

**COMMISSION MEETING MINUTES
TUESDAY, NOVEMBER 14, 2017
SENIOR CITIZENS CENTER 6:30 P.M.**

The Board of Commissioners met in Regular Session at 6:30 p.m. at the Senior Center. The meeting was called to order by Mayor Paul Bauer.

Present:

COMMISSIONER PAUL BAUER
COMMISSIONER MARCUS KASTLER
COMMISSIONER JIM C. TAYLOR, JR
COMMISSIONER CHRIS WILLIAMS

City Staff in attendance:

CITY MANAGER KENDAL FRANCIS
CITY CLERK CINDY PRICE
CITY ATTORNEY PAUL KRITZ
FINANCE DIRECTOR STEPHANIE RICHARDSON
ELECTRIC INSTRUMENT TECH PETE OLSON
PUBLIC WORKS DIRECTOR CHUCK SHIVELY

A. CALL TO ORDER – Mayor Paul Bauer

B. INVOCATION – Mary Wilson

C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

D. REVIEW OF AGENDA

E. CONSENT AGENDA

1. City Commission Meeting Minutes – Tuesday, October 24, 2017
2. 2017 Appropriation Ordinance No. AO-17-21 – \$2,496,607.00

MOTION: Move to approve the consent agenda as presented.

ACTION: MOTION: BAUER SECOND: TAYLOR
ROLL CALL VOTE: ALL AYE

3. 2017 Appropriation Ordinance No. AO-17-21A (Taylor Crane) – \$ 39.99

MOTION: Move to approve Appropriation Ordinance No. AO-17-19A.

ACTION: MOTION: BAUER SECOND: WILLIAMS
ROLL CALL VOTE: ALL AYE EXCEPT TAYLOR WHO
ABSTAINED.

REGULAR AGENDA ITEMS

F. PUBLIC HEARING(s), SPECIAL PRESENTATION(s), & PROCLAMATION(s).

G. OLD BUSINESS

H. NEW BUSINESS

1. Resolution No. R-17-84– A Resolution to execute a real estate contract with Montgomery County to sell property located at 601 S. Walnut and 606 S. Union.

- City Attorney Paul Kritz stated per prior discussions regarding the sale of the property at 601 S. Walnut/606 S. Union to Montgomery County, the City's real estate agent prepared a contract with the sale price at \$30,000. The contract specifies the Senior Citizens Center will be allowed to remain at the site as long as needed. Commissioner Williams stated he was abstaining due to being a county employee. Commissioners stated they wanted to be given right of first refusal to buy the building back in the event the county sells the property.

MOTION: Move to approve Resolution No. R-17-84 for adoption.

ACTION: MOTION: TAYLOR SECOND: BAUER
ROLL CALL VOTE: ALL AYE EXCEPT WILLIAMS WHO
ABSTAINED

2. Resolution No. R-17-85 – A Resolution to execute change order #3 with Jeff Graham Construction for the Acme Foundry Street Improvement Project.
 - Engineering Superintendent Thomas Osborn stated change order #3 for the Acme Foundry Street Improvement Project is due to additional excavation and base stabilization due to unsuitable soils. The additional cost of \$5,598.61 will be paid by the grant.

MOTION: Move to approve Resolution No. R-17-85 for adoption.

ACTION: MOTION: TAYLOR SECOND: BAUER
ROLL CALL VOTE: ALL AYE

3. Resolution No. R-17-86 – A Resolution to execute an agreement with the SKO Railroad and Kansas Department of Transportation for a railroad re-signaling project.
 - Engineering Superintendent Thomas Osborn stated City staff has been working with the SKOL to design a new rail crossing on South Walnut to improve the transfer of rail cars from SKOL to Union Pacific. This new crossing will allow the rail cars to make a sweeping turn rather than a 3-point turn. In order for the SKOL to obtain funding from KDOT, they have to reduce the number of crossings. The crossing to be closed is the at-grade street crossing on Maple Street north of the flour mill. In addition to the Maple Street crossing, SKOL will be removing the tracks crossing Willow north of Osage.

MOTION: Move to approve Resolution No. R-17-86 for adoption.

ACTION: MOTION: TAYLOR SECOND: KASTLER
ROLL CALL VOTE: ALL AYE

4. Resolution No. R-17-87 – A Resolution to acquire by condemnation interest in real property for the construction of geometric improvements to the intersection of 11th and Willow.
 - City Attorney Paul Kritz stated the city needs to acquire right of way adjacent to the 11th and Willow intersection for a geometric improvement project. Some property owners have been difficult to contact due to corporate ownership. This is the first step in the process in the event the city has to use eminent domain.

MOTION: Move to approve Resolution No. R-17-87 for adoption.

ACTION: MOTION: TAYLOR SECOND: BAUER
ROLL CALL VOTE: ALL AYE

5. Discussion on filling the commission vacancy.

MOTION: Move to appoint Justin Doane to fill the vacant commission seat serving until January, 2020.

ACTION: MOTION: WILLIAMS SECOND: BAUER
ROLL CALL VOTE: ALL AYE

- City Clerk Cindy Price swore in Justin Doane.

6. City Manager's Report

- City Manager Kendal Francis gave an update on the Municipal Building and the Emergency Services Building and stated a work session on rental standards would be held November 21, 6 p.m., in the conference room at City Hall, 11 E. 2.

I. COMMENTS

1. Comments from Public - none

2. Comments from Commissioners and Staff

- Commissioner Taylor asked why the trash dumpsters on the south edge of 10th Street were moved. Kendal Francis stated it was done to reduce wear and tear on the streets for aesthetics; screening will be placed on 3 sides.
- Commissioners Kastler stated he wanted a report from the Parks Board and Montgomery County Action Council.

J. EXECUTIVE SESSION(s)

1. Confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts and individual proprietorships.

MOTION: Move to recess to executive session to discuss trade secrets of third parties pursuant to the confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts and individual proprietorships exception and to include Commissioner-Elect Ann Marie Vannoster to reconvene in the commission room at 7:45 p.m.

ACTION: MOTION BY BAUER SECOND: WILLIAMS
ROLL CALL VOTE: ALL AYE

Time the meeting was reconvened: 7:45 p.m.

Mayor Bauer stated there was no action as a result of the executive session.

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2. Non-elected personnel

MOTION: Move to recess to executive session to discuss an employee's performance evaluation pursuant to the non-elected personnel matter exception to reconvene in the commission room at 8:30 p.m.

ACTION: MOTION BY BAUER SECOND: WILLIAMS
ROLL CALL VOTE: ALL AYE

Time the meeting was reconvened: 8:30 p.m.

MOTION: Move to recess to executive session to discuss an employee's performance evaluation pursuant to the non-elected personnel matter exception to reconvene in the commission room at 8:45 p.m.

ACTION: MOTION BY BAUER SECOND: WILLIAMS
ROLL CALL VOTE: ALL AYE

Time the meeting was reconvened: 8:42 p.m.

Mayor Bauer stated there was no action as a result of the executive session.

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Library Minutes

L. ADJOURN

MOTION: Move to adjourn

ACTION: MOTION BY BAUER SECOND: WILLIAMS
ROLL CALL VOTE: ALL AYE

Time the meeting was adjourned: 8:42 p.m.

Date the minutes were approved: 11/28/17

Cindy Price
Cindy Price, City Clerk