REGULAR COMMISSION MEETING MINUTES
TUESDAY, FEBRUARY 26, 2013
6:30 P.M.

The Board of Commissioners met in Regular Session at 6:30 p.m. with Vice Mayor Virgil Horn presiding.

Present:
COMMISSIONER DON EDWARDS
COMMISSIONER JIM FALKNER
COMMISSIONER VIRGIL O. HORN, JR.
COMMISSIONER PAM JONES

Absent:
MAYOR DAVID GEORGE

City Staff in attendance were:
CITY MANAGER GARY BRADLEY
CITY CLERK CINDY PRICE
CITY ATTORNEY PAUL KRITZ
FINANCE DIRECTOR STEPHANIE RICHARDSON
IT DIRECTOR CHRIS FELIX
PUBLIC WORKS DIRECTOR CHUCK SHIVELY
FIRE CHIEF JAMES GRIMMETT
POLICE CHIEF TONY CELESTE
ELECTRIC UTILITY DIRECTOR GENE RATZLAFF
ELECTRIC UTILITY DEPUTY DIRECTOR MIKE SHOOK

A. CALL TO ORDER – Vice Mayor Virgil Horn

B. INVOCATION – Virgil Horn

C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

D. REVIEW OF AGENDA

E. CONSENT AGENDA ITEMS

1. Regular City Commission Meeting Minutes – Tuesday, February 12, 2013
2. 2013 Appropriation Ordinance No. AO-13-03 – $4,337,201.35

MOTION: Move to approve the consent agenda as presented.

ACTION: MOTION: JONES SECOND: FALKNER
VOTE: ALL AYE EXCEPT GEORGE WHO WAS ABSENT

<u>REGULAR AGENDA ITEMS</u>

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

1. Swear in Police Officer Stephine Randall
   - Police Chief Tony Celeste welcomed Officer Randall to the force, and following a swearing-in ceremony he and Vice Mayor Horn presented her with her badge.

G. COMMENTS FROM THE PUBLIC

- Mary Wilson, 207 West New, stated she was concerned about Windsor Place Relay For Life team's request to sell alcohol at a fundraising event stating it is a family event and goes against their mission of promoting health.
- Maria Thomas, 2408 Parkway, stated she didn't object to beer being sold at an event such as this in a controlled environment; these events are important to a community.

H. OLD BUSINESS

1. 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.

MOTION: Move to take Resolution No. R-13-10 from the table.

ACTION: ACTION: MOTION – JONES SECOND – FALKNER
VOTE: ALL AYE EXCEPT GEORGE WHO WAS ABSENT

- Police Chief Tony Celeste stated he has been in contact with the Relay For Life team and the Police department will provide two on-duty officers, and the Relay For Life team will pay for a minimum of four additional officers. The total minimum number of officers will be six, however, more may be added at their expense. The Relay For Life team will provide private security for gates, parking lots, checking ID's, etc. Commissioner Edwards asked if those selling the cereal malt beverage would receive any training in checking ID's. Relay For Life team spokesperson Sabrina Horner stated the event coordinators had experience with that. She also responded to Commissioner Falkner's question about the corporate office being aware of the event and the request to sell beer by stating they were.

MOTION: Move to approve Resolution No. R-13-10 for adoption.

ACTION: ACTION: MOTION –EDWARDS SECOND – FALKNER
VOTE: YES – EDWARDS, FALKNER NO – HORN, JONES
GEORGE ABSENT; TIE VOTE; MOTION FAILS.

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

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

ACTION: MOTION: EDWARDS SECOND: HORN
VOTE: ALL AYE EXCEPT GEORGE WHO WAS ABSENT

I. NEW BUSINESS

1. Discussion and action to appoint one member to the Recreation Commission serving to March 10, 2017.

Applicants: Todd Hayes, Jeff Stewart, Tosha Williams

- All three applicants made comments regarding their interest in serving on the Recreation Commission.

MOTION: Move to appoint Tosha Williams to a four-year term on the Recreation Commission serving to March 10, 2017.

ACTION: COMMISSIONERS EDWARDS, HORN AND FALKNER VOTED FOR WILLIAMS; COMMISSIONER JONES VOTED FOR HAYES; MAYOR GEORGE ABSENT.

2. Resolution No. R-13-18 – A Resolution to amend the rehabilitation budget for the property located at 1202 West Sixth Street.
   - Public Works Director Chuck Shively addressed the Commission stating rehabilitation of the property at 1202 West Sixth Street is nearly complete. The remaining interior work to be completed includes all painting, some ceiling repair and clean up. The current rehabilitation budget was based on the fact the last Housing Director had planned to perform the interior painting himself. Other potential remaining work items include replacement of a decorative fence beside the driveway and construction of a railing on the back porch. The current approved rehabilitation budget is $43,500. Rehabilitation expenses to date total $41,097.67, leaving an available balance of $2,402.33. It is estimated the remaining work can be completed for less than $5,900. If approved, the total City expenses for the purchase and rehabilitation of the property would not exceed $75,208.88.

MOTION: Move to approve Resolution No. R-13-18 for adoption.

ACTION: MOTION: JONES SECOND: EDWARDS
VOTE: ALL AYE EXCEPT GEORGE WHO WAS ABSENT

3. Discussion on request by Duane Powell from the Juvenile Justice Authority requesting funding assistance for the Truancy Immediate Intervention Program.
   - Duane Powell, Director of Family and Children Service Center, provided background information on the Truancy Immediate Intervention Program along with statistics as it pertains to Montgomery County. He stated due to budget cuts the funding for the program is being reduced, and he is asking the cities and school districts in the county for assistance by contributing $2 per student in the school district for a total of $3,498.

MOTION: Move to approve a letter of support for the Juvenile Justice Authority Truancy Immediate Intervention Program and a payment of $3,498 to be made from the general fund portion of the alcoholic liquor funds.

ACTION: MOTION: FALKNER SECOND: HORN
VOTE: ALL AYE EXCEPT GEORGE WHO WAS ABSENT

4. Resolution No. R-13-19 – A Resolution to execute a construction contract for the Intersection and Drainage Improvement 2013 Project.

   - Public Works Director Chuck Shively addressed the Commission stating bids have been received for the third phase of the intersection and drainage improvement project. There is currently $188,266.90 available in the fund set aside for street repair and replacement. The lowest bid received was $358,266.90. Staff is recommending the entire project be

completed utilizing the remaining dollars in the 30% fund and the balance from the 70% street maintenance fund which has a current balance of $683,219.42. The low bid was from Jeff Graham Construction. As staff has no direct experience with street construction by Jeff Graham Construction, the engineers requested a list of previous similar street construction or other similar concrete flatwork construction experience for reference. The contractor is also required to provide a performance and statutory payment bond.

MOTION: Move to approve Resolution No. R-13-19 to execute a contract with Jeff Graham Construction and to authorize use of the 70% preservations funds for adoption

ACTION: MOTION: HORN SECOND: JONES
VOTE: ALL AYE EXCEPT GEORGE WHO WAS ABSENT

5. Discussion and action to approve use of downtown parking lots for a fundraising event on April 13, 2013.
   - City Clerk Cindy Price reported a request has been received to use the downtown parking lots at 9th and Maple for a fundraising event to assist with medical bills for Rick Lanning. The event is planned for April 13 and will include a car show, music and an auction.

MOTION: Move to approve the use of the downtown parking lots for a special fundraising event on April 13, 2013.

ACTION: MOTION: JONES SECOND: HORN
VOTE: ALL AYE EXCEPT GEORGE WHO WAS ABSENT

6. Comments from Commissioners and Staff
   - Police Chief Tony Celeste stated there have recently been concealed carry classes held at the gun range which is owned by the City of Coffeyville. Celeste recommended if we allow the classes to continue, the City adopt a policy whereby permission is required from the Commission; the Commission concurred.
   - Celeste also asked about the vehicle procurement policy as his department is looking at a used vehicle for K9 unit. The vehicle would be paid for from forfeiture funds; Commission indicated he did not need to come back to the Commission for approval to purchase used vehicle.
   - City Manager Gary Bradley reported due to a problem with the mailing center, ETC has been unable to get the community surveys mailed out. ETC has indicated they will still be able to meet the deadline for completion of the project.
   - City Attorney Paul Kritz reviewed information on a utility easement which the City no longer has access to due to the reconstruction of the highway east of town. Sherwood Construction, the owner of the property, has been contacted regarding acquiring access to the easement where our 138 kV transmission and 69 kV sub transmission lines are located. Sherwood will offer the 51 acre parcel to the City at no cost. Commissioners agreed to proceed with the offer.
   - Kritz reviewed a letter from John Horst representing Tony and Levi Holt who are interested in obtaining an oil and gas lease for a portion of the airport/industrial park area. Commissioners had questions related to the method of exploration and how it will impact the airport area. Kritz will get more information and letters of reference for the Holts.

- Commissioners Edwards and Falkner stated the City crews did a good job with clearing the streets following the recent ice and snow storms.

J. EXECUTIVE SESSION(s)

1. Attorney-client privilege

MOTION: Move to adjourn to executive session for discussion of items that would be deemed privileged in attorney-client relationship to reconvene on or before 8:45 p.m. including a ten-minute break.

ACTION: MOTION: HORN SECOND: EDWARDS
VOTE: ALL AYE EXCEPT GEORGE WHO WAS ABSENT

Time the meeting was reconvened: 8:45 p.m.

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Library minutes and Annual Meeting
2. Building permit report

L. ADJOURN

MOTION: Move to adjourn.

ACTION: MOTION: HORN SECOND: FALKNER
VOTE: ALL AYE EXCEPT GEORGE WHO WAS ABSENT

Time the meeting was adjourned: 8:45 p.m.

Date the minutes were approved: _____

_____
Cindy Price, City Clerk