REGULAR COMMISSION MEETING MINUTES
TUESDAY, SEPTEMBER 8, 2015
6:30 P.M.

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

Present:

MAYOR CHRIS WILLIAMS
COMMISSIONER MARCUS KASTLER
COMMISSIONER JUSTIN MARTIN
COMMISSIONER CRAIG POWELL
COMMISSIONER JIM C. TAYLOR, JR.

City Staff in attendance were:

CITY MANAGER KENDAL FRANCIS
CITY CLERK CINDY PRICE
CITY ATTORNEY PAUL KRITZ
FINANCE DIRECTOR STEPHANIE RICHARDSON
IT MANAGER CHRIS FELIX
ELECTRIC UTILITY DIRECTOR GENE RATZLAFF
ELECTRIC UTILITY DEPUTY DIRECTOR MIKE SHOOK
ENGINEERING SUPERINTENDENT THOMAS OSBORN
FIRE CHIEF JAMES GRIMMETT
INTERIM POLICE CHIEF KWIN BROMLEY
ASSISTANT TO CITY MANAGER TRISHA PURDON

A. CALL TO ORDER – Mayor Chris Williams

B. INVOCATION – Pastor Nicole Schwartz, First United Methodist Church

C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

D. REVIEW OF AGENDA

E. CONSENT AGENDA

1. Regular City Commission Meeting Minutes – Tuesday, August 25, 2015
2. 2015 Appropriation Ordinance No. AO-15-16 – $977,135.60

MOTION: Move to approve the consent agenda as presented.

ACTION: WILLIAMS SECOND: MARTIN

<u>REGULAR AGENDA ITEMS</u>

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

G. COMMENTS FROM THE PUBLIC

The public is free to comment on items not listed on agenda. Public participation is welcome and encouraged for all items on the agenda as the topics are discussed. Please be mindful of others who may also wish to speak and limit your time at the podium appropriately.

H. OLD BUSINESS

1. Ordinance No. G-15-02 – Second Reading of an Ordinance to amend electric utility rates.

MOTION: Move to approve Ordinance No. G-15-02 for adoption.

ACTION: POWELL SECOND: TAYLOR
ALL AYE

I. NEW BUSINESS

1. Discussion and action to approve a cereal malt beverage license for MKT Incorporated located at 1401 W. 11th.

   MOTION: Move to approve a cereal malt beverage license for MKT Incorporated located at 1401 W. 11th.

   ACTION: MARTIN SECOND: POWELL
   ALL AYE

2. Resolution No. R-15-108 – A Resolution to exclude certain property from the city limits.
   - City Attorney Paul Kritz stated the site of the former Royal car dealership is now owned by Kevin and Jessica Rucker who are requesting the property be de-annexed. The purpose of the resolution is to set a public hearing to be held October 13, 6:30 p.m.

   MOTION: Move to approve Resolution No. R-15-108 for adoption.

   ACTION: WILLIAMS SECOND: TAYLOR
   ALL AYE

3. Resolution No. R-15-109 – A Resolution to set a public hearing for the vacation of public utility easements.
   - Engineering Superintendent Thomas Osborn stated Tessenderlo Kerley has requested the City vacate three easements within their fence for a plant extension. The easements were formerly two streets and an alleyway which were vacated in 1995. The purpose of the resolution is to set a public hearing to be held October 13, 6:30 p.m.

   MOTION: Move to approve Resolution No. R-15-109 for adoption.

   ACTION: WILLIAMS SECOND: MARTIN
   ALL AYE

4. Resolution No. R-15-110 – A Resolution to execute an agreement with Doherty Steel for structural steel for the Electric Utility.
   - Electric Utility Deputy Director Mike Shook stated proposals were received from eight companies to supply structural steel for the new power plant facility. Central Steel was the low bidder but was disqualified due to the fact they excluded a large portion of the package. Staff recommends awarding the contract to Doherty Steel in the amount of $588,405.

   MOTION: Move to approve Resolution No. R-15-110 for adoption.

   ACTION: MARTIN SECOND: KASTLER
   ALL AYE

5. Ordinance No. G-15-03 – First Reading of an Ordinance to amend Chapter 27 related to high grass.
   - City Attorney Paul Kritz stated the City has two ordinances relating to the maximum height for grass. In the nuisance code, grass 12 inches in height or greater is considered to be a nuisance. In the vegetation code, grass 8 inches in height or greater is considered a violation. This has led to confusion and the proposed ordinance will provide consistency in the codes. Commissioner Martin was concerned about the definitions used in ordinance related to obnoxious vegetation. City Manager Francis stated this is just the beginning of addressing the nuisance ordinances making them uniform and easy to enforce.
   - Jim C. Taylor, Sr., stated as a result of a recent hearing he had with the city manager, he is subject to $20,000 to $30,000 fines in nine days as city crews will be on his property to clean it up. After considerable discussion, Francis assured Taylor staff would not enter his property until the ordinances have been addressed.

   MOTION: Move to approve Ordinance No. G-15-03 for first reading.

   ACTION: WILLIAMS SECOND: POWELL
   ALL AYE EXCEPT COMMISSIONER MARTIN WHO VOTED NO.

6. Resolution No. R-15-111 – A Resolution to execute an oil and gas lease with M. B. Holdings, LLC.
   - City Attorney Paul Kritz stated MB Holdings is requesting to enter into an oil and gas lease agreement with the city for property in the Industrial Park east of the Armory. Their references have been checked and were favorable, and they will provide a 3/16 royalty for any gas and oil produced plus a bonus. They will also clean up the property from previous drilling. Mark Muller, who has the ground leased, has been contacted.

   MOTION: Move to approve Resolution No. R-15-111 for adoption.

   ACTION: WILLIAMS SECOND: MARTIN
   ALL AYE

7. Resolution No. R-15-112 – A Resolution to execute a real estate sales contract with Ronnie and Carolyn Williams for property at 110 N. Central.
   - City Manager Kendal Francis stated Ronnie and Carolyn Williams have offered $18,000 for the property the city owns at 110 N. Central formerly used as the HVAC shop. The 2015 appraised value was $18,910. The Williams plan to place a residential manufactured home on the property for use as their primary residence.

   MOTION: Move to approve Resolution No. R-15-112 for adoption.

   ACTION: WILLIAMS SECOND: TAYLOR
   ALL AYE

8. City Manager Report – Kendal Francis
   - Met with Watco regarding the rail crossing on Fourth Street; they indicate the tracks are different heights and are trying to raise them to all be the same height. They are interested in moving forward on the transloading facility in Coffeyville.

- The 4th and Ohio project should be completed in approximately four weeks.
- City-wide cleanup is scheduled for October 12-17.
- The Park Advisory Board has met is planning to schedule a work day in October to do a beautification project.

9. Comments from Commissioners and Staff

J. EXECUTIVE SESSION(s)

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K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Sales tax report
2. July building permit report
3. Community Rating System 510 progress update
4. Library Minutes

L. ADJOURN

ACTION: MOTION: WILLIAMS SECOND: TAYLOR
ALL AYE

Time the meeting was adjourned: 7:47 p.m.

Date the minutes were approved: _____

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Cindy Price, City Clerk