the ethic and moral values dropped to a level that entertainment was to arrest a 67-year old person for criminal trespassing and then put them in a chamber with a judge who is laughing during the trial.

KANSAS SAMPLER FESTIVAL ANNOUNCEMENT

SUSIE HAVER & BARBARA HENRY

Susie Haver and Barbara Henry were present to reveal the desired location in Concordia to hold the 2008 and 2009 Kansas Sampler Festival. Ms. Haver and Ms. Henry announced Blosser Municipal Airport as the location selected. Ms. Haver stated the grassy area between the large hangars and the main runway would be perfect to accommodate all the tents associated with the festivals. Ms. Haver stated the Kansas Sampler Festival was started in 1990 by Marci Penner and her father. Ms. Haver said the purpose of the festival was to give people an opportunity to sample what there is to see, do, hear, taste, buy, and learn in Kansas. Ms. Haver informed the commission Concordia would be the first town north of I-70 to host the festival and it has never been held in town as small as Concordia.

Ms. Henry advised the Commission this is a big deal that will bring 5,000 to 7,000 people to Concordia. She asked the Commission for its approval to use the airport for the festival. She also asked that the city make some improvements to the area, including spiffing up the restrooms close to the RV park and the lobby at the main building.

Commissioner Gilliland asked Ms. Henry if they had a list of the things they wanted done and asked if there would be any Federal Aviation Administration issues. Mr. Paine stated yes, but by having a little bit of an air show or balloon festival, it could authorize the city to close the airport. Ms. Haver informed the commission Scot Henderson has been in contact with the FAA, and they don't anticipate a problem. Commissioner Gilliland asked if the city would anticipate the need to budget anything next year or the year after for expenses for having the festival here. Mr. Paine stated staff has already discussed budgeting money for improvements at the airport.

Commissioner Hosie stated he had attended the most recent festival in Garden City. Commissioner Hosie suggested the festival committee meet with city staff to discuss the event.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JUNE 20, 2007, contd.

Commissioner Lanoue asked if there was a dollar estimate. Ms. Henry stated they did not have an estimate but stated they envision using grants and matching funds that are available that could be used to fund the improvements. Commissioner Lanoue also asked if the festival committee could come back to announce the location after FAA approval.

Commissioner Gilliland moved to approve the airport site as the 2008 and 2009 Kansas Sampler Festival and authorize staff to work with the committee, subject to FAA approval. Commissioner Jindra seconded. Motion carried. Ms. Haver and Ms. Henry thanked the commission for their support.

ORDINANCE NO.2007-2935 AMEND CODE – TIME & PLACE OF REGULAR COMMISSION MEETINGS

PASSED

Thereupon there was presented an Ordinance entitled:

AN ORDINANCE PROVIDING FOR THE DAY OF MEETINGS OF THE CITY COMMISSION WHEN THE REGULARLY SCHEDULED MEETING FALLS UPON A HOLIDAY AND AMENDING THE CONCORDIA CODE, BY REPEALING SUB-SECTION (A) OF SECTION 2-32, AND BY ADDING A NEW SUB-SECTION, TO BE IDENTIFIED AS SUBSECTION (A) OF SECTION 2-32.

The Ordinance was considered and discussed; and thereupon on motion of Commissioner Gilliland, seconded by Commissioner Hosie, the Ordinance was passed by the following roll call vote:

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

Nay: None.

Thereupon, the Ordinance having been adopted by a 2/3rds vote of the members of the City Commission, it was given No. 2007-2935, and was directed to be signed by the Mayor, attested by the City Clerk and directed to be published one time in the official City newspaper.

RESOLUTION NO. 2007-1767 NUISANCE ABATEMENT– CEDAR(HAMILTON) 1202 OLIVE

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: N. 52' OF LOTS 1 & 2, BLOCK 71, CONCORDIA, ORIGINAL TOWN (1202 OLIVE)

The Resolution was considered and discussed; and thereupon on motion of Commissioner Johnson, seconded by Commissioner Jindra, the Resolution was adopted by the following roll call vote:

Yea: Commissioners Hosie, Johnson, Jindra, Lanoue and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1767 and was directed to be signed by the Mayor and attested by the City Clerk.

RESOLUTION NO. 2007-1768 NUISANCE ABATEMENT– MARCOTTE – 218 E. 14TH

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: N. 66' OF W. ½ OF LOT 4 & N. 66' OF E. ½ OF LOT 5, BLOCK 52, CONCORDIA, ORIGINAL TOWN, (218 E. 14TH)

The Resolution was considered and discussed; and thereupon on motion of Commissioner Jindra, seconded by Commissioner Lanoue, the Resolution was adopted by the following roll call vote:

Yea: Commissioners Hosie, Johnson, Jindra, Lanoue and Gilliland.

Nay: None.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JUNE 20, 2007, contd.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1768 and was directed to be signed by the Mayor and attested by the City Clerk.

RESOLUTION NO. 2007-1769
NUISANCE ABATEMENT–
MORLEY – 430 W. 5TH

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: LOTS 15, 16 & E. ½ OF LOT 17, BLOCK 151, CONCORDIA, ORIGINAL TOWN, (430 W. 5TH)

The Resolution was considered and discussed; and thereupon on motion of Commissioner Lanoue, seconded by Commissioner Jindra, the Resolution was adopted by the following roll call vote:

Yea: Commissioners Hosie, Johnson, Jindra, Lanoue and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1769 and was directed to be signed by the Mayor and attested by the City Clerk.

RESOLUTION NO. 2007-1770
NUISANCE ABATEMENT–
MAHMOOD – 214 E. 13TH

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: W 22' OF LOT 5 AND ALL OF LOT 6, BLOCK 61, CONCORDIA, ORIGINAL TOWN, (214 E. 13TH)

The Resolution was considered and discussed; and thereupon on motion of Commissioner Hosie, seconded by Commissioner Lanoue, the Resolution was adopted by the following roll call vote:

Yea: Commissioners Hosie, Johnson, Jindra, Lanoue and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1770 and was directed to be signed by the Mayor and attested by the City Clerk.

RESOLUTION NO. 2007-1771
NUISANCE ABATEMENT–
ALLEN – 429 E. 2ND

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: LOTS 17, BLOCK 188, (429 E. 2ND)

The Resolution was considered and discussed; and thereupon on motion of Commissioner Gilliland, seconded by Commissioner Jindra, the Resolution was adopted by the following roll call vote:

Yea: Commissioners Hosie, Johnson, Jindra, Lanoue and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1771 and was directed to be signed by the Mayor and attested by the City Clerk.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JUNE 20, 2007, contd.

RESOLUTION NO. 2007-1772

NUISANCE ABATEMENT–

SECRETARY OF HOUSING – 319 E. 11TH

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: LOTS 6 & 7, BLOCK 94 & S. 13' OF VAC. COURT STREET, CONCORDIA, ORIGINAL TOWN, (319 E. 11th)

The Resolution was considered and discussed; and thereupon on motion of Commissioner Jindra, seconded by Commissioner Lanoue, the Resolution was adopted by the following roll call vote:

Yea: Commissioners Hosie, Johnson, Jindra, Lanoue and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1772 and was directed to be signed by the Mayor and attested by the City Clerk.

RESOLUTION NO. 2007-1773

NUISANCE ABATEMENT–

HALE – 221 W 3RD

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: LOT 15, BLOCK 178, CONCORDIA, ORIGINAL TOWN, (221 W. 3RD)

The Resolution was considered and discussed; and thereupon on motion of Commissioner Lanoue, seconded by Commissioner Hosie, the Resolution was adopted by the following roll call vote:

Yea: Commissioners Hosie, Johnson, Jindra, Lanoue and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1773 and was directed to be signed by the Mayor and attested by the City Clerk.

RESOLUTION NO. 2007-1774

NUISANCE ABATEMENT–

KENDALL/SCHOENBRUNN-219 W. 3RD

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: LOT 16, BLOCK 178, CONCORDIA, ORIGINAL TOWN, (219 W. 3RD)

The Resolution was considered and discussed; and thereupon on motion of Commissioner Hosie, seconded by Commissioner Lanoue, the Resolution was adopted by the following roll call vote:

Yea: Commissioners Hosie, Johnson, Jindra, Lanoue and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1774 and was directed to be signed by the Mayor and attested by the City Clerk.

RESOLUTION NO. 2007-1775

NUISANCE ABATEMENT–

CALLAWAY – 326 W. 6TH

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JUNE 20, 2007, contd.

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: LOTS 13 & 14, BLOCK 133, CONCORDIA, ORIGINAL TOWN, (326 W. 6TH)

The Resolution was considered and discussed; and thereupon on motion of Commissioner Gilliland, seconded by Commissioner Jindra, the Resolution was adopted by the following roll call vote:

Yea: Commissioners Hosie, Johnson, Jindra, Lanoue and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1775 and was directed to be signed by the Mayor and attested by the City Clerk.

RESOLUTION NO. 2007-1776
NUISANCE ABATEMENT-
PATEL – 301 E. 1ST

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: LOTS 7-9, BLK. 201, SUBDIVISION CONCORDIA, ORIGINAL TOWN, (301 E. 1ST)

The Resolution was considered and discussed; and thereupon on motion of Commissioner Johnson, seconded by Commissioner Lanoue, the Resolution was adopted by the following roll call vote:

Yea: Commissioners Hosie, Johnson, Jindra, Lanoue and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1776 and was directed to be signed by the Mayor and attested by the City Clerk.

EXECUTIVE SESSION –
NON-ELECTED PERSONNEL

HELD

At this time, Commissioner Johnson moved that the commission recess into executive session for fifteen (15) minutes for the discussion of non-elected personnel (interim city manager). Commissioners Jindra and Lanoue simultaneously seconded. Motion carried by the following vote:

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

Nay: None.

Time: 6:17 p.m.

The commission reconvened at 6:32 p.m.

Mayor Johnson announced the commission would like City Manager Paine to contact Tom Armour to see if he would be available to come next Monday, Tuesday or Wednesday for an interview.

MAYOR/COMMISSIONER
COMMENTS AND REPORTS

Commissioner Lanoue asked Danny Parker, Chief of Police about the Dutch Braun issue. Chief Parker advised an internal investigation had been done but he could not comment on the issue.

Commissioner Lanoue asked to get a copy of the Shady Lake Development Agreement. Mr. Paine thought it had already been delivered.

Commissioner Johnson asked about the request to withdraw from the Brown Grand. City Manager Paine informed the commission the Brown Grand board requested to withdraw their request to serve alcohol at the Brown Grand.

Commissioner Johnson asked city staff what it would take to go from a city manager to a city administrator form of government. Mr. Paine stated he was not sure, but thought it might require an election. Commissioner Johnson also asked if the city had to be divided into wards. Mr. Uri stated in the

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JUNE 20, 2007, contd.

present system it does not, but he could not answer the question if the city had a different form of government. City Attorney Uri said he would look into the matter.

STAFF COMMENTS

City Manager Paine reminded the commission the next regular commission meeting will be Tuesday, July 3, 2007. Commissioner Lanoue moved that the next regular meeting be July 3rd at 5:30. Commissioner Gilliland seconded. Motion carried.

Larry Eubanks, Fire Chief, announced James Buller is now a licensed paramedic.

Mayor Johnson announced there would be a study session following the meeting.

There being no further business, Commissioner Lanoue moved to adjourn the meeting. Commissioner Johnson seconded. Motion carried.


Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD JUNE 25, 2007

The governing body met in special call meeting on June 25, 2007, at 6:00 p.m., in the City Commission room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Hosie, Gilliland, Johnson and Lanoue.

Absent: None.

Other Officers: City Manager Paine and City Clerk Fleming.

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

Visitors: Tom Armour.

**CALL FOR THE SPECIAL CITY COMMISSION MEETING
CITY OF CONCORDIA, KANSAS**

TO THE BOARD OF CITY COMMISSIONERS:

A special meeting of the Board of Commissioners is hereby called to be held as follows:

Place: City Commission Room, City Hall, Concordia, Kansas
Date: June 25, 2007
Time: 6:00 o'clock p.m.

The object of said meeting will be as follows:

1. Call to Order
2. Executive Session – Non-Elected Personnel
3. Discussion – Interim City Manager Selection
4. Adjournment

CHARLES JOHNSON
COMMISSIONER

PHIL GILLILAND
COMMISSIONER

DARREL HOSIE
COMMISSIONER

JOE JINDRA
COMMISSIONER

CHERYL LANOUE
COMMISSIONER

**"NOTICE OF SPECIAL CITY COMMISSION MEETING
CITY OF CONCORDIA, KANSAS**

TO: Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra and Cheryl Lanoue:

You are hereby notified that there will be a special meeting of the Board of Commissioners at 6:00 o'clock p.m. on the 25th day of June, 2007 at the City Commission Room, City Hall, Concordia, Kansas, the object of said meeting to be as follows:

PLACE: City Commission Room, City Hall
DATE: June 25, 2007
TIME: 6:00 o'clock p.m.

The object of said meeting will be as follows:

1. Call to Order
2. Executive Session – Non-Elected Personnel
3. Discussion – Interim City Manager Selection
4. Adjournment

(Seal)

To Any Person Authorized to Serve Notice of Special City Commission Meeting Pursuant to K.S.A. (Weeks) 14-1403:

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD JUNE 25, 2007, contd.

You are hereby directed to serve the above notice at once personally upon Commissioner (s) Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra, and Cheryl Lanoue or leave said notice at the usual place of residence of said Commissioner before 12:00 p.m. o'clock on the 25th day of June, 2007 and to make a return in writing of said service, showing the manner of such service.

Lisa Fleming
City Clerk

(Seal)

RETURN OF SERVICE

The undersigned received the original notice of Special City Commission meeting of which the foregoing is a copy at, June 22, 2007 (Phil Gilliland); 5:09 o'clock p.m., June 21, 2007 (Darrel Hosie); 11:27 o'clock a.m., June 22, 2007 (Charles Johnson); 8:45 o'clock a.m., June 22, 2007 (Joe Jindra); and 4:30 o'clock p.m., June 22, 2007 (Cheryl Lanoue).

1. Served the same by mail to Phil Gilliland. /s/ Lisa Fleming
2. Served the same personally on Darrel Hosie. /s/ Lisa Fleming
3. Served the same personally on Charles Johnson. /s/ Chér Knudsen
4. Served the same personally on Joe Jindra. /s/ Chér Knudsen
5. Served the same at residence of Cheryl Lanoue. /s/ Jay Strait

EXECUTIVE SESSION – NON- ELECTED PERSONNEL

HELD

Commissioner Johnson moved that the commission recess into executive session for forty five minutes (45 minutes) for the discussion of non-elected personnel to interview Mr. Armour. Invited in: Tom Armour. Commissioner Jindra seconded. Motion carried by the following vote:

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

Nay: None.

Time: 6:04 p.m.

The commission reconvened at 6:49 p.m.

Mayor Johnson announced there was no binding action taken.

EXECUTIVE SESSION – NON- ELECTED PERSONNEL

HELD

Commissioner Johnson moved that the commission recess into executive session for fifteen minutes (15 minutes) for the discussion of non-elected personnel. Commissioner Jindra seconded. Motion carried by the following vote:

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

Nay: None.

Time: 6:51 p.m.

The commission reconvened at 7:06 p.m.

Mayor Johnson announced there was no binding action taken.

DISCUSSION – INTERIM CITY MANAGER SELECTION

Discussion was held after interviewing Tom Armour for the interim city manager position.

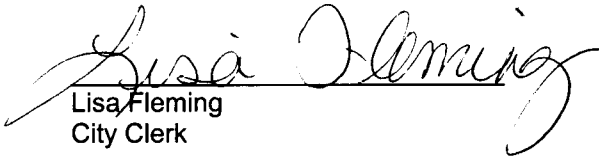
Commissioner Johnson announced the following options that would be in a contract.

- \$225 per day
- Four (4) days per week
- Three (3) nights per week
- One (1) round trip a week IRS mileage at \$.485/mile
- \$30 a day meal allowance
- Rooms billed directly to the City (motel or furnished apartment)
- Start date July 16, 2007
- Allowed leave time August 29 to September 14, 2007
- Contractual work will be paid on the Appropriation Ordinances

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD JUNE 25, 2007, contd.

Commissioner Johnson informed Mr. Armour the city attorney will draft a contract for the commission and Mr. Armour to review. The approval of the interim city manager contract will be a new business item on the July 3, 2007 regular commission meeting agenda.

There being no further business, Commissioner Gilliland moved to adjourn the meeting. Commissioner Jindra seconded. Motion carried.


Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JULY 3, 2007

The governing body met in regular session on July 3, 2007 at 5:30 p.m. in the City Commission Room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Johnson, Lanoue and Hosie.

Commissioner Gilliland arrived at 5:32 p.m.

Absent: None.

Other Officers: City Manager Paine, City Attorney Uri and City Clerk Fleming.

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

Visitors: Jessica LeDuc, Toby Nosker, Renee Hubert, Chér Knudsen, Joe Strecker, Kirk Lowell, Roy Reif, Jason Grogan, Jeff Thoman, Larry Remmenga, Ron Copple, Doug Glenn, Janet Lowell, John Forshee, Danny Parker, Tom Armour, Ruby Maline, Marvin Copple, Ima Jean Chavey, Donald Lanoue, Tom Tuggle, Armand Balthazor and Larry Eubanks.

Pastor Jason Grogan, Baptist Church, provided the invocation before the city commission meeting.

APPROVAL OF MINUTES

Commissioner Hosie moved to approve the minutes of the June 20, 2007 regular meeting. Commissioner Lanoue seconded. Motion carried. Commissioner Hosie moved to approve the minutes of the June 25, 2007 special call meeting. Commissioner Jindra seconded. Motion carried.

APPROPRIATION ORDINANCE NO. 12

APPROVED

Commissioner Gilliland moved to approve Appropriation Ordinance No. 12. Commissioner Lanoue seconded. Motion carried.

APPOINTMENTS – AIRPORT ADVISORY BOARD

MIKE HOLMES
LAWRENCE SCHLEUDER

Larry Paine, City Manager, advised the commission that Lawrence Schleuder and Mike Holmes terms on the Airport Advisory Board expires on June 30, 2007. Mr. Schleuder and Mr. Holmes were contacted and are willing to serve another four (4) year term. Commissioner Lanoue moved to reappoint Lawrence Schleuder and Mike Holmes, each to a four (4) year term, on the Airport Advisory Board (7-1-07 through 6-30-11). Commissioner Hosie seconded. Motion carried.

PUBLIC COMMENTS

Armand Balthazor questioned what services the League of Kansas Municipalities provides for the city. Mr. Balthazor commented it costs a small fortune for the city to use the League. Mr. Balthazor would like to know how much the city paid the League last year. He questioned why the city could not do their own search for a new city manager. Mr. Balthazor asked the commission to look into what the figures are for using the League.

PRESENTATION OF THE 2006 AUDIT

Mr. Doug Glenn, Mayer, Hoffman, McCann, PC, presented a draft of the 2006 audit. In reviewing the management letter, Mr. Glenn identified certain significant deficiencies in internal control. Mr. Glenn stated in terms of budget violations, there were none. Discussion followed Mr. Glenn's presentation and he informed commission, the audit reviewed today was draft form. Mr. Glenn asked the commission if they had any questions.

Commissioner Gilliland stated the commission was aware of the police department fund and asked Mr. Glenn if there was any trouble with the police department fund. Mr. Glenn stated he booked the fund as '06 activity. He stated the physical cash had been transferred to the city's general ledger. He also stated the receipting procedures appear proper and the money is going into the city bank account.

Commissioner Gilliland asked if the terminology and the new statement of auditing standards had not changed, would the deficiencies been cited in prior years. Mr. Glenn stated "probably not, they have definitely lowered the threshold."

Commissioner Lanoue asked whether the police department cash was booked in '06 in the general ledger, if not was anything over \$500 and was it reported to the IRS as a 1099, if not we need to check and see if any 1099's need to be issued. Commissioner Lanoue stated she felt that the commission was aware of the transactions, but the commission did not formerly approve the transactions until it was a journal entry done on March 31st, which would have been on the April 1st meeting.

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD JULY 25, 2007, contd.

Commissioner Johnson stated two to three months ago he asked a bank employee if the police department bank account was still open. He asked how we can find out if there is activity in that account if there is no available bank statements. Mr. Glenn replied that they looked at all available bank statements.

Commissioner Lanoue questioned Mr. Glenn, if the cash was journal entried the cash in '05 and journal entried the expenditures in '06 and if there still is a cash balance out there that was booked in '07 of \$4,000 or \$3,500. Mr. Glenn stated it was transferred. She asked if the account was currently closed, and if there would be a transfer into the general fund next year in the '07 audit.

Commissioner Johnson again asked if Mr. Glenn saw any of the bank statements from that account. Mr. Glenn stated he had.

Commissioner Lanoue asked if there were expenditures on that account in the first part of '07 or was the balance actually booked in '07. Mr. Glenn stated it was booked in '07.

After Mr. Glenn reviewed the financial statements, Commissioner Lanoue commented about several figures listed in the financial statement that did not agree with figures she had. Commissioner Lanoue stated she took last year's audit and added on the '06 expenditures to get the figures.

Commissioner Lanoue asked Mr. Glenn if he did the transfers from the projects. Mr. Glenn stated the financial statements were prepared by staff and again stated that it was in draft form. Commissioner Lanoue requested to see the numbers.

MANAGEMENT RESPONSE – 2006 AUDIT

Ruby Maline, Director of Finance, responded to the management letter with the following:

I'd like to thank Doug and his team for their help and cooperation during the audit of the 2006 financial transactions.

. I intend to address the deficiencies that Doug has mentioned in the following manner:

- I completely concur with Doug that continued training is necessary for all the admin staff. I am currently addressing goals and training I believe would benefit the city with employees when I do their performance evaluation. I plan to implement a training schedule in August or September after the budget process is complete. In the meantime, we are sending staff to appropriate training when it becomes available.
- We have budgeted to make the transfer from the Water and Sewer bond fund in 2007. I believe we plan to move it to the Water/Sewer CIP fund.
- We intend to ensure that no one is allowed to open a bank account that has not been pre-approved by the City Manager.
- Cash violation: I believe that this could be addressed by using a PO system correctly. We have no way to determine what has been obligated before it comes through for payment.
- The Municipal court software deficiency is only one area of deficiency in the software system we have. We currently have five different software systems and none of them speak to each other, although, I recently found out that one could if it was set up properly. This lack of interfacing creates problems because we have to manipulate the data in order to give it to the person who enters it into the system. Then that person has to manipulate the data before they can actually enter it. I am addressing this problem by redefining our procedures and processes and researching different options that will allow interface between all the areas of financial transactions. This may take some time.

When external auditors examine an entity's records, they usually come with a predetermined scope for the audit because it is not practical for them to review every transaction. When they begin their audit based on the scope, they usually do not go beyond that scope unless they find something to indicate there is need for additional review. Doug states that significant deficiency is defined as a "combination of control deficiencies that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with cash basis and budget reporting such that there is more than a remote likelihood that a misstatement of the entity's financial statements that is more than inconsequential will not be prevented or detected by the entity's internal control." We have more of that than he addressed in his management letter. In addition to those previously mentioned, I have found others, some of which we have already addressed. We have addressed the following:

Cash management: Some of the unacceptable practices that we have addressed are as follows-there were numerous cash drawers and everyone had keys to all of them. Those keys were left lying on desks and were readily accessible to just about anyone who wanted to pick them up. These cash drawers were also used to pay small bills or make purchases. In addition, there was a bag of money (in fact, there were several

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JULY 3, 2007, contd.

bags of money readily accessible) that was labeled "over/short". The over/short bag of money was used to make the cash drawers "right". In other words, if there was too much money in the drawer, the extra was put in the bag and used to make up the difference when the drawer was short. Those differences were never recorded in the general ledger. This is an unacceptable practice for any entity to engage in. Cash deposits were not done on a daily basis; cash receipts were not recorded on a daily basis; you can be thankful for the employees you have serving you because these practices created an environment that was perfect for misappropriation of money. Needless to say, we no longer engage in any of these practices. While for security reasons, I will not go into detail about our current practices, I will say that we no longer have an over/short bag- differences are recorded in the general ledger; we no longer take money out of the drawer to pay bills or make purchases; cash drawers (and there are fewer of them) are reconciled daily; cash receipts are posted daily; cash deposits are made daily; and there are no more excess bags of money lying around.

Employee Benefit Fund: KSA 79-5028(c) allows for the establishment of an Employee Benefit Fund for **employer** contributions for social security, workers comp, unemployment insurance, health care costs, employee benefit plans, retirement, and pension programs. The city software system was not set up to properly record payroll transactions. As a result, both employee and employer portions of benefits were paid from the Employee Benefit fund. This resulted in several problems. One of the key problems was all the manual manipulations we had to make to get the transactions properly recorded. It increased the opportunity for error and was extremely time consuming. Another problem was that the employee portion of benefits was already recorded as an expense through gross pay, so expenses were duplicated when they were recorded as paid from the Employee Benefit fund. Another concern was that we were writing ourselves a check and depositing it in the same checking account that we wrote it from. This was to accommodate the cash issue that comes from recording expenses twice-when the check was written, it was a manual check that was not recorded on the general ledger as being written, but, was recorded as being received. It was recorded as revenue instead of reducing expenditures. Additionally, all payments for federal withholding, state withholding, retirement plans, life insurance, and all other payroll deductions had to be manually calculated and submitted. It took several days for the payroll process to be completed. This doesn't even begin to address all the issues that arose when trying to reconcile the bank accounts. We no longer do this. We have had the financial software provider program the system the way it was designed to be. When we did this, we noted other problems that may not have been found otherwise. We have been cleaning up those errors also. Tonight's ordinance should be the last one containing correcting entries related to this issue.

Software: In addition to the deficiencies listed above, the software package was loaded onto one desktop computer and was, therefore; not accessible to all the staff that needed to use the financial system. It made reviews of anything extremely difficult. Besides limiting the use of the financial system, it resulted in data being lost or purged due to lack of space. Some of the information that was purged is irretrievably lost. We no longer do this. We have moved those programs to the network server. But, as mentioned earlier, there are still some changes that need to be made in this area.

Other areas of concern that we are beginning to work on include the following:

- **Chart of Accounts and Organizational Chart:** These are somewhat cumbersome and can be refined in such a manner that will still allow tracking activity at the level of detail that is needed. Upgrading the system will allow tracking projects that will eliminate the need for a cumbersome numbering system.
- **numbering system.** In addition to being cumbersome, the numbering system is not consistent and needs to be addressed. This is an ongoing project that I do not anticipate will be complete for several months.
- **Revolving Loan fund:** The city's general ledger is not set up to track revolving loan fund receipts by project, nor is it set up to track whether or not project payments are current. It does not allow a review to see what balances are available for use. When a request for this information is made, we pull out a little green 6 columnar pad and look, then, we have to see if the most current transactions have been written in the book-which sometimes aren't. I am working to correct this, now.
- **Written Financial policies and procedures:** There are none. There will be.
- **Bank Statements:** Are still not current. They soon will be. As we move away from doing everything manually and utilize the system the way it should be, employees will be able to complete their essential responsibilities in a timely manner. This will also reduce the need to pay overtime.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JULY 3, 2007, contd.

- **Prior approval for financial transactions:** Currently, there is no procedure that allows for expenditures, journal entries, or payroll to be reviewed by the city manager or finance director before the process is completed-only before it is posted. In my opinion, it is pointless to approve those things after they've already been obligated. Related to this, is the process of creating PO's after the money has already been spent-again, that is pointless.
- **TIF Projects:** These financial transactions are also not available on the financial system by project. This is another instance of manually recording transactions, and results in data not being current.
- **CIP Projects:** Again, these are tracked manually.
- **Physical Inventory:** I haven't found anything to indicate that city assets are tagged with an ID number and haven't found evidence that assets are inventoried with any regularity. This will be addressed quickly.

Monthly Financial Statements: Now that I am able to access the financial system, I intend to provide monthly financial statements.

These are but a few of the areas I intend to address immediately.

APPROVE INTERIM CITY MANAGER CONTRACT

TOM ARMOUR

After discussion, Commissioner Jindra moved to approve the interim city manager contract with Tom Armour. As stated in the contract, Mr. Armour's first day as "interim city manager" will be July 16, 2007. Commissioner Hosie seconded. Motion carried.

LETTER OF SUPPORT & AUTHORIZE SUBMISSION FOR E911 GRANT (2008)

DANNY PARKER

Police Chief Danny Parker informed the commission of the grant being submitted for E911 enhancements. This grant is an extension of the grant submitted in 2005. The grant amount being requested for next year will be between \$125,000 and \$150,000. This grant would be used toward a new phone system and a second dispatch area which would allow two (2) dispatchers to operate at the same time. Commissioner Hosie moved to authorize the mayor to sign a letter of support for the submission of the E911 Grant. Commissioner Lanoue seconded motion. Motion carried.

CLOUD CORP FUNDING REQUEST FOR 2008

Kirk Lowell, Director of CloudCorp, advised the commission about the 2008 funding request for CloudCorp. Mr. Lowell advised that CloudCorp is requesting \$45,000 for year 2008. The funding request is the same as last year. Mr. Lowell discussed several projects CloudCorp had been involved with. Mr. Lowell recommended to the commission to proceed with the infrastructure at the CloudCorp Industrial Park and to set up an economic development fund for infrastructure line items. He thanked the commission and hoped for the continued support for CloudCorp.

EXECUTIVE SESSION – ATTORNEY/CLIENT PRIVILEGE

HELD

At this time, Commissioner Johnson moved that the commission recess into executive session for twenty (20) minutes for the discussion of attorney/client privilege. Inviting: Larry Paine, Tom Armour and Larry Uri. Commissioner Hosie seconded. Motion carried by the following vote:

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

Nay: None.

Time: 7:26 p.m.

The commission reconvened at 7:46 p.m.

Mayor Johnson announced there was no action taken.

MAYOR/COMMISSIONER COMMENTS AND REPORTS

Commissioner Lanoue requested additional information on the Blue Cross/Blue Shield plan. She would like to know how many single and family plans the city currently is funding. Commissioner Lanoue also requested 222 breakdowns on the 2006 appropriation ordinance #10 for \$1,903.99 and #12 for

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JULY 3, 2007, contd.

\$378.84 and in 2007 appropriation ordinance #3 for \$13,000.00. Commissioner Lanoue requested Ruby to print out the 2006 League expenditures for Armand Balthazor.

Commissioner Hosie requested an update on the downtown improvements and if the projects would be done by Fall Fest. City Manager Paine informed the commission there were nine (9) active applications that have been taken to Eric Johnson and Dick Lowery for the review committee to work through. Mr. Paine stated he had received three (3) more inquiries in the last two weeks wanting to take part in the downtown improvement project.

Commissioner Hosie asked who was responsible for trees hanging over the street and in the view at corner intersections. His concern was with getting emergency vehicles down the streets or alleys with the trees hanging over them. Larry Eubanks, Fire Chief, informed the commission his department drove the ambulance around and surveyed the trees hanging in streets and alleys. He reported they located over 425 houses with trees hanging that hit the top of the ambulance. Mr. Eubanks stated he has visited with staff about this problem. He informed the commission after the budget process, he will continue researching how to handle this problem.

Commissioner Hosie requested to schedule discussion of the various forms of government as an agenda item this fall.

Commissioner Gilliland suggested calling ahead if a commissioner has a question about the appropriation ordinance. He felt by calling ahead and questioning staff before the meeting, when the issue is brought up at the meeting staff may be more prepared to answer questions. Commissioner Gilliland also stated he was disappointed in how a commissioner handled a letter that was sent to Kansas Department of Health and Environment.

Commissioner Johnson asked about the Dutch Braun conversation with Chief Parker. Commissioner Johnson visited with Mr. Braun and he said he returned Chief Parker's call and left a message and that Chief Parker had not called him back. Commissioner Johnson would like to schedule a time when Mr. Braun could meet with Chief Parker. Commissioner Johnson also asked if there was a policy for the police dog. Chief Parker discussed the drug dog and issues the department had been dealing with at night, downtown.

Commissioner Johnson commented on the "For Sale" sign on the Tuggle property and if it was sold what would the city owe him and how it would get paid. Mr. Uri informed the commission the way the TIF agreement is set up, is the landowner does not get reimbursed for their development costs unless there's an increment. He also questioned water usage for rodeos and races at the Cloud County Fairgrounds.

STAFF COMMENTS

Larry Remmenga, Director of Utilities, informed the commission about the water quality report the utility department mailed out last week. He also informed the commission he had received a letter from the Department of Agriculture stating an order ceasing minimum desirable stream flow administration for the Republican River.

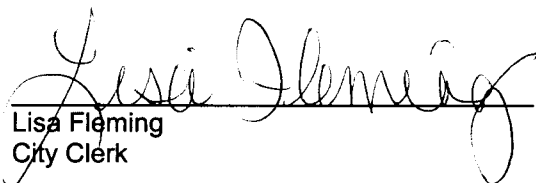
Lisa Fleming, City Clerk, announced that a reception for Larry Paine would be held on Monday, July, 16, 2007 from 3:00 p.m. to 6:00 p.m.

Ron Copple informed the commission Hood Heating & Air donated several new toilets for the restrooms at the Sports Complex. Mr. Copple also stated Andy Asch from the County asked if the city would be interested in going in half on a purchase of an asphalt plant or purchasing their old lay down machine. Mr. Copple also encouraged everyone to drive by the Sports Complex and see the new flag pole.

Mayor Johnson announced study sessions are scheduled for July, 10, 11, 12, and 13, 2007 at 7:00 p.m. in the commission room. The study sessions will be held to review the 2008 budget.

Mayor Johnson announced there would be a study session following the meeting.

There being no further business, Commissioner Lanoue moved to adjourn the meeting. Commissioner Jindra seconded. Motion carried.


Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JULY 18, 2007

The governing body met in regular session on July 18, 2007 at 5:30 p.m. in the City Commission Room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Johnson, Gilliland, Lanoue and Hosie.

Absent: None.

Other Officers: City Manager Paine, City Attorney Uri and City Clerk Fleming.

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

Visitors: Jessica LeDuc, Toby Nosker, Tom Armour, Armand Balthazor, Kirk Lowell, Danny Parker, Tom Tuggle, Bruno Rehbein, Bob Maxson, Albert Kieffer, Marvin Copple, Ruby L. Maline, Donald Lanoue, Janet Eubanks, Ron Copple, Larry Remmenga, Larry Eubanks, Suzi Tuggle, Chér Knudsen, Ima Jean Chavey, Walt Huber, Richard Underbakke and Arlene Clayton.

Commissioner Johnson presented a gift to Larry Paine for his years of service with the city of Concordia from staff and commission.

APPROVAL OF MINUTES

Commissioner Johnson requested to have the questions that were asked during Doug Glenn's audit presentation, be added to the minutes. Commissioner Johnson stated the one in particular was if 1099's were issued. Commissioner Hosie moved to approve the minutes of the July 3, 2007 regular meeting as amended. Commissioner Jindra seconded. Motion carried.

APPROPRIATION ORDINANCE NO. 13

APPROVED

Commissioner Jindra moved to approve Appropriation Ordinance No. 13. Commissioner Gilliland seconded. Motion carried.

PUBLIC COMMENTS

Tom Tuggle distributed to the commission, news media and staff a copy of a letter he wrote to Commissioner Lanoue dated July 7th and her response dated July 17th. Mr. Tuggle stated his comments would deal with discussing commissioner responses to questions from the public. Mr. Tuggle stated he had an important and timely question in the letter to Commissioner Lanoue regarding how Commissioner Lanoue will deal with compensation issues; in view of the fact she has two (2) or three (3) relatives on city staff. Mr. Tuggle felt Commissioner Lanoue's response did not answer the question he asked in his letter. Mr. Tuggle proceeded to read his letter. Mr. Tuggle asked what Commissioner Lanoue's position is. He felt she did not answer his question comprehensively and felt as public policy this question should be answered.

Mr. Tuggle asked, if it was appropriate, if both letters be made a part of the minutes or other public record of the Commission. Commissioner Johnson stated they would be. The letters are as follows:

THOMAS M. TUGGLE
CONCORDIA, KANSAS 66901

Hon. Cheryl Lanoue
1415 Archer
Concordia, Kansas 66901

July 7, 2007

Re: 2008 Budget

Cheryl:

As the budget process starts it has raised questions. The major portion of the budget is spent on employee compensation.

You have two or three relatives on the city payroll and you have many friends at city hall. Everyone knows you are going to look after the employees when it comes to pay raises and other compensation enhancement. What we want to know is if you are going to look after the other people of Concordia. If you are going to look after the other people's money, exactly how you will do it.

For Example: Will you abstain from participating in any personnel issues that concern departments where your relatives work? Both formally and informally? (When Gary Frazer was on the county commission he followed this practice.) What will be your position when it comes time to discuss compensation issues in study sessions? Abstain?

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JULY 18, 2007, contd.

As a business owner for over 20 years I know what it takes to make the payroll and cover the other expenses. Have you been a business owner and have you faced these same challenges or have you always worked for the government?

If you have been a business owner you know that you and your employees do not get a pay raise every year. Often, government workers think they have a "right" to pay raises every year in the form of a COLA.

There are many financially poor people in Concordia. Can they afford to raise the pay of city employees every year through increased taxes? You know the city is not the only political subdivision in the county levying taxes. And remember you voted against the "Golden Goose", the ethanol plant that will increase the tax base.

Please give me your comprehensive answer in writing prior to the next regular commission meeting.

Sincerely,

July 17th, 2007

Hon. Thomas M. Tuggle
304 West 9th Street
Concordia, KS 66901

Dear Mr. Tuggle:

Thank you for the letter dated July 7, 2007 regarding the 2008 budget. As you know, the budget is one of the Commission's most important responsibilities and your concerns will be taken under advisement. As a Commission, we need to monitor all expenditures and revenues not only during the budget process but during the approval of the appropriation ordinances.

Thank you for your concerns.

Cheryl Lanoue

Bob Maxson, Vice President of Administrative Services at Cloud County Community College, representing the college, was present in regard to the completed remodeling of apartment building seven (7) at the college. Mr. Maxson apologized for coming before the commission in the "Public Comment" section of the meeting, but could not get this item on the agenda because a time issue. Mr. Maxson stated February 27th of this year the college accepted bids from Stupka Construction for the remodeling of apartment building seven (7) at the college. He stated over the last three (3) years the college has remodeled five (5) of the 13 apartments. He went on to state as the college was developing the bid specifications for this building, the college became aware, for the first time, that the college would be required to install fire sprinklers in each of the apartments. Mr. Maxson said they did not object to that requirement, in spite of the added cost of \$25,000.00.

Mr. Maxson advised the commission the apartment is now ready for occupancy, two (2) weeks ahead of schedule. Mr. Maxson stated there is an issue of lack of adequate water pressure provided to the college by the city, needed to run the sprinklers. Mr. Maxson said in order to fix the problems, the cost for the project is over \$17,000.00. He stated the city meets its needs of providing water pressure of 20 pounds per square inch and with the college apartments being up on a hill and at the end of the water line which causes some reduction of water pressure. Mr. Maxson said the real issue was the water pressure going into the college is 27 pounds per square inch, the residual water pressure in the line. He continued to state the static pressure, used to determine the pressure when the water is flowing is 22 pounds per square inch. Mr. Maxson stated the issue relates to the requirement of installing an RPZ backflow valve to control which takes the pressure further down on the water below the 20 pounds per square inch. Mr. Maxson stated the backflow valve that is required is not stated in city code 21-70, that he read, but was informed by the interim city manager, it may be covered in section 21-68. He went on to state with the backflow preventer valve installed in the line that would operate the sprinkler system. Mr. Maxson said information from the college engineer and architect that indicated the likelihood of any contamination coming back through the valve is very unlikely, the main source is when fire department provides fire protection, they may connect a hose to a valve that is located on the apartment building and pump water into the sprinklers that might potentially enter back into the city system. Mr. Maxson requested to allow for a temporary permit for occupancy for the apartments. He stated if the college had to spend \$17,000.00

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JULY 18, 2007, contd.

for a pump to run a single sprinkler system in an apartment, it would be wiser for the college to buy a centralized pump, which would cost double the \$17,000.00, that would provide additional water pressure for all the apartments. Mr. Maxson stated they do have some water pressure issues in the apartments. Mr. Maxson advised the commission this was a timing issue. He stated kids would be moving into the apartment on August 13th. Mr. Maxson requested that the college be allowed or at least be considered in getting a temporary occupancy permit relating to the valve only. Mr. Maxson requested to schedule a meeting to work with the city to find out if the RPZ valve is necessary and if the college has to install it and try to install a centralized pump that may serve the apartments and very well serve the campus.

Commissioner Johnson asked Mr. Maxson if the permit would be for 30 to 90 days. Mr. Maxson advised 60 days would be what he was looking for. He stated this was not a new issue, but has come to the urgency point. Mr. Maxson stated the college has always had a good relationship with the city. Commissioner Johnson asked Fire Chief Eubanks where the fire department hooks on the building to pump water into their buildings. Mr. Eubanks replied that they would use a fire department connection on the side of the building and take it from the truck and pump the water from the truck into the building. Commissioner Johnson also asked if it was on the back side or front side of the backflow valve and if that was a problem could you move the backflow valve. Mr. Eubanks stated that this was not his issue but the water department's issue. Commissioner Johnson asked if it was in the buried water line or in the building.

Larry Remmenga, Director of Utilities, addressed several items with this issue. Mr. Remmenga stated a letter was sent to the contractor dated March 20th of this year, stating that the college would be required to put an RPZ in the system. He continued stating Mr. Maxson had never communicated with him. Mr. Remmenga stated the hookup for the water department with a non-potable water source makes this a high hazard. Mr. Remmenga said the backflow preventer that is in place is not approved for high hazard. He stated there is no way by looking at the machine whether it is operating correctly. Mr. Remmenga advised the commission his responsibility is to protect the public water system of this community. He stated several locations in town have RPZ valves installed, which differs from a double check valve, because it can not flow backwards. Mr. Remmenga stated if the fire department hooks to that building, they could very well, and in all likelihood would over-pressure the system and force non-potable water, which could be contaminated into the system and further stated he would not let this happen.

Mr. Remmenga said there could possibly be a compromise for short term. He said that one might be if they take away that hookup while they are asking for the temporary, so the fire department could not hook up to it, which makes it a medium hazard, and a double check valve would be acceptable in this instance.

Commissioner Johnson asked if the hookup remains there is it a high hazard. Mr. Remmenga stated it would remain a high hazard.

Commissioner Gilliland asked Mr. Eubanks if an event occurred and the hydrant on the building was marked and you could not use it, would it cause a problem in extinguishing a fire. Mr. Eubanks said it would not cause the department any problems if they discontinued the use of the outlet. He continued stating all apartments are accessible for the hose and they could sustain or knock down a fire in the same amount of time as it would take to go from the truck to the fire department outlet. Commissioner Gilliland also asked if it would be difficult to disable the valve or clearly mark it. Mr. Remmenga stated he did not care how it was disabled, as long as the fire department can not hook to it.

Commissioner Lanoue asked Bruno Rehbein, Building Inspector, if he would be able to issue a temporary permit. Mr. Rehbein advised when dealing with a sprinkler system, he would have to see the engineering and make sure it's approved and the state fire marshal must approve all sprinkler systems installed in the state. Mr. Rehbein stated if the fire marshal, Larry Eubanks and the installer has signed a check list, then he could allow a temporary occupancy, based on whatever issue comes out of the backflow prevention. He stated the contractor was notified on March 2nd that a double check valve would not be allowed in this case and that it would have to be an RPZ.

Commissioner Johnson asked if staff could meet Thursday morning, July 19, 2007 to discuss this matter.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JULY 18, 2007, contd.

Armand Balthazor stated he listened to Mr. Paine on the radio about two (2) forms of government. Mr. Balthazor's problem with the city is the city manager recruitment with the League and asked what happened to using want ads in the paper. He would like to come up with a solution to help the City of Concordia and tax payers and not put all the power in one hand.

SET PUBLIC HEARING FOR AUGUST 15, 2007 – 2008 BUDGET

APPROVED

City Manager Paine recommended to the commission to set the date of the 2008 budget public hearing for August 15, 2007 at 5:30 p.m. Commissioner Johnson asked if Mr. Armour, Interim City Manager, had any comments. Mr. Armour stated that August 15th would be fine with him. Commissioner Jindra stated he would appreciate hearing what the people think about the City of Concordia property taxes. Commissioner Jindra stated at previous budget hearings most public comments at the budget hearing dealt with the right numbers being on the right line of the state budget form and very few comments were made regarding the actual mill levy. Commissioner Jindra advised due to small increases in property tax valuation, from the impact of county-wide sales tax and also from belt tightening by city staff, the mill levy had gone down nearly thirteen mills in recent years. He stated his biggest personal objective was to lower the mill levy. Commissioner Jindra encouraged public comments at the budget hearing regarding what the people want to happen with their public property taxes. Commissioner Jindra moved to set the 2008 budget public hearing for August 15, 2007 at 5:30 p.m. Commissioner Gilliland seconded. Motion carried.

PLANNING COMMISSION RECOMMENDATION ON SUB-DIVISION REGULATIONS

Bruno Rehbein, Building Inspector, advised the commission of the Planning Commission's recommendation on the sub-division regulation and rule changes. Mr. Rehbein stated the Planning Commission's biggest concern was the consensus issue. He said the Planning Commission felt it was one (1) or two (2) and not a full consensus of the commission. Commissioner Gilliland stated he assumed he was one (1) of the one (1) or two (2) that had expressed his concern. Commissioner Jindra stated rather than making changes on a piece mill basis and letting more businesses fall through the cracks, he recommends hiring a professional firm such as Land Plan or Jim Kaup take a bird's eye view so the Commission could anticipate where the problems are. Commissioner Jindra said the city needs something that is more in the middle of the road and felt currently it is too rigid. Commissioner Jindra commented that dollars were available in this year's budget and felt something needed to be done this year, especially on the commercial side. Commissioner Jindra would like to see this as an agenda item for the next meeting.

Mr. Rehbein looked at Commission Policy #2 that relates to construction and financing of streets and is in conflict with the sub-division regulations. Commissioner Hosie stated he was the other commissioner who felt there needed to be changes made to the sub-division regulations and would support Commissioner Jindra's idea of discussing changes. Commissioner Lanoue commented she still felt CloudCorp Industrial Park needs sidewalks, but is in favor of looking not only at sub-division regulations, but also at the code book and policy statements, so they all would be on the same page.

Commissioner Johnson agreed this item should be put on the next agenda as a study session item. Mr. Rehbein stated the commission may also want to consider the comprehensive plan as a part of that.

DISCUSSION OF 2007 AMBULANCE PURCHASE

Larry Eubanks, Fire Chief, informed the commission about the 2007 ambulance purchase, with the money available in the equipment replacement fund. Mr. Eubanks reviewed the background of the five (5) year ambulance replacement program. Mr. Eubanks visited with Mr. Armour who asked two (2) questions about the ambulance purchase. Mr. Eubanks advised Mr. Armour the base price for the ambulance, less discounts, was \$111,630 and the absolute drop dead date was August 31, 2007. Mr. Eubanks stated the ambulance has jumped another five (5) percent in price with another price increase anticipated in January. Mr. Eubanks stated the department would need a new cot, with a price of \$7,500.00.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JULY 18, 2007, contd.

Commissioner Gilliland questioned if the 1998 MedTec Ambulance was having any problems. Mr. Eubanks stated no. Commissioner Gilliland asked if a study had been done on what the cost would be to keep the 1995 as a forth ambulance and is there enough staff to cover all the ambulances. Commissioner Gilliland suggested staggering purchases and looking at a planned placement program. Commissioner Gilliland would like to table the issue for another couple weeks and study it further. Commissioner Johnson advised no action needs to taken at this time. Commissioner Hosie agreed to set this issue back to August 15th. Commissioner Lanoue would like to look at revenue for 2008 budget and would like to look at on-going costs for 1995 and maybe drop the insurance to liability.

RESOLUTION –

AMEND PERSONNEL POLICY

SECTION 3.17 – PAY AND BENEFITS ON TERMINATION

TABLED

City Manager Paine advised the Commission an employee requested to have his or her health care insurance paid for a period of time. City Manager Paine stated after reviewing the existing policy, there was a portion of the health care plan allowed for the city to pay the base cost of the insurance and the employee to pay the excess. City Manager Paine stated once the city changed the insurance plan last November, the element of that second half of the employee paying for the extra claims cost generally went away. He stated in reviewing the current policy and after visiting with the health care consultant, the new policy was written. Mr. Paine stated that employees retiring before December 31, 2007, would be eligible to continue receiving health care benefits, irrespective of COBRA and if a person retired after January 1, 2008, the employee could continue health care but the employee would bear the cost.

Commissioner Lanoue stated Item C on the policy refers to an employee who has been with the city for 10 years is eligible for the benefit for an extended period of time, which is state statute. City Manager Paine advised Commission the policy did state 20 years and it was changed to 10 years. Commissioner Lanoue requested Mr. Uri to address what the City Commission's role is in personnel. Commissioner Lanoue felt setting policies and cost of living increases in the budget are the only roles as a commissioner. Larry Uri, City Attorney, stated he would prefer to address this issue in writing. Commissioner Lanoue moved to table this personnel issue until Mr. Uri addresses the issue with Commissioner Lanoue voting on personnel. Commissioner Hosie asked if there was a deadline for getting this done or would it create problems putting it off. City Manager Paine informed the Commission there was no deadline and if the Commission did nothing, there would still be a policy. Commissioner Hosie seconded. Mr. Uri said the next resolution will have a minor change, it will state on or before December 31, 2007. Commissioner Johnson had a question on Item B, second line, "Request for such continued coverage must be made, in writing, to the city clerk within 30 days", prior to the date of retirement or 30 days before or after. Commissioner Lanoue suggested "30 days prior to retirement", along with several other Commissioners agreeing. Mr. Uri said that change would be made. Motion carried.

RESOLUTION NO. 2007-1777

NUISANCE ABATEMENT–1601 LINCOLN

MID-KANSAS HOMES

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: LOTS 1 THRU 9, BLOCK 36, CONCORDIA, ORIGINAL TOWN, (1601 LINCOLN)

The Resolution was considered and discussed; and thereupon on motion of Commissioner Jindra, seconded by Commissioner Lanoue, the Resolution was adopted by the following roll call vote:

Yea: Commissioners Hosie, Johnson, Jindra, Lanoue and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1777 and was directed to be signed by the Mayor and attested by the City Clerk.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JULY 18, 2007, contd.

RESOLUTION NO. 2007-1778
 NUISANCE ABATEMENT-205 W. 2ND
TERRY & SHEILA HYDE

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: LOTS 19 & 20, BLOCK 193, CONCORDIA, ORIGINAL TOWN, (205 W. 2ND)

The Resolution was considered and discussed; and thereupon on motion of Commissioner Gilliland, seconded by Commissioner Lanoue, the Resolution was adopted by the following roll call vote:

Yea: Commissioners Hosie, Johnson, Jindra, Lanoue and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1778 and was directed to be signed by the Mayor and attested by the City Clerk.

EXECUTIVE SESSION –
ATTORNEY/CLIENT PRIVILEGE

HELD

At this time, Commissioner Johnson moved that the commission recess into executive session for thirty (30) minutes for the discussion of attorney/client privilege. Inviting: Larry Paine, Larry Uri, Tom Armour and Ron Copple. Commissioner Lanoue seconded. Motion carried by the following vote:

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

Nay: None.

Time: 6:54 p.m.

Ron Copple left the executive session at 7:02.

The commission reconvened at 7:24 p.m.

Mayor Johnson announced there was no action taken.

MAYOR/COMMISSIONER
COMMENTS AND REPORTS

Commissioner Gilliland thanked Larry Paine for his years of service to the City of Concordia. He stated the highest compliment I can pay a city manager would be that they were effective in carrying out the Commission's policy, vision for the community and he felt Larry has carried this out quite well and has been a positive advocate for the city with his blog and radio programs. Commissioner Gilliland added the city manager position is an important position to the community.

Commissioner Jindra thanked Larry Paine. Commissioner Jindra suggested scheduling a goal setting session for the commission as soon as possible, even prior to the budget. He stated with the 40% turn over in the commission since the last goal setting session early last year. Commissioners Johnson and Lanoue have not had the opportunity to discuss their individual short term and long term goals.

Commissioner Jindra commented about the discussion at the last meeting of whether we recruit in town or out of town people for economic development, and stated its best that we concentrate on both local and out of town businesses when it comes to economic development and creating new jobs.

Commissioner Hosie thanked Larry Paine for the four (4) plus years of service. Commissioner Hosie commented on the state qualified paramedic, hoping the second person will be soon, and the plan that had been put forth in the past and it worked. Commissioner Hosie said he requested out of town transfer information from Larry Eubanks and he gave me that from the hospital. He stated from August 29, 2006 to July 7, 2007 the Fire Department covered 40 of 41 out of town transfers.

Commissioner Lanoue thanked Larry Paine for your years of service. Commissioner Lanoue requested when information is given to one (1) commissioner it be shared with all the commissioners. Commissioner Lanoue stated the long distance transfers were a great accomplishment for the Fire Department.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD JULY 18, 2007, contd.

Commissioner Johnson thanked Larry for his one year of service while he has been on the commission. Commissioner Johnson informed the commission he was appointed to a position on the Lower Republican River Basin Advisory Commission.

STAFF COMMENTS

Larry Paine, City Manager advised the commission the resolutions were numbered out of sequence, because of the first resolution being tabled. Mr. Paine recommended to re-number the resolutions. Commissioner Hosie moved that the numbers on the resolutions be corrected to 2007-1777 and 2007-1778. Commissioner Lanoue seconded motion carried.

Larry Paine, City Manager, informed the Commission Mark Tomb had called and said over 20 applicants were received. Mr. Tomb wanted to schedule a time to meet with the commission next week and begin the review process. After discussion, Wednesday, July 25, 2007, 7:00 p.m. was set as a special call meeting for an executive session to discuss non-elected personnel and discuss city manager selection. Commissioner Jindra requested getting copies of the applications ahead of time for review. He would also like to get copies of the questionnaires from the other Commissioners.

At this point, Larry Paine stated he had worked with nine (9) of you in the last four (4) years. He went on to state that the professional opportunity he was given has been outstanding and incredible and he appreciates that. Mr. Paine stated two words "Thank You".

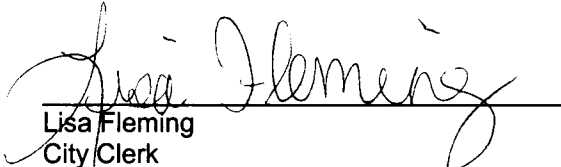
Larry Eubanks, Fire Chief, commented about single source purchasing, Policy #18 does not include a single source policy, if Commission approves the ambulance purchase, policy would have to be amended. Mr. Eubanks requested permission from the Commission to solicit bids for two (2) refurbished Zoll monitors, with trade of a life pack and life pack monitor. Commissioner Johnson moved to allow Chief Eubanks to get bids for two (2) Zoll monitors. Commissioner Gilliland seconded. Motion carried.

Larry Uri, City Attorney, stated if the Commission decides to allow the purchase of the ambulance, the policy would not have to be amended.

Ruby Maline, Director of Finance, advised the Commission the balance in the Police Department account was \$1.44 interest. A check was written to the City to clear and close the account.

Mayor Johnson announced there would be a study session following the meeting.

There being no further business, Commissioner Lanoue moved to adjourn the meeting. Commissioner Johnson seconded. Motion carried.


Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD JULY 25, 2007

The governing body met in special call meeting on June 25, 2007, at 7:00 p.m., in the City Commission room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Hosie, Johnson and Lanoue.

Absent: Commissioner Gilliland.

Other Officers: Interim City Manager Armour and Deputy City Clerk Knudsen.

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

Visitors: Mark Tomb

CALL FOR THE SPECIAL CITY COMMISSION MEETING CITY OF CONCORDIA, KANSAS

TO THE BOARD OF CITY COMMISSIONERS:

A special meeting of the Board of Commissioners is hereby called to be held as follows:

Place: City Commission Room, City Hall, Concordia, Kansas
Date: July 25, 2007
Time: 7:00 o'clock p.m.

The object of said meeting will be as follows:

1. Call to Order
2. Executive Session – Non-Elected Personnel
3. Discussion – City Manager Selection
4. Adjournment

CHARLES JOHNSON
COMMISSIONER

PHIL GILLILAND
COMMISSIONER

DARREL HOSIE
COMMISSIONER

JOE JINDRA
COMMISSIONER

CHERYL LANOUE
COMMISSIONER

"NOTICE OF SPECIAL CITY COMMISSION MEETING CITY OF CONCORDIA, KANSAS

TO: Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra and Cheryl Lanoue:

You are hereby notified that there will be a special meeting of the Board of Commissioners at 7:00 o'clock p.m. on the 25th day of July, 2007 at the City Commission Room, City Hall, Concordia, Kansas, the object of said meeting to be as follows:

PLACE: City Commission Room, City Hall
DATE: July 25, 2007
TIME: 7:00 o'clock p.m.

The object of said meeting will be as follows:

1. Call to Order
2. Executive Session – Non-Elected Personnel
3. Discussion – City Manager Selection
4. Adjournment

(Seal)

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD JULY 25, 2007, contd.

To Any Person Authorized to Serve Notice of Special City Commission Meeting Pursuant to K.S.A. (Weeks) 14-1403:

You are hereby directed to serve the above notice at once personally upon Commissioner (s) Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra, and Cheryl Lanoue or leave said notice at the usual place of residence of said Commissioner before 12:00 p.m. o'clock on the 20th day of July, 2007 and to make a return in writing of said service, showing the manner of such service.

Lisa Fleming
City Clerk

(Seal)

RETURN OF SERVICE

The undersigned received the original notice of Special City Commission meeting of which the foregoing is a copy at, 3:29 o'clock p.m., July 19, 2007 (Phil Gilliland); 4:49 o'clock p.m., July 19, 2007 (Darrel Hosie); 8:03 o'clock a.m., July 19, 2007 (Charles Johnson); 12:18 p.m. o'clock p.m., July 19, 2007 (Joe Jindra); and 12:11 o'clock p.m., July 19, 2007 (Cheryl Lanoue).

1. Served the same personally on Phil Gilliland. /s/ Lisa Fleming
2. Served the same personally on Darrel Hosie. /s/ Lisa Fleming.
3. Served the same personally on Charles Johnson. /s/ Lisa Fleming.
4. Served the same personally on Joe Jindra. /s/ Lisa Fleming.
5. Served the same at residence of Cheryl Lanoue. /s/ Jay Strait.

EXECUTIVE SESSION – NON- ELECTED PERSONNEL

HELD

Commissioner Jindra moved that the commission recess into executive session for forty five (45) minutes for the discussion of non-elected personnel. Inviting in: Tom Armour and Mark Tomb. Commissioner Lanoue seconded. Motion carried by the following vote:

Aye: Commissioners Jindra, Lanoue, Johnson and Hosie.

Nay: None.

Time: 7:02 p.m.

Commissioner Gilliland arrived at 7:15 p.m.

The commission reconvened at 7:47 p.m.

Mayor Johnson announced there was no binding action taken.

DISCUSSION – CITY MANAGER SELECTION

Commissioner Jindra suggested meeting Friday, July 27, 2007 at 6:00 p.m., for an executive session for discussion of non-elected personnel and to discuss city manager selection. Commissioner Jindra recommended that each Commissioner review the applications and pick their top five (5) candidates.

Mark Tomb, League of Kansas Municipalities, informed the Commission they will need to select four (4) or five (5) dates when all Commissioners are available, to start the interviewing process.

There being no further business, Commissioner Gilliland moved to adjourn the meeting to the adjourned meeting scheduled for Friday, July 27, 2007 at 6:00 p.m. Commissioner Hosie seconded. Motion carried.

Chér Knudsen
Deputy City Clerk

(Seal)

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD JULY 27, 2007

The governing body met in special call meeting on June 27, 2007, at 6:00 p.m., in the City Commission room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Gilliland, Johnson and Lanoue.

Absent: Commissioner Hosie.

Other Officers: City Clerk Fleming.

Visitors: Toby Nosker, Ron Deal and Ima Jean Chavey.

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

CALL FOR THE SPECIAL CITY COMMISSION MEETING CITY OF CONCORDIA, KANSAS

TO THE BOARD OF CITY COMMISSIONERS:

A special meeting of the Board of Commissioners is hereby called to be held as follows:

Place: City Commission Room, City Hall, Concordia, Kansas
Date: July 27, 2007
Time: 6:00 o'clock p.m.

The object of said meeting will be as follows:

1. Call to Order
2. Executive Session – Non-Elected Personnel
3. Discussion – City Manager Selection
4. Adjournment

CHARLES JOHNSON
COMMISSIONER

PHIL GILLILAND
COMMISSIONER

DARREL HOSIE
COMMISSIONER

JOE JINDRA
COMMISSIONER

CHERYL LANOUE
COMMISSIONER

"NOTICE OF SPECIAL CITY COMMISSION MEETING CITY OF CONCORDIA, KANSAS

TO: Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra and Cheryl Lanoue:

You are hereby notified that there will be a special meeting of the Board of Commissioners at 6:00 o'clock p.m. on the 27th day of July, 2007 at the City Commission Room, City Hall, Concordia, Kansas, the object of said meeting to be as follows:

PLACE: City Commission Room, City Hall
DATE: July 27, 2007
TIME: 6:00 o'clock p.m.

The object of said meeting will be as follows:

1. Call to Order
2. Executive Session – Non-Elected Personnel
3. Discussion – City Manager Selection
4. Adjournment

(Seal)

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD JULY 27, 2007, contd.

To Any Person Authorized to Serve Notice of Special City Commission Meeting Pursuant to K.S.A. (Weeks) 14-1403:

You are hereby directed to serve the above notice at once personally upon Commissioner (s) Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra, and Cheryl Lanoue or leave said notice at the usual place of residence of said Commissioner before 5:00 p.m. o'clock on the 26th day of July, 2007 and to make a return in writing of said service, showing the manner of such service.

Lisa Fleming
City Clerk

(Seal)

RETURN OF SERVICE

The undersigned received the original notice of Special City Commission meeting of which the foregoing is a copy at, 12:58 o'clock p.m., July 26, 2007 (Phil Gilliland); 4:58 o'clock p.m., July 26, 2007 (Darrel Hosie); 10:06 a.m. o'clock p.m., July 26, 2007 (Charles Johnson); 10:35 a.m. o'clock p.m., July 26, 2007 (Joe Jindra); and 4:51 p.m. o'clock p.m., July 26, 2007 (Cheryl Lanoue).

1. Served the same personally on Phil Gilliland. /s/ Phil Deneault.
2. Served the same personally on Darrel Hosie. /s/ Lisa Fleming.
3. Served the same personally on Charles Johnson. /s/ Chér Knudsen.
4. Served the same personally on Joe Jindra. /s/ Lisa Fleming.
5. Served the same at residence of Cheryl Lanoue. /s/ Jay Strait.

EXECUTIVE SESSION – NON- ELECTED PERSONNEL

HELD

Commissioner Johnson moved that the commission recess into executive session for forty five (45) minutes for the discussion of non-elected personnel. Commissioner Gilliland seconded. Motion carried by the following vote:

Aye: Commissioners Jindra, Lanoue, Johnson and Gilliland.

Nay: None.

Commissioner Hosie arrived at 6:01 p.m.

Time: 6:01 p.m.

The commission reconvened at 6:46 p.m.

Mayor Johnson announced there was no binding action taken.

DISCUSSION – CITY MANAGER SELECTION

The Commission discussed contacting Mark Tomb, Kansas League of Municipalities, to inform him they selected several applicants to interview. Several dates were selected for possible interviews. After the interviews are scheduled motel reservations, lunch reservations and dinner reservations will be made for the applicant.

There being no further business, Commissioner Jindra moved to adjourn the meeting. Commissioner Hosie seconded. Motion carried.

Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE ADJOURNED CITY COMMISSION MEETING HELD JULY 27, 2007

The governing body met in adjourned session on June 27, 2007, at 6:00 p.m., in the City Commission room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Gilliland, Johnson and Lanoue.

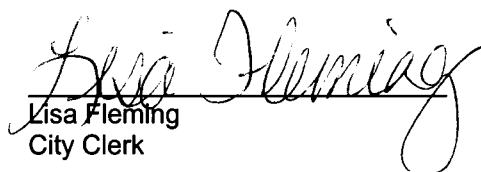
Absent: Commissioner Hosie.

Other Officers: City Clerk Fleming.

Visitors: Toby Nosker.

The mayor declared there was a quorum present and called the meeting to order.

Commissioner Lanoue moved to adjourn the meeting. Commissioner Johnson seconded. Motion carried.



Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD AUGUST 1, 2007

The governing body met in regular session on August 1, 2007 at 5:30 p.m. in the City Commission Room in the City Hall, the following members being present and participating, to wit: Commissioners Johnson, Gilliland, Lanoue and Hosie.

Absent: Commissioner Jindra.

Other Officers: Interim City Manager Armour, City Attorney Uri and City Clerk Fleming.

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

Visitors: Jessica LeDuc, Toby Nosker, Kirk S. Lowell, Dana Brewer, Chris Andregg, J.T. Klaus, Chér Knudsen, Steve Dailey, Ruby Maline, Rev. Cory Shipley, Ron Deal, Danny Parker, Tom Tuggle, Darrel Kearns, Jack Gould, Janet Eubanks, Larry Eubanks, Pam Gordon, Estalene Harrington, Carrie Pruitt, Larry Remmenga, Donald Lanoue, Marvin Copple, Kevin Cowan, Chuck Bouilly, Jim Kaup and Ima Jean Chavey.

Pastor Cory Shipley, Victory Faith Assembly of God, provided the invocation before the city commission meeting.

Tom Armour, Interim City Manager, requested adding under New Business Item C. Interim City Manager Comments.

APPROVAL OF MINUTES

Commissioner Hosie moved to approve the minutes of the July 18, 2007 regular meeting. Commissioner Lanoue seconded. Motion carried. Commissioner Hosie moved to approve the minutes of the July 25, 2007 special call meeting. Commissioner Gilliland seconded. Motion carried. Commissioner Lanoue moved to approve the minutes of the adjourned meeting of July 27, 2007. Commissioner Johnson seconded. Motion carried. Commissioner Hosie moved to approve the minutes of the July 27, 2007 special call meeting. Commissioner Gilliland seconded. Motion carried.

Commissioner Jindra arrived at 5:37 p.m.

APPROPRIATION ORDINANCE NO. 14

APPROVED

Commissioner Gilliland moved to approve Appropriation Ordinance No. 14. Commissioner Jindra seconded. Motion carried.

PUBLIC COMMENTS

Janet Eubanks, director of residence life at Cloud County Community College, thanked the Commission for their guidance and helpfulness in dealing with the college's water valve issues. She stated that after the city staff and college representatives met, they agreed on a solution that was agreeable to everyone involved, thus, allowing the students to be able to move in on August 12th.

Jack Gould commented, for the second time, about the cars across the sidewalk, trash barrels on the parking and tall weeds in the 300 Block of West 5th. Mr. Gould also stated he had complained to the police chief, a couple of times, about the corner of 6th Street and Second Avenue (the correct intersection is 6th Street and 1st Avenue) and nothing had been done. He stated coming from the north, it is a blind corner with overgrown bushes.

The following comments were made in the conversation that follows.

Tom Tuggle, was present to make a couple comments about public statements that the Mayor, you Mayor Johnson made, versus some of the actions you have taken, basically, under cover of darkness and then I would like to comment and tell you my concerns and how it affects me and how I think it affects the city. Now you have spoken much about the need to have open and honest government and no one can argue with that. That's the way it should be. You told me in a recent conversation that you kind of had with me, that you were in favor of economic development and the necessity that it be an open process. And again, you can't argue with that. That makes sense. But, we are well aware of the fact that you filed a letter with the KDHE asking that there be a pollution hearing with regard to Everton the ethanol plant. And of course in that one you said you were a City Commissioner, which implies that you are important and that you may, or are, speaking on behalf of the City of Concordia. And I think it is widely agreed, at least people I talked to, that that was inappropriate to even write the letter. But in our conversation I asked you why you did that. He said well I wanted to make sure that everyone that wanted to say something had their legal rights protected. And specifically you mentioned a woman that lives outside the City of Concordia.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD AUGUST 1, 2007, contd.

Mayor Johnson – No I didn't mention it, you did.

Mr. Tuggle – Well, I know, but you said she lived outside the City of Concordia and would you agree with me that she is not a resident of the City of Concordia.

Mayor Johnson – Well I think I would have to.

Mr. Tuggle – Ok. And so my question is, are you representing people outside the City or are you representing the people of Concordia?

Mayor Johnson – I represent the people of Concordia.

Mr. Tuggle – I see. Well to me there is an inconsistency there, but I don't want to get in to that right now. The other thing that I found interesting in view of your stated policy of fair and honest, open government, is in talking about these documents that you sent in to KDHE in advance of the hearing is specifically the one you sent requesting the hearing, you told me, well really those documents should not have been released until after the KDHE made a ruling on whether to issue the permit. Now I ask you, and I'm suggesting that you are required to answer, but is that open and honest, that you want all that information held sealed in effect until after a decision is made.

Mayor Johnson – They normally do that.

Mr. Tuggle – I see, OK. And so you were opposed to the fact that they complied with the open records act and provided that.

Mayor Johnson – I don't know whether they complied with the open records act. I don't know whether anybody requested them in the open records act.

Mr. Tuggle – So it was fine to keep that under cover of darkness?

Mayor Johnson – What was under cover of darkness?

Mr. Tuggle – Well, in other words, if you do things that are readily available to the public and are not available to your peers on the commission, to me that is an analogous to doing something

Mayor Johnson – That's all readily available to the public, it's one of those readily available things, public notice in the paper.

Mr. Tuggle – Sure there was.

Mayor Johnson – That's public.

Mr. Tuggle – One of the concerns is that when you act, well let me back up. Any public official, whether it be a judge, a commissioner or anything else, they can not completely separate their private life and their private views from their public views. And I think it's important to keep that in mind. For example, there are a lot of things that I could not properly do as a judge because it would appear that I was using the influence of my position for personal gain or personal motive and I think that applies to you as much as it does to anybody else. Now, I also think one of the dangers here is that it sends a negative message to businessmen in town and perspective businessmen. I think it is reasonable to assume with Everton, I can't speak for them, but they thought they had done everything they needed to do when the City Commission approved the development agreement and they weren't going to have anybody out meddling around, sniffing around, trying to cause problems, to be blunt about it. Now that's been enough said about that. But then I find that, again, under cover of darkness, you have been appointed to the Kansas South Republican River Basin Advisory Authority.

Mayor Johnson – Lower Republican River

Mr. Tuggle – OK, thank you for clarifying that. Now my information is that you applied for and were appointed to this commission on May 16th of this year. Your first meeting after you were appointed was July 17th of this year. And then finally on the 18th, the next day, when there was a regularly scheduled commissioner's meeting, you told the commissioners that you were on the board. But what you did not tell them, among other things, was that you are on there as the municipal water works representative for the advisory group. Now to me that is critical. Now when we talk about water rights I don't think anyone

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD AUGUST 1, 2007, contd.

in here has been on Mars and doesn't understand the significance of water. And we all know that water rights and the competition between rural and urban areas are important and it's important that if you or one of the other commissioners wants to be on there that's fine. But why not talk to the other commissioners about it. It just is inconsistent in my view with proper public service.

Mayor Johnson – Do you know how that appointment was made?

Mr. Tuggle – No.

Mayor Johnson – Well you should find out before you come up here and accuse me of doing something publicly behind everybody's back. So if you have proof of that let me know. Otherwise I think we are done.

Mr. Tuggle – Well I'm not done.

Mayor Johnson – If you don't have any proof of what you are saying then it is innuendo.

Mr. Tuggle – Oh, well I have a draft of the minutes of that meeting when you were appointed.

Mayor Johnson – But you don't know how that position, or I was appointed to.

Mr. Tuggle – Well, I know. But would you agree that you did not tell anybody you might be appointed.

Mayor Johnson – I did not know I was going to be.

Mr. Tuggle – Did you turn in an application?

Mayor Johnson – Yes.

Mr. Tuggle – OK. Well wouldn't that be some indication

Mayor Johnson – I didn't turn it in for that position.

Mr. Tuggle – I see. Well now that is inconsistent with these minutes that I have.

Mayor Johnson – I can get you a copy of the application if that's what you want.

Mayor Johnson – There were four (4) open positions I qualified for. This is the one they put me on.

Mr. Tuggle – OK, so you qualified for four (4). You didn't specifically say which one.

Mayor Johnson – No.

Mr. Tuggle – OK. Well

Mayor Johnson – See if you were going to come up here and accuse me of something I would have found that out earlier.

Mr. Tuggle – Well now wait a minute, all I said was that you are the municipal public water supplier representative.

Mayor Johnson – That is the position they appointed me to.

Mr. Tuggle – Well I know. But did you tell anyone that you put the application in.

Mayor Johnson – I didn't put it in for that one.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD AUGUST 1, 2007, contd.

Mr. Tuggle – Well, thank you, I think that clarifies that. Now I see your good friend, Dennis Reedy, put in for the recreation category and he was not chosen and then also he put in for the sixth category, which was agriculture. So, and as far as other documentation, if I'm in error, of course I want to stand corrected and I will make amends. But the point of this whole thing is that you talked long and loud about openness. When you have a question of someone, or a question of a company, and my sense is, my belief is that you want that question answered no matter how irrelevant it is. And if you don't get it answered, then you are disappointed and you say these people are trying to stonewall you.

Mayor Johnson – Where did I say that?

Mr. Tuggle – That's my sense of what you said in general. I'm not quoting a specific situation.

Mayor Johnson – You just said I said I felt like I was being stonewalled. You would have had to heard me say that if you did I say that? Did I say that anywhere in public that I felt I was being stonewalled?

Mr. Tuggle – No.

Mayor Johnson – OK.

Mr. Tuggle – But you have ...you know the English language has a lot of synonyms and in talking with you; you use synonyms to that affect.

Mayor Johnson – No I didn't.

Mr. Tuggle – Yes you did. Now finally, and I need to wrap up here and I appreciate the time. So basically you want certain openness when you ask a question but then when you decide to take action, that affects you and is related to your position as a commissioner, you do it under cover of darkness and we have the KDHE letter requesting a hearing and now we have you sitting on this advisory committee, which is important to the people not only of Concordia, but the whole state. And to treat that lightly and under cover of darkness, I think is wrong. And the bottom line is this, as a long time resident of Concordia; I resent this kind of activity. These things that you have done in your capacity as a commissioner or whether you think it is or isn't, you can't divorce the two (2). I think it is unbecoming of an official. I think it is an embarrassment to the official as well as to the City. And so I would respectfully suggest that you re-evaluate your position on your openness policy when it comes to actions taken by you. Thank you very much.

ACCEPT 2006 AUDIT

TABLED

Commissioner Lanoue informed the Commission she had asked Ruby Maline, Director of Finance, some questions on Monday, regarding the audit. Commissioner Lanoue asked about the health care on page 47 of the 2006 Financial Statements. Commissioner Lanoue stated she believed the employer/employee contributions were reversed. Commissioner Lanoue stated if the employer contributed \$61,702 and the employees contributed \$643,100 in the health fund, the City should not have a problem with the employee share of health care. Commissioner Lanoue's other comments were from page 63, Capitol projects. Ms. Maline informed Commissioner Lanoue she visited with Doug Glenn from the external audit team, about her concerns. Mr. Glenn said the financial statements were accurate and he believed those issues did not have any reflection on the accuracy and financial stability of the City. He also informed Ms. Maline it would not be cost beneficial to change page 63 and that he verified the numbers on page 47. Commissioner Lanoue stated she felt the numbers on the health fund and capitol project dollars spent should be correct when they are released to the public. Commissioner Lanoue also commented about the following TIF projects: Stormwater Drainage figures, Mid America Auto Center should not be listed; Mastin and Womack should be listed. Commissioner Gilliland agreed with Commissioner Lanoue that the audit needs to be accurate as possible and didn't have a problem having Mr. Glenn review the audit. Commissioner Hosie also agreed. Commissioner Lanoue moved to table the 2006 Audit. Commissioner Jindra seconded. Motion carried.

SENIOR CITIZENS CENTER ANNUAL FUNDING REQUEST

Estalene Herrington, representing the Senior Citizens Center, told the Commission with the increase in minimum wage, the Center was facing a problem of not having enough funds to pay salaries. Ms. Herrington introduced Pam Gordon, director of field services with the North Central Flint Hills Area

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD AUGUST 1, 2007, contd.

Agency on Aging. Ms. Gordon advised the Commission the agency covers an 18 county region. Ms. Gordon informed the Commission the local center serves an average of 101 meals a day. She said the Concordia center has three (3) positions and to bring staff up to the average hourly wage, the Center needs an additional \$8,032.33 a year. Ms. Gordon thanked the Commission for their consideration and support of the funding request from the Concordia Senior Citizens Center. No decision was made on the funding request.

SET DATE FOR GOAL SETTING SESSION

The Commission scheduled a Goal Setting Session for Saturday, September 15, 2007 at 8:00 a.m.

MANAGER COMMENTS

Tom Armour, Interim City Manager, asked the Commission about an invoice in excess of \$10,000 from the Orphan Train Depot project. After discussion on the Orphan Train grant project, the Commission informed Mr. Armour this invoice could be processed for payment. Mr. Armour informed the Commission he signed a request for \$800 for a required FAA review of the consultant's suggested fee schedule. Mr. Armour stated Bruno Rehbein was on vacation, but Jim Kaup provided samples of RFP requirements the City will be able to use as a guideline.

RESOLUTION 2007- 1779

PERSONNEL POLICY AMENDMENT

PAY AND BENEFITS ON TERMINATION

APPROVED

Commissioner Lanoue asked Mr. Uri to review his memorandum regarding a Commissioner voting on pay and benefits for employees related to a Commissioner. Mr. Uri stated that Commissioner Lanoue has relation working for the city and it does not bar her from voting on their pay and benefits or other matters affecting their employment. Mr. Uri informed the Commission Concordia does not have an ordinance which would apply to this subject and the City's nepotism policy does not apply to a City Commissioner. Mayor Johnson stated the changes had been made to this Resolution.

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY FINDS IT ADVISABLE TO MAKE CERTAIN CHANGES IN THE PERSONNEL POLICIES OF THE CITY WITH RESPECT TO BENEFITS UPON TERMINATION;

The Resolution was considered and discussed; and thereupon on motion of Commissioner Jindra, seconded by Commissioner Gilliland, the Resolution was adopted by the following roll call vote:

Yea: Commissioners Hosie, Johnson, Jindra, Lanoue and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1779 and was directed to be signed by the Mayor and attested by the City Clerk.

EXECUTIVE SESSION –

ATTORNEY/CLIENT PRIVILEGE

HELD

At this time, Commissioner Johnson moved that the commission recess into executive session for twenty (20) minutes for the discussion of attorney/client privilege. Inviting: Larry Uri and Tom Armour. Commissioner Jindra seconded. Motion carried by the following vote:

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

Nay: None.

Time: 6:41 p.m.

The commission reconvened at 7:01 p.m.

Mayor Johnson announced there was no action taken.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD AUGUST 1, 2007, contd.

Mayor Johnson announced the agenda would be re-arranged to have the Everton presentation as the first item on the Study Session.

**MAYOR/COMMISSIONER
COMMENTS AND REPORTS**

Commissioner Lanoue asked if all the transfers out of the Employee Benefit are complete. Ms. Maline advised her they were done. Commissioner Lanoue asked if Ms. Maline felt there was an issue with cash in that fund. Ms. Maline stated there could be a cash issue. Commissioner Lanoue questioned the status of the 16th & Lincoln property. Lisa Fleming, City Clerk, advised Commissioner Lanoue the ten (10) days have passed and the City should be scheduling to mow the property. Ms. Fleming will check on the status of the mowing at 16th & Lincoln. Commissioner Lanoue thanked Dean Lucko for the 25 plus years that he gave to the City and to the staff for the retirement reception for Dean. Commissioner Lanoue informed the Commission she had her questions for the interviews.

Commissioner Jindra congratulated the K-18 - F & A baseball team that will play in the state championship on Friday at Lucas.

STAFF COMMENTS

Danny Parker, Chief of Police, wanted to make a point of clarification to Mr. Gould's comments. Mr. Gould did approach Chief Parker about the bushes at the intersection of 6th & First Avenue. He explained to Mr. Gould he needed to talk to Ron Copple in the Public Works department and was not aware that he had spoken to Mr. Copple. Commissioner Lanoue said in the past it was Public Safety that checked out the problem and if there was a problem, it would be forwarded to city staff and nuisance abatement would be sent to the property owner. Ms. Maline stated this address was not listed in the nuisance file. City Clerk Fleming informed the Commission when a complaint is received a service request form is completed and then forwarded to the specific department for investigation.

Mayor Johnson announced there would be a study session following the meeting.

There being no further business, Commissioner Jindra moved to adjourn the meeting. Commissioner Lanoue seconded. Motion carried.



Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD AUGUST 15, 2007

The governing body met in regular session on August 15, 2007 at 5:30 p.m. in the City Commission Room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Johnson, Gilliland, Lanoue and Hosie.

Absent: None.

Other Officers: Interim City Manager Armour, City Attorney Uri and City Clerk Fleming.

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

Visitors: Jessica LeDuc, Toby Nosker, Joe Strecker, Ron Deal, Ima Jean Chavey, Rev. Cory Shipley, Larry Eubanks, Pearl Townsend, Darlene L. Hepperly, Bruno Rehbein, Don Lanoue, Danny Parker, Ron Copple, Greg Hattan, Ruby Maline, Kirk Lowell, Joe Gerard, Larry Remmenga, Tom Tuggle, Art Slaughter, Janet Lowell, Marvin Copple, Steve Womack, Dale and Verna Ferguson, Wendy Holt, Dana Brewer, Lee W. Doyen, Jack Gould, Tim Holt and Suzi Tuggle.

Pastor Cory Shipley, Victory Faith Assembly of God, provided the invocation before the city commission meeting.

Mayor Johnson announced an amendment to the agenda. Commissioner Jindra moved to add an executive session for non-elected personnel to the agenda as item eight (8) A. Commissioner Gilliland seconded. Motion carried.

APPROVAL OF MINUTES

Commissioner Hosie moved to approve the minutes of the August 1, 2007 regular meeting. Commissioner Lanoue seconded. Motion carried.

APPROPRIATION ORDINANCE NO. 15

APPROVED

Commissioner Lanoue had several questions on Appropriation Ordinance #15. Commissioner Lanoue asked about Tom Armour's contractual payment, which was taken out of a salary line, which then states that the City is paying Social Security, Medicare, Unemployment and Work Comp. The line items used were 100-401-711.001 for \$1068.50 and 601-461-711.001 for \$1068.50. Commissioner Lanoue stated Mr. Armour's agreement was for contractual services and the dollar amount on the appropriation ordinance should be moved to a contractual line. Commissioner Lanoue asked if a 1099 would be printed. Ruby Maline, Director of Finance, stated a check can go through AP out of a salary line without calculating payroll benefits and print a 1099 through AP. Commissioner Johnson asked about the current audit payment of \$7,500.00; if it was all for the audit and if it was the final payment. Commissioner Johnson asked if the audit books would be corrected. Ms. Maline informed Commissioner Johnson the books will not be corrected, but a corrected health insurance page will be put in the audit books. Commissioner Johnson stated he would not want to make this payment if the auditor was sending out books that were not correct. Commissioner Lanoue concurred with Commissioner Johnson and stated they should not pay for the audit until the capital projects are correct. Commissioner Lanoue did not feel the appropriation ordinance should be approved without correcting some of the questioned payments, especially Mr. Armour's contractual payment. Commissioner Gilliland moved to approve Appropriation Ordinance No. 15. Commissioner Hosie seconded. Motion carried as follows:

Yea: Commissioners Hosie, Gilliland and Jindra.

Nay: Commissioners Johnson and Lanoue.

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARING
2008 BUDGET

Mayor Johnson opened the public hearing for the 2008 budget and asked for public comments.

Larry Paine, former city manager, informed the commission he would return for the 2008 budget hearing. Mr. Paine worked on the 2008 budget for the City of Concordia before leaving to become the City Administrator in Hillsboro. Mr. Paine started his power point presentation of the 2008 budget by stating the purpose of a budget is to set up a financial plan. Mr. Paine highlighted a few things that were being accomplished in the 2008 budget as follows: consolidate Employee Benefit Fund into General Fund; Construction of flood control structure in south development; lower levy than previous years, the total tax burden rises about \$20,000 (\$4.00 per person) and 3% salary allocation. Mr. Paine stated the 2008 budget will have a mill levy decrease, and said this is something the community should be proud of. The assessed valuation for the 2008 budget went up to an estimated of \$24,032,799. Mr. Paine pointed out that sales tax is the number one (1) revenue item for the City of Concordia. Mr. Paine stated the 2008 proposed budget is \$9.3 million. Most of the expenditures in the budget relate to salary and fringe

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD AUGUST 15, 2007, contd.

benefits, close to \$2.3 million, with the total general fund being proposed is \$4.6 million. Mr. Paine said the utility fund will increase approximately \$600,000 in the special projects to re-do the north clarifier at the wastewater treatment plant. Mr. Paine stated the city is saving money for future capital improvement projects, which include swimming pool improvement, cemetery land acquisition, slurry seal, flood control structure, mill overlay and downtown improvement. Mr. Paine said he continues to brag about the city's downtown improvement project, which is getting a lot of attention around the state.

Mayor Johnson asked for other comments.

Dr. Greg Hattan was present to voice his concern about the proposed 2008 budget. He asked the following questions about numbers not matching up in 2008 budget.

- Employee Benefit Fund transfer amounts on the state budget form; an amount of \$96,000 to general fund, the transfer of \$15,000 and the July cash balance statement of \$3,700.

Commissioner Lanoue stated 210 with the \$90,000 some thousand was wrong. She felt there will be a negative cash balance in the employee benefit fund at the end of the year.

- The different Special Utility transfer amounts of \$41,958 and \$73,468. Dr. Hattan also asked what the transfer was for.

Commissioner Lanoue said current cash was \$32,000 and questioned the \$73,468 transfer. She informed Dr. Hattan the transfer was to close the fund.

- Utility fund summary amount of \$93,415 for debt service and the debt service schedule amount is \$68,415.
- Special Equipment fund, which transfer amount is correct \$47,906 or \$146,570.
- Special Projects – Airport Master Plan – Dr. Hattan asked if there were matching grants available.
- Dr. Hattan asked about ambulance collection practices and why the city has only collected \$17,834 to date. He suggested the department that is manned 24/7 every day of the year could file the insurance forms.
- Dr. Hattan asked why the City of Concordia has an ambulance in Glasco and why the tax payers of Concordia are subsidizing the ambulance in Glasco. Dr. Hattan stated out of 46 runs from Glasco only five (5) were transported back to Concordia. Commissioner Hosie stated Glasco approached Concordia about providing ambulance service and a contract was signed; along with several other township ambulance contracts. He suggested going to a countywide ambulance service. Commissioner Hosie encouraged Dr. Hattan to take his concerns to the Board of County Commissioners. Larry Eubanks, Fire Chief, agreed they need to look at the ambulance service throughout the whole county and possibly having a countywide ambulance service.
- Dr. Hattan stated there appeared to be deficit spending in the general and utility funds in the last several years. He stated it is good to keep the mill levy down, but eventually we will run into a problem because we are tapping out all the reserve funds.
- Dr. Hattan questioned the new health insurance fund.
- Dr. Hattan asked about the TIF projects and if the amount was an accounting procedure or \$100,000 transfer.

Ima Jean Chavey stated she took some questions to City Hall and never had any answers. She asked the following questions.

- Ms. Chavey asked about \$26, 521, which the auditor said we had in a water and bond fund that should have been taken out a year ago. Ms. Chavey stated she could not find it in the budget.

Ms. Maline reported that it was a 2007 transfer that will be made this year.

Commissioner Lanoue stated it was not reflected in the budget or transfers.

- Ms. Chavey questioned the \$175,000 transfer from health care that is not shown on the transfers.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD AUGUST 15, 2007, contd.

Ms. Maline advised that was because the fund will be closed this year and the budget will be amended.

Commissioner Lanoue stated she thought we were keeping the funds.

- Ms Chavey asked about the \$124,000 from the airport that should have been in 2007.

Commissioner Lanoue stated it was in 410 in the 2008 budget.

- Ms. Chavey questioned the \$10,000 that was discussed to be put in the industrial fund and the last night of budget review sessions they removed it, but it is still there.

Ms. Maline stated it was a different \$10,000.

- Ms. Chavey asked about the TIF projects.

Commissioner Lanoue stated she felt if we don't have any TIF projects, we should reflect that in '07 so we can carryover the cash for '08, in case we do have projects.

- Ms. Chavey commented the League says the schedule of transfers sheet is the most important to trace money and yet it is full of mistakes.
- Ms. Chavey said that without an audit, the public had nothing to look at to compare numbers with the 2008 budget. She didn't know how you can put together a budget without audit figures and the audit has not been approved.

Joe Strecker, former Commissioner, thanked the Commissioners for all their hard work in the budget process. Mr. Strecker said a budget is basically a piece of paper, which could be amended or modified to fulfill the needs of funds. Mr. Strecker quoted six (6) principles of leadership from a book written by Mark Sanborn and related them to the City, City Commission, City Manager and Department Heads.

Lee Doyen, former Commissioner, was present and gave comments in regard to accomplishments by former commissioners that helped make the city what it is today.

Kirk Lowell, speaking as a citizen, after attending a few of the budget work sessions, Mr. Lowell stated the commission is more concerned about moving numbers around in a spreadsheet than knowing how to handle a special assessment. Mr. Lowell said he had not heard the commission talk about any vision. Mr. Lowell asked "what's this Commission's vision". He felt this budget was one of the, respectfully, most disappointing city budgets he'd ever seen. Mr. Lowell said the budget was wrong because of politics.

Commissioner Lanoue stated she respected everything Mr. Lowell said and she felt we do need a vision. Commissioner Lanoue said she had asked that corrections be made to the budget and they weren't. Commissioner Lanoue stated she did not feel it was her fault the numbers did not tie and that should be staff's job. Commissioner Lanoue pointed out several inaccuracies in the budget form. Commissioner Lanoue stated she would like to see the budget correct before passing it. Commissioner Lanoue stated we all need to work together.

Commissioner Jindra said Ruby Maline, the new director of finance, couldn't be perfect on her first budget and there have been complaints about the budget for several years. Commissioner Jindra stated he's confident next year Ms. Maline will have her arms tightly wrapped around the City's budget. Commissioner Jindra pointed out the city is the only entity in the county that has consistently lowered its mill levy.

Commissioner Gilliland agreed with Commissioner Lanoue that the budget should be accurate. He stated he felt a Commissioner's job is to set policy and procedure, set vision for the City and approve the budget, not to nit-pick and scrutinize every line item. Commissioner Gilliland stated staff is hired to prepare the budget and if a commissioner has some concerns with budget line items they should visit with staff one on one.

Ms. Maline stated she had made some changes to the budget, but if there are additional corrections that the Commission want to make, she would meet with the commission again and work together on the changes.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD AUGUST 15, 2007, contd.

There being no further comments, Mayor Johnson closed the public hearing.

ORDINANCE

ADOPTION OF 2008 BUDGET

TABLED

Mayor Johnson requested the errors in the budget be corrected. After further discussion of correcting the budget and the deadline for filing it with the County Clerk, Commissioner Jindra moved to table the ordinance adopting the 2008 budget until September 5, 2007 and instruct staff to contact the county clerk. Commissioner Lanoue seconded. Commissioner Hosie suggested Dr. Hattan, Commissioner Lanoue and Ruby Maline meet and review the budget. Motion carried.

ACCEPT 2006 AUDIT

Mayor Johnson asked for discussion on the 2006 audit. Commissioner Lanoue stated she still stood by her concerns that the capital project amounts were not correct. Commissioner Gilliland moved to approve the 2006 audit. Commissioner Jindra seconded. Motion carried as follows:

Yea: Commissioners Hosie, Gilliland, Jindra and Johnson.

Nay: Commissioner Lanoue.

APPROVAL OF 2007

AMBULANCE PURCHASE

Fire Chief Eubanks reviewed the ambulance proposal from Wheeled Coach. Mr. Eubanks stated if they purchase the ambulance in 2007 they would save \$30,000. Commissioner Hosie wanted to note the process used to receive the ambulance proposals deviated from the bid policy. Following discussion, Commissioner Hosie moved to approve the purchase of the Wheeled Coach ambulance in the amount of \$111,630. Commissioner Johnson seconded. Motion failed by the following vote:

Yea: Commissioners Hosie and Johnson.

Nay: Commissioners Gilliland, Lanoue and Jindra.

ACCEPT PROPOSAL FOR

AED/MANUAL DEFIBRILLATOR

Larry Eubanks, Fire Chief, advised the Commission he received three (3) proposals for two refurbished AED/Manual Defibrillators. Mr. Eubanks stated this is in the 2007 budget. Staff recommended accepting the proposal from Zoll Medical Corporation in the amount of \$19,316 with trade in. Following discussion, Commissioner Jindra moved to approve the proposal for the two AED/Manual defibrillators from the Zoll Medical Corporation in the amount of \$19,316 with trade in. Commissioner Gilliland seconded. Motion carried.

EXECUTIVE SESSION –

ATTORNEY/CLIENT PRIVILEGE

HELD

At this time, Commissioner Johnson moved that the commission recess into executive session for twenty (20) minutes for the discussion of attorney/client privilege. Inviting: Tom Armour and Larry Uri. Commissioner Hosie seconded. Motion carried by the following vote:

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

Nay: None.

Time: 8:12 p.m.

The commission reconvened at 8:32 p.m.

Mayor Johnson announced there was no action taken.

EXECUTIVE SESSION –

NON-ELECTED PERSONNEL

HELD

At this time, Commissioner Johnson moved that the commission recess into executive session for fifteen (15) minutes for the discussion of non-elected personnel. Inviting: Tom Armour. Commissioner Jindra seconded. Motion carried by the following vote:

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD AUGUST 15, 2007, contd.

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

Nay: None.

Time: 8:33 p.m.

The commission reconvened at 8:48 p.m.

Mayor Johnson announced there was no action taken.

MANAGER'S REPORT

Tom Armour, Interim City Manager, reported that Phil Deneault, City Treasurer, submitted his retirement effective November 30, 2007. Mr. Armour stated Phil had worked for the City for over 32 years. Mr. Armour advised staff is reviewing the possibilities of in-house transfers or recruitment for this position.

Mr. Armour advised the Commission, Larry Uri, City Attorney, has requested the Commission review his contract with the City. Mr. Armour stated Mr. Uri's contract has not been reviewed since 2005. Mr. Uri is suggesting a five (5) percent increase (\$180.00) per month and the hourly rate been increased from \$100 to \$105 per hour. Staff recommends the request be approved. Commissioner Gilliland moved to approve a five (5) percent increase for the City Attorney on the monthly retainer, which would increase it by \$180 a month and increase the hourly rate from \$100 to \$105. Commissioner Jindra seconded. Motion carried.

Mr. Armour advised the Commission an employee was incorrectly placed in the pay scale this year and Staff is making that adjustment.

Mr. Armour advised the Commission on the status of the Airport Master Plan and the HWS contract. Mr. Armour's recommendation is to postpone the project until after the first of the year. After Commission discussion, it was the general consensus of the Commission to start working on the project soon and submit it after the first of the year.

**MAYOR/COMMISSIONER
COMMENTS AND REPORTS**

Commissioner Lanoue asked if the reimbursement for the Orphan Train had been submitted. Mr. Armour informed her the reimbursement was submitted and the City should receive it soon. Commissioner Lanoue asked Ruby Maline about the Revolving Loan fund. Ms. Maline stated she had the information ready but did not bring it to the meeting.

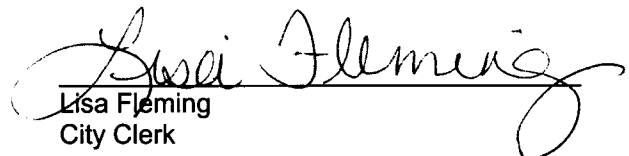
Mayor Johnson announced the upcoming city manager interview schedule and special call meetings for 7:15 p.m. on August 21, 24, 29, 2007.

STAFF COMMENTS

There were no staff comments.

Mayor Johnson announced there would be a study session following the meeting.

There being no further business, Commissioner Jindra moved to adjourn the meeting. Commissioner Johnson seconded. Motion carried.


Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD AUGUST 21, 2007

The governing body met in special call meeting on August 21, 2007, at 7:15 p.m., in the City Commission room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Gilliland, Johnson, Hosie and Lanoue.

Absent: None.

Other Officers: Interim City Manager Armour and City Clerk Fleming.

Visitors: David Boone.

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

**CALL FOR SPECIAL CITY COMMISSION MEETINGS
CITY OF CONCORDIA, KANSAS**

TO THE BOARD OF CITY COMMISSIONERS:

Special meetings of the Board of Commissioners are hereby called to be held as follows:

Place: City Commission Room, City Hall, Concordia, Kansas
Date: August 21, 2007
Time: 7:15 o'clock p.m.

Place: City Commission Room, City Hall, Concordia, Kansas
Date: August 24, 2007
Time: 7:15 o'clock p.m.

Place: City Commission Room, City Hall, Concordia, Kansas
Date: August 29, 2007
Time: 7:15 o'clock p.m.

The object of said meetings will be as follows:

1. Call to Order
2. Executive Session – Non-Elected Personnel
3. Adjournment

CHARLES JOHNSON
COMMISSIONER

PHIL GILLILAND
COMMISSIONER

DARREL HOSIE
COMMISSIONER

JOE JINDRA
COMMISSIONER

CHERYL LANOUE
COMMISSIONER

**"NOTICE OF SPECIAL CITY COMMISSION MEETINGS
CITY OF CONCORDIA, KANSAS**

TO: Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra and Cheryl Lanoue:

You are hereby notified that there will be special meetings of the Board of Commissioners at 7:15 o'clock p.m. on the 21st, 24th, and 29th days of August, 2007 at the City Commission Room, City Hall, Concordia, Kansas, the object of said meeting to be as follows:

Place: City Commission Room, City Hall, Concordia, Kansas
Date: August 21, 2007
Time: 7:15 o'clock p.m.

Place: City Commission Room, City Hall, Concordia, Kansas
Date: August 24, 2007
Time: 7:15 o'clock p.m.

Place: City Commission Room, City Hall, Concordia, Kansas
Date: August 29, 2007
Time: 7:15 o'clock p.m.

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD AUGUST 21, 2007, contd.

The object of said meeting will be as follows:

1. Call to Order
2. Executive Session – Non-Elected Personnel
3. Adjournment

(Seal)

To Any Person Authorized to Serve Notice of Special City Commission Meetings Pursuant to K.S.A. (Weeks) 14-1403:

You are hereby directed to serve the above notice at once personally upon Commissioner (s) Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra, and Cheryl Lanoue or leave said notice at the usual place of residence of said Commissioner before 5:00 p.m. o'clock on the 17th day of August, 2007 and to make a return in writing of said service, showing the manner of such service.

Lisa Fleming
City Clerk

(Seal)

RETURN OF SERVICE

The undersigned received the original notice of Special City Commission meetings of which the foregoing is a copy at, 9:09 o'clock p.m., August 15, 2007 (Phil Gilliland); 9:09 o'clock p.m., August 15, 2007 (Darrel Hosie); 9:09 o'clock p.m., August 15, 2007 (Charles Johnson); 9:09 o'clock p.m., August 21, 2007 (Joe Jindra); and 9:09 o'clock p.m., August 15, 2007 (Cheryl Lanoue).

1. Served the same personally on Phil Gilliland. /s/ Lisa Fleming
2. Served the same personally on Darrel Hosie. /s/ Lisa Fleming.
3. Served the same personally on Charles Johnson. /s/ Lisa Fleming.
4. Served the same personally on Joe Jindra. /s/ Lisa Fleming.
5. Served the same personally on Cheryl Lanoue. /s/ Lisa Fleming.

EXECUTIVE SESSION – NON- ELECTED PERSONNEL

HELD

Commissioner Johnson moved that the commission recess into executive session for one (1) hour for the discussion of non-elected personnel. Inviting in: Tom Armour and David Boone. Commissioner Lanoue seconded. Motion carried by the following vote:

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

Nay: None.

Time: 7:16 p.m.

The commission reconvened at 8:16 p.m.

Mayor Johnson announced there was no binding action taken.

EXECUTIVE SESSION – NON- ELECTED PERSONNEL

HELD

Commissioner Jindra moved that the commission recess into executive session for thirty (30) minutes for the discussion of non-elected personnel. Inviting in: Tom Armour and David Boone. Commissioner Lanoue seconded. Motion carried by the following vote:

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

Nay: None.

Time: 8:16 p.m.

The commission reconvened at 8:46 p.m.

Mayor Johnson announced there was no binding action taken.

There being no further business, Commissioner Jindra moved to adjourn the meeting. Commissioner Gilliland seconded. Motion carried.

Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD AUGUST 24, 2007

The Governing Body was scheduled to meet in a Special Call meeting August 24, 2007 at 7:15 p.m. in City Hall. The executive session on the agenda was for non-elected personnel.

There was not a quorum present. No meeting was held.

CALL FOR SPECIAL CITY COMMISSION MEETINGS CITY OF CONCORDIA, KANSAS

TO THE BOARD OF CITY COMMISSIONERS:

Special meetings of the Board of Commissioners are hereby called to be held as follows:

Place: City Commission Room, City Hall, Concordia, Kansas
Date: August 21, 2007
Time: 7:15 o'clock p.m.

Place: City Commission Room, City Hall, Concordia, Kansas
Date: August 24, 2007
Time: 7:15 o'clock p.m.

Place: City Commission Room, City Hall, Concordia, Kansas
Date: August 29, 2007
Time: 7:15 o'clock p.m.

The object of said meetings will be as follows:

1. Call to Order
2. Executive Session – Non-Elected Personnel
3. Adjournment

CHARLES JOHNSON
COMMISSIONER

PHIL GILLILAND
COMMISSIONER

DARREL HOSIE
COMMISSIONER

JOE JINDRA
COMMISSIONER

CHERYL LANOUE
COMMISSIONER

"NOTICE OF SPECIAL CITY COMMISSION MEETINGS CITY OF CONCORDIA, KANSAS

TO: Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra and Cheryl Lanoue:

You are hereby notified that there will be special meetings of the Board of Commissioners at 7:15 o'clock p.m. on the 21st, 24th, and 29th days of August, 2007 at the City Commission Room, City Hall, Concordia, Kansas, the object of said meeting to be as follows:

Place: City Commission Room, City Hall, Concordia, Kansas
Date: August 21, 2007
Time: 7:15 o'clock p.m.

Place: City Commission Room, City Hall, Concordia, Kansas
Date: August 24, 2007
Time: 7:15 o'clock p.m.

Place: City Commission Room, City Hall, Concordia, Kansas
Date: August 29, 2007
Time: 7:15 o'clock p.m.

The object of said meeting will be as follows:

1. Call to Order
2. Executive Session – Non-Elected Personnel
3. Adjournment

(Seal)

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD AUGUST 24, 2007, contd.

To Any Person Authorized to Serve Notice of Special City Commission Meetings Pursuant to K.S.A. (Weeks) 14-1403:

You are hereby directed to serve the above notice at once personally upon Commissioner (s) Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra, and Cheryl Lanoue or leave said notice at the usual place of residence of said Commissioner before 5:00 p.m. o'clock on the 17th day of August, 2007 and to make a return in writing of said service, showing the manner of such service.


Lisa Fleming
City Clerk

(Seal)

RETURN OF SERVICE

The undersigned received the original notice of Special City Commission meetings of which the foregoing is a copy at, 9:09 o'clock p.m., August 15, 2007 (Phil Gilliland); 9:09 o'clock p.m., August 15, 2007 (Darrel Hosie); 9:09 o'clock p.m., August 15, 2007 (Charles Johnson); 9:09 o'clock p.m., August 21, 2007 (Joe Jindra); and 9:09 o'clock p.m., August 15, 2007 (Cheryl Lanoue).

- 1. Served the same personally on Phil Gilliland. /s/ Lisa Fleming
- 2. Served the same personally on Darrel Hosie. /s/ Lisa Fleming.
- 3. Served the same personally on Charles Johnson. /s/ Lisa Fleming.
- 4. Served the same personally on Joe Jindra. /s/ Lisa Fleming.
- 5. Served the same personally on Cheryl Lanoue. /s/ Lisa Fleming.



Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD SEPTEMBER 5, 2007

The governing body met in regular session on September 5, 2007, at 5:30 p.m. in the City Commission Room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Johnson, Gilliland, Lanoue and Hosie.

Absent: None.

Other Officers: Interim City Manager Armour, City Attorney Uri and City Clerk Fleming.

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

Visitors: Jessica LeDuc, Toby Nosker, Chér Knudsen, Eddie Splichal, Jodie M. Beisner, Helen Hansen, Margo Hosie, Marcia Johnson, Ron Deal, Linda Houser, Bill Garrison, Dennis W. Holt, Susan Sutton, Lisa Otott, Sue Gustafson, Brad Griffin, John F. Davis, Ted Collins, Holly Andrews, Jack Gould, Danny Parker, Verna Ferguson, Dale Ferguson, Larry Eubanks, Roy Reif, Roberta Lowery, Janet Eubanks, Marvin Copple, Thaniel Monaco, Brian Kemling, Katie Jones, Suzi Tuggle, Susan Cantan-Maxson, Kirk Lowell, J.T. Klaus, Steve Womack, Don Dean, Blake Hendrix, Dana Brewer, Eldon Wisdom, Luann Miller, Janet Lowell, Kent Otott, Alan and Julie Corbeil, Donald Lanoue, Tom Tuggle, Wendy Holt, Rick Voelker and John Luongo.

Mayor Johnson announced the agenda had been amended. Two (2) more proclamations were added to the agenda. Commissioner Jindra moved to approve the agenda. Commissioner Gilliland seconded. Motion carried.

Pastor Brad Griffin, representative of Wesleyan Church, provided the invocation before the city commission meeting.

APPROVAL OF MINUTES

Commissioner Hosie moved to approve the minutes of the August 15, 2007, regular meeting. Commissioner Gilliland seconded. Motion carried. Commissioner Gilliland moved to approve the minutes of the August 21, 2007, special call meeting. Commissioner Jindra seconded. Motion carried. Commissioner Hosie moved to approve the minutes of the August 24, 2007, special call meeting. Commissioner Lanoue seconded. Motion carried. Commissioner Jindra moved to approve the minutes of the August 27, 2007, special call meeting. Commissioner Gilliland seconded. Motion carried. Commissioner Johnson moved to approve the minutes of the August 29, 2007, special call meeting. Commissioner Lanoue seconded. Motion carried.

APPROPRIATION ORDINANCE NO. 16

APPROVED

Commissioner Hosie moved to approve Appropriation Ordinance No. 16. Commissioner Jindra seconded. Motion carried.

PROCLAMATION

NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

Mayor Johnson read a proclamation and declared the month of September, 2007, as National Alcohol and Drug Addiction Recovery Month.

PROCLAMATION

CHILD PASSENGER SAFETY WEEK

Mayor Johnson read a proclamation and declared the week of September 16-22, 2007, as Child Passenger Safety Week.

PROCLAMATION

THE YEAR OF THE BROWN GRAND THEATRE

Mayor Johnson read a proclamation and declared September 17, 2007, and the 364 days following as the Year of the Brown Grand Theatre.

PROCLAMATION

NATIONAL ORPHAN TRAIN COMPLEX, INC. MONTH

Mayor Johnson read a proclamation and declared the month of September, 2007, as National Orphan Train Complex, Inc. Month.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD SEPTEMBER 5, 2007, contd.

PUBLIC COMMENTS

Don Dean, with Campbell & Johnson Engineers, informed the Commission about the pre-construction conference that was held Wednesday afternoon for the slurry seal projects. Mr. Dean stated the contractors would be starting around September 17th and estimated the project would be completed in two (2) weeks.

Sue Gustafson advised the Commission she was involved in a wreck on August 20th at the corner of 8th and Washington. Ms. Gustafson stated visibility of on coming traffic is very poor at that intersection due to overgrown hedge. She stated she had contacted city offices three (3) times this summer to report the bushes. Ms. Gustafson stated she read the City codes that pertained to this matter and the hedge constitutes a real hazard. Ms. Gustafson requested the Commission to remove the hedge.

Lisa Otott was present to voice her concern about the intersection at 8th & Washington. She thanked the Commissioners in advance for taking care of the issue.

The nuisance process was discussed and the Commission recommended Staff to allocate some time to investigate problem areas around the City and notify the property owners about the problems.

Helen Hansen informed the Commission about the neighbor north of her property at 15th and Cedar. Ms. Hansen stated the property has tall grass and weeds and needs to be mowed. She stated she called the City several times about the problem and nothing had been done. Staff advised the Commission and Ms. Hansen the property would be checked and notification would be sent to the property owner and if not completed, it would be on the next agenda.

VOTING DELEGATES FOR 2007 LEAGUE CONFERENCE

APPOINTED

Commissioner Gilliland moved to appoint Commissioner Johnson and Commissioner Hosie as voting delegates and Tom Armour and Lisa Fleming as alternate voting delegates for the 2007 League Conference. Commissioner Lanoue seconded. Motion carried.

DESIGNATION OF OFFICIAL DEPOSITORY

APPROVED

Commissioner Hosie moved to designate Elk State Bank as an official depository. Commissioner Jindra seconded. Motion carried.

PUBLIC UTILITIES TRUCK BID

TABLED

Mr. Uri advised the Commission Larry Remmenga, Director of Utilities, was on vacation. Commissioner Lanoue stated she didn't think the truck specifications had been approved, which is city policy. After discussion, Commissioner Johnson moved to table accepting the truck bid until Mr. Remmenga is present. Commissioner Lanoue seconded. Motion carried.

ITEM TWO OF EVERTON ENERGY DEVELOPMENT AGREEMENT – WATER, SEWER AND EFFLUENT FACILITIES

Commissioner Johnson questioned the size of the sewer line from the plant to the wastewater treatment plant, he had heard it was going to be a 10-inch line. He also had heard the City may furnish water out of City wells for the plant. Mr. Uri addressed the Commission on Item two (2) of the Everton Energy Development Agreement, which refers to the water/sewer and effluent facilities. He said the paragraph states construction of the water, sewer and effluent facilities will not commence until the plans and specifications have been reviewed and approved by the city engineer. Blake Hendrix, vice president and director of processing operations for Everton, stated they are working with Bucher, Willis and Ratliff in developing a detailed engineering plan and working on preliminary design issues. Mr. Hendrix stated at staff's request, they hired BWR. Mr. Hendrix stated they are not asking for a 10-inch main, but rather a two-inch (2") one that will supply the plant's employees with sanitary sewer service. He said it will not be used for any process from the ethanol plant. Mr. Hendrix said Everton is considering to incorporate three (3) houses into the forced main. Mr. Hendrix stated, at Larry's request, they were providing telemetry for monitoring the wells. Commissioner Johnson stated he wanted to be informed, since the Commission would be signing off on \$240 million. Commissioner Johnson and Commissioner Lanoue stated they did not realize BWR was the engineer and suggested the city should have another engineer. Commissioner

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD SEPTEMBER 5, 2007, contd.

Johnson felt if the development agreement was going to be amended, the amendments should all be made at once. Commissioner Gilliland stated the agreement is a living document and that may not be possible.

J.T. Klaus, attorney for Everton Energy, informed the Commission he was not present to discuss the topic of water, sewer and effluent facilities or answer water engineering questions, but he would refer to the agreement to let the Commission know what Everton anticipates. Mr. Klaus stated the plant needs a certain amount of water to work and in anticipation of this plant it was not disclosed that apparently there was another ethanol plant being constructed in this area. He stated Joe Reedy had filed to obtain water rights for a 50 million gallon ethanol plant. Mr. Klaus stated that because of Mr. Reedy obtaining his own water rights, it had forced them to develop agricultural wells that are not in the development agreement, and will not be given to the city. Mr. Klaus stated Everton would not take water from the city for processing. Larry Uri clarified that any facilities that Everton seeks to have special assessment financing for will be given to the city.

Eldon Wisdom stated he had heard comments around town about the capabilities of the sewer plant and water system facility here in Concordia being overloaded or strained because of the ethanol plant. Mr. Wisdom hoped the Commission would make sure the present facilities can handle the ethanol plant without expanding them.

APPROVE FIRST AMENDMENT TO EVERTON ENERGY DEVELOPMENT AGREEMENT

J.T. Klaus stated the scope of the Everton Energy project was initially estimated to be \$223 million for the construction of the process part of the plant and upon further refinement it is coming in about \$230 to \$235 million. Mr. Klaus advised the Commission, the request to amend the development agreement was to increase the maximum amount of the industrial revenue bonds issued by the city to \$240 million. Mr. Uri stated he had reviewed the amendment to the development agreement. Commissioner Gilliland moved to approve the first amendment to the development agreement. Commissioner Jindra seconded. Motion carried.

RESOLUTION NO. 2007-1780 EVERTON ENERGY – INTENT TO ISSUE IRB

PASSED

Among other business, there came on for consideration and discussion the following:

A RESOLUTION INDICATING THE INTENT OF THE GOVERNING BODY OF THE CITY OF CONCORDIA, KANSAS, TO ISSUE CERTAIN INDUSTRIAL REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED TWO HUNDRED FORTY MILLION DOLLARS (\$240,000,000) FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, FURNISHING AND EQUIPPING AN ETHANOL PLANT AND RELATED FACILITIES TO BE LOCATED IN THE CITY OF CONCORDIA, KANSAS.

Thereupon, the Resolution was considered and discussed, and on motion of Commissioner Hosie, seconded by Commissioner Jindra, the Resolution was adopted by vote of the majority of all members present.

Thereupon, the Resolution, having been adopted by a majority vote of the members of the governing body, it was given No. 2007-1780, and was directed to be signed by the Mayor and attested by the City Clerk.

RESOLUTION NO. 2007-1781 APPROVE AIRPORT OPERATING POLICY

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY FINDS IT ADVISABLE AND IN THE BEST INTERESTS OF THE CITY TO ADOPT A NEW COMMISSION POLICY, TO BE KNOWN AS COMMISSION POLICY NO. 2007-1 TO ESTABLISH PROCEDURES FOR THE OPERATION OF BLOSSER MUNICIPAL AIRPORT.

The Resolution was considered and discussed; and thereupon on motion of Commissioner Jindra, seconded by Commissioner Lanoue, the Resolution was adopted by the following roll call vote:

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD SEPTEMBER 5, 2007, contd.

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

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1781, and was directed to be signed by the Mayor and attested by the City Clerk.

ORDINANCE NO. 2007-2936

INCREASE IN TAX REVENUE FOR 2008 BUDGET

APPROVED

Thereupon there was presented an Ordinance entitled:

AN ORDINANCE ATTESTING TO AN INCREASE IN TAX REVENUES FOR BUDGET YEAR 2008 FOR THE CITY OF CONCORDIA, KANSAS.

Thereupon, Commissioner Hosie moved that said Ordinance be passed. The motion was seconded by Commissioner Gilliland. 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:

Yea: Commissioners Hosie, Gilliland, Johnson, Lanoue and Jindra.

Nay: None.

Thereupon, the Mayor declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. 2007-2936 was signed and approved by the Mayor and attested by the City Clerk.

ORDINANCE NO. 2007-2937

ADOPT 2008 BUDGET

APPROVED

Commissioner Lanoue stated she had some discussion.

Commissioner Lanoue asked Tom if there were any changes.

Mr. Armour informed Ms. Lanoue that Ruby could answer that better than he could, but he thought there had been a few changes they'd talked about.

Commissioner Lanoue asked "What are those changes?"

Mr. Armour advised Ms. Lanoue, one for sure had to do with the \$10,000 which was for computer services that were not shown on the transfer page in the '06 budget, it was put in there. Mr. Armour said another one had to do with \$15,800 and some dollars again in '06 and that has been put in there. Commissioner Lanoue asked if it had been moved to '07. Ruby Maline stated "no", when she talked with the State, when closing that fund, they told her not to put it on the transfer page, just show it as closing a fund on the revenue page. Ms. Maline stated it was the same thing with the \$175,000 for the health care fund.

Commissioner Lanoue asked Ms. Maline if they had new copies that showed that. Ms. Maline stated "Not with these two (2) changes, with the \$15,895 and the \$175,000, those are changes on this one. This \$10,000 that he brought to my attention was late this afternoon; I will get that corrected and send that page out."

Commissioner Lanoue said "So we are not putting the \$15,895 on the transfer page, nor the \$175,000, but we are showing that back in the fund pages."

Ms. Maline stated "It's showing on page seven (7) of the general revenue, which is the second page of the general revenue and if you look in 2007 to the bottom,"

Commissioner Lanoue stated "I see that."

Ms. Maline continued "This is the way the people at the State budget office told me to do this."

Commissioner Lanoue said "But they told you not to show it on the transfer page."

Ms. Maline said "Yes, when you are closing a fund you are not really transferring it, it's not an expenditure, you are just moving the cash."

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD SEPTEMBER 5, 2007, contd.

Commissioner Lanoue asked "What about the \$26,000, the water/sewer bond reserve?"

Ms. Maline said "The same thing, because it's a _____."

Commissioner Lanoue asked "And what about the \$22,000 in general fund for state grants, did we ever find out what that was?"

Ms. Maline said "Those are miscellaneous small grants; one is Click it or Ticket grant and other small grants."

Commissioner Lanoue asked "And the employee benefit fund, I know you changed that and it was reduced down to \$15,000 to the general fund. It appears that we probably will have no cash in that account. Currently there is a \$30,000 negative amount."

Ms. Maline said "That \$15,000 is estimated to be taxes that we receive in 2008 that really belong to 2007, because some of those taxes come in late."

Commissioner Lanoue asked "Bond and Interest."

Mr. Armour said "On that one, Commissioner, the State requires us to show what is required of us to make as payments for bond principal and interest."

Commissioner Lanoue "Correct."

Mr. Armour said "it is up to local choice, providing what you're estimating to be available to show an amount higher, that is what's happened here, if the Commission wishes to partially pay off in advance."

Commissioner Lanoue said "I don't believe we have any bond payments that we can actually pay in advance since that ten year clause is in our bond ordinances."

Mr. Armour said "I don't know the answer to that. I didn't have a chance to check on that."

Commissioner Lanoue said "The GO debt service in '07 estimate doesn't reflect what our debt payments are and I'm OK with that as long as we are going to apply it to debt. I guess in '08, I think it needs to reflect what our true debt payment is and we carry over the \$59,000 to '08 and so we can apply it to debt. The other issue is the \$49,000 in the TIF revenue. We transferred in \$289,619, but the TIF debt payment was \$246,019, which is a \$49,000 difference, which is truly TIF revenue, not Bond and Interest revenue used for bond and interest payments. So, at a minimum, we need to reduce the transfer in from TIF by that amount so that we're not taking TIF dollars to pay for our bond and interest payments."

Mr. Armour stated "I'm sorry, I don't have an answer to that, I have not ever encountered that."

Commissioner Lanoue said "And the other one, the transfer in bond and interest doesn't match the transfer sheet on page 16, which is the transfers in 403 which is TIF. I personally believe, the City Commission knowingly, that we transferred \$49,000 too much from TIF to use that money to pay bond and interest payments. We should at least reduce the revenue coming in from TIF so that money stays where it is supposed to, which is the TIF projects."

Commissioner Johnson asked if we could take it out. Commissioner Johnson asked if you could use TIF funds for any other bond and interest payments other than TIF.

Mr. Uri stated you can only use TIF funds for TIF projects, but he is not familiar with the funding and doesn't know what was being addressed.

Commissioner Lanoue stated "what is happening is that in '06 we transferred \$289,619 into Bond & Interest. The bond payments in '06 were \$240,619, the difference is \$49,000,"

Mr. Uri replied "The TIF Bond."

Commissioner Lanoue said "Right, there's \$49,000 additional dollars in Bond & Interest that should go back to TIF or we should reduce the transfer in this year so that we are not allocating the dollars to bond and interest,"

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD SEPTEMBER 5, 2007, contd.

Ms. Maline stated "I can do that."

Mr. Uri stated "We have not spent any TIF money for non-TIF bond payments as I understand; we want to be sure we don't do it."

Ms. Maline "We can either move the money back or reduce the transfer, either way it does not matter to me."

Commissioner Lanoue stated "It doesn't matter to me."

Commissioner Lanoue said "As I looked at our CIP that this Commission approved in '07, the '07 estimate doesn't reflect all of the projects that we actually agreed to do. Which, if we're not going to use CloudCorp Business Park, maybe it doesn't really matter. But if we plan to do that this year, it does matter. What I show is \$115,500 which is CloudCorp Business Park; \$200,000 for slurry sealing; \$13,000 for tennis courts which comes up to \$328,500 which should be in the street projects for '07. The '08 amounts are about \$924,000 if all the mill and overlays are happening next year. 11th Street which is \$206,000; slurry seal program is \$230,000; the mill and overlay which is 6th Street, from Broadway to Cedar is \$171,165; Washington, 5th to 8th is \$146,020; 7th – Lincoln to Cedar \$176,805 which is a total of \$924,590. With the rest of the money being used to save for projects, along with \$15,000 for downtown and \$10,000 for curb and gutter. I don't think those amounts reflect what we actually said."

Commissioner Lanoue "And then the last thing is the '07 estimate in utilities under administration for debt service there's \$93,415 there, if you go back to page five (5) the debt payment is \$68,415. The GO Bond Series 2002B, the \$18,415 and \$50,000 is \$68,415."

Commissioner Lanoue thanked Ruby for making all the other changes.

Thereupon there was presented an Ordinance entitled:

AN ORDINANCE APPROVING, ADOPTED AND APPROPRIATING BY FUND THE CITY OF CONCORDIA FOR THE YEAR BEGINNING JANUARY 1, 2008, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CONCORDIA, KANSAS.

Thereupon, Commissioner Jindra moved that said Ordinance be passed as presented in the packet. The motion was seconded by Commissioner Gilliland. 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:

Yea: Commissioners Hosie, Gilliland, Johnson and Jindra.

Nay: Commissioner Lanoue.

Thereupon, the Mayor declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. 2007-2937 was signed and approved by the Mayor and attested by the City Clerk.

AT & T FRANCHISE ORDINANCE

TABLED

Larry Uri, City Attorney, advised the Commission this is an existing telephone line franchise granted by the City 20 years ago. Mr. Uri stated the new ordinance is put forward by the existing owner which is AT & T. He stated it is like the previous one that had a five percent (5%) franchise fee on the phone line. The Commission requested Mr. Uri to investigate other communities to see how they handle third party carriers on a franchise. Commissioner Gilliland moved to table the AT & T Franchise ordinance until the next meeting. Commissioner Lanoue seconded. Motion carried.

**MAYOR/COMMISSIONER
COMMENTS AND REPORTS**

Commissioner Lanoue asked if any dates had been set for applicants coming back. Mr. Armour informed the Commission we don't have any dates set yet.

Commissioner Jindra asked about the nuisance abatement process and if there was a paper trail. Mr. Armour stated there is a work order that starts the whole process, with a log and suspense.

Chér Knudsen advised the Commission she had been working on the nuisances.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD SEPTEMBER 5, 2007, contd.

Commissioner Jindra suggested reviewing the nuisance process during the goal setting session.

Commissioner Jindra asked staff to explore and schedule a study session on having the commission meeting taped and shown on the local channel.

Commissioner Lanoue asked Ruby Maline about the information she had requested about the revolving loan fund. Ms. Maline said she would get it for her.

Commissioner Hosie stated the article Jessica LeDuc had in the paper about overgrown trees in Concordia was a good one. Larry Eubanks, Fire Chief, also stated Ms. LeDuc did a fine article. Mr. Eubanks had noticed some trees being cut. He said another survey will be done of the problem trees and a letter will be sent out to the property owners.

Commissioner Jindra thanked Larry Eubanks, Danny Parker and Toby Nosker for their participation in the CASA Men in Tights program.

STAFF COMMENTS

Larry Uri, City Attorney, commented on the communication problem between staff and the commission on the Everton agreement. Mr. Uri said he would take some of the fault for the miscommunication. Mr. Uri suggests having weekly updates on this project as well as any projects that will develop.

Larry Eubanks reported on the MDA fundraiser the firemen held. Mr. Eubanks informed the Commission, Tim Stangel was in charge of the fundraiser which raised over \$1,400.00.

Mayor Johnson announced there would be a study session following the meeting.

There being no further business, Commissioner Jindra moved to adjourn the meeting. Commissioner Lanoue seconded. Motion carried.


Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD SEPTEMBER 12, 2007

The governing body met in special call meeting on September 12, 2007, at 6:00 p.m., in the City Commission room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Gilliland, Johnson, Hosie and Lanoue.

Absent: None.

Other Officers: City Clerk Fleming.

Visitors: David Boone.

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

**CALL FOR SPECIAL CITY COMMISSION MEETINGS
CITY OF CONCORDIA, KANSAS**

TO THE BOARD OF CITY COMMISSIONERS:

Special meetings of the Board of Commissioners are hereby called to be held as follows:

Place: City Commission Room, City Hall, Concordia, Kansas
Date: September 12, 2007
Time: 6:00 o'clock p.m.

Place: City Commission Room, City Hall, Concordia, Kansas
Date: September 15, 2007
Time: 10:00 o'clock a.m.

The object of said meetings will be as follows:

1. Call to Order
2. Executive Session – Non-Elected Personnel
3. Adjournment

CHARLES JOHNSON
COMMISSIONER

PHIL GILLILAND
COMMISSIONER

DARREL HOSIE
COMMISSIONER

JOE JINDRA
COMMISSIONER

CHERYL LANOUE
COMMISSIONER

**"NOTICE OF SPECIAL CITY COMMISSION MEETINGS
CITY OF CONCORDIA, KANSAS**

TO: Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra and Cheryl Lanoue:

You are hereby notified that there will be special meetings of the Board of Commissioners at 6:00 o'clock p.m. on the 12th day of September, 2007 and at 10:00 a.m. on the 15th day of September at the City Commission Room, City Hall, Concordia, Kansas, the object of said meeting to be as follows:

Place: City Commission Room, City Hall, Concordia, Kansas
Date: September 12, 2007
Time: 6:00 o'clock p.m.

Place: City Commission Room, City Hall, Concordia, Kansas
Date: September 15, 2007
Time: 10:00 o'clock a.m.

The object of said meeting will be as follows:

1. Call to Order
2. Executive Session – Non-Elected Personnel
3. Adjournment

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD SEPTEMBER 12, 2007, contd.

(Seal)

To Any Person Authorized to Serve Notice of Special City Commission Meetings Pursuant to K.S.A. (Weeks) 14-1403:

You are hereby directed to serve the above notice at once personally upon Commissioner (s) Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra, and Cheryl Lanoue or leave said notice at the usual place of residence of said Commissioner before 5:00 p.m. o'clock on the 10th day of September, 2007 and to make a return in writing of said service, showing the manner of such service.

Lisa Fleming
City Clerk

(Seal)

RETURN OF SERVICE

The undersigned received the original notice of Special City Commission meetings of which the foregoing is a copy at, 2:10 o'clock p.m., September 10, 2007 (Phil Gilliland); 4:45 o'clock p.m., September 10, 2007 (Darrel Hosie); 8:50 o'clock a.m., September 10, 2007 (Charles Johnson); 10:58 o'clock a.m., September 10, 2007 (Joe Jindra); and 4:35 o'clock p.m., September 10, 2007 (Cheryl Lanoue).

1. Served the same personally on Phil Gilliland. /s/ Lisa Fleming
2. Served the same personally on Darrel Hosie. /s/ Lisa Fleming.
3. Served the same personally on Charles Johnson. /s/ Lisa Fleming.
4. Served the same personally on Joe Jindra. /s/ Renee Hubert.
5. Left at the residence of Cheryl Lanoue. /s/ Jay Strait.

EXECUTIVE SESSION – NON- ELECTED PERSONNEL

HELD

Commissioner Jindra moved that the commission recess into executive session for one (1) hour for the discussion of non-elected personnel. Inviting in: David Boone. Commissioner Lanoue seconded. Motion carried by the following vote:

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

Nay: None.

Time: 6:01 p.m.

The commission reconvened at 7:01 p.m.

Mayor Johnson announced there was no binding action taken.

EXECUTIVE SESSION – NON- ELECTED PERSONNEL

HELD

Commissioner Gilliland moved that the commission recess into executive session for ten (10) minutes for the discussion of non-elected personnel. Inviting in: David Boone. Commissioner Lanoue seconded. Motion carried by the following vote:

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

Nay: None.

Time: 7:01 p.m.

The commission reconvened at 7:11 p.m.

Mayor Johnson announced there was no binding action taken.

EXECUTIVE SESSION – NON- ELECTED PERSONNEL

HELD

Commissioner Lanoue moved that the commission recess into executive session for ten (10) minutes for the discussion of non-elected personnel. Commissioner Gilliland seconded. Motion carried by the following vote:

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

Nay: None.

Time: 7:13 p.m.

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD SEPTEMBER 12, 2007, contd.

The commission reconvened at 7:23 p.m.

Mayor Johnson announced there was no binding action taken.

EXECUTIVE SESSION – NON- ELECTED PERSONNEL

HELD

Commissioner Jindra moved that the commission recess into executive session for ten (10) minutes for the discussion of non-elected personnel. Commissioner Lanoue seconded. Motion carried by the following vote:

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

Nay: None.

Time: 7:23 p.m.

The commission reconvened at 7:33 p.m.

Mayor Johnson announced there was no binding action taken.

There being no further business, Commissioner Gilliland moved to adjourn the meeting. Commissioner Lanoue seconded. Motion carried.


Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD SEPTEMBER 15, 2007

The governing body met in special call meeting on September 15, 2007, at 10:00 a.m., in the City Commission room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Gilliland, Johnson, Hosie and Lanoue.

Absent: None.

Other Officers: Interim City Manager Armour and City Clerk Fleming.

Visitors: Mark Skiles.

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

**CALL FOR SPECIAL CITY COMMISSION MEETINGS
CITY OF CONCORDIA, KANSAS**

TO THE BOARD OF CITY COMMISSIONERS:

Special meetings of the Board of Commissioners are hereby called to be held as follows:

Place: City Commission Room, City Hall, Concordia, Kansas
Date: September 12, 2007
Time: 6:00 o'clock p.m.

Place: City Commission Room, City Hall, Concordia, Kansas
Date: September 15, 2007
Time: 10:00 o'clock a.m.

The object of said meetings will be as follows:

1. Call to Order
2. Executive Session – Non-Elected Personnel
3. Adjournment

CHARLES JOHNSON
COMMISSIONER

PHIL GILLILAND
COMMISSIONER

DARREL HOSIE
COMMISSIONER

JOE JINDRA
COMMISSIONER

CHERYL LANOUE
COMMISSIONER

**"NOTICE OF SPECIAL CITY COMMISSION MEETINGS
CITY OF CONCORDIA, KANSAS**

TO: Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra and Cheryl Lanoue:

You are hereby notified that there will be special meetings of the Board of Commissioners at 6:00 o'clock p.m. on the 12th day of September, 2007 and at 10:00 a.m. on the 15th day of September at the City Commission Room, City Hall, Concordia, Kansas, the object of said meeting to be as follows:

Place: City Commission Room, City Hall, Concordia, Kansas
Date: September 12, 2007
Time: 6:00 o'clock p.m.

Place: City Commission Room, City Hall, Concordia, Kansas
Date: September 15, 2007
Time: 10:00 o'clock a.m.

The object of said meeting will be as follows:

1. Call to Order
2. Executive Session – Non-Elected Personnel
3. Adjournment

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD SEPTEMBER 15, 2007, contd.

(Seal)

To Any Person Authorized to Serve Notice of Special City Commission Meetings Pursuant to K.S.A. (Weeks) 14-1403:

You are hereby directed to serve the above notice at once personally upon Commissioner (s) Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra, and Cheryl Lanoue or leave said notice at the usual place of residence of said Commissioner before 5:00 p.m. o'clock on the 10th day of September, 2007 and to make a return in writing of said service, showing the manner of such service.

Lisa Fleming
City Clerk

(Seal)

RETURN OF SERVICE

The undersigned received the original notice of Special City Commission meetings of which the foregoing is a copy at, 2:10 o'clock p.m., September 10, 2007 (Phil Gilliland); 4:45 o'clock p.m., September 10, 2007 (Darrel Hosie); 8:50 o'clock a.m., September 10, 2007 (Charles Johnson); 10:58 o'clock a.m., September 10, 2007 (Joe Jindra); and 4:35 o'clock p.m., September 10, 2007 (Cheryl Lanoue).

1. Served the same personally on Phil Gilliland. /s/ Lisa Fleming
2. Served the same personally on Darrel Hosie. /s/ Lisa Fleming.
3. Served the same personally on Charles Johnson. /s/ Lisa Fleming.
4. Served the same personally on Joe Jindra. /s/ Renee Hubert.
5. Left at the residence of Cheryl Lanoue. /s/ Jay Strait.

EXECUTIVE SESSION – NON- ELECTED PERSONNEL

HELD

Commissioner Jindra moved that the commission recess into executive session for thirty (30) minutes for the discussion of non-elected personnel. Inviting in: Mark Skiles. Commissioner Gilliland seconded. Motion carried by the following vote:

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

Nay: None.

Time: 10:01 a.m.

The commission reconvened at 10:31 a.m.

Mayor Johnson announced there was no binding action taken.

EXECUTIVE SESSION – NON- ELECTED PERSONNEL

HELD

Commissioner Gilliland moved that the commission recess into executive session for fifteen (15) minutes for the discussion of non-elected personnel. Inviting in: Mark Skiles. Commissioner Jindra seconded. Motion carried by the following vote:

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

Nay: None.

Time: 10:31 a.m.

The commission reconvened at 10:46 a.m.

Mayor Johnson announced there was no binding action taken.

EXECUTIVE SESSION – NON- ELECTED PERSONNEL

HELD

Commissioner Hosie moved that the commission recess into executive session for fifteen (15) minutes for the discussion of non-elected personnel. Commissioner Johnson seconded. Motion carried by the following vote:

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

Nay: None.

Time: 10:49 a.m.

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD SEPTEMBER 15, 2007, contd.

The commission reconvened at 11:04 a.m.

Mayor Johnson announced there was no binding action taken.

EXECUTIVE SESSION – NON- ELECTED PERSONNEL

HELD

Commissioner Gilliland moved that the commission recess into executive session for fifteen (15) minutes for the discussion of non-elected personnel. Commissioner Lanoue seconded. Motion carried by the following vote:

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

Nay: None.

Time: 11:04 a.m.

The commission reconvened at 11:19 a.m.

Mayor Johnson announced there was no binding action taken.

EXECUTIVE SESSION – NON- ELECTED PERSONNEL

HELD

Commissioner Jindra moved that the commission recess into executive session for fifteen (15) minutes for the discussion of non-elected personnel. Inviting in: Tom Armour. Commissioner Gilliland seconded. Motion carried by the following vote:

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

Nay: None.

Time: 11:20 a.m.

The commission reconvened at 11:35 a.m.

Mayor Johnson announced there was no binding action taken.

EXECUTIVE SESSION – NON- ELECTED PERSONNEL

HELD

Commissioner Gilliland moved that the commission recess into executive session for fifteen (15) minutes for the discussion of non-elected personnel. Inviting in: Tom Armour. Commissioner Jindra seconded. Motion carried by the following vote:

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

Nay: None.

Time: 11:35 a.m.

The commission reconvened at 11:50 a.m.

Mayor Johnson stated a decision was made to make an offer to one of the candidates. A call was made to the candidate, with no answer, and a message was left.

There being no further business, Commissioner Lanoue moved to adjourn the meeting. Commissioner Johnson seconded. Motion carried.

(Seal)


Lisa Fleming
City Clerk

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD SEPTEMBER 19, 2007

The governing body met in regular session on September 19, 2007 at 5:30 p.m. in the City Commission Room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Johnson, Gilliland, Lanoue and Hosie.

Absent: None.

Other Officers: Interim City Manager Armour, City Attorney Uri and City Clerk Fleming.

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

Visitors: Jessica LeDuc, Toby Nosker, Chér Knudsen, Bruno Rehbein, Kalob Dykes, Chris Thomas, Jim Stromberg, Ron Deal, Ruby Maline, Larry Remmenga, Larry Eubanks, Don Lanoue, Ted Collins, Don Dean, Ron Copple, David Redmond, Allison Redmond, Tom Tuggle, Eldon & Anita Wisdom, Marvin Copple, Lowell Thoman, Alan Corbeil, Julie Corbeil, Trisha McDaniel, Dana Brewer, Chelsea Brown and Shellana Mendenhall.

Pastor David Redmond provided the invocation before the city commission meeting.

Commissioner Jindra moved to approve the agenda. Commissioner Lanoue seconded. Motion carried.

APPROVAL OF MINUTES

Commissioner Hosie moved to approve the minutes of the September 5, 2007, regular meeting. Commissioner Gilliland seconded. Motion carried. Commissioner Gilliland moved to approve the minutes of the September 12, 2007, special call meeting. Commissioner Lanoue seconded. Motion carried. Commissioner Johnson moved to approve the minutes of the September 15, 2007, special call meeting. Commissioner Jindra seconded. Motion carried.

APPROPRIATION ORDINANCE NO. 17

APPROVED

Commissioner Gilliland moved to approve Appropriation Ordinance No. 17. Commissioner Jindra seconded. Motion carried.

PUBLIC COMMENTS

There were no public comments.

RESOLUTION NO. 2007-1782 – 1004 REPUBLICAN
AMERIQUEST FUNDING II, SUBSIDIARY LLC
NUISANCE ABATEMENT ASSESSMENT –

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE OWNER, OCCUPANT AND/OR PERSON IN CHARGE OF 1004 REPUBLICAN WAS DULY NOTIFIED AS PROVIDED BY ORDINANCE NO. 2624 OF THE NUISANCE TO BE ABATED AT A COST OF \$84.97.

The Resolution was considered and discussed; and thereupon on motion of Commissioner Hosie seconded by Commissioner Lanoue the Resolution was adopted by the following roll call vote:

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

Nay: None.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then numbered Resolution No. 2007-1782 and was signed by the Mayor and attested by the Clerk.

ORDINANCE NO. 2007-2938 - STANDARD TRAFFIC ORDINANCE

PASSED

Thereupon there was presented an Ordinance entitled:

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF CONCORDIA, KANSAS; INCORPORATING BY REFERENCE THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 2007, WITH CERTAIN OMISSIONS, AMENDMENTS, AND ADDITIONAL PROVISIONS;

Thereupon, Commissioner Jindra moved that said Ordinance be adopted. The motion was seconded by Commissioner Lanoue. Said Ordinance was duly read and considered, and upon being put, the motion for the adoption of said Ordinance was carried by the vote of the governing body, the vote being as follows:

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD SEPTEMBER 19, 2007, contd.

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

Nay: None.

Thereupon, the Ordinance having been received by at least two-thirds (2/3rds) majority vote of the members of the governing body, the Mayor declared said Ordinance duly adopted and the Ordinance was then duly numbered Ordinance No. 2007-2938 and was signed by the Mayor and attested by the clerk.

ORDINANCE NO. 2007-2939 - UNIFORM PUBLIC OFFENSE CODE

PASSED

Thereupon there was presented an Ordinance entitled:

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF CONCORDIA, KANSAS; INCORPORATING BY REFERENCE THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, EDITION OF 2007, WITH CERTAIN OMISSIONS, AMENDMENTS AND ADDITIONAL PROVISIONS; PROVIDING CERTAIN PENALTIES; REPEALING EXISTING SECTION 14-1 OF THE CONCORDIA CODE; AND AMENDING THE CONCORDIA CODE, BY ADDING A SECTION NUMBERED 14-1.

Thereupon, Commissioner Gilliland moved that said Ordinance be adopted. The motion was seconded by Commissioner Lanoue. Said Ordinance was duly read and considered, and upon being put, the motion for the adoption of said Ordinance was carried by the vote of the governing body, the vote being as follows:

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

Nay: None.

Thereupon, the Ordinance having been received by at least two-thirds (2/3rds) majority vote of the members of the governing body, the Mayor declared said Ordinance duly adopted and the Ordinance was then duly numbered Ordinance No. 2007-2939 and was signed by the Mayor and attested by the clerk.

2007-2940 – AT&T FRANCHISE

APPROVED

Thereupon there was presented an Ordinance entitled:

A CONTRACT FRANCHISE ORDINANCE GRANTED TO SOUTHWESTERN BELL TELEPHONE COMPNAY, A TELECOMMUNICATIONS LOCAL EXCHANGE SERVICE PROVIDER PROVIDING LOCAL EXCHANGE SERVICE WITHIN THE CITY OF CONCORDIA, KANSAS.

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

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

Nay: None.

Thereupon, the Ordinance having been received by at least two-thirds (2/3rds) majority vote of the members of the governing body, the Mayor declared said Ordinance duly adopted and the Ordinance was then duly numbered Ordinance No. 2007-2940 and was signed by the Mayor and attested by the clerk.

2007-2941 – APPROVAL OF PRELIMINARY PLAN
& ZONING CHANGE TO CREATE OVERLAY DISTRICT
EAST HILLS ESTATES

APPROVED

Bruno Rehbein, Building Inspector, informed the commission of the request from Alan and Julie Corbeil to rezone and create a planned unit development overlay district at 1301 L Street. Mr. Rehbein advised the commission this is the first step of the two step process. Mr. Rehbein stated the Planning Commission voted unanimously to recommend the commission accept the preliminary plan and order the zoning map be changed to create the overlay district.

Thereupon there was presented an Ordinance entitled:

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD SEPTEMBER 19, 2007, contd.

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 3-201 OF ARTICLE 3 OF THE ZONING ORDINANCE FOR THE CITY OF CONCORDIA, KANSAS.

Thereupon, Commissioner Gilliland moved that said Ordinance be adopted. The motion was seconded by Commissioner Lanoue. Said Ordinance was duly read and considered, and upon being put, the motion for the adoption of said Ordinance was carried by the vote of the governing body, the vote being as follows:

- Aye: Commissioners Hosie, Johnson, Gilliland, Lanoue and Jindra.
- Nay: None.

Thereupon, the Ordinance having been received by at least two-thirds (2/3rds) majority vote of the members of the governing body, the Mayor declared said Ordinance duly adopted and the Ordinance was then duly numbered Ordinance No. 2007-2941 and was signed by the Mayor and attested by the clerk.

APPROVAL OF FINAL PLAN & ACCEPT
STREET DEDICATION FOR OVERLAY DISTRICT

1301 L STREET
EAST HILLS ESTATES

Bruno Rehbein, Building Inspector, advised the commission by approving Ordinance 2007-2941, the second step of the process is to approve the final plan and accept street dedication for the overlay district. Mr. Rehbein stated Alan Corbeil wanted to present the preliminary plan as the final plan. Mr. Rehbein informed the commission, the Planning Commission voted unanimously to recommend the City Commission accept the final plan as submitted and the dedication of the "L" Street right-of-way. Commissioner Jindra moved to give approval to the final plan and accept the street dedication for the overlay district. Commissioner Lanoue seconded. Motion carried.

ACCEPT EAST WATER TOWER REHAB BIDS

Larry Remmenga, Director of Utilities, advised the commission, in the Spring of 2006 the east water tower was painted. Mr. Remmenga stated while the water tower was drained, the inside was inspected and it was identified that the interior of the tank needed repaired. Mr. Remmenga said the rehab project was budgeted for 2007. Mr. Remmenga stated the engineer's estimate was \$84,500.00. Following are the four (4) bids the city received on the project.

BID TABULATION SHEET
WATER TOWER REHAB
9-6-07
1:30 P.M.

<u>BIDDER</u>	<u>AMOUNT</u>
Utility Service	\$66,000.00
Maguire Iron, Inc.	\$61,470.00
Hogan's Inc.	\$83,850.00
Cunningham Sandblasting	\$61,650.00

Mr. Remmenga recommends we accept the low bid from Maguire Iron, Inc. in the amount of \$61,470.00, with a start date of March 1, 2008 and a completion date of April 25, 2008. Commissioner Gilliland moved to accept the low bid from Maguire Iron in the amount of \$61,470.00 for the water tower rehab. Commissioner Jindra seconded. Motion carried.

EXECUTIVE SESSION –
ATTORNEY/CLIENT PRIVILEGE

HELD

At this time, Commissioner Gilliland moved that the commission recess into executive session for fifteen (15) minutes for the discussion of attorney/client privilege. Inviting: Larry Uri and Tom Armour. Commissioner Hosie seconded. Motion carried by the following vote:

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD SEPTEMBER 19, 2007, contd.

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

Nay: None.

Time: 5:59 p.m.

The commission reconvened at 6:14 p.m.

Mayor Johnson announced Mr. Uri would explain the discussion.

SETTLEMENT AGREEMENT – AIRPORT

BLOSSER

Larry Uri, City Attorney, stated the City had arrived at a settlement agreement with the Blosser family concerning the litigation that was filed sometime ago with respect to the relative interest of the Blosser family and the City in the airport. Mr. Uri stated the Blosser's suggestion, as part of the settlement; they will deed to the City their underlying interest in the land on the condition that for the next 25 years, the facility be used solely for airport purposes or that any non-airport purpose would be approved by the City appointed Airport Advisory Board. Mr. Uri said at the end of the 25 years, if all the conditions were met, the City would be the outright owner of the land. He stated the City had recently adopted a new Airport Use Policy as a part of the agreement. Commissioner Gilliland moved to authorize the Mayor and City Clerk to enter into the agreement. Commissioner Lanoue seconded. Motion carried.

ACCEPT

PUBLIC UTILITIES TRUCK BID

WOMACK SUNSHINE FORD

Larry Remmenga, Director of Utilities, advised the commission the City received two bids for the 2007 or newer ¾ ton crew cab pickup truck for the Public Utilities department. Following is the bid tabulation.

**TRUCK BID TABULATION SHEET
PUBLIC UTILITIES
2007 OR NEWER**

**August 27, 2007
3:00 p.m.**

	<u>Without Trade</u>	<u>With Trade</u>
Babe Houser Motor Co., Inc. (2008)	\$21,932.00	\$20,932.00
Womack Sunshine Ford Mercury (2008)	\$19,282.00	\$18,782.00

Commissioner Lanoue stated she must have missed the meeting where the specifications were reviewed. Commissioner Lanoue stated she was not in favor of a crew cab. Following discussion, Commissioner Gilliland moved to accept staff recommendation to accept the with-trade bid from Womack Sunshine Ford, in the amount of \$18,782.00. Commissioner Hosie seconded. Motion carried by the following vote:

Aye: Commissioners Jindra, Johnson, Gilliland and Hosie.

Nay: Commissioner Lanoue.

**BROADCAST COMMISSION
MEETINGS DISCUSSION**

TRISHA MCDANIEL

Trisha McDaniel, instructor at Concordia High School, was present to discuss broadcasting the commission meetings on the local channel. Ms. McDaniel informed the commission they do broadcast anything on the cable channel and could easily broadcast the meetings. Ms. McDaniel said the only issue would be getting the meeting taped. She asked several students if they would donate their time to attend the commission meetings twice a month and could not find a student willing to do this twice a month. Ms. McDaniel thought this would be a good senior project. Ms. McDaniel made recommendations on how and where to set equipment to tape the meeting. The Commission thanked Ms. McDaniel for being present and discussing the broadcast of commission meetings.

**EXECUTIVE SESSION –
NON-ELECTED PERSONNEL**

HELD

At this time, Commissioner Johnson moved that the commission recess into executive session for thirty (30) minutes for the discussion of non-elected personnel. Inviting: Tom Armour. Commissioner Lanoue seconded. Motion carried by the following vote:

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD SEPTEMBER 19, 2007, contd.

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

Nay: None.

Time: 6:35 p.m.

The commission reconvened at 7:05 p.m.

Mayor Johnson announced they made a decision to make an offer to a candidate for the city manager position.

MANAGER'S REPORT

Tom Armour, Interim City Manager, mentioned the following items:

- HWS invited Commission to an Airport Planning Conference in Kansas City, October 2, 2007
- Report on letters the City received from senior citizens about City's support of the senior citizens program in the 2008 budget
- FAA informed the City they rejected the proposal to use the airport for the Sampler Festival for the next two (2) years. Mr. Armour stated they have started looking for an alternative site.
- Final pay request, \$12,170.00, for the Orphan Train Complex project, was submitted from Campbell & Johnson
- Chér continues to work on the nuisances. 28 nuisance letters were mailed out recently.
- Review of the purchasing policy set for a Study Session the second meeting in October.

STAFF COMMENTS

Larry Eubanks, Fire Chief, informed the Commission Nathan Shaffer, a volunteer in the fire department, is going to paramedic school in Junction City. Mr. Eubanks stated he had applied for and received a grant for \$5,100 to pay for his education.

Ron Copple, Director of Public Works, advised the Commission the slurry seal project had been postponed until Monday, due to the recent rain.

MAYOR/COMMISSIONER COMMENTS AND REPORTS

Commissioner Lanoue stated she had not received the revolving loan information she had requested. Ms. Maline stated she would give it to her tonight. Commissioner Lanoue requested staff to do a report on swimming pool attendance and revenue taken in by tickets sold, by family, individual, ten-punch, each of the ones we sell, as well as cash payments. She would like this information to compare how many times someone goes to the pool versus what we are charging to see if our rates are adequate.

Commissioner Johnson asked if Mr. Armour or Larry had discussed an engineer for the clarifier repair at the wastewater treatment plant. Mr. Armour advised he had not discussed this with Larry.

Commissioner Jindra recognized several organizations for making a positive difference in the community, Relay for Life, Brown Grand/Orphan Train and Fall Fest.

EXECUTIVE SESSION – NON-ELECTED PERSONNEL

HELD

At this time, Commissioner Hosie moved that the commission recess into executive session for thirty (30) minutes for the discussion of non-elected personnel. Inviting: Larry Uri and Tom Armour. Commissioner Gilliland seconded. Motion carried by the following vote:

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

Nay: None.

Time: 7:16 p.m.

The commission reconvened at 7:46 p.m.

Mayor Johnson announced there was no binding action taken.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD SEPTEMBER 19, 2007, contd.

Mayor Johnson announced the commission would like to schedule a special call meeting. After discussion, a special call meeting was scheduled for Monday, September 24, 2007, at 6:30 p.m., in the City Commission room at City Hall.

There being no further business, Commissioner Gilliland moved to adjourn the meeting. Commissioner Jindra seconded. Motion carried.



Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD SEPTEMBER 24, 2007

The governing body met in special call meeting on September 24, 2007, at 6:30 p.m., in the City Commission room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Gilliland, Johnson, Hosie and Lanoue.

Absent: None.

Other Officers: Interim City Manager Armour and City Clerk Fleming.

Visitors: None.

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

**CALL FOR THE SPECIAL CITY COMMISSION MEETING
CITY OF CONCORDIA, KANSAS**

TO THE BOARD OF CITY COMMISSIONERS:

A special meeting of the Board of Commissioners is hereby called to be held as follows:

Place: City Commission Room, City Hall, Concordia, Kansas
Date: September 24, 2007
Time: 6:30 o'clock p.m.

The object of said meeting will be as follows:

- 1. Call to Order
- 2. Executive Session – Non-Elected Personnel
- 3. Adjournment

CHARLES JOHNSON
COMMISSIONER

PHIL GILLILAND
COMMISSIONER

DARREL HOSIE
COMMISSIONER

JOE JINDRA
COMMISSIONER

CHERYL LANOUE
COMMISSIONER

**"NOTICE OF SPECIAL CITY COMMISSION MEETING
CITY OF CONCORDIA, KANSAS**

TO: Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra and Cheryl Lanoue:

You are hereby notified that there will be a special meeting of the Board of Commissioners at 6:30 o'clock p.m. on the 24th day of September, 2007, at the City Commission Room, City Hall, Concordia, Kansas, the object of said meeting to be as follows:

PLACE: City Commission Room, City Hall
DATE: September 24, 2007
TIME: 6:30 o'clock p.m.

The object of said meeting will be as follows:

- 1. Call to Order
- 2. Executive Session – Non-Elected Personnel
- 3. Adjournment

(Seal)

To Any Person Authorized to Serve Notice of Special City Commission Meeting Pursuant to K.S.A. (Weeks) 14-1403:

You are hereby directed to serve the above notice at once personally upon Commissioner (s) Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra, and Cheryl Lanoue or leave said notice at the usual

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD SEPTEMBER 24, 2007, contd.

place of residence of said Commissioner before 7:00 p.m. o'clock on the 21st day of September, 2007 and to make a return in writing of said service, showing the manner of such service.

Lisa Fleming
City Clerk

(Seal)

RETURN OF SERVICE

The undersigned received the original notice of Special City Commission meeting of which the foregoing is a copy at, 11:00 o'clock a.m., September 21, 2007 (Phil Gilliland); 8:48 o'clock p.m., September 20, 2007 (Darrel Hosie); 5:07 o'clock p.m., September 21, 2007 (Charles Johnson); 2:43 o'clock p.m., September 20, 2007 (Joe Jindra); and 3:58 o'clock p.m., September 20, 2007 (Cheryl Lanoue).

1. Served the same personally on Phil Gilliland. /s/ Stacey Crum.
2. Served the same personally on Darrel Hosie. /s/ Lisa Fleming.
3. Served the same personally on Charles Johnson. /s/ Lisa Fleming.
4. Served the same personally on Joe Jindra. /s/ Lisa Fleming.
5. Served the same at residence of Cheryl Lanoue. /s/ Jay Strait.

EXECUTIVE SESSION – NON- ELECTED PERSONNEL

HELD

Commissioner Gilliland moved that the commission recess into executive session for thirty (30) minutes for the discussion of non-elected personnel. Inviting in: Tom Armour and city manager candidate (by telephone conversation). Commissioner Hosie seconded. Motion carried by the following vote:

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

Nay: None.

Time: 6:30 p.m.

The commission reconvened at 7:00 p.m.

Mayor Johnson announced there was no binding action taken.

The commission scheduled a tentative special call meeting for Wednesday, September 26, 2007, at 6:30 p.m., in the Commission Room at City Hall.

There being no further business, Commissioner Gilliland moved to adjourn the meeting. Commissioner Jindra seconded. Motion carried.

Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD AUGUST 29, 2007

The governing body met in special call meeting on August 29, 2007, at 7:15 p.m., in the City Commission room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Gilliland, Johnson, Hosie and Lanoue.

Absent: None.

Other Officers: Interim City Manager Armour and City Clerk Fleming.

Visitors: None.

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

**CALL FOR SPECIAL CITY COMMISSION MEETINGS
CITY OF CONCORDIA, KANSAS**

TO THE BOARD OF CITY COMMISSIONERS:

Special meetings of the Board of Commissioners are hereby called to be held as follows:

Place: City Commission Room, City Hall, Concordia, Kansas
Date: August 21, 2007
Time: 7:15 o'clock p.m.

Place: City Commission Room, City Hall, Concordia, Kansas
Date: August 24, 2007
Time: 7:15 o'clock p.m.

Place: City Commission Room, City Hall, Concordia, Kansas
Date: August 29, 2007
Time: 7:15 o'clock p.m.

The object of said meetings will be as follows:

- 1. Call to Order
- 2. Executive Session – Non-Elected Personnel
- 3. Adjournment

CHARLES JOHNSON
COMMISSIONER

PHIL GILLILAND
COMMISSIONER

DARREL HOSIE
COMMISSIONER

JOE JINDRA
COMMISSIONER

CHERYL LANOUE
COMMISSIONER

**"NOTICE OF SPECIAL CITY COMMISSION MEETINGS
CITY OF CONCORDIA, KANSAS**

TO: Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra and Cheryl Lanoue:

You are hereby notified that there will be special meetings of the Board of Commissioners at 7:15 o'clock p.m. on the 21st, 24th, and 29th days of August, 2007 at the City Commission Room, City Hall, Concordia, Kansas, the object of said meeting to be as follows:

Place: City Commission Room, City Hall, Concordia, Kansas
Date: August 21, 2007
Time: 7:15 o'clock p.m.

Place: City Commission Room, City Hall, Concordia, Kansas
Date: August 24, 2007
Time: 7:15 o'clock p.m.

Place: City Commission Room, City Hall, Concordia, Kansas
Date: August 29, 2007
Time: 7:15 o'clock p.m.

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD AUGUST 29, 2007, contd.

The object of said meeting will be as follows:

- 1. Call to Order
- 2. Executive Session – Non-Elected Personnel
- 3. Adjournment

(Seal)

To Any Person Authorized to Serve Notice of Special City Commission Meetings Pursuant to K.S.A. (Weeks) 14-1403:

You are hereby directed to serve the above notice at once personally upon Commissioner (s) Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra, and Cheryl Lanoue or leave said notice at the usual place of residence of said Commissioner before 5:00 p.m. o'clock on the 17th day of August, 2007 and to make a return in writing of said service, showing the manner of such service.

Lisa Fleming
City Clerk

(Seal)

RETURN OF SERVICE

The undersigned received the original notice of Special City Commission meetings of which the foregoing is a copy at, 9:09 o'clock p.m., August 15, 2007 (Phil Gilliland); 9:09 o'clock p.m., August 15, 2007 (Darrel Hosie); 9:09 o'clock p.m., August 15, 2007 (Charles Johnson); 9:09 o'clock p.m., August 21, 2007 (Joe Jindra); and 9:09 o'clock p.m., August 15, 2007 (Cheryl Lanoue).

- 1. Served the same personally on Phil Gilliland. /s/ Lisa Fleming
- 2. Served the same personally on Darrel Hosie. /s/ Lisa Fleming.
- 3. Served the same personally on Charles Johnson. /s/ Lisa Fleming.
- 4. Served the same personally on Joe Jindra. /s/ Lisa Fleming.
- 5. Served the same personally on Cheryl Lanoue. /s/ Lisa Fleming.

EXECUTIVE SESSION – NON- ELECTED PERSONNEL

HELD

Commissioner Jindra moved that the commission recess into executive session for thirty (30) minutes for the discussion of non-elected personnel. Inviting in: Tom Armour. Commissioner Lanoue seconded. Motion carried by the following vote:

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

Nay: None.

Time: 7:18 p.m.

The commission reconvened at 7:48 p.m.

Mayor Johnson announced there was no binding action taken.

EXECUTIVE SESSION – NON- ELECTED PERSONNEL

HELD

Commissioner Jindra moved that the commission recess into executive session for thirty (30) minutes for the discussion of non-elected personnel. Inviting in: Tom Armour. Commissioner Lanoue seconded. Motion carried by the following vote:

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


Nay: None.

Time: 7:48 p.m.

The commission reconvened at 8:18 p.m.

Mayor Johnson announced the Commission decided to contact the two (2) candidates that were interviewed for the City Manager position, for a second interview. The Commission instructed Mr. Armour to contact the two (2) candidates and schedule another visit to Concordia with the dates suggested by the Commission.

There being no further business, Commissioner Jindra moved to adjourn the meeting. Commissioner Lanoue seconded. Motion carried.



Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD OCTOBER 3, 2007

The governing body met in regular session on October 3, 2007 at 5:30 p.m. in the City Commission Room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Gilliland Lanoue and Hosie.

Absent: Commissioner Johnson

Other Officers: Interim City Manager Armour, City Attorney Uri and City Clerk Fleming.

The Mayor Pro Tem Hosie declared that a quorum was present and called the meeting to order.

Visitors: Jessica LeDuc, Toby Nosker, Cathy Tucker Vogel, Larry Remmenga, Susie Haver, Barbara Henry, Kirk Lowell, Ron Deal, Ron Copple, Don Lanoue, Danny Parker, Janet Eubanks, Larry Eubanks, Jack Gould, Marvin Copple and Renee Hubert.

Mayor Pro Tem Hosie announced the agenda would be amended with the addition of an item under New Business - Approve Contract for City Manager.

APPROVAL OF MINUTES

Commissioner Gilliland moved to approve the minutes of the September 19, 2007, regular meeting. Commissioner Jindra seconded. Motion carried. Commissioner Jindra moved to approve the minutes of the September 24, 2007, special call meeting. Commissioner Lanoue seconded. Motion carried.

APPROPRIATION ORDINANCE NO. 18

APPROVED

Commissioner Gilliland moved to approve Appropriation Ordinance No. 18. Commissioner Jindra seconded. Motion carried.

PUBLIC COMMENTS

There were no public comments.

PRESENTATION – PUBLIC WATER SUPPLY AWARD – KANSAS DEPT. OF HEALTH & ENVIRONMENT

Cathy Tucker-Vogel with the Bureau of Water – Public Water Supply of the Kansas Department of Health and Environment, presented to the City of Concordia a public water supply award. Ms. Tucker-Vogel informed the commission this is the first year KDHE has given awards to public water supply systems. Ms. Tucker-Vogel stated the City of Concordia was one (1) of seven (7) cities in the state to receive this award. She commended Larry Remmenga, Director of Utilities, for the fine job in operating and maintaining the water supply system.

SUSIE HAVER & BARBARA HENRY USE OF CITY PARK FOR SAMPLER FESTIVAL

Susie Haver and Barbara Henry, representing Cloud County Tourism, were present to request permission to use the city park on May 3 and 4, 2008 and May 2 and 3, 2009 for the site of the Kansas Sampler Festival. Ms. Haver stated the FAA denied their request to use the Blosser Municipal Airport for the Kansas Sampler Festival. Ms. Haver said Marci Penner, Kansas Sampler Festival Foundation director and WenDee LaPlant, assistant director, visited the city and looked at several sites and both felt the City Park would be a good place for the event. Ms. Haver discussed parking for the event and shuttle locations. Ms. Haver stated the committee would also be requesting a liquor license for wine and beer tasting at the festival. Mr. Uri said he would review and draft an ordinance to allow for a liquor license to be issued for the event. Following further discussion, Commissioner Hosie moved to approve holding the Kansas Sampler Festival at the city park. Commissioner Jindra seconded. Motion carried. Mayor Pro Tem encouraged Ms. Haver and Ms. Henry to meet with city staff to review details of the event.

PUBLIC WORKS DEPARTMENT – RON COPPLE REVIEW OF CIP PROJECTS

Ron Copple, Director of Public Works, reviewed several projects in the capital improvement project for next year. Mr. Copple informed the commission he would like to get the design stages done and let bids in February, hoping to get a better price for the contracts. Mr. Copple advised the commission of the following changes he would like to make to the current budgeted downtown mill and overlay projects.

- Washington Street, 5th to 8th replace with Cedar Street, 5th to 6th
- Seventh Street, Lincoln to Cedar replace with 6th Street, Cedar to Republican

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD OCTOBER 3, 2007, contd.

Commissioner Lanoue questioned the amount budgeted for the CIP projects and felt if all the projects were done; the CIP budget would be \$300,000 short. Commissioner Lanoue would also like to see copies of the contracts.

Commissioner Gilliland moved to make changes in the CIP and give the Public Works department approval to get engineer designs on the five (5) projects. Commissioner Jindra seconded. Motion carried.

APPROVE CITY MANAGER CONTRACT

Mayor Pro Tem Hosie entertained a motion that commission authorize and sign a contract to Mark Skiles to start November 12, 2007, with a starting salary of \$72,000. Commissioner Gilliland moved to authorize Mayor Pro Tem to execute the employment contract with Mark Skiles to be city manager. Commissioner Lanoue seconded. Motion carried.

RESOLUTION NO. 2007-1783
NUISANCE ABATEMENT–
CALLAWAY - 326 W 6TH

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: Lots 13 & 14, Block 133, Concordia, Original Town, (326 W. 6th)

The Resolution was considered and discussed; and thereupon on motion of Commissioner Jindra, seconded by Commissioner Lanoue, the Resolution was adopted by the following roll call vote:

Yea: Commissioners Hosie, Jindra, Lanoue and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1783 and was directed to be signed by the Mayor Pro Tem and attested by the City Clerk.

RESOLUTION NO. 2007- 1784
NUISANCE ABATEMENT–
MSMT LLC – SOUTH HWY 81

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: Tr. beg 548' S & 49.1' W of NE Cor. Of S 2 SW 4; Th. S 671.56 W 140', N 671.56', E 140' to POB (South 81 Hwy, Shady Lake Development).

The Resolution was considered and discussed; and thereupon on motion of Commissioner Jindra, seconded by Commissioner Lanoue, the Resolution was adopted by the following roll call vote:

Yea: Commissioners Hosie, Jindra, Lanoue and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1784 and was directed to be signed by the Mayor Pro Tem and attested by the City Clerk.

RESOLUTION NO. 2007-1785
NUISANCE ABATEMENT–
WELLS FARGO BANK – 137 E. 10TH

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD OCTOBER 3, 2007, contd.

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: Lot 18 & Tr. Beg NE cor Lot 17, Th S 48' W 16' N 38', E 16 to POB (137 E. 10th)

The Resolution was considered and discussed; and thereupon on motion of Commissioner Jindra, seconded by Commissioner Lanoue, the Resolution was adopted by the following roll call vote:

Yea: Commissioners Hosie, Jindra, Lanoue and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1785 and was directed to be signed by the Mayor Pro Tem and attested by the City Clerk.

RESOLUTION NO. 2007-1786
NUISANCE ABATEMENT–
SCHMIDT – 110 E. 8TH

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: W ½ of Lot 6 & E 33' of Lot 7, Blk. 144 (110 E. 8th)

The Resolution was considered and discussed; and thereupon on motion of Commissioner Jindra, seconded by Commissioner Lanoue, the Resolution was adopted by the following roll call vote:

Yea: Commissioners Hosie, Jindra, Lanoue and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1786 and was directed to be signed by the Mayor Pro Tem and attested by the City Clerk.

RESOLUTION NO. 2007-1787
NUISANCE ABATEMENT–
HYDE – 205 W. 2ND

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: Lots 19 & 20, Blk. 193 subdivision Concordia, original town, (205 W. 2nd)

The Resolution was considered and discussed; and thereupon on motion of Commissioner Jindra, seconded by Commissioner Lanoue, the Resolution was adopted by the following roll call vote:

Yea: Commissioners Hosie, Jindra, Lanoue and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1787 and was directed to be signed by the Mayor Pro Tem and attested by the City Clerk.

RESOLUTION NO. 2007-1788
NUISANCE ABATEMENT–
FISHER – 440 W. 13TH

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: Lots 9 & 10, Blk. 64 (440 W. 13th)

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD OCTOBER 3, 2007, contd.

The Resolution was considered and discussed; and thereupon on motion of Commissioner Jindra, seconded by Commissioner Lanoue, the Resolution was adopted by the following roll call vote:

- Yea: Commissioners Hosie, Jindra, Lanoue and Gilliland.
- Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1788 and was directed to be signed by the Mayor Pro Tem and attested by the City Clerk.

RESOLUTION NO. 2007-1789
NUISANCE ABATEMENT–
DAVENPORT – 810 E 7TH APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: Tr. Beg 220.11' E of the E line of Matthew St. & S line of 7th St., Th S 177.9' E, E 104.76' N 177.9, W 104.76' to POB (810 E. 7th)

The Resolution was considered and discussed; and thereupon on motion of Commissioner Jindra, seconded by Commissioner Lanoue, the Resolution was adopted by the following roll call vote:

- Yea: Commissioners Hosie, Jindra, Lanoue and Gilliland.
- Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1789 and was directed to be signed by the Mayor Pro Tem and attested by the City Clerk.

RESOLUTION NO. 2007-1790
NUISANCE ABATEMENT–
RYALS – 431 E 1ST APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: Lots 2-7, Blk. 202 (431 E. 1st)

The Resolution was considered and discussed; and thereupon on motion of Commissioner Jindra, seconded by Commissioner Lanoue, the Resolution was adopted by the following roll call vote:

- Yea: Commissioners Hosie, Jindra, Lanoue and Gilliland.
- Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1790 and was directed to be signed by the Mayor Pro Tem and attested by the City Clerk.

RESOLUTION NO. 2007-1791
NUISANCE ABATEMENT–
DUVALL – 439 W 14TH APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: Lot 15 Blk. 64 (439 W. 14th)

The Resolution was considered and discussed; and thereupon on motion of Commissioner Jindra, seconded by Commissioner Lanoue, the Resolution was adopted by the following roll call vote:

- Yea: Commissioners Hosie, Jindra, Lanoue and Gilliland.
- Nay: None.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD OCTOBER 3, 2007, contd.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1791 and was directed to be signed by the Mayor Pro Tem and attested by the City Clerk.

**RESOLUTION NO. 2007-1792
NUISANCE ABATEMENT–
NORDQUIST – 324 E 8TH**

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: Lots 2 & 3, Blk. 116 (324 E. 8th)

The Resolution was considered and discussed; and thereupon on motion of Commissioner Jindra, seconded by Commissioner Lanoue, the Resolution was adopted by the following roll call vote:

Yea: Commissioners Hosie, Jindra, Lanoue and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1792 and was directed to be signed by the Mayor Pro Tem and attested by the City Clerk.

**RESOLUTION NO. 2007-1793
NUISANCE ABATEMENT–
FISHER – 532 E. 7TH**

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: All of Lot 2 & E. 4' of Lot 3, Blk. 121 & 9.5' 7th St. adj (532 E. 7th)

The Resolution was considered and discussed; and thereupon on motion of Commissioner Jindra, seconded by Commissioner Lanoue, the Resolution was adopted by the following roll call vote:

Yea: Commissioners Hosie, Jindra, Lanoue and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1793 and was directed to be signed by the Mayor Pro Tem and attested by the City Clerk.

**RESOLUTION NO. 2007-1794
NUISANCE ABATEMENT–
RICE – 534 E 6TH**

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: N ½ of Lots 1 & 2, Blk. 140 subdivision Concordia, original town, (534 E. 6th)

The Resolution was considered and discussed; and thereupon on motion of Commissioner Jindra, seconded by Commissioner Lanoue, the Resolution was adopted by the following roll call vote:

Yea: Commissioners Hosie, Jindra, Lanoue and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1794 and was directed to be signed by the Mayor Pro Tem and attested by the City Clerk.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD OCTOBER 3, 2007, contd.

RESOLUTION NO. 2007-1795
 NUISANCE ABATEMENT–
FIELDS – 603 MATTHEW

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT A NUISANCE EXISTS AT THE FOLLOWING LOT OR PARCEL OF GROUND WITHIN THE CITY OF CONCORDIA: Tr. Beg at a point on E line of Matthew St. 448.5' N of S line of NW4 SW4; Th E 132', N 46.5', W 132, S 46.5 to POB (603 Matthew)

The Resolution was considered and discussed; and thereupon on motion of Commissioner Jindra, seconded by Commissioner Lanoue, the Resolution was adopted by the following roll call vote:

Yea: Commissioners Hosie, Jindra, Lanoue and Gilliland.

Nay: None.

Thereupon, the Resolution having been adopted by vote of the members of the City Commission it was given No. 2007-1795 and was directed to be signed by the Mayor Pro Tem and attested by the City Clerk.

MANAGER'S REPORT

Tom Armour, Interim City Manager, mentioned the following items:

- Officer Luongo resigned from the Police Department.
- Small difference on CIP slurry seal project – estimate was \$200,000; project actual cost \$208,280
- Three (3) KDOT applications for airport improvements in 2009 (75% - 25% local). Projects would start in July 1, 2008. The projects are as follows:

AWOS weather station
 Install lighted wind cone
 Install Pappi system on runways

- Airport Farm Land Lease – Request for proposal for cash renting will be advertised.
- Fire Department Membership to Gym at College - \$70.00 per person per year – expires December 31st. Checking the possibility of in-house work out room.
- At the Mayor's request, Kevin Cowan, with Gilmore & Bell, will be here for October 17th meeting.
- Next Airport Advisory Meeting is scheduled for Monday, October 15, 2007, in the Community Room.

STAFF COMMENTS

Larry Uri, City Attorney, stated the airport deeds have been filed and the case dismissed and litigation is over.

MAYOR/COMMISSIONER COMMENTS AND REPORTS

Commissioner Lanoue asked if a response was sent to the Senior Citizens for the letters the city received, and if not recommended sending a letter. Commissioner Lanoue asked about the revolving loan information she had requested.

Commissioner Lanoue asked about the status of the pool report she requested. Mr. Armour advised Commissioner Lanoue he did not know the status of that report. Commissioner Lanoue had concerns with the input of pool attendance into the register at the pool.

Commissioner Lanoue thanked Larry Remmenga and his crew for a job well done in the water department.

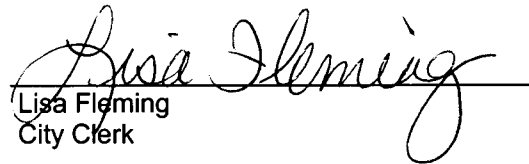
MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD OCTOBER 3, 2007, contd.

Commissioner Hosie asked Mr. Armour if staff has discussed the trailer and RV parking when construction crews start coming to town. Mr. Armour advised the commission, staff has started to discuss the issue and will continue the discussion and search for trailer and RV parking.

Commissioner Hosie asked about the status of the downtown improvement projects and if the projects would be done this year.

Mayor Pro Tem Hosie announced there would be a study session following the meeting.

There being no further business, Commissioner Lanoue moved to adjourn the meeting. Commissioner Gilliland seconded. Motion carried.


Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD OCTOBER 17, 2007

The governing body met in regular session on October 17, 2007 at 5:30 p.m. in the City Commission Room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Johnson, Gilliland, Lanoue and Hosie.

Absent: None.

Other Officers: Interim City Manager Armour, City Attorney Uri and City Clerk Fleming.

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

Visitors: Jessica LeDuc, Toby Nosker, Chér Knudsen, Bruno Rehbein, Ron Deal, Mark C. Morgan, Larry Remmenga, Kirk Lowell, J.T. Klaus, Blake Hendrix, Jerry Byrns, Craig Augustine, Ron Copple, Ted Collins, Tom Tuggle, Suzy Tuggle, James D. Ganson, Larry S. Eubanks, Jim Winter, Kris Schrandt, Bill Garrison, Jim Stromberg, Pat Gerard, Rex Gerard, Arlene F. Clayton, Kent Otott, Janet Eubanks, Dennis Reedy, Marvin Copple, Jim Kaup, Dave Clemons, Don Lanoue, Danny Parker, Lowell Thoman, Janet Lowell, Galen Deneault, Kathy Snyder, Brendan Hardaway, Kevin Cowan, Darrell Nelson, Marcia A. Johnson, Jack Gould, LaDonna Peltier, John Davis, Jeremy Arnold, James Buller, Jim Menard, Dennis Fleming, Renee Hubert, Melvin Davenport, Dana Brewer, Ross Doyen, Patrick Cossel, Judie Deal and Dennis Smith.

Pastor Kent Otott provided the invocation before the city commission meeting.

Commissioner Hosie moved to approve the agenda. Commissioner Lanoue seconded. Motion carried.

APPROVAL OF MINUTES

Commissioner Gilliland moved to approve the minutes of the October 3, 2007, regular meeting. Commissioner Jindra seconded. Motion carried.

APPROPRIATION ORDINANCE NO. 19

TABLED

After discussion, Commissioner Lanoue moved to table Appropriation Ordinance No. 19 until the back page is made available. Commissioner Gilliland seconded. Motion carried.

PROCLAMATION

CHANGE YOUR CLOCK/CHANGE YOUR BATTERY

Commissioner Hosie read a proclamation and declared the November 4, 2007, as Change Your Clock/Change Your Battery day.

APPOINTMENT TO
LIBRARY BOARD

MELISSAE STILES

Mayor Johnson stated the Library contacted the city and advised that Library Trustee Carolyn Atkinson moved out of state, creating a vacancy on the Library Board. Ms. Atkinson's term expires April 30, 2011. Melissa Stiles had completed an Expression of Interest Form and has indicated a strong interest in the library and a willingness to serve as a trustee. Commissioner Gilliland moved to appoint Melissa Stiles to the Library Board. Commissioner Lanoue seconded. Motion carried.

PUBLIC COMMENTS

Arlene Clayton made a few comments.

Dave Clemons stated one of his concerns with the annexation of the ethanol plant, was the fire department. He was concerned the fire department didn't have the capability to fight a fire at the ethanol plant and asked if the fire department had the equipment and qualified manpower to fight a fire at the ethanol plant. Mr. Clemons was concerned in a year or two (2) the fire department would have to purchase more equipment.

EMPLOYEE SERVICE AWARDS

LARRY REMMENG, JEREMY ARNOLD
JAMES BULLER AND JIM MENARD

Mayor Johnson acknowledged and presented 10 year employee service awards to the following city employees: Larry Remmenga and Jeremy Arnold with the Pubic Utilities department and James Buller and Jim Menard with the Fire Department.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD OCTOBER 17, 2007

APPROVE FARM LEASE – AIRPORT LAND

LOREN SWENSON

Ron Copple, Director of Public Works, advised the commission the city received six (6) proposals for the airport land lease (cash rent), as follows:

<u>BIDDER</u>	<u>PRICE</u>
D & G Deneault Farms	\$61.00/per acre
Jeff Buckley	\$68.00/per acre
Loren Swenson	\$78.00/per acre
Larry Naillieux	\$56.50/per acre
Dennis Reedy	\$55.00/per acre
Buckley Farms (Chad)	\$75.25/per acre

Mr. Copple recommended accepting the proposal of \$78.00 per acre, from Loren Swenson. Following discussion, Commissioner Hosie moved to approve the farm lease agreement with either a one (1) or three (3) year term. Commissioner Lanoue seconded. Motion carried.

PUBLIC HEARING –
CONSIDERATION OF PROPERTY TAX ABATEMENT
EVERTON ENERGY, LLC

HELD

Mayor Johnson opened the public hearing for the consideration of a property tax abatement for Everton Energy, LLC.

J.T. Klaus, Tripplet, Woolf and Garretson, LLC, stated this was the next step in the progression to issue industrial revenue bonds.

Craig Augustine stated he had some concerns about a number of things. Mr. Augustine questioned if the road was included in the annexation. Mr. Augustine said he believed Everton was probably getting tax breaks and funding from the government, and that it should be relative to how much money we are talking about.

Jack Gould pointed out that stock in Sun Energy, an ethanol corporation, was \$27.00 a share in November and currently is \$10.41 a share. Mr. Gould said “that should tell you something and this thing is not going to work”. Mr. Gould felt this project will cost the city a lot of money.

Mayor Johnson closed the public hearing.

RESOLUTION NO. 2007-1796
EVERTON ENERGY, LLC – TAX ABATEMENT

APPROVED

Commissioner Lanoue requested Fire Chief Eubanks to address the fire department issues. Chief Eubanks stated he had visited two ethanol plants and the plants were completely self-sufficient in the event of a fire. Mr. Eubanks stated the department does have the equipment and capability to handle a fire at the ethanol plant. Mr. Eubanks said the department does not have the foam, but it is in the agreement that Everton will furnish the foam for the city. Mr. Eubanks advised they are currently working on special training. He said currently they have enough staff, but nobody knows about tomorrow.

Commissioner Hosie stated with the approximate 570 acres being annexed into the city, the fire department may fall short if a grass fire occurred; the city may have to rely on the rural fire district.

Kevin Cowan with Gilmore and Bell, the city's bond council, stated under state law, industrial revenue bonds are not a direct obligation to the city. Mr. Cowan said the property tax abatement is purely an incentive the city can offer.

Commissioner Lanoue questioned if the company would sell and the bonds would go to the next company, the abatement would follow; or if that company pays the bonds off, then the abatement would go away. Mr. Cowan stated that was correct.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD OCTOBER 17, 2007

Mr. Klaus stated in the first year the abated taxes would be estimated at \$570,000.00. Mr. Klaus said by annexing the property and obligating them to pay franchise fees, for every exemption dollar there will be a \$1.45 coming back, so the benefits in the first year, including utilities and utility franchise fees in year one are estimated at \$1.4 million. Mr. Klaus pointed out at the end of 10 years when the entire plant goes on the tax roll; there would be a significant increase in the assessed value. Mr. Klaus also pointed out, of the \$1.4 million, there's roughly \$700,000 in utilities and utility franchise fees that the city would not collect if they are located in the county. Klaus stated if Everton does not make their payment in lieu of taxes, it provides that Everton immediately goes on the tax rolls.

Commissioner Hosie questioned whether the land would be exempt from taxation. He noted the resolution states everything would be exempt from taxes, and later on there would be an agreement that Everton will pay taxes on the land. Commissioner Hosie stated that this language was in the development agreement but not in the resolution.

Mr. Klaus advised the development agreement requires Everton to make a payment in lieu of tax on the remainder of the land and stated if the commission would like the resolution to state that as well they could amend the resolution. Mr. Klaus said the amendment would be Everton would make a payment in lieu of taxes in the amount of tax on the raw land.

Mr. Cowan suggested it would be a good idea to add a paragraph to that effect.

Mr. Klaus stated he would make the amendment to the resolution.

Among other business, in accordance with a notice published on October 8, 2007, in *The Blade Empire*, and a notice to the County Clerk of Cloud County, Kansas, Clerk of the Board of Trustees of Cloud County Community College and the Clerk of the Board of Education of Unified School District #333 mailed via certified mail, return receipt requested, on October 9, 2007, a public hearing was convened by the governing body relating to the granting of a tax exemption for property financed and relating to the issuance by the City of Concordia, Kansas, of its Industrial Revenue Bonds (Everton Energy, LLC) in the principal amount of not to exceed \$240,000,000 (the "Bonds") for the purpose of purchasing, acquiring, constructing and equipping an ethanol plant and related facilities to be located in the City of Concordia, Cloud County, Kansas (the "Project").

All interested persons were afforded the opportunity to present their views on the Project and the granting of the tax exemption therefor.

After all interested persons were afforded the opportunity to present their views on the granting of the tax exemption for the Project and following a discussion of the Cost Benefit Analysis dated May 31, 2007, which Cost Benefit Analysis included an analysis of the proposed effect on state revenues with respect to the granting of an ad valorem property tax exemption for the Project, the public hearing was closed.

Thereupon, among other business, there came on for consideration and discussion the following:

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF CONCORDIA, KANSAS, APPROVING AN AD VALOREM PROPERTY TAX EXEMPTION FOR PROPERTY ACQUIRED WITH THE PROCEEDS OF CERTAIN INDUSTRIAL REVENUE BONDS.

Thereupon, the Resolution was considered and discussed, and on motion of Commissioner Hosie, that the resolution be amended by adding language in reference to paying taxes on the land, in Section 1, seconded by Commissioner Jindra, the Resolution was adopted as amended by vote of the majority of all members present.

Thereupon, the Resolution, having been adopted by a majority vote of the members of the governing body, it was given No. 2007-1796, and was directed to be signed by the Mayor and attested by the City Clerk.

**ORDINANCE NO. 2007-2942
ANNEXATION FOR EVERTON ENERGY, LLC**

PASSED

Thereupon, there was presented an Ordinance entitled:

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD OCTOBER 17, 2007

AN ORDINANCE ANNEXING LAND TO THE CITY OF CONCORDIA, KANSAS. THE FOLLOWING DESCRIBED LAND ADJOINS THE CITY OF CONCORDIA, KANSAS, HAVING A STREET ADDRESS OF 1831 NORTH 180TH ROAD, AND IS GENERALLY LOCATED TO THE EAST OF THE CITY'S CURRENT CORPORATE LIMITS.

Bruno Rehbein, Building Inspector, advised the commission the city received a petition from Everton Energy, LLC for annexation. Mr. Rehbein introduced Jim Kaup, an attorney assisting the city. Mr. Kaup reviewed minor changes to the annexation ordinance, as first presented. He stated the changes are a few minor technical changes. Mr. Kaup advised the commission version one (1) of the ordinance had the following language added to it. The street address was added, the location was changed to "east", reference attachment "A" as a map and added "less any county road or county road right-of-way, whether held in fee title or by easement. He stated version two (2) of the ordinance did not have "attachment "A" as a map. Mr. Klaus advised the commission, Everton had signed a work order to upgrade the county road.

Commissioner Lanoue stated by annexing the plant into the city, Everton would have to follow the city zoning regulations, which would protect the neighboring property owners.

Thereupon, Commissioner Lanoue moved that said Ordinance, version one (1), be passed. The motion was seconded by Commissioner Jindra. 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 Hosie, Jindra, Lanoue, Johnson and Gilliland.

Nay: None.

Thereupon, the Mayor declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. 2007-2942, was signed and approved by the Mayor and attested by the Clerk and was directed to be published one time in the official newspaper of the City.

MANAGER'S REPORT

Tom Armour, Interim City Manager, mentioned the following items:

1. KMIT awarded the City of Concordia a star of excellence for 2007 loss prevention.
2. Airport Advisory Board meeting held Monday, October 15, 2007. The Board discussed the settlement agreement and recruiting a Fixed Base Operator for the airport.
3. The paper work has been started for the temporary liquor license for the Sampler Fest.
4. Ron Copple and his crew will begin removing the fuel tank at the airport.
5. Work will begin on the 2007 budget to see if amendments will be needed.
6. A study session will be scheduled to review the impact of the ethanol plant and the wind energy plant to the city.
7. An elderly citizen requested the review of handicapped parking in downtown Concordia.
8. A request to have an executive session on the November 7, 2007 agenda. This would be interim city manager's last meeting.

MAYOR/COMMISSIONER COMMENTS AND REPORTS

Commissioner Hosie congratulated the four (4) employees for their ten years of service to the City of Concordia. Commissioner Hosie also congratulated staff for the loss prevention award they received. Commissioner Hosie requested to have a report on the bus trip to the Chiefs game.

Commissioner Lanoue thanked Larry, Jeremy, Jimmy and James for the 10 years of service with the city. Commissioner Lanoue asked Chief Eubanks if his department received another fire grant. Mr. Eubanks stated they had received a grant for Nathan Shaffer to attend paramedic training.

Commissioner Lanoue asked if the money had been transferred from TIF bond and interest to the bond and interest fund and if it was reduced from the amount it was off.

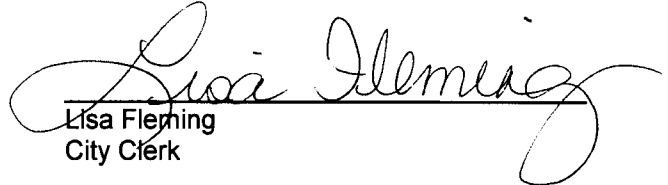
Mayor Johnson asked if the city had a specific noise abatement ordinance. Mayor Johnson had been asked what could be done, if anything, with cars that have loud stereos. Larry Uri informed him there is not a specific noise ordinance.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD OCTOBER 17, 2007

Commissioner Gilliland said he appreciates the city allowing him and covering the costs to attend the League meeting. Commissioner Gilliland stated the league meeting was very informative.

Mayor Johnson announced there would be a study session following the meeting.

There being no further business, Commissioner Gilliland moved to adjourn the meeting. Commissioner Lanoue seconded. Motion carried.


Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD OCTOBER 23, 2007

The governing body met in special call meeting on October 23, 2007, at 7:30 p.m., in the City Commission room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Gilliland, Johnson, Hosie and Lanoue.

Absent: None.

Other Officers: Interim City Manager Armour. City Clerk Fleming arrived at 8:00 p.m.

Visitors: Ron Copple, Brian Donovan, Van Morrisette, Lawrence Schleuder and Mike Holmes.

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

**AIRPORT BUILDING
IMPROVEMENT DISCUSSION**

Ron Copple, Director of Public Works, explained Beldon Blosser has a \$50,000.00 fund available for the city to match and use for a capital improvement project at the airport. Mr. Copple stated for the city to use the money, the city would have to get a grant through FAA, which is not available until July 1, 2008. Mr. Copple explained that Mr. Blosser would like the commission to return the funds back to him and then he would give the funds back to the city to use with matching funds from the city to make improvements at the airport, including remodeling the main office and hangar. Mr. Copple informed the commission he had visited with John Hood about the project and indicated the project could be done for under \$100,000.00. Mayor Johnson stated the matching funds needed from the city would be \$54,100.00. Mr. Blosser wanted the project to be started before the end of the year. Mr. Copple said he did not feel the project could be started by the December 31st deadline.

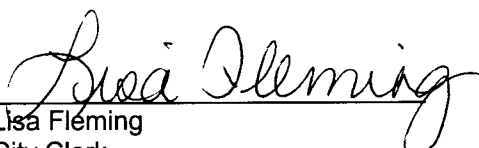
Commissioner Gilliland asked about getting a Fixed Base Operator at the airport. Brian Donovan, Airport Advisory Member, stated by fixing up the hangar and main office area, it would help attract someone to come in and be the FBO.

A conference call was made to John Hood to discuss the airport building. Mr. Hood has talked to Mr. Blosser about the project. The commission and Airport Advisory Board agreed the current building design is fine, but needs some upgrades and will need to meet code (including ADA). Mr. Hood suggested developing a "scope of work" so everyone's expectations would be the same. A meeting was scheduled for 10:15 a.m., Monday, October 29, 2007, at the airport building with Mr. Hood, Mr. Blosser, Mark Budreau, contractor, a couple of Airport Advisory Board members, Eric Johnson and two to three city staff members.

Commissioner Hosie questioned where the city's matching funds would come from. Mr. Armour stated he had been reviewing the budget to locate money for the matching funds. Mr. Armour stated this will be an agenda item.

Following discussion, Commissioner Hosie moved to authorize the interim city manager or designee to notify Blosser Foundation trust officer, the city is unable to use the funds as required by the first of the year. Commissioner Gilliland seconded. Motion carried.

There being no further business, Commissioner Gilliland moved to adjourn the meeting. Commissioner Jindra seconded. Motion carried.


Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD NOVEMBER 7, 2007

The governing body met in regular session on November 7, 2007 at 5:32 p.m. in the City Commission Room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Johnson, Lanoue and Hosie.

Absent: Commissioner Gilliland.

Other Officers: Interim City Manager Armour, City Attorney Uri and City Clerk Fleming.

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

Visitors: Jessica LeDuc, Toby Nosker, Chér Knudsen, Bruno Rehbein, Lawrence Schleuder, Jolene Crotinger, Delores Deneault, Pat Senner, Wanda Nelson, Jackie Nault, Levi Deneault, Pat Cory, John Cory, Jan Engle, Rickey Ninemire, Keith Geisler, Ronald W. Crotinger, Brenda Deneault, Judy Lambert, Brian Donovan, Fred DeArmond, Steve Runyan, Kathleen C. Rice, Betty L. Havens, Diane Reed, Darleene Schleve, Betty Guinn, Tosha Larkins, Dorothy Cook, James D. Ganson, Ron Copple, Bonnie Bray, Lorene Phipps, Ruby Cairns, Vicki Roberts, Ted Collins, Stacey Crum, Peter Fabarez, Ian Smith, Danny Parker, Jim Kell, Don Lanoue, Nina Sheely, Everett Sheely, Paul E. Girard, Ellis L. Hathaway, Lois Cook, Cathy Bieker, Bob Burns, Marvin Copple, Kelly Allen, Larry Jackson, Kirk Lowell, John Hood, Jean Taylor, Marylu Fellows, Larry Eubanks, Marcia A. Johnson, Mark Budreau, Ron Deal, Tressie Robbins, Tabytha Brown, LeRoy Regnier, Joan McCollough, Janet Eubanks, Tom Tuggle, Jason Townsden, Donna A. Farrell, Diane Price, Ruby Maline, Jack Gould, Katelyn Koerber, Armand Balthazor, Carol Fortin, John Alexander and Lyle Koerber.

Pastor Bob Burns, Wesleyan Church, provided the invocation before the city commission meeting.

Commissioner Jindra asked to add an item on the agenda. The discussion of moving the meeting scheduled for November 21, 2007 (the night before Thanksgiving) to another date.

APPROVAL OF MINUTES

Commissioner Hosie moved to approve the minutes of the October 17, 2007, regular meeting, with the amendment of removing the word capabilities on page three (3) in the second paragraph. (This refers to using foam to fight a fire.) Commissioner Lanoue seconded. Motion carried. Commissioner Johnson moved to approve the minutes of the October 23, 2007, special call meeting. Commissioner Jindra seconded. Motion carried.

APPROPRIATION ORDINANCE NO. 19

TABLED

Commissioner Lanoue moved to table Appropriation Ordinance No. 19, until clarification is given on the UB adjustments in the amount of \$175.19. Commissioner Johnson seconded. The tabled motion was defeated. The vote being as follows:

Aye: Commissioners Johnson and Lanoue.

Nay: Commissioners Jindra and Hosie.

Commissioner Hosie moved to approve Appropriation Ordinance No. 19. Commissioner Jindra seconded. Motion defeated. The vote being as follows:

Aye: Commissioners Hosie and Jindra.

Nay: Commissioners Johnson and Lanoue.

APPROPRIATION ORDINANCE NO. 20

TABLED

Commissioner Lanoue moved to table Appropriation Ordinance No. 20, until corrections can be made on the Bond and Interest transfers and the TIF transfers and for clarification on the chart of accounts journal entry of \$40.00, and clarification of the cash receipts adjustment of \$141.82 and \$28.02. Commissioner Johnson seconded. Motion carried.

CHANGE MEETING DATE

Following discussion, Mayor Johnson advised there would be a special call meeting, Tuesday, November 20, 2007, at 4:00 p.m. in the commission room. The commission will not meet on November 21, 2007, which is the Wednesday before Thanksgiving.

PLANNING COMMISSION APPOINTMENTS

SUZY TUGGLE & MELVIN DAVENPORT

Bruno Rehbein advised the commission the terms of Suzy Tuggle and Melvin Davenport on the Planning Commission will expired on 11-1-07. Both individuals were contacted and indicated a willingness to serve another term on the Planning Commission. Commissioner Jindra moved to reappoint Suzy Tuggle and Melvin Davenport to another three (3) year term for each on the Planning Commission, with their terms ending November 1, 2010. Commissioner Lanoue seconded. Motion carried.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD NOVEMBER 7, 2007, contd.

PUBLIC COMMENTS

Jolene Crotinger, owner of the Downtown, Inc. (the Downtown Smoke Shop), asked the commission to reconsider the violations of the city ordinance that currently bans smoking in the Downtown Smoke Shop. Ms. Crotinger advised the commission as of November 1st, smoking had been banned in her business. A petition, with 500 signatures, requests the City of Concordia and its representatives to exempt the Downtown Smoke Shop as the business has made necessary accommodations which fall under Sections 11-304 through 11-307 of the ordinance. The petition also requests the City of Concordia to provide a comprehensive investigation and evaluation of the Downtown Smoke Shop's violation of Concordia Code Section 13-1(a)(6), which declares substances which emit foul, unhealthy, or disagreeable odors to be a public nuisance. Ms. Crotinger stated the City labels the Downtown Smoke Shop as a restaurant which subsequently falls under Section 11-302 of the city ordinance, which prohibits smoking inside a restaurant. Ms. Crotinger stated "Mr. Mayor we call on you and your fellow Commissioners to protect the businesses of our community by restricting a single individual to cause a local business to alter its operation with a simple nuisance complaint."

Several citizens spoke on behalf of Jolene Crotinger, showing their support for her and her business.

Larry Uri, City Attorney, informed the commission the city received a nuisance complaint from a citizen. The citizen stated he could smell smoke in his office building, which is located next door to the smoke shop. Mr. Uri reviewed the complaint, and stated there are two ordinances that address the issue. The first ordinance states that a nuisance can be any "foul substance or substances which emit or cause any foul, nauseous, unhealthy or disagreeable odors." The second ordinance relates to smoking in restaurants. Mr. Uri said a restaurant was a building with "table, booth or counter and used as, maintained as, advertised as, or held out to be an operation which prepares, serves or otherwise provides for sale of food and beverages for consumption on the premises." Mr. Uri stated as he interprets the ordinances, they do apply to the smoke shop. He called the owner and landlord of the smoke shop and informed them what he intended to do about the complaint. Mr. Uri then wrote a letter explaining why he thought they were in violation of the ordinances. The letter gave them until November 1, 2007 to cease. Mr. Uri stated he is preparing to precede with formal actions on both nuisance and restaurant violations in municipal court, if there is still smoking in the building.

Commissioner Lanoue asked Mr. Uri, if the smoke shop does not sell food or beverage and only sells cigarettes, would they be classified as a restaurant. Mr. Uri stated they would not be considered a restaurant, but there still would be the nuisance ordinance.

Following a lengthy discussion, Mayor Johnson said the Commission would take everyone's comments under advisement. Commissioner Hosie said the comments pointed out some problems with the smoking in restaurants ordinance, which will be reviewed.

AIRPORT BUILDING IMPROVEMENTS

DISCUSSION

Tom Armour, Interim City Manager, reviewed the airport improvement project and informed the Commission he had visited with Ron Copple and with potential contractors about the project. Mr. Armour had also met with Beldon Blosser and with Mr. Blosser's bank escrow agent to first nullify the original agreement from a year or so ago and second to formalize and sign the new agreement. Mr. Armour informed the Commission the city would have to match the \$54,100 Blosser Foundation Grant for use in the improvement of the main airport building, with such improvements being substantially completed on or before December 31, 2007. Mr. Armour said the total cost to remodel the airport lobby, office and hangar would be \$158,362. Mr. Armour recommends approving this project.

Mr. Armour stated he identified sources in the 2007 budget to fund the \$54,100 match. The sources are as follows: \$2,100 from elections; \$20,000 from liability insurance, \$12,000 from utilities, \$3,000 from the fire department maintenance fund and \$17,000 from the downtown improvement project.

Commissioner Hosie was concerned that by approving this agreement, \$50,000 plus obligation would come out of 2008 budget. Commissioner Lanoue stated the city share in 2008 would only be \$25,081. Mr. Armour said Mr. Blosser indicated he would possibly do this again in 2008, with matching funds being \$25,081/\$25,081.

John Hood and Mark Budreau, potential contractors for the project were present and explained the scope of work for improvements at the airport building.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD NOVEMBER 7, 2007, contd.

Commissioner Jindra pointed out the project had not been bid because of the time constraints. Commissioner Lanoue agreed, the deviation in policy with this project is worth it, because of the \$54,000 the city would get from Blossers.

Mayor Johnson suggested a meeting would be held Tuesday, November 20, 2007 at 10:00 a.m., with John Hood, Mark Budreau, a representative from the Airport Advisory Board, Mark Skiles and Tom Armour to review the improvement project.

Commissioner Jindra moved to authorize the Mayor to sign a contract, along with the contractor and a representative from the Airport Advisory Board for a total of \$158,362, of which \$108,200 will come from the 2007 budget and \$50,162 would come from the 2008 budget; with the contingency that the city will get an additional \$25,081 contribution from the Blosser Foundation. Commissioner Lanoue seconded. Mark Budreau stated the dollar amount does not include a bond. A discussion followed regarding the bonding of the project and bonding requirements. Mr. Uri checked the state requirements for bonding projects.

Commissioner Hosie moved to table the motion until after the executive session. Commissioner Johnson seconded. Motion carried.

Ron Copple asked the commission for approval of using Jet A fuel at the airport. After discussion, Mayor Johnson stated it was the consensus of the commission to allow Mr. Copple to go ahead with the Jet A fuel at the airport.

EXECUTIVE SESSION – NON-ELECTED PERSONNEL

HELD

At this time, Commissioner Johnson moved that the commission recess into executive session for fifteen (15) minutes for the discussion of non-elected personnel. Inviting: Tom Armour. Commissioner Hosie seconded. Motion carried by the following vote:

Aye: Commissioners Jindra, Johnson, Lanoue and Hosie.

Nay: None.

Time: 7:43 p.m.

The commission reconvened at 7:58 p.m.

Mayor Johnson announced there was no binding action taken.

MANAGER'S REPORT

Tom Armour, Interim City Manager, mentioned the following items:

- Distributed a memo to Commission on the Fixed Base Operator.
- Mentioned the City may want to surplus or donate the old scoreboard at the Sports Complex to another city.
- Health insurance carrier requested to be at the December 5, 2007 meeting to discuss the city's insurance for next year.
- Informed Commission of his schedule for the weekend and that he would be back for a 7:00 p.m. meeting on Monday with the City of Jamestown.
- Distributed a comparison between the budget book and the accounting system that identifies what caused the discrepancies.

Mr. Armour stated it had been a pleasure to help out the city the last few months.

AIRPORT BUILDING IMPROVEMENTS

After Mr. Uri checked the statutes, he stated a project requires a bond or certificate of deposit. A certificate of deposit requires that it be in the amount of at least equal to the amount of the construction price and payable to the city and be held by the city for six (6) months after date of acceptance or final completion.

Mark Budreau, contractor, stated he would use a performance bond at two and half percent (2 ½ %) on the first \$100,000 and one and half (1 ½ %) on the remainder.

Commissioner Hosie moved to take the motion off the table. Commissioner Lanoue seconded. Motion carried.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD NOVEMBER 7, 2007, contd.

Commissioner Jindra rescinded his first motion and moved to authorize the Mayor and a representative from the Airport Advisory Board to sign a contract with Budreau Construction, Inc. for a total of \$158,362 (plus 2 ½ percent on the first \$100,000 and 1 ½ % on the remainder) with \$108,200 coming from the 2007 budget and \$50,162 coming from the 2008 budget and with the contingency that we get additional funding from the Blosser Foundation in the amount of \$25,081. Commissioner Lanoue seconded. Motion carried.


**MAYOR/COMMISSIONER
COMMENTS AND REPORTS**

Commissioner Hosie requested a report on the Kansas City Chiefs bus trip. Commissioner Hosie thanked Mr. Armour for his time here. Commissioner Hosie questioned the letter to the editor about the 3rd quarter report that was not in the paper. Mr. Armour stated that has been corrected and is ready for publication.

Commissioner Lanoue thanked Tom Armour for his time here. Commissioner Lanoue asked if the revenue was being reviewed along with expenditures. Mr. Armour advised he had only reviewed the expenditures and Ruby had done some revenue review. Commissioner Lanoue asked about the revolving loan fund request she made several months ago. Ruby Maline informed her a check was written today to put the money back in. Commissioner Lanoue thanked staff for the pool report she received.

Commissioner Johnson thanked Tom Armour for his service. Commissioner Johnson asked Mr. Armour if he had checked on his request for proposal on the clarifier. Mr. Armour advised he had not had chance to get to it. Commissioner Johnson asked Chief Parker about burglaries in the area. Chief Parker passed out a report on the 2007 (to date) crimes.

There being no further business, Commissioner Hosie moved to adjourn the meeting. Commissioner Jindra seconded. Motion carried.


Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD NOVEMBER 9, 2007

The governing body met in special call meeting on November 9, 2007, at 8:00 a.m., in the City Commission room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Gilliland, Johnson and Hosie.

Absent: Commissioner Lanoue

Other Officers: City Clerk Fleming

Visitors: Ruby Maline, Toby Nosker, Ron Copple, Larry Eubanks and Kirk Lowell.

Mayor Johnson called the meeting to order and announced Commissioner Lanoue would not be here, but a quorum is present.

CALL FOR THE SPECIAL CITY COMMISSION MEETING CITY OF CONCORDIA, KANSAS

TO THE BOARD OF CITY COMMISSIONERS:

A special meeting of the Board of Commissioners is hereby called to be held as follows:

Place: City Commission Room, City Hall, Concordia, Kansas
Date: November 9, 2007
Time: 8:00 o'clock a.m.

The object of said meeting will be as follows:

1. Call to Order
2. Financial Matters
 - A. Appropriation Ordinance #19
 - B. Appropriation Ordinance #20
3. Adjournment

CHARLES JOHNSON
COMMISSIONER

PHIL GILLILAND
COMMISSIONER

DARREL HOSIE
COMMISSIONER

JOE JINDRA
COMMISSIONER

CHERYL LANOUE
COMMISSIONER

"NOTICE OF SPECIAL CITY COMMISSION MEETING CITY OF CONCORDIA, KANSAS"

TO: Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra and Cheryl Lanoue:

You are hereby notified that there will be a special meeting of the Board of Commissioners at 8:00 o'clock a.m. on the 9th day of November, 2007, at the City Commission Room, City Hall, Concordia, Kansas, the object of said meeting to be as follows:

PLACE: City Commission Room, City Hall
DATE: November 9, 2007
TIME: 8:00 o'clock a.m.

The object of said meeting will be as follows:

1. Call to Order
2. Financial Matters
 - A. Appropriation Ordinance #19
 - B. Appropriation Ordinance #20
3. Adjournment

(Seal)

To Any Person Authorized to Serve Notice of Special City Commission Meeting Pursuant to K.S.A. (Weeks) 14-1403:

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD NOVEMBER 9, 2007, contd.

You are hereby directed to serve the above notice at once personally upon Commissioner (s) Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra, and Cheryl Lanoue or leave said notice at the usual place of residence of said Commissioner before 11:30 p.m. o'clock on the 8th day of November, 2007 and to make a return in writing of said service, showing the manner of such service.

Lisa Fleming
City Clerk

(Seal)

RETURN OF SERVICE

The undersigned received the original notice of Special City Commission meeting of which the foregoing is a copy at, 3:06 o'clock p.m., November 8, 2007 (Phil Gilliland); 3:32 o'clock p.m., November 8, 2007 (Darrel Hosie); 4:45 o'clock p.m., November 8, 2007 (Charles Johnson); 9:50 o'clock p.m., November 8, 2007 (Joe Jindra); and 3:00 o'clock p.m., November 8, 2007 (Cheryl Lanoue).

1. Served the same personally on Phil Gilliland. /s/ James Strait
2. Served the same personally on Darrel Hosie. /s/ Lisa Fleming.
3. Served the same personally on Charles Johnson. /s/ Lisa Fleming.
4. Served the same personally on Joe Jindra. /s/ Lisa Fleming.
5. Served the same at residence of Cheryl Lanoue. /s/ James Strait

APPROPRIATION ORDINANCE NO. 19

APPROVED

Commissioner Gilliland moved to approve Appropriation Ordinance No. 19 and No. 20. Mayor Johnson stated he could not do that because Ordinance No. 20 was tabled. Commissioner Gilliland moved to approve Ordinance No. 19. Commissioner Jindra seconded. Mayor Johnson asked if there was any discussion. Following discussion, motion carried by the following vote:

Aye: Commissioners Jindra, Gilliland and Hosie.

Nay: Mayor Johnson.

APPROPRIATION ORDINANCE NO. 20

APPROVED

Commissioner Hosie made a motion to remove Ordinance No. 20 from the table. Commissioner Gilliland second. Motion carried.

Commissioner Hosie made a motion to approve Appropriation Ordinance #20. Commissioner Jindra seconded. Mayor Johnson asked if it was for the entire ordinance. Commissioner Hosie said his motion was to approve the entire ordinance #20. Motion carried by the following vote:

Aye: Commissioners Jindra, Hosie and Gilliland.

Nay: Mayor Johnson.

There being no further business, Commissioner Gilliland moved to adjourn the meeting. Commissioner Johnson seconded. Motion carried.

Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD NOVEMBER 20, 2007

The governing body met in special call meeting on November 20, 2007, at 4:00 p.m., in the City Commission room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Gilliland, Johnson, Hosie and Lanoue.

Absent: None.

Other Officers: City Manager Skiles, City Attorney Uri and City Clerk Fleming.

Visitors: Jessica LeDuc, Toby Nosker, Danny Parker, Jim Wahlmeier, Susan Retter, Don Lanoue, Irene Brown, Ruby Maline, Ron Deal, Monte Wentz, Nancy Wentz, Bob Burns, Diane McNichols, Pat Moyer, Larry Remmenga, Tom Gennette, Marvin Copple, Scot Henderson, Larry Eubanks, Chér Knudsen, Roy E. Reif, Rod Crotinger and Bob Burns.

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

CALL FOR THE SPECIAL CITY COMMISSION MEETING CITY OF CONCORDIA, KANSAS

TO THE BOARD OF CITY COMMISSIONERS:

A special meeting of the Board of Commissioners is hereby called to be held as follows:

Place: City Commission Room, City Hall, Concordia, Kansas
Date: November 20, 2007
Time: 4:00 o'clock p.m.

The object of said meeting will be as follows:

1. Roll Call
2. Invocation – Pastor Bob Burns – Wesleyan Church
3. Pledge of Allegiance
4. Approval of Minutes
 - A. November 7, 2007 – Regular Meeting
 - B. November 9, 2007 – Special Call Meeting
5. Financial Matters
 - A. Appropriation Ordinance #21
6. Public Comments
7. New Business
 - A. Cloud County Health Center Presentation
 - B. Accept Extension of License Agreement with Larry Naillieux
8. Mayor/Commissioner Comments and Reports
9. Staff Comments
10. Adjourn

CHARLES JOHNSON
COMMISSIONER

PHIL GILLILAND
COMMISSIONER

DARREL HOSIE
COMMISSIONER

JOE JINDRA
COMMISSIONER

CHERYL LANOUE
COMMISSIONER

"NOTICE OF SPECIAL CITY COMMISSION MEETING CITY OF CONCORDIA, KANSAS"

TO: Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra and Cheryl Lanoue:

You are hereby notified that there will be a special meeting of the Board of Commissioners at 4:00 o'clock p.m. on the 20th day of November, 2007, at the City Commission Room, City Hall, Concordia, Kansas, the object of said meeting to be as follows:

PLACE: City Commission Room, City Hall
DATE: November 20, 2007
TIME: 4:00 o'clock p.m.

The object of said meeting will be as follows:

1. Roll Call
2. Invocation – Pastor Bob Burns – Wesleyan Church
3. Pledge of Allegiance

MINUTES OF THE SPECIAL CALL COMMISSION MEETING HELD NOVEMBER 20, 2007, contd.

4. Approval of Minutes
 - A. November 7, 2007 – Regular Meeting
 - B. November 9, 2007 – Special Call Meeting
5. Financial Matters
 - A. Appropriation Ordinance #21
6. Public Comments
7. New Business
 - A. Cloud County Health Center Presentation
 - B. Accept Extension of License Agreement with Larry Naillieux
8. Mayor/Commissioner Comments and Reports
9. Staff Comments
10. Adjourn

(Seal)

To Any Person Authorized to Serve Notice of Special City Commission Meeting Pursuant to K.S.A. (Weeks) 14-1403:

You are hereby directed to serve the above notice at once personally upon Commissioner (s) Phil Gilliland, Darrel Hosie, Charles Johnson, Joe Jindra, and Cheryl Lanoue or leave said notice at the usual place of residence of said Commissioner before 5:00 p.m. o'clock on the 19th day of November, 2007 and to make a return in writing of said service, showing the manner of such service.

Phil Deneault
Deputy City Clerk

(Seal)

RETURN OF SERVICE

The undersigned received the original notice of Special City Commission meeting of which the foregoing is a copy at, 3:45 o'clock p.m., November 15, 2007 (Phil Gilliland); 4:04 o'clock p.m., November 15, 2007 (Darrel Hosie); 2:04 o'clock p.m., November 15, 2007 (Charles Johnson); 3:39 o'clock p.m., November 15, 2007 (Joe Jindra); and 4:30 o'clock p.m., November 15, 2007 (Cheryl Lanoue).

1. Served the same personally on Phil Gilliland. /s/ Renee Hubert.
2. Served the same personally on Darrel Hosie. /s/ Renee Hubert.
3. Served the same personally on Charles Johnson. /s/ Renee Hubert.
4. Served the same personally on Joe Jindra. /s/ Renee Hubert.
5. Served the same at residence of Cheryl Lanoue. /s/ James Strait.

APPROVAL OF MINUTES

Commissioner Hosie moved to approve the minutes of the November 7, 2007 regular meeting as written. Commissioner Lanoue seconded. Motion carried.

Commissioner Hosie moved that the transcript minutes of the November 9, 2007 special call meeting be rejected and staff be instructed to write a normal set of minutes. Commissioner Jindra seconded. Motion carried. The vote being as follows:

Aye: Commissioners Hosie, Jindra and Gilliland.

Nay: Commissioners Johnson and Lanoue.

APPROPRIATION ORDINANCE NO. 21

Commissioner Jindra moved to approve Appropriation Ordinance No. 21. Commissioner Gilliland seconded. Commissioner Lanoue recommended \$84,000 be transferred to the grant fund and not to 212. Motion carried.

PUBLIC COMMENTS

Irene Brown, with Brown Enviro-Control, Inc., was present to voice her concern with the parking issue in front of their business in the 100 Block of East 6th Street.

Rod Crotinger, Downtown Smoke Shop, asked the commission if any decisions have been made on whether their business is considered a smoke shop or a restaurant. Commissioner Johnson stated a study session would be held to review the issue.

Dr. Monte Wentz, owner of Wentz Eye Care, shared some additional comments about the Downtown Smoke Shop issue. Dr. Wentz asked the commission to take into account his comments should they consider allowing any exemption to the restaurant no-smoking ordinance for the Downtown Smoke Shop.

CLOUD COUNTY HEALTH CENTER

PRESENTATION

Jim Wahlmeier, chief executive officer and Pat Moyer, chief financial officer, of Cloud County Health Center, presented the commission with the hospital's strategic plan for the future. The strategic plan is to replace the hospital that was built in 1951. The proposed hospital would be one (1) story building with 82,000 square feet. Ms. Moyer pointed out the current facility's lack of handicap accessible bathrooms, as well as code issues. The estimated cost of the new facility would be around \$21 million with \$5 million for new equipment. Ms. Moyer discussed different options for financing a new facility. Mr. Wahlmeier asked if the city commission, county commission and the hospital planning committee could schedule a joint meeting, within 30 days, to discuss the plans in further detail. Commissioner Johnson stated dates would be reviewed and a joint meeting would be scheduled.

EXTENSION OF LICENSE AGREEMENT – LARRY NAILLIEUX

APPROVED

Larry Remmenga, Director of Utilities, reviewed the renewal and extension of a license agreement with Larry Naillieux. Mr. Remmenga advised the commission the initial agreement with Mr. Naillieux was entered into 10 years ago, for Mr. Naillieux to hook up to the nearest sanitary sewer main for his manufactured home. Mr. Remmenga recommends accepting the renewal of the extension of license agreement for another 10 years. Commissioner Hosie moved to approve accepting the extension of the license agreement with Larry Naillieux. Commissioner Lanoue seconded. Motion carried.

MAYOR/COMMISSIONER COMMENTS AND REPORTS

Commissioner Hosie asked if there was an update on the ordinance defining restaurants. Larry Uri stated he had not had any direction from anyone to change the ordinance. This item will be reviewed at a study session as soon as possible.

Commissioner Hosie requested an update on the airport. Mark Skiles, city manager, gave an update on the contract with Mr. Budreau for the work at the airport.

Commissioner Hosie encouraged the commission to schedule a work session on a Saturday morning, as soon as possible, to discuss long range plans and exchange ideas.

Commissioner Hosie asked staff to review the step by step procedure of city financing and what steps are taken to get a bill paid. Larry Remmenga reviewed the process of purchasing in his department. Ruby Maline, Director of Finance, explained the process after the finance department receives the invoices. Ms. Maline suggested having a study session to review the purchasing process.

Commissioner Gilliland thanked staff, Tom Armour and Larry Uri for the last four (4) months during the interim situation.

Commissioner Lanoue also stated we need to schedule a study session to review the restaurant ordinance and the parking issue downtown.

Commissioner Lanoue thanked Phil Deneault for his 32 years of service with the City of Concordia.

Commissioner Hosie welcomed Mark Skiles to his first commission meeting.

STAFF COMMENTS

Mark Skiles, City Manager, thanked staff for their indulgence and patience and stated he appreciated questions from the commission.

Larry Remmenga, Director of Utilities, asked the commission for approval to solicit bids and purchase a utility box for the new truck before the end of the year, with the cost being \$5,000 to \$8,000. Commissioner Johnson stated no one had objections.

Tom Gennette, Recreation Director, reported on the recent bus trip to a Kansas City Chiefs game. Mr. Gennette stated the biggest request for him was to have something for the older people in the community to participate in. He hoped to have two (2) to three (3) bus trips a year, possibly to a dinner theater in Wichita or a K-State or KU football game.

Mark Skiles announced that recognition for Phil would be held Thursday, November 29th at 2:30 p.m. and the public is invited.

There being no further business, Commissioner Lanoue moved to adjourn the meeting. Commissioner Johnson seconded. Motion carried.


Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD NOVEMBER 21, 2007

There was not a quorum present.


Lisa Fleming
City Clerk

(Seal)

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD DECEMBER 5, 2007

The governing body met in regular session on December 5, 2007 at 5:30 p.m. in the City Commission Room in the City Hall, the following members being present and participating, to wit: Commissioners Jindra, Johnson, Lanoue, Gilliland and Hosie.

Absent: None.

Other Officers: City Manager Skiles, City Attorney Uri and City Clerk Fleming.

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

Visitors: Jessica LeDuc, Toby Nosker, Chér Knudsen, Bruno Rehbein, Tom Armour, Marcia A. Johnson, Ruby L. Maline, Larry Remmenga, Stacey Crum, Bill Garrison, Nancy Reynolds, Renee Hubert, Don Lanoue, Danny Parker, Joe Strecker, Emily Redmond, Megon Hittle, Jason Grogan, Lindsey Eakins, Marvin Copple, Kirk Lowell, J.T. Klaus, JR Way, Blake Hendrix, Ron Deal, Ron Copple, Larry Eubanks, George A. Shaffer, Jim Kaup, Susie Haver, Rick Underbakke, Jolene Crotinger, Rod Crotinger and Bob Maxson.

Pastor Jason Grogan, Baptist Church, provided the invocation before the city commission meeting.

At the request of City Manager Mark Skiles, Commissioner Jindra moved to add an executive session for non-elected personnel to the agenda. Commissioner Lanoue seconded. Motion carried.

APPROVAL OF MINUTES

Commissioner Jindra moved to approve the minutes of the November 9, 2007 special call meeting. Commissioner Gilliland seconded. Motion carried with the following vote:

Yea: Commissioners Jindra, Gilliland, Hosie and Johnson.

Nay: Commissioner Lanoue.

Commissioner Hosie moved to approve the minutes of the November 20, 2007, special call meeting. Commissioner Gilliland seconded. Motion carried. Commissioner Hosie moved to approve the minutes of the November 21, 2007, regular meeting. Commissioner Lanoue seconded. Motion carried.

APPROPRIATION ORDINANCE NO. 22

Commissioner Jindra moved to approve Appropriation Ordinance No. 22. Commissioner Gilliland seconded. Motion carried.

PROCLAMATION – PEARL HARBOR DAY OF REMEMBRANCE

Mayor Johnson read a proclamation and declared the December 7, 2007, as Pearl Harbor Day of Remembrance.

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARING – CURB AND GUTTER

HELD

Mayor Johnson opened the public hearing for the curb & gutter projects. Mayor Johnson announced that this was a hearing on proposed assessments for the following improvements:

Curb and gutter replacement at the following locations: 407 E. 7th, 904 1st Ave., 403 E. 7th and 443 W. 13th

Ron Copple, Director of Public Works, reviewed the curb and gutter improvement projects and recommended approving final costs.

The Governing Body determined that the notice of hearing and a statement of the costs proposed to be assessed had been mailed to the owners of the property made liable to pay such assessments, all as provided by Section 9(b) of Chapter 99, of the Kansas Legislative Session Laws of 1957, otherwise cited as K.S.A. 12-6a09(b).

There were no public comments.

Mayor Johnson closed the public hearing.

APPROVE FINAL COST FOR CURB AND GUTTER IMPROVEMENT PROJECTS

Commissioner Hosie moved to approve final costs for the curb and gutter projects for 2007. Commissioner Jindra seconded. Motion carried.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD DECEMBER 5, 2007 cont'd

REVIEW EMPLOYEE HEALTH INSURANCE

Mark Skiles, City Manager, informed the commission he had visited with six (6) companies regarding employee health insurance plans. Mr. Skiles stated he would like to schedule a special call meeting to have a representative from one of the companies give a presentation to the commission. Following discussion, a special call meeting was scheduled for Monday, December 10, 2007 at 5:30 p.m. in the commission room.

DESIGNATION OF OFFICIAL DEPOSITORIES

APPROVED

Commissioner Lanoue moved to authorize The Citizens National Bank, Central National Bank, United Bank, Peoples Exchange Bank and Elk State Bank the official depositories for the City of Concordia for 2008. Commissioner Johnson seconded. Motion carried.

LEASE AGREEMENT FOR NEW COPIER

Ruby Maline advised the commission she was contacted by IKON Office Solutions about the current copier in the city office, which is an obsolete model. Ms. Maline stated she had checked with several businesses to get quotes on the purchase or lease of a new copier. She recommended using a lease program with Century Business Systems. Following discussion, Commissioner Gilliland moved to authorize staff, upon their approval of the lease agreement, to execute a lease agreement for a new copier. Commissioner Jindra seconded. Motion carried.

ORDINANCE NO. 2007 – 2943
2007 CURB AND GUTTER PROJECTS

APPROVED

Thereupon, there was presented an Ordinance entitled:

AN ORDINANCE ASSESSING TO EACH LOT, PIECE AND PARCEL OF LAND LIABLE FOR SPECIAL ASSESSMENT THE AMOUNT TO BE PAID FOR THE COST.

Thereupon, Commissioner Jindra moved that said Ordinance be adopted. The motion was seconded by Commissioner Lanoue. Said Ordinance was duly read and considered, and upon being put, the motion for the adoption of said Ordinance was carried by the vote of the governing body, being as follows:

Yea: Commissioners Johnson, Gilliland, Jindra, Lanoue and Hosie.

Nay: None.

Thereupon, the Mayor Johnson declared said Ordinance duly adopted and the Ordinance was then duly numbered Ordinance No. 2007-2943 and was signed by the Mayor and attested by the Clerk.

ORDINANCE NO. 2007 – 2944
EVERTON ENERGY REZONE

APPROVED

Bruno Rehbein reviewed the rezoning request of a 111.67 tract of land for Everton Energy, LLC from A-L Agricultural District to I-2 Heavy Industrial District and introduced Jim Kaup, retained by the City, to address the Commission about the rezone.

Mr. Kaup advised the Commission to declare whether they had anything which would obstruct or impair their ability to objectively assess and determine to make their decision on these applications based upon the record presented by the Planning Commission, plus whatever is said tonight. There were no comments from the Commission.

Commissioner Gilliland moved to adopt the findings of the Planning Commission regarding the rezoning of Everton Energy, LLC. Commissioner Jindra seconded. Motion carried.

Thereupon, there was presented an Ordinance entitled:

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CONCORDIA BY APPROVAL OF A REZONING OF 111.67 ACRES AT 1831 NORTH 180TH ROAD FROM "A-L" AGRICULTURAL DISTRICT TO "I-2" HEAVY INDUSTRIAL DISTRICT.

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

Yea: Commissioners Johnson, Gilliland, Jindra, Lanoue and Hosie.

Nay: None.

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD DECEMBER 5, 2007, contd.

Thereupon, the Mayor Johnson declared said Ordinance duly adopted and the Ordinance was then duly numbered Ordinance No. 2007-2944 and was signed by the Mayor and attested by the Clerk.

ORDINANCE NO. 2007 – 2945

EVERTON ENERGY CONDITIONAL USE PERMIT

APPROVED

Mr. Kaup reviewed the Everton Energy, LLC conditional use permit application. He informed the commission Everton Energy had graciously volunteered to maintain conditions on the surrounding property. Mr. Kaup informed the Commission the language in Section 5, item 2, "including lands off site owned by Everton Energy" had been changed from the ordinance they received in the packet. A discussion was held about whether the City would be held liable if a "noxious" complaint was received. Mr. Kaup advised it would not fall on the City's liability because business omission of fumes would be subject to state and federal regulations.

Commissioner Gilliland moved to adopt the findings of the Planning Commission in regard to the Conditional Use Permit of Everton Energy, LLC. Commissioner Jindra seconded. Motion carried.

Thereupon, there was presented an Ordinance entitled:

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CONCORDIA BY APPROVAL OF A CONDITIONAL USE PERMIT TO ESTABLISH AND OPERATE AN ETHANOL PRODUCTION FACILITY ON PROPERTY REZONED TO "I-2" HEAVY INDUSTRIAL AND LOCATED AT 1831 NORTH 180TH ROAD.

Thereupon, Commissioner Hosie moved that said Ordinance be adopted with the revisions presented by Mr. Kaup. The motion was seconded by Commissioner Gilliland. Said Ordinance was duly read and considered, and upon being put, the motion for the adoption of said Ordinance was carried by the vote of the governing body, being as follows:

Yea: Commissioners Johnson, Gilliland, Jindra, Lanoue and Hosie.

Nay: None.

Thereupon, the Mayor Johnson declared said Ordinance duly adopted and the Ordinance was then duly numbered Ordinance No. 2007-2945 and was signed by the Mayor and attested by the Clerk.

Blake Hendrix, representative of Everton Energy, gave an update on the progress of the construction and reviewed the schedule of the Everton Energy project.

ORDINANCE NO. 2007 – 2946

ALLOWING SAMPLES OF WINE & BEER IN CITY PARK – SAMPLER FESTIVAL

APPROVED

Thereupon, there was presented an Ordinance entitled:

AN ORDINANCE ALLOWING CONSUMPTION OF SAMPLES OF WINE AND BEER IN CITY PARK IN THE CITY OF CONCORDIA IN CONJUNCTION WITH THE KANSAS SAMPLER FESTIVAL.

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

Yea: Commissioners Johnson, Gilliland, Jindra, Lanoue and Hosie.

Nay: None.

Thereupon, the Mayor Johnson declared said Ordinance duly adopted and the Ordinance was then duly numbered Ordinance No. 2007-2946 and was signed by the Mayor and attested by the Clerk.

RESOLUTION NO. 2007-1797

DEFINE CORPORATE LIMITS OF THE CITY

APPROVED

Thereupon, there was presented to the City Commission a Resolution entitled:

A RESOLUTION OF THE CITY OF CONCORDIA, KANSAS, DEFINING THE CORPORATE LIMITS OF THE CITY OF CONCORDIA, KANSAS.

The Resolution was considered and discussed; and thereupon on motion of Commissioner Jindra seconded by Commissioner Lanoue, the Resolution was adopted by the following roll call vote:

MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD DECEMBER 5, 2007, contd.

Yea: Commissioners Johnson, Jindra, Gilliland, Hosie and Lanoue.

Nay: None.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then numbered Resolution No. 2007-1797 and was signed by the Mayor and attested by the Clerk.

ACCPET BID FOR UTILITY BOX FOR NEW UTILITY TRUCK

ACCEPTED

Larry Remmenga, Director of Utilities, reviewed the bids he received for the utility box and lift gate. Staff's recommendation was to accept the low bid in the amount of \$5,395.00 from Friend Truck Equipment. Following discussion, Commissioner Hosie moved to accept the bid from Friend Truck Equipment, Hastings, Nebraska, in the amount of \$5,395.00, for the utility box and lift gate. Commissioner Johnson seconded. Motion carried.

MANAGER'S REPORT

Mark Skiles, City Manager, reported on the airport terminal project. Mr. Skiles stated the Blosser Foundation had verbally agreed to obligate themselves to half of the \$53,000, which is \$26,500. The City's half, \$26,500, will come out of the 2008 budget.

Ron Copple, Director of Public Works, gave an update on the status of the airport project. He stated the jet fuel tank had been cleaned out and filled and will soon be ready to start selling jet fuel. Mr. Copple advised the Commission he had visited with Brian Donovan about the Fixed Base Operator at the airport. Mr. Donovan informed Mr. Copple he may be interested in being the Fixed Base Operator.

Tom Armour presented the Commission with the ethanol notebook he had been working on. Mr. Armour advised the Commission the college had contacted the City about the possibility of an intern at City Hall for the next semester.

MAYOR/COMMISSIONER COMMENTS AND REPORTS

Commissioner Lanoue stated she did not remember the quarterly investment reports being on the agenda and wanted to make sure they had been done. Commissioner Lanoue asked Mr. Copple if the City will be required to inspect the viaduct. Mr. Copple stated not that he knew of, but the City would hire Campbell and Johnson to do the inspection if needed.

Commissioner Lanoue asked if anyone had reviewed the budget for budget amendments. Mr. Skiles stated he did not of any at this time. Commissioner Lanoue asked if the detailed copy of the 2008 budget was done.

Commissioner Lanoue thanked Lisa for her years of service.

EXECUTIVE SESSION – NON-ELECTED PERSONNEL

HELD

At this time, Commissioner Johnson moved that the commission recess into executive session for fifteen (15) minutes for the discussion of non-elected personnel. Inviting: Mark Skiles and Tom Armour. Commissioner Gilliland seconded. Motion carried by the following vote:

Yea: Commissioners Jindra, Johnson, Gilliland, Lanoue and Hosie.

Nay: None.

Time: 7:27 p.m.

The commission reconvened at 7:42 p.m.

Mayor Johnson announced there was no binding action taken.

Commissioner Johnson announced there would be a study session following the meeting.

There being no further business, Commissioner Jindra moved to adjourn the meeting. Commissioner Johnson seconded. Motion carried.

Lisa Fleming
City Clerk

(Seal)