

**CITY OF COLUMBUS
CITY COUNCIL MEETING**

July 06, 2010

ATTENDANCE

The City Council of Columbus, Kansas, met July 06, 2010 at 6:30 p.m. in the City Hall. Mayor Marie Nepple presided. Council members present: Connie Bennett, Jerri Burton, Doug Hosier, Nick Lucian, David Morrison (6:42), Gary Smith, Grant Spieth, Dana Wellmeier. Members absent: Steve Dunlap, John Paradee.

Councilmember Doug Hosier led the Invocation followed by the Pledge of Allegiance.

MINUTES

Burton moved to approve the minutes of the June 21, 2010 council meeting as written. Hosier seconded the motion. Voting aye: Bennett, Burton, Hosier, Lucian, Smith, Spieth, Wellmeier. Voting nay: None. Motion carried: 7-0.

APPROPRIATIONS 10-242

Spieth moved to approve appropriation ordinance #10-242. Burton seconded the motion. Voting aye: Bennett, Burton, Hosier, Lucian, Smith, Spieth, Wellmeier. Voting nay: None. Motion carried: 7-0.

VISITORS

Terry Sercer – You will have a loose letter and a bound copy of the audit. I would like to start with the bound copy. Pages 1 and 2 is our auditors report. We are not preparing statements in GAAP as you have a GAAP waiver. We do not audit the Recreation or the Library. We just audit the primary government. As it says in the last paragraph, “In our opinion, except for the omission of component units being the Recreation and Library, the primary government financial statements referred to in the first paragraph present fairly, in all material respect, the cash and unencumbered cash balances of each of the funds listed for the past year.” This is an unqualified opinion which is the highest level of opinion we can give. Pages 3 and 4 show the compliance with the cash basis and budget laws with the State of Kansas. The important thing is the middle column Ending Unencumbered Cash Balances. Normally this would be an indication of a Cash Basis violation if there was a negative number. AS you go down the column they are all positive numbers and then there is one on the East Town Sewer Project. That is a negative number because we have to record this which is required by the State the total contract which you had to do for that project. You haven’t done it yet, it wasn’t a payable but for the statutory basis you are required to record that as an encumbrance that goes towards expenses. But it is not a violation of statutes since you have a project going on. Page 4 shows compliance with the budget laws which says you won’t spend the money unless you have budget authority to do it. There is a negative number in the General Fund of Bond and Interest which is \$6.25 over budget. What this is the Bond and Interest pays your dept service and I think what happened is the State raised there fees. It’s not a lot of money but I did have to sight it. On page 32 under Stewardship, Compliance, and Accountability that is where I had to sight the over budget by \$6.25 which was not your fault it was the State increasing their fees. There were no other violations. We will now go on to the loose letter. This is the same letter we use each year. It is a required professional standard that we let you know of any weaknesses in internal control. I would like to close with one thing. We were audited this year as this is done every 3 years to make sure we are following the standards. We found out we were not following the standards. Next year, if I do the audit, I will give you a bound copy of the audit, you will have the letter about internal controls and now I am required to

send you a letter to communicate a few things about the audit. I am going to tell you we had no disagreements with the management, we had no difficulties with the people working here, no problems with the accounting principles, there were no significant estimates that involved a risk to the City nor any questionable accounting policies. So next year we will have a bound copy and two letters. The audit went well. We did some changes up front with the collection of cash and the reconciliation with the bank account. I am very happy with the way the audit went.

City Administrator Evan Capron report:

1. I have been working on the 2011 budget and entering inventory into the City Inventory program.

City Superintendent Jim Burton report:

1. We are working on hooking up the water taps on Walnut Street. I think we have 10 more houses then we will disconnect the old line.
2. We went out for bids on the street paving and they should be in today.
3. We have spent last Friday and today inventorying the manholes in order to raise them so they will be at the new pavement level.

Chief of police Charles E. Sharp report:

1. I have a piece of property that needs to be brought up for condemnation. It is at 518 S. Pennsylvania.
2. All the officers have their 40 hours in fire arm qualifications.

PROCEED WITH CONDEMNATION – 518 S PENNSYLVANIA

Spieth moved to proceed with condemnation of 518 S. Pennsylvania. Burton seconded the motion. Voting aye: Bennett, Burton, Hosier, Lucian, Morrison, Smith Spieth, Wellmeier. Voting nay: None. Motion carried: 8-0.

BLOCKING OF STREET DURING FAIR WEEK

Spieth moved to have street between Kansas to Park Street blocked off during fair week between the house of 6 – 11. Wellmeier seconded the motion. Voting aye: Bennett, Burton, Hosier, Lucian, Morrison, Smith, Spieth, Wellmeier. Voting nay: None. Motion carried: 8-0.

POLICY ADOPTING STORM SIREN ACTIVATION

Bennett moved to adopt policy on storm siren activation. Burton seconded the motion. Voting aye: Bennett, Burton, Hosier, Lucian, Morrison, Smith, Spieth, Wellmeier. Voting nay: None. Motion carried: 8-0.

EMPLOYEE ANNUAL STEP INCREASE – AARON FLOOD

Lucian moved to give annual step increase for Aaron Flood to \$8.44 Range 6 Step C per Appendix A due May 19, 2010 and payable on the July 16, 2010 payroll with retro pay. Bennett seconded the motion. Voting aye: Bennett, Burton, Hosier, Lucian, Morrison, Smith, Spieth, Wellmeier. Voting nay: None. Motion carried: 8-0.

MOVING POLICE OFFICER STATUS – CLIFFORD DAVIS

Lucian moved to have Clifford Davis moved from full time temporary status to full time permanent status. Spieth seconded the motion. Voting aye: Hosier, Lucian, Spieth, Wellmeier. Voting nay: Bennett, Burton, Morrison, Smith. Due to a tie vote of 4-4 deciding vote was done by Mayor Nepple as aye. Motion carried: 5-4.

POLICE OFFICER HIRING – JASON WAMMACK

Lucian moved to hire Jason Wammack as temporary full time status Police Officer with benefits at \$11.54 Range 9 Step C per Appendix A-1, with the understanding that employment may remain temporary and full time for an undetermined period of time and may be returned to part time status if the Police Department becomes fully staffed with all officers who are currently employed but unavailable to work. Spieth seconded the motion. Voting aye: Bennett, Burton, Hosier, Lucian, Morrison, Smith, Spieth, Wellmeier. Voting nay: None. Motion carried: 8-0.

Under Old Business Councilmember Grant Spieth said we need to address the appointment of the attorney from the last meeting. I think I should bring it up since I contacted the League. There is a Statute that was issued July 1, 2008 for any board, commission, advisory group or other body made by the mayor of any city which is subject to approval of the governing body of the city must be acted upon by the governing body within 45 days of the appointment by the mayor or the appointment shall be deemed approved. The governing body of the city shall approve such appointment unless the governing body makes a specific finding by the passage of a resolution that the person is either unqualified to hold the office or is not fit to hold the office or position. Basically I talked to the League and I contacted Barbara to prepare this resolution so we can get this going. It can either be approved or disapproved by the council. A resolution of The City of Columbus, Kansas, Pursuant to K.S.A. 12-16, 128 finding that the person nominated by the Mayor on Monday, June 21, 2010, for appointment as City Attorney is unacceptable to hold the office based on the City Council's prior experience with the attorney continued Councilmember Spieth. The resolution if passed means attorney stays as is and if not approved, I am assuming that if nothing happens within 45 days, then the so named City Attorney will take that position after 45 days.

Councilmember Nick Lucian noted that the language in there is to him being the attorney is unacceptable to hold the office based on the City Council's prior experience that to me is misleading as to how I voted as there are different reasons why I voted, it's pretty much saying that is why I didn't vote a certain way. I just wanted to make that note.

Mayor Nepple asked if the word unacceptable is being used in the place of unfit and unqualified for a particular reason rather than stating the language of the statute. There doesn't have to be an answer to that I was just wondering. Councilmember Spieth said we just tried to prepare it to follow the statute as close as possible without defaming anybody.

Councilmember Gary Smith said that if we are going to pass this tonight I would like to have a little detail as to what this person done to cost the City all this money as I was not on the council at that time and you want me to vote against somebody and I don't have any idea as to what they have done that I should be voting against them. If somebody could explain. A comment was made at the last meeting that he cost the City all this money. I don't know what it was, what created this problem. I just don't see how I can vote for a resolution to demeanor somebody if I don't know what they've done. If there is somebody here that was on the council then or in the audience as to what the reason why we are going to pass this resolution. Mayor Nepple said first of all this resolution is to be passed or not to be passed not asking you to do one way or the other. Councilmember Smith asked how is it going to pass if you don't ask for a vote on it. Mayor Nepple said we will vote on it but a vote can either be positive or negative. But said Councilmember Smith, you're asking for a vote from people who weren't on the council when he was here. That's what I am getting at. How do I know if he is qualified or not qualified, unfit or whatever? Councilmember Spieth said he wasn't actually on the council at that time either. What you read in the paper is what I know. How many years ago did that transpired asked Councilmember Smith. City Attorney Barbara Wright told the council he resigned in May of 04. It was not that he was not reappointed, he resigned by his own choice. I saw his resignation letter. Councilmember Smith said I just have a hard time voting against a person if I don't know what they've done.

Councilmember Dana Wellmeier said, basically this is saying he would become our city attorney if it goes no. I guess my question is, what has Barbara done that we cannot reappoint her. She has been with us for many years. That is not the issue right now noted Mayor Nepple.

Councilmember Spieth said the issue being is we voted at the last council meeting not to approve it. And if we vote not to approve it the only way it won't go through is to pass this resolution. And the language I don't agree with what the statue says continued Councilmember Spieth but prior to this if the Mayor's appointment did not go through then the attorney would stay in the position until next year or when another appointment was made. But because this went into effect July 1, 2008 you have to either pass a resolution saying what this says or accept her appointment. That is your two choices. It's either yea or no. Yes means that the current attorney stays where she is at if she wants to or no means in 45 days the Mayor's appointment will take place. It is up to you as an individual. We've already voted on this once and it seems like this is a duplicate to what we've already done. This is by statutes. That is the reason it was brought up. If it wasn't brought up then 45 days later the new city attorney would walk in here.

RESOLUTION #418

Spieth moved to adopt Resolution # 418 – *A Resolution Of The City Of Columbus, Kansas, Pursuant To K.S.A. 12-16, 128, Finding That The Person Nominated By The Mayor On Monday, June 21, 2010, For Appointment As City Attorney Is Unacceptable To Hold The Office Based On The City Council's Prior Experience With The Attorney.* Wellmeier seconded the motion. Voting aye: Hosier, Spieth, Wellmeier. Voting nay: Bennett, Burton, Lucian, Morrison, Smith. Motion failed: 3-5.

Meetings:

Personnel

Thursday July 8, 2010 @ 5:30 pm

Street/Alleys/Bridges

Monday July 12, 2010 @ 6:00 pm

ADJOURNMENT

Bennett moved to adjourn meeting at 7:27 pm. Burton seconded the motion. Voting aye: Bennett, Burton, Hosier, Lucian, Morrison, Smith, Spieth, Wellmeier. Voting nay: None. Motion carried: 8-0.

Janice Blancett, City Clerk