

ALMA CITY COUNCIL
REGULAR MEETING
September 1, 2009
6:00 p.m.

Mayor Maurice Baker called the Regular Meeting of the Alma City Council to order with the following Council Members present: Pam Bales, Dan Deiter, Paul Gronquist, Gary Lesline and Chris Torrey. City representatives in attendance were City Clerk Sharon White, City Utility Superintendent Jon Bolinder, City Marshal Mark Falk, and City Attorney Tom Barnes. Also in attendance were Bobby Daniels and Bill Birnel, Operations Consultant of Generation and Marketing with Westar Energy.

Mayor Maurice Baker asked everyone in attendance to stand to give the Pledge of Allegiance.

Mayor Maurice Baker reported there was one item to add to the Agenda. Council Member Dan Deiter moved to add to the Agenda under Approvals – Appointment of League of Kansas Municipalities voting delegates. Council Member Paul Gronquist seconded this motion. Motion carried.

There was no public comment.

The minutes of August 18, 2009 were reviewed. Council Member Paul Gronquist moved to approve the minutes as amended. Council Member Dan Dieter seconded this motion. Motion carried.

The bills were reviewed. Council Member Gary Lesline moved to pay the bills as submitted. Council Member Pam Bales seconded this motion. Motion carried.

There were two sealed bids submitted to construct approximately 300 ft of 4 ft by 4 inches of concrete sidewalk around the perimeter of the pool and 2 areas at the Community Center approximately 20 ft by 4 ft. After much discussion Council Member Pam Bales moved to not accept either of the bids because one bid was unresponsive to part of the project and the other bid was excessive in cost. Council Member Gary Lesline seconded this motion. Motion carried. It was decided to advertise the bid again and add to the project the area in front of the Park House. It was decided that bids will be accepted until September 14, 2009 at 4:30 p.m.

The Westar Energy fifteen (15) year contract agreement was submitted for approval. City Attorney Tom Barnes discussed the section on Standard of Review as stated in the Westar Energy contract. Westar Energy and the City of Alma have the right to apply for or to request modification of the agreement under provisions of the Federal Energy Regulatory Commission (“FERC”). Under the agreement as proposed by Westar Energy, the standard of review FERC is to apply when acting on such proposed changes shall be the “just and reasonable” standard of review rather than the “public interest” standard of review. City Attorney Tom Barnes explained that the “public interest” standard is a very high standard which would unlikely allow for any changes to the contract in the future which might be requested by either party. The “just and reasonable” standard would more likely allow for changes in the future to

the contract. After much discussion Council Member Dan Deiter moved to approve the contract as submitted, with the "just and reasonable" standard of review as set forth in the agreement. Council Member Pam Bales seconded this motion. All Council Members voted yes with the exception of Council Member Paul Gronquist voting no. Motion carried. The contract was signed by Mayor Maurice Baker and given to Bill Birnel, Operations Consultant of Generation and Marketing with Westar Energy. Bill Birnel left the meeting at 6:40 p.m.

An ordinance amending Chapter IV, Article 4 of Ordinance 365 of the code of the City of Alma, Kansas, regarding plumbing and gas fitting code and repealing all ordinances or parts of ordinances in conflict therewith was considered and discussed.

Thereupon, Council Member Paul Gronquist moved that said motion be passed. Council Member Gary Lesline seconded this motion. Said Ordinance was duly read and considered, and upon being put, the motion for passage of was carried by the vote of the Governing Body, the vote being as follows:

Council Member Pam Bales:	yes
Council Member Paul Gronquist:	yes
Council Member Dan Deiter:	yes
Council Member Gary Lesline:	yes
Council Member Chris Torrey	yes

Thereupon, Mayor Maurice Baker declared said motion duly passed and the Ordinance was numbered Ordinance 460, signed and approved by the Mayor and attested by the City Clerk.

It was reported that Vicki Swenson-Fager resigned from the Alma Recreation Commission. The Alma Recreation Commission recommended Jason Fleming to fill the vacant position. Council Member Pam Bales moved to appoint Jason Fleming to fill the vacant position on the Alma Recreation Commission. Council Member Dan Deiter seconded this motion. Motion carried.

There was discussion about registering two city delegates to represent the City in the conduct and management of the affairs of the League of Kansas Municipalities. Council Member Gary Lesline moved to appoint Sharon White as the Primary Voting Delegate. Council Member Paul Gronquist seconded this motion. Motion carried. Council Member Pam Bales moved to appoint Jon Bolinder as the Alternate Voting Delegate. Council Member Paul Gronquist seconded this motion. Motion carried.

City Clerk Sharon White reported that Alma Foods has paid the \$40,000.00 and now had ownership of the old water plant property.

City Utility Superintendent Jon Bolinder reported and discussed the following:

- The pool was closed early this season on Sunday August 30, 2009 because both pool sweeps are broken. He presented a bid of \$3,180.00 to purchase a new pool sweep and a bid or \$2,273.13 to repair the oldest pool sweep. After much discussion Council Member Pam Bales moved to purchase the new pool sweep at the bid price. Council Member Dan Deiter seconded this

motion. Motion carried. It was decided for him to get a bid to fix the newer of the two pool sweeps and see what kind of price he could get if the City would purchase two new pool sweeps.

- He reported the blower for the aeration basin is on order.
- He reported that Skyco Equipment Company paid the \$5,000.00 as a settlement on the new bucket truck.
- He discussed the dissatisfaction in the construction of the sidewalk on the east and west side of Missouri between 6th and 7th Street. It was decided to accept the concrete work but to have the construction company come back and do the backfilling and dirt work according to the specs. It was also decided to not pay the construction company until the backfilling and dirt work is satisfactory.

At 7:15 p.m. Council Member Pam Bales moved to go into executive session until 7:25 p.m. to discuss non-elected personnel and to have City Attorney Tom Barnes and Jon Bolinder in attendance. Council Member Dan Deiter seconded this motion. Motion carried.

At 7:15 p.m. City Marshal Mark Falk and Bobby Daniels left the meeting.

At 7:25 p.m. Council Member Chris Torrey moved to go into executive session until 7:35 p.m. to discuss matters covered under attorney client privilege and to have City Attorney Tom Barnes, Jon Bolinder and Sharon White in attendance. Council Member Paul Gronquist seconded this motion. Motion carried.

At 7:35 p.m. the regular meeting continued.

There was no action taken from the executive sessions.

There was no action taken on any other unfinished business other than what was discussed above.

There was no other new business.

At 7:40 p.m. Council Member Pam Bales moved to adjourn to September 15, 2009 at 6:00 p.m. to conduct regular city business. Council Member Paul Gronquist seconded this motion. Motion carried.

Meeting adjourned.

City Clerk