

REGULAR COMMISSION MEETING MINUTES
TUESDAY, JULY 14, 2009
6:30 P.M.

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

Those in attendance were:

COMMISSIONER ALEC HENDRYX
COMMISSIONER PAM JONES
COMMISSIONER JIM C. TAYLOR, SR.
COMMISSIONER RJ WARREN

City Staff in attendance were:

CITY MANAGER JEFF MORRIS
CITY CLERK CINDY PRICE
CITY ATTORNEY PAUL KRITZ
FINANCE DIRECTOR STEPHANIE RICHARDSON
FIRE CHIEF GREG ALLEN
ENGINEERING SUPERINTENDENT SCOTT MASSMAN
INTERCONNECTED OPERATIONS MANAGER STEVE MCGIE
ELECTRIC UTILITY DIRECTOR BERNIE CEVERA
IT MANAGER CHRIS FELIX

- A. **CALL TO ORDER** – Mayor Gonzales
- B. **INVOCATION** – Rev. Wayne Norton, First Baptist Church
- C. **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- D. **REVIEW OF AGENDA**
- E. **CONSENT AGENDA ITEMS**
 - 1. Regular City Commission Meeting Minutes – Tuesday, June 23, 2009
 - 2. 2009 Appropriation Ordinance No. AO-09-22 – \$4,594,586.03
 - 3. 2009 Appropriation Ordinance No. AO-09-23– (flood) \$ 70,932.89

MOTION: Move to approve the consent agenda as presented.

ACTION: THE MOTION WAS MADE BY MAYOR GONZALES AND
SECONDED BY COMMISSIONER JONES. ROLL CALL VOTE –
ALL AYE

REGULAR AGENDA ITEMS

- F. **PUBLIC HEARING(s), SPECIAL PRESENTATION(s), & PROCLAMATION(s).**
- G. **COMMENTS FROM THE PUBLIC**
 - George Chronister, 512 South Willow, asked what the turn-key cost to the City was for Veterans Memorial Stadium and where the money came from to build it. He was instructed to file an open records request for the information.

H. OLD BUSINESS

1. Resolution No. R-09-123 – A Resolution to purchase video equipment for the City Hall Commission Room.

- This item was tabled from the previous meeting. Commissioner Jones stated she was not in favor of broadcasting meetings at the present time due to the conduct of some commissioners at meetings; she didn't think it would show the commission in a very positive light. Commissioner Warren suggested the channel be used to broadcast community information but not to video meetings. Commissioner Hendryx stated he is in favor of broadcasting meetings; Mayor Gonzales is not currently interested in broadcasting meetings.

MOTION: Move to approve Resolution No. R-09-123 to purchased used camera equipment with graphics card and presentation software at a cost not to exceed \$3,500.

ACTION: THE MOTION WAS MADE BY COMMISSIONER HENDRYX AND SECONDED BY COMMISSIONER TAYLOR. ROLL CALL VOTE – COMMISSIONERS HENDRYX AND TAYLOR VOTED AYE; COMMISSIONERS JONES AND WARREN AND MAYOR GONZALES VOTED NO. MOTION FAILED.

2. Ordinance No. S-09-04 – Second Reading of an ordinance to execute a loan agreement between the City of Coffeyville and the State of Kansas for the purpose of obtaining a loan from the Kansas Transportation Revolving Fund (TR-001) to finance intersection improvements at US-166 and CR 5300.

- City Manager Jeff Morris addressed the Commission stating there have been no changes in this ordinance since the first reading and indicated this loan rather than bonding the entire portion was the most attractive financing for this particular project. Commissioner Taylor read comments regarding his no vote for the loan agreement with KDOT.

MOTION: Move that Ordinance No. S-09-04 be moved to Second Reading and approved for adoption.

ACTION: THE MOTION WAS MADE BY COMMISSIONER HENDRYX AND SECONDED BY MAYOR GONZALES. ROLL CALL VOTE – COMMISSIONERS HENDRYX, WARREN AND MAYOR GONZALES VOTED AYE; COMMISSIONERS JONES AND TAYLOR VOTED NO. MOTION CARRIED.

I. NEW BUSINESS

1. Resolution No. R-09-125 – A Resolution to award a contract to Muller Construction for the construction of West Third Street in the Westbrook Addition.

- Engineering Superintendent Scott Massman addressed the Commission stating three bids were received for the construction of Third Street in the Westbrook Addition. This project is part of the infrastructure improvements designed for seven new building lots. Muller Construction was the low bidder at \$118,552.50. Commissioner Hendryx asked if there are standards for curb construction. Massman stated they are included in the subdivision regulations.

MOTION: Move to approve Resolution No. R-09-125 for adoption.

ACTION: THE MOTION WAS MADE BY COMMISSIONER WARREN AND SECONDED BY COMMISSIONER JONES. ROLL CALL VOTE – ALL AYE.

2. Resolution No. R-09-126 – A Resolution to close Santa Fe Street between Fifth and Sixth Street.

■ Electric Utility Director Bernie Cevera addressed the Commission stating National Electric Reliability Council standards require surveillance at key sites such as power plants, operations centers and substations. Those requirements along with the potential for theft of transformers are bringing about the need to consolidate the transformer inventory. The Electric Department is proposing the closing of Santa Fe Street between Fifth and Sixth and use the street for transformer storage. This will provide more space at a cheaper cost for the department. The area will need to be fenced; bids will be taken to fence the area.

MOTION: Move to approve Resolution No. R-09-126 for adoption.

ACTION: THE MOTION WAS MADE BY MAYOR GONZALES AND SECONDED BY COMMISSIONER JONES. ROLL CALL VOTE – ALL AYE.

3. Resolution No. R-09-127 – A Resolution to purchase two 69kV circuit switchers for Substation A.

■ Electric Utility Director Bernie Cevera addressed the Commission stating transformer No. 1 at the “A” Substation will be replaced. In addition the system reliability will be improved with two 69 kV circuit switchers which will allow a transformer to be isolated and taken out of service if necessary while the other transformer remains operational. Currently, if there is a problem with one transformer, both transformers will trip off. The low bid was \$58,478 from Southern States, LLC.

MOTION: Move to approve Resolution No. R-09-127 for adoption.

ACTION: THE MOTION WAS MADE BY MAYOR GONZALES AND SECONDED BY COMMISSIONER WARREN. ROLL CALL VOTE – ALL AYE.

4. Resolution No. R-09-128 – A Resolution to execute an agreement with Open Access Technology International and purchase three digital certificates.

■ Interconnected Operations Manager Steve McGie addressed the Commission stating effective in August the monthly SPP transmission service invoices will be converting to a more secure service which requires an Open Access Technology International (OATi) contract and the purchase of three digital certificates. The City will be required to approve this contract and purchase the certificates in order to download the invoices; OATi has developed the webCARES System to allow subscribers to actively manage their certificates. The three certificates will cost a total of \$420 annually.

MOTION: Move to approve Resolution No. R-09-128 for adoption.

ACTION: THE MOTION WAS MADE BY COMMISSIONER JONES AND SECONDED BY COMMISSIONER HENDRYX. ROLL CALL VOTE – ALL AYE.

5. Resolution No. R-09-129 – A Resolution to execute the FY 2009 Memorandum of Agreement with the Montgomery County Fair Association.

■ City Clerk Cindy Price addressed the Commission stating in 2008, members of the Montgomery County Fair Association and City staff met to develop a plan of work for Walter Johnson Park as a result of the July 2007 flood. One of the outcomes of this meeting was the development of a memorandum of agreement between the two parties determining projects to be done and who was responsible for each project. The MOA also established fees for the use of the campground as well as cleaning deposits required and associated fines for any dumping of recreational vehicles tanks among other things. While many of the items in the 2008 agreement were deleted as they became completed projects, the rest of the items are incorporated into a Memorandum of Agreement to be reviewed and revised when necessary and approved annually. The Fair Association has reviewed and will sign the 2009 agreement upon approval by the City Commission.

MOTION: Move to approve Resolution No. R-09-129 for adoption.

ACTION: THE MOTION WAS MADE BY MAYOR GONZALES AND SECONDED BY COMMISSIONER JONES. ROLL CALL VOTE – ALL AYE.

6. Discussion and action to appoint five individuals to the Economic Development Advisory Board.

■ City Manager Jeff Morris addressed the Commission stating the Economic Development Advisory Board was established in 1993 with the purpose being to join together all community organizations who have invested their time, effort and money with other citizens of the community to advise the commission on an ongoing basis of the scope of economic development activities and provide general advice on the City's economic development policies. This board is comprised of five members all appointed by the Commission for three-year terms. One board member is recommended by the Chamber, one by Coffeyville Industries and one by Montgomery County Action Council. The other two are at-large positions. This board has not met on a regular basis the past few years, however, it is the desire to begin meetings again. Staff recommended in order to stagger terms, the two at-large positions be for two-year terms and the other three be for three-year terms.

MOTION: Move to appoint Ryan Thompson, John Schmid and Kyle Stephens to three-year terms and Mike Ewy and Steve Cornell to three-year terms on the Economic Development Advisory Board.

ACTION: THE MOTION WAS MADE BY COMMISSIONER WARREN AND SECONDED BY MAYOR GONZALES. ROLL CALL VOTE – ALL AYE.

7. Resolution No. R-09-130 – A Resolution to execute an Engineering Services Contract with Allgeier, Martin & Associates for inspection services for KLINK projects on Hwy 166/169.
- Engineering Superintendent Scott Massman addressed the Commission stating the 2008-10 KLINK projects have been approved for funding by KDOT and are getting ready to begin construction. This is a dowel bar retrofit and patching project along Highway 166/169 from Walnut to East Eighth Street. This resolution is for the construction engineering inspection; Allgeier, Martin & Associates has a not-to exceed estimated fee of \$90,952 based on 120 days. The contractor, Bryant & Bryant Construction is anticipating they will be complete in eight weeks. Commissioner Hendryx expressed a desire to look into the City hiring an engineer who can accomplish some of the duties we are currently contracting out.

MOTION: Move to approve Resolution No. R-09-130 for adoption.

ACTION: THE MOTION WAS MADE BY MAYOR GONZALES AND SECONDED BY COMMISSIONER JONES. ROLL CALL VOTE – ALL AYE.

8. Resolution No. R-09-131 – A Resolution to execute an annexation agreement with Big Chief RV Park.
- City Manager Jeff Morris addressed the Commission stating Fred Wigley is proposing to build Big Chief RV Park west of the John Deere Manufacturing facility and has requested utility service to the site. In order to obtain city water and sewer, Wigley has agreed to be annexed. If approved by the City Commission, the property would be annexed and assigned a zoning classification based on its current use which is agriculture. The property would then need to be rezoned for an RV park. Morris indicated this is solely an annexation agreement and does not constitute an endorsement of the owner's project. Commissioner Taylor stated he does not approve of how this was presented or the fact Mr. Wigley is present to discuss the project. Wigley stated he just wants to be annexed in order to utilize City services. Commissioner Warren stated he is concerned about the Commission being rude to individuals who are wanting to bring a business into our community. Wigley stated he wants to make a \$1 million dollar investment in the community at the same time making a profit. He plans to have 112 camper pull through spots; will gravel the roads and place cabins on the property in the future. Commissioners Hendryx and Jones both stated they want more discussion on the site and want to wait until the master plan is finalized. Taylor stated he had traveled to Ponca City to look at Wigley's property there indicating it appeared more of a trailer park than an RV Park, but noted he was not against the project but the way it was brought before the Commission. Wigley stated he would go to the county.

MOTION: Move to approve Resolution No. R-09-131 for adoption.

ACTION: THE MOTION WAS MADE BY COMMISSIONER WARREN; FAILED FOR LACK OF SECOND.

9. Discussion on Government Access Programming Policy.
- Due to the failed vote to purchase camera equipment and software to utilize the Public Access Channel, there is no current need for this policy.

10. Comments from Commissioners and Staff

- City Manager Morris stated the sales tax collections are down slightly but still above what was forecasted in the budget and there will be a joint meeting with the City, CCC and USD 445 to discuss Veterans Memorial Stadium at 4 p.m. on July 15.
- Commissioner Hendryx asked about the 4th of July funding, when the airport and animal shelter projects were going to begin, the SEK Railroad crossing repairs, contracting with a professional to design the website, the status of properties in the flood affected area; and stated Commissioners should begin asking citizens how they feel about a sales tax dedicated to funding streets.
- Commissioner Taylor asked about status of Housing Authority; objected to the City Manager serving as chairman of the Housing Committee for the Chamber of Commerce, and stated he wants department heads present at Commission meetings.

J. EXECUTIVE SESSION(s)

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Finance Department – Sales Tax Report
2. Code Enforcement June Reports
3. Correspondence from ADSAP
4. Correspondence from Cox Communication
5. CRMC Monthly Report

L. ADJOURNMENT

MOTION: Move to adjourn.

ACTION: THE MOTION WAS MADE BY MAYOR GONZALES AND SECONDED BY COMMISSIONER WARREN. ROLL CALL VOTE – ALL AYE.

TIME THE MEETING WAS ADJOURNED: 9:18 p.m.

Date the minutes were approved _____

Cindy Price, City Clerk