

**CITY OF COLUMBUS
CONDEMNATION HEARING
May 17, 2010**

ATTENDANCE

The City Council of Columbus, Kansas, met May 17, 2010 at 6:30 p.m. in the City Hall. Mayor Marie Nepple presided. Council members present: Connie Bennett, Jerri Burton, Steve Dunlap, Doug Hosier, David Morrison, Gary Smith, Grant Spieth, Dana Wellmeier. Members absent: Nick Lucian, John Paradee.

Dennis Johnson led the Invocation followed by the Pledge of Allegiance.

**CONDEMNATION HEARING
209 N. HIGHLAND
6:30 PM**

Mayor Marie Nepple opened the meeting by reading:

Whereas, the Enforcing Officer of the City of Columbus, Kansas, did on the 15th day of March, 2010, file with the Governing Body of said City, a statement in writing that the structures, hereinafter described, are unsafe and dangerous.

Now, therefore, be it resolved by the Governing Body of the City of Columbus, Kansas:

That a hearing will be held on the 17th day of May, 2010, before the Governing Body of the City at 6:30 o'clock p.m., at Columbus City Hall Council Chambers, 300 East Maple, Columbus, Kansas 66725, at which the owner(s), his or her agent, any lienholders of record, any occupant and any other parties in interest, as that term is defined by law, of the structures located at:

Block 1 of Duncan's Addition Subdivision, Lot 1, EXC N 2.75', in the City of Columbus, Cherokee County, Kansas, commonly known as 209 N. Highland,

may appear and show cause why such structures should not be condemned as unsafe or dangerous structures and ordered repaired or demolished and the debris removed.

Be it further resolved, that the City Clerk shall cause this resolution to be published and shall give notice of the aforesaid hearing in the manner provided by law.

Adopted this 5th day of April, 2010.

Mayor Nepple asked if there was anyone here to speak on behalf on this ruling. City Attorney Barbara Wright informed the Mayor and Council that she had received a letter from the owners and they have obtained a bid from B-3 Construction, Inc. and will move forward on the demolition as soon as possible. They are requesting that the City grant them time to complete the removal of their mother's belongings. They anticipate this can be accomplished by July 1, 2010. City Attorney suggested we give them a 90 day extension.

EXTENSION ON CONDEMNATION -219H HIGHLAND

Burton moved to allow a 90 day extension on condemnation at 209 N Highland and to be reviewed on the August 16, 2010 council meeting. Hosier seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Morrison, Smith, Spieth, Wellmeier. Voting nay: None. Motion carried: 8-0.

ADJOURNMENT

Hosier moved to adjourn meeting at 6:36 pm. Wellmeier seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Morrison, Gary, Spieth Wellmeier. Voting nay: None. Motion carried: 8-0

Janice Blancett, City Clerk

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**CONDEMNATION HEARING
1017 W. WALNUT
6:45 PM**

Mayor Marie Nepple opened the meeting by reading:

Whereas, the Enforcing Officer of the City of Columbus, Kansas, did on the 15th day of March, 2010, file with the Governing Body of said City, a statement in writing that the structures, hereinafter described, are unsafe and dangerous.

Now, therefore, be it resolved by the Governing Body of the City of Columbus, Kansas:

That a hearing will be held on the 17th day of May, 2010, before the Governing Body of the City at 6:45 o'clock p.m., at Columbus City Hall Council Chambers, 300 East Maple, Columbus, Kansas 66725, at which the owner(s), his or her agent, any lienholders of record, any occupant and any other parties in interest, as that term is defined by law, of the structures located at:

Lisle's 1st Subdivision, Block 6; Beg 84 E SW COR BLK 6 TH E60 N84 W60 S84 to POB, in the City of Columbus, Cherokee County, Kansas, commonly known as 1017 E. Walnut,

may appear and show cause why such structures should not be condemned as unsafe or dangerous structures and ordered repaired or demolished and the debris removed.

Be it further resolved, that the City Clerk shall cause this resolution to be published and shall give notice of the aforesaid hearing in the manner provided by law.

Adopted this 5th day of April, 2010.

Mayor Nepple asked if there was anyone here to speak on behalf on this ruling. Russell Zwahlen owner of the property came before the council to ask for an extension in order to remove his belongings. City Attorney Barbara Wright asked him if he was going to tear down the structure or have the City do it. Mr. Zwahlen said he was going to let the City do it as he has no means of having this done. The City Attorney then asked if he was aware that this would be assessed to his property taxes and he said yes he understood.

EXTENSION ON CONDEMNATION -1017 W WALNUT

Smith moved to allow a 30 day extension on condemnation at 1017 E. Walnut and to be reviewed on the June 21, 2010 council meeting. Burton seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Morrison, Smith, Spieth, Wellmeier. Voting nay: None. Motion carried: 8-0.

ADJOURNMENT

Hosier moved to adjourn meeting at 7:50 pm. Burton seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Morrison, Gary, Spieth Wellmeier. Voting nay: None. Motion carried: 8-0

Janice Blancett, City Clerk

CITY OF COLUMBUS
PUBLIC HEARING
May 17, 2010

ATTENDANCE

The City Council of Columbus, Kansas, met May 17, 2010 at 6:30 p.m. in the City Hall. Mayor Marie Nepple presided. Council members present: Connie Bennett, Jerri Burton, Steve Dunlap, Doug Hosier, David Morrison, Gary Smith, Grant Spieth, Dana Wellmeier. Members absent: Nick Lucian, John Paradee.

PUBLIC HEARING
CLOSEOUT OF CDBG GRANT EAST TOWN SEWER
7:00 PM

Mayor Marie Nepple opened the meeting then turned the meeting over to City Administrator Evan Capron.

Evan informed the council that due to a prior engagement of Sandy Erbe, with the SEKRPC (Southeast Kansas Regional Planning Commission), he was asked to read this statement:

The purpose of evaluating the performance of Grant No. 08-PF-804 which was for the rehabilitation of manholes and lineslong with new construction of a new outfall line to reduce I and I and to provide sufficient carrying capacity to lines. The city applied and received a \$400,000.00 CDBG grant and provided \$762,236.00 in matching funds for a total project of \$1,162,236.00. Approximately \$354,058.00 in CDBG funds was distributed with approximately \$575,517.00 in local funds contributed to the project. This grant was funded, all or in part, from the Kansas Department of Commerce, Small Cities Community Development Block Grant (CDBG) funds.

Evan then asked if there were any questions or comments about this project. As you well know the project is the East Town Sewer Project and it has been completed. I think there are a few more bills yet to come in to finish it up. Evan noted there will paper work to be signed by the Mayor so we will need a motion to that effect and to close out the CDBG project.

CLOSE OUT CDBG GRANT FOR EAST TOWN SEWER

Spieth moved to close out the CDBG project #08-PF-804 for East Town Sewer and have the Mayor and City Clerk sign all required documents. Smith seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Morrison, Smith, Spieth, Wellmeier. Voting nay: None. Motion carried: 8-0.

ADJOURNMENT

Hosier moved to adjourn public hearing at 7:06 pm. Spieth seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Morrison, Gary, Spieth Wellmeier. Voting nay: None. Motion carried: 8-0

Janice Blancett, City Clerk

**CITY OF COLUMBUS
CITY COUNCIL MEETING**

May 17, 2010
7:06 P.M.

ATTENDANCE

The City Council of Columbus, Kansas, met May 17, 2010 at 6:30 p.m. in the City Hall. Mayor Marie Nepple presided. Council members present: Connie Bennett, Jerri Burton, Steve Dunlap, Doug Hosier, David Morrison, Gary Smith, Grant Spieth, Dana Wellmeier. Members absent: Nick Lucian, John Paradee.

Dennis Johnson led the Invocation followed by the Pledge of Allegiance.

MINUTES

Burton moved to approve the minutes of the May 3, 2010 council meeting as written. Bennett seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Smith, Spieth, Wellmeier. Voting nay: None. Abstaining: Morrison. Motion carried: 7-0 1-A.

APPROPRIATIONS 10-239

Hosier moved to approve appropriation ordinance #10-239. Bennett seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Morrison, Smith, Spieth, Wellmeier. Voting nay: None. Motion carried: 8-0.

City Administrator Evan Capron report:

1. I am working on the 2011 budget. All departments have turned in their budgets and I am working with those numbers at this time.
2. On your desk is paperwork from Kansas Department of Commerce dated May 11, 2010. This paperwork explains the dollars involved with Spectra Composite and that 51% of 9 employees must meet the LMI test for Cherokee County. This paperwork needs to be taken care of as soon as possible because (1) We have a meeting with management and Department of Commerce tomorrow at 1:00 pm which they have indicated they would be signing paperwork. (2) This project has been in the making since June 2009. (3) The clock needs to start for the seller to close on the property and vacate it. (4) We need to get the 9 jobs started soon. With this being said I would like to point your attention to number 5, page 2 discussing a letter from the City Attorney and some clarification needs to be made which we hope to get tomorrow in the management meeting. This states; that a letter from the City Attorney should accompany the other contracting documents, stating that the City can legally enter into contracts, that the Chief Elected Official signing the contracts on behalf of the City has the authority to bind the City, that the various contracts that underlie the CDBG Grant Agreement for this project are legally binding on the City and the business, and acknowledgement that the whole grant is due and payable if the project fails to meet the 51 percent LMI test. Evan asked Mr. Jim Dahmen to come forward to explain a little more on this. Jim told the council that this project has been in the works for about 10 months and it is all coming together, all the documentation is prepared, all the loans have been approved and all the paper work is in position to be reviewed tomorrow. We would like to seek authorization from the council to authorize the Mayor to sign the CDBG between the City and the company. Basically the money flows from the CDBG to the City, then the City loans dollars to the company, and the company pays it back to the State fund. If I could appeal to the council for a

resolution that would so state authorizing the Mayor, after review of the documents by the City Attorney, to execute this. We need to get the people in the building out of the building so the new company can get in and start their business. That is my appeal to the council tonight and now I stand for questions. Evan asked Jim if there were two things here. Is there a CDBG grant and a CDBG loan or is it just one. Jim told him it is a grant/loan. Evan then said so it is a combination grant/loan because on the first page it said \$315,000 was approved. Jim said it is a grant to the City and a loan to the company, the company pays it back and the City collects the money and it goes back to the CDBG program in Topeka. Evan then asked; what happens if it doesn't work out. Jim said the City is not obligated to pay the loan. There is no obligation on part of the taxpayer. In the event of the default by the company it is the various lien holders take action against the company to collect the dollars. The City is only a pass through for the money. City Attorney asked Jim if this LMI test was County. Jim said yes and went on to say it is only for the 9 employees. It does not affect the whole County. It is only the hiring pool.

EXECUTE MAYORS SIGNATURE ON CDBG FOR SPECTRA COMPOSITE

Hosier moved to have City Attorney prepare a resolution authorizing the Mayor to sign the necessary documents relating to the CDBG grant for Spectra Composites after review of the documents by the City Attorney. Smith seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Morrison, Smith, Spieth, Wellmeier. Voting nay: None. Motion carried 8-0.

City Superintendent Jim Burton report:

1. The curb cuts down town and the additional one on Indiana and Maple, the asphaltting, painting and with the County's help came to a little over \$301,600. The County paid \$33,000 just around the court house for the curb cuts and their in kind for hauling the millings and asphalt was \$21,539.16. There is still one pay estimate out which is around \$8,000.
2. We are working on the cemetery. I have people out there weed eating and mowing. We will go out in the middle of the week to make sure all the roads are up and in shape before Memorial Day.
3. We are mowing all of the vacant lots just as quickly as we get the okay after they have been served. One thing we are running into is people are mowing the front yards and not the back so we now have to drive the alleys.
4. We will start issuing brush notice just as soon a spring clean up is done. Just like in the past people start piling brush out in the streets and stuff. You as a council authorized us to start treating that the same way we do weed notices.
5. We've been working on the pool. The grates have all been installed today. We still have to power wash it then it will be ready to fill about the first of next week.

PURCHASE POLICE VEHICLE

Dunlap moved to purchase a 2005 Buick LaCrosse with trade-in from Jay Hatfield Chevrolet in the amount of \$7,802 and to be paid out of GL# 21-702-59999. Burton seconded the motion. Voting aye: Bennett, Dunlap, Hosier, Morrison, Smith Spieth. Voting nay: None. Abstaining: Burton, Wellmeier. Motion carried: 6-0 2-A.

JOB DESCRIPTION – SPECIAL PROJECT CLERK

Spieth moved to adopt job description for Special Project Clerk. Dunlap seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Morrison, Smith, Spieth, Wellmeier. Voting nay: None. Motion carried 8-0.

JOB DESCRIPTION – SEASONAL/PART TIME/TEMPORARY LABORER

Spieth moved to adopt job description for Seasonal/Part-Time/Temporary Laborer. Smith seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Morrison, Smith, Spieth, Wellmeier. Voting nay: None. Motion carried 8-0.

ORDINANCE #1278

Spieth moved to adopt Ordinance #1278 – *An Ordinance by the City Council of The City of Columbus, Kansas, Amending Position Descriptions to reflect compliance with the State and Federal Minimum Wage laws.* Burton seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Morrison, Smith, Spieth, Wellmeier. Voting nay: None. Motion carried 8-0.

ORDINANCE #1279

Spieth moved to adopt Ordinance #1279 – *An Ordinance by the City Council of The City of Columbus, Kansas, amending Ordinance # 1267 and Appendix A of the “Personnel Regulations for the employees of The City of Columbus, Kansas.* Dunlap seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Morrison, Smith, Spieth, Wellmeier. Voting nay: None. Motion carried 8-0.

ADJOURNMENT

Burton moved to adjourn meeting at 7:45 pm. Morrison seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Morrison, Smith, Spieth, Wellmeier. Voting nay: None. Motion carried: 8-0.

Janice Blancett, City Clerk