

**REGULAR COMMISSION MEETING MINUTES
TUESDAY, FEBRUARY 12, 2013
6:30 P.M.**

The Board of Commissioners met in Regular Session at 6:30 p.m. with Mayor David George presiding.

Present:

MAYOR DAVID GEORGE
COMMISSIONER DON EDWARDS
COMMISSIONER JIM FALKNER
COMMISSIONER VIRGIL O. HORN, JR.
COMMISSIONER PAM JONES

City Staff in attendance were:

CITY MANAGER GARY BRADLEY
CITY CLERK CINDY PRICE
CITY ATTORNEY PAUL KRITZ
IT DIRECTOR CHRIS FELIX
PUBLIC WORKS DIRECTOR CHUCK SHIVELY
PUBLIC WORKS DEPUTY DIRECTOR JIM BRADSHAW
ENGINEERING SUPERINTENDENT SCOTT MASSMAN
FIRE CHIEF JAMES GRIMMETT
POLICE CHIEF TONY CELESTE
ELECTRIC UTILITY DIRECTOR GENE RATZLAFF
ELECTRIC UTILITY DEPUTY DIRECTOR MIKE SHOOK
TREASURER ANGIE NADEN

- A. CALL TO ORDER** – Mayor David George
- B. INVOCATION** – Pastor Mark Wilson, First Church of God
- C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- D. REVIEW OF AGENDA**
- E. CONSENT AGENDA ITEMS**
 - 1. Regular City Commission Meeting Minutes – Tuesday, January 22, 2013
 - 2. 2013 Appropriation Ordinance No. AO-12-26 – \$ 208,599.45
 - 3. 2013 Appropriation Ordinance No. AO-13-02 – \$1,716,263.16
 - 4. Action to appoint Gary Bradley to the KMEA Board of Directors through April 30, 2015.
 - 5. Action to appoint Gary Bradley to the KMGGA Board of Directors through August 31, 2013.

MOTION: Move to approve the consent agenda as presented.

ACTION: MOTION MADE BY JONES AND SECONDED BY GEORGE. ROLL
CALL VOTE – ALL AYE.

-
- F. REGULAR AGENDA ITEMS
PUBLIC HEARING(s), SPECIAL PRESENTATION(s), & PROCLAMATION(s).**

G. COMMENTS FROM THE PUBLIC

- Max Williams, 3408. West First Street, requested updates from questions he had at a previous meeting on the traffic light at 11th and Lewark and street repairs on Boulder.
- Chris Williams, 2203 West Second Street, stated the street repairs currently underway are good and requested the Commission wait until new Commissioners are seated before taking action on changes to the zoning ordinances.

H. OLD BUSINESS

I. NEW BUSINESS

1. Resolution No. R-13-09 – A Resolution to execute a Memorandum of Agreement with Curtiss and Linda George related to the Cline Road Improvement Project.
 - City Attorney Paul Kritz stated the terms have been worked out with the Georges on an administrative settlement for property at 8th and Cline needed to acquire permanent and temporary construction easements related to the Cline Road Improvement Project. As part of the agreement, the City will construct a new chain link fence along Cline Road and widen and improve the 8th Street driveway.

MOTION: Move to approve Resolution No. R-13-09 for adoption.

ACTION: MOTION MADE BY HORN AND SECONDED BY JONES. ROLL CALL VOTE – ALL AYE.

2. Resolution No. R-13-10 – A Resolution to approve a Cereal Malt Beverage license and the sale of cereal malt beverage at Veterans Memorial Stadium for the Windsor Place Relay For Life team.
 - City Clerk Cindy Price stated Windsor Place Relay For Life team has applied for a cereal malt beverage license in order to sell beer during a fund raising concert on April 20 at Veterans Memorial Stadium. They meet the requirements necessary for the license, however, City ordinances prohibit the sale of beer unless exempted. Commissioners requested this item be tabled until more information was provided on the security for the event.

MOTION: Move to table Resolution No. R-13-10 pending further information on security measures.

ACTION: MOTION MADE BY FALKNER AND SECONDED BY JONES. ROLL CALL VOTE – ALL AYE EXCEPT COMMISSIONER HORN WHO ABSTAINED.

3. Resolution No. R-13-11 – A Resolution to execute a Tower/Land Lease with Midwest Fertilizer for the installation, operation and maintenance of wireless equipment.
 - IT Director Chris Felix stated the City began deploying Wi-Fi throughout the City in late 2011 to provide wireless access to City departments as well as to sell Wi-Fi service to customers. Currently about 60% of the access points are active; the remaining are in areas where they are unable to “see” the existing towers. By installing equipment on the grain elevator, the City will be able to activate nearly all the remaining units.

MOTION: Move to approve Resolution No. R-13-11 for adoption.

ACTION: MOTION MADE BY GEORGE AND SECONDED BY FALKNER.
ROLL CALL VOTE – ALL AYE.

4. Resolution No. R-13-12 – A Resolution to execute a Contract for Deed with George and Sheena McElroy for 1109 West First Street.

■ City Attorney Paul Kritz stated the City has received an offer to execute a contract for deed from George and Sheena McElroy for 1109 West First Street. The contract would be for ten years at 8% interest with a balloon payment required at the end of 5 years. The City had requested additional information which was not provided.

MOTION: Move to table Resolution No. R-13-12 pending receipt of documents requested.

ACTION: MOTION MADE BY EDWARDS AND SECONDED BY JONES.
ROLL CALL VOTE – ALL AYE.

5. Resolution No. R-13-13 – A Resolution to execute an agreement for residential solid waste collection services with Waste Connections.

■ Treasurer Angie Naden stated based on discussions with Commissioners on January 8 and 22, the consensus was to use Waste Connections for residential trash service and Republic/Allied Waste for city-owned facilities trash service. Contracts have been prepared reflecting both items.

MOTION: Move to approve Resolution No. R-13-13 for adoption.

ACTION: MOTION MADE BY GEORGE AND SECONDED BY JONES. ROLL
CALL VOTE – ALL AYE.

6. Resolution No. R-13-14 – A Resolution to execute an agreement for solid waste collection services for City-owned facilities with Republic Services/Allied Waste.

MOTION: Move to approve Resolution No. R-13-14 for adoption.

ACTION: MOTION MADE BY GEORGE AND SECONDED BY HORN. ROLL
CALL VOTE – ALL AYE.

7. Ordinance No. S-13-03 – First Reading of an Ordinance to approve an annual renewal of the ten-year property tax exemption-incentive for Four State Maintenance.

■ City Manager Gary Bradley stated the original exemption request by Four State Maintenance was approved in 2009 and runs through 2019. The exemption was for a 10,000-square-foot addition to their facility located at 503 North Cline. This is year four of the exemption, and the City is required to provide renewal documentation of all open tax exemptions to the County Appraiser by March 1. Annual reviews have been conducted for the last three years of the tax exemption with a 100% exemption granted to Four State. The exemption abates only the incremental taxes generated by the expansion. Four State continues to pay real and personal property taxes on the buildings and equipment which existed before the expansion. While their net job growth is below projections, their compensation is considerably higher than projected.

MOTION: Move to approve Ordinance No. S-13-03 for First Reading.

ACTION: MOTION MADE BY HORN AND SECONDED BY JONES. ROLL CALL VOTE – ALL AYE.

8. Resolution No. R-13-15 – A Resolution to purchase a 10-foot frog slide water feature for the Aquatic Center.

■ Deputy Public Works Director Jim Bradshaw stated the existing frog slide at the Aquatic Center needs to be replaced as the outer layer of the slide is coming loose from the concrete base and the rubber material is splitting within the actual slide. The slide has been examined, and it is not able to be refurbished. The manufacturer of the original slide has gone out of business. A larger, 10 foot slide, will fit over the existing pad and can be mounted on the floor of the pool. The delivery time is anticipated to be 6-8 weeks; City staff will do the installation and required plumbing connections. The cost of the slide is \$29,901.50 and will be purchased from Arlan Company.

MOTION: Move to approve Resolution No. R-13-15 for adoption.

ACTION: MOTION MADE BY JONES AND SECONDED BY HORN. ROLL CALL VOTE – ALL AYE.

9. Resolution No. R-13-16 – A Resolution to execute an agreement with SFS Architects for architectural services.

■ City Manager Gary Bradley stated requests for qualifications were solicited for architectural services for voter approved improvements to the Fire Department, Library, Youth Activities Center, Perkins Building and City Hall. Six RFQ's were received, and three were invited for interviews. Staff is recommending a contract be executed with SFS Architects for Phase 1 at a cost not to exceed \$95,000. Phase 1 includes all work through schematic design.

MOTION: Move to approve Resolution No. R-13-16 for adoption.

ACTION: MOTION MADE BY HORN AND SECONDED BY GEORGE. ROLL CALL VOTE – ALL AYE.

10. Resolution No. R-13-17 – A Resolution to authorize submission of the Airport Capital Improvement Plan data sheets to the Federal Aviation Administration.

■ Engineering Superintendent Scott Massman stated the Central Region of the Federal Aviation Administration is soliciting projects from each city in the four-state region for airport improvements to be funded in FY 2014 – FY 2016. The City's match on FAA ACIP projects is 10%. The number one priority is for construction of a snow removal equipment storage building at a projected cost of \$460,948. The other projects being submitted include extension of the parallel taxiway, extension of taxiway #1, construction of ten t-hangars and an overlay of runway 17-35.

MOTION: Move to approve Resolution No. R-13-17 for adoption.

ACTION: MOTION MADE BY JONES AND SECONDED BY HORN. ROLL CALL VOTE – ALL AYE.

11. Comments from Commissioners and Staff

- Police Chief Tony Celeste reported the department has acquired a Belgian shepard malinois canine from Holland. He will be attending a 10-week training in Topeka.
- Mayor George reported a recent meeting in Topeka was successful; there was good contact made with local legislators.
- Commissioner Jones asked about the progress of the Community Survey and about changes she proposed for zoning regulations. Bradley replied the surveys have gone out in the mail, and the zoning changes had been sent to Oschner, Hare & Hare who is doing the zoning codification. He believes before the Commission moves forward to adopt any changes, there needs to be public inclusion.
- Commissioner Edwards reported the recent street improvements look good and asked about an assessment of streets; Bradley reported the assessment is part of a capital improvement plan and should be ready by June.

J. EXECUTIVE SESSION(s)

1. Acquisition of property
- 2.

MOTION: Move to adjourn to Executive Session for discussion of acquisition of property to include Angie Naden and to reconvene on or before 8:20 p.m. and to include a 7-minute break. Note: the Executive session did not begin until 8:20 p.m.

ACTION: MOTION MADE BY GEORGE AND SECONDED BY FALKNER.
ROLL CALL VOTE – ALL AYE.

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

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Sales tax report
2. Planning Commission minutes
3. Police Department report

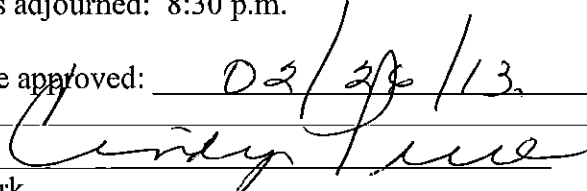
L. ADJOURN

MOTION: Move to adjourn.

ACTION: MOTION MADE BY EDWARDS AND SECONDED BY JONES.
ROLL CALL VOTE – ALL AYE.

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

Date the minutes were approved: 02/28/13


Cindy Price, City Clerk