

REGULAR COMMISSION MEETING MINUTES
THURSDAY, NOVEMBER 25, 2008
6:30 P.M.

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

Those in attendance were:

COMMISSIONER RICHARD GONZALES
COMMISSIONER ALEC HENDRYX
COMMISSIONER PAM JONES
COMMISSIONER RJ WARREN

City Staff in attendance were:

CITY MANAGER JEFF MORRIS
CITY CLERK CINDY PRICE
CITY ATTORNEY PAUL KRITZ
FINANCE DIRECTOR STEPHANIE RICHARDSON
ELECTRIC UTILITY DIRECTOR BERNIE CEVERA
ENGINEERING SUPERINTENDENT SCOTT MASSMAN
CODE ENFORCEMENT OFFICER LARRY TROTTER
CODE ENFORCEMENT OFFICER JIM HAYES
FIRE CHIEF GREG ALLEN
IT MANAGER CHRIS FELIX

- A. CALL TO ORDER** – Mayor Horn
- B. INVOCATION** – Rev. Mark Wilson, First Church of God
- C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- D. CONSENT AGENDA ITEMS**

- 1. Regular City Commission Meeting Minutes – Thursday, November 13, 2008
- 2. 2008 Appropriation Ordinance No. AO-08-52 – \$1,070,915.02
- 3. 2008 Appropriation Ordinance No. AO-08-53 – (flood) \$ 27,494.16

MOTION: Move to approve the consent agenda as presented.

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

REGULAR AGENDA ITEMS

- E. APPROPRIATION ORDINANCE**

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

- 1. Presentation to Commission from Coffeyville Fire Department
 - Engineering Superintendent Scott Massman addressed the Commission stating the Kansas Department of Transportation is requesting a list of projects to be included in the City's portion of the updated five-year Statewide Transportation Improvement Program. This program uses Surface Transportation Program (STP) and Bridge Replacement (BR) categories of federal funds. STP and BR funds are responsible for construction and

construction engineering. Cities are responsible for right-of-way acquisition, utility relocations and preliminary design engineering. The City is also required to fund 20% of the construction and construction engineering costs. The estimated federal funding for the years 2009-2013 apportionments of STP projects are \$1,500,000 for cities with a population between 5,000-14,999. Staff has developed a recommended list of projects to match KDOT's federal funding requirements. The list is reviewed and updated annually; Eighth Street from Northeast Street to the west overpass was added at the request of the Commission. Twelfth Street has been at the top of the list for the last several years; the City has moved the water lines so as to be ready when KDOT approves funding. Massman stated the last project to receive funding was Fifth Street.

2. Public Hearing – City of Coffeyville Five-Year Transportation Project List

- Mayor Horn opened the Public Hearing

- There being no comments, Mayor Horn closed the Public Hearing

G. OTHER BUSINESS

H. OLD BUSINESS

I. NEW BUSINESS

1. Resolution No. R-08-154 – A Resolution to update the City's 2009-2013 Five-Year Transportation Project List to be submitted to the Kansas Department of Transportation.

MOTION: Move to approve Resolution No. R-08-154 for adoption.

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

2. Ordinance No. G-08-07 – First Reading of an Ordinance to amend Cereal Malt Beverage License fees.

- City Attorney Paul Kritz addressed the Commission stating the City was recently made aware we are charging more for annual license fees for cereal malt beverage retailers who sell CMB's in original, unopened containers for consumption off premises, than the state law allows. The law used to be non-uniform, so the City adopted its own fee schedule by passing a charter ordinance. The state statute is now uniform and the charter ordinance is no longer effective. This Ordinance will bring the City into compliance with the state law. The result will be a \$27 reduction in fees for those selling CMB for consumption off premises and a \$2 reduction in fees for those selling CMB for on premise consumption.

MOTION: Move to approve Ordinance No. G-08-07 for First Reading.

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

3. Resolution No. R-08-155 – A Resolution to execute a Construction Agreement with Kiowa Line Builders for the East Distribution Feeder Extension Project.

■ Electric Utility Director Bernie Cevera the Commission stating the East Distribution Feeder Extension Project consists of constructing approximately 10,900 feet of double circuit 3-phase, 15kV class, overhead distribution line and approximately 3,800 feet of single circuit 3-phase 15kV class, overhead distribution. This project will start at the substation at Spring Street and Eighth Street and terminate at Highway 166 and CR 5300. Included in this will be an upgraded feeder to the proposed Wal-Mart at Highway 166 and CR 5300 with a completion date of April 30, 2009. Kiowa Line Builders submitted the low bid at \$196,222.10 which was less than half the engineer's estimate. This is a labor contract only.

MOTION: Move to approve Resolution No. R-08-155 for adoption.

ACTION: THE MOTION WAS MADE BY COMMISSIONER GONZALES AND SECONDED BY COMMISSIONER HENDRYX. ROLL CALL VOTE – ALL AYE EXCEPT COMMISSIONER JONES WHO VOTED NO.

4. Resolution No. R-08-156 – A Resolution to issue a purchase order to Valmont for Steel poles for the East Distribution Feeder Extension Project.

■ Electric Utility Director Bernie Cevera addressed the Commission stating quotes were requested for prices of four steel custom manufactured poles to be used at the river crossing for the previously discussed East Distribution Feeder Extension Project. The low bid was \$7,966.

MOTION: Move to approve Resolution No. R-08-156 for adoption.

ACTION: THE MOTION WAS MADE BY COMMISSIONER GONZALES AND SECONDED BY MAYOR HORN. ROLL CALL VOTE – ALL AYE EXCEPT COMMISSIONER JONES WHO VOTED NO.

5. Resolution No. R-08-157 – A Resolution to amend KDOT Utility Agreement No. 006092020.

■ Electric Utility Director Bernie Cevera addressed the Commission stating to accommodate construction of the System Enhancement Project on Highway 169 the City owned electric lines need to be relocated. The Kansas Department of Transportation will reimburse the City for the relocation. The System Enhancement project was suspended from the December 2008 letting but may be included in the February 2009 letting; KDOT would like these facilities moved in a timely manner. The Supplemental Agreement is for 100% reimbursement of costs, lists the time for completion of the work and eliminates unnecessary temporary relocations from the original Agreement recently signed.

MOTION: Move to approve Resolution No. R-08-157 for adoption.

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

6. Comments from Commissioners and Staff

■ City Manager Jeff Morris reported the following

- Jim Nichols, representing Dalmark, called stating, due to several reasons, he was turning back the tax credits to the state for this year; he indicated he would pursue an application for February. Calls to Garrison, the company who received the tax credits for the second project have not been returned. Morris stated applications could be turned in for projects for our community; however, we have lost our priority status and will not be guaranteed to get any credits for future projects. City staff will work on a new plan for the \$1.5 million infrastructure funding as well as the \$400,000 from the federal government; this will be presented to the Commission.
- City staff and Chamber representatives will meet with Department of Transportation Secretary Deb Miller in Topeka on December 3 to discuss the Highway 169 System Enhancement project. Also attending will be Senators Dwayne Umbarger and Schmidt.
- The City is ready to issue contracts with two of the three property owners involved in the Flood Zone A buyout; these will be ready for the next meeting.
- The Hillcrest Golf Course Task Force has met three times and working to formulate proposals on rates. They will hold an open forum at 6 p.m. on December 3 at the golf course to allow comments from the community.
- A proposal was read from Fire Chief Greg Allen, Police Chief Joe Humble, Electric Utility Director Bernie Cevera, Detective Diane George and Detective Kwin Bromley requesting the City consider expanding the current employee residency boundaries. The current boundaries which are the school district boundaries are too restrictive and the city has lost some good employees as a result. The proposal would allow employees to live within a 20-minute at lawful driving speed of the city limits; however, they would be required to reside in Montgomery County.

■ Commissioner Hendryx asked for an update on the modular pods on North Edgewood, the unfinished houses on Keith Street.

■ Mayor Horn stated the City hosted the League of Kansas Municipalities for a regional supper in the recently completed Recreation Center. He commended Jim Bradshaw for his work to get this flood rebuild project completed. He also stated he had received good comments regarding the City Code Enforcement officers Jim Hayes and Larry Trotter.

7. Comments from the Public

■ Jim Taylor, 704 Spruce, stated he is sending communication to Wal-Mart officials requesting they reconsider their decision to locate east of the Verdigris River and instead locate in the now vacated east side.

EXECUTIVE SESSION(s)

1. Non-elected personnel

2. Attorney Client privilege

MOTION: Move to adjourn to Executive Session for discussion of non-elected personnel and items that would be considered privileged in attorney client relationship to reconvene on or before 8:20 p.m.

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

TIME THE MEETING WAS RECONVENED: 8:20 p.m.

Mayor Horn stated no action would be taken as a result of the Executive Session.

J. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Police Department – Yearly statistics report
2. Fire Department – Code Enforcement Report
3. City Inspector – October Building Permit Report
4. Coffeyville Public Library Board Meeting Minutes
5. Communication from KDOT
6. CRMC Board Meeting Information

L. ADJOURNMENT

MOTION: Move to adjourn.

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

TIME THE MEETING WAS ADJOURNED: 8:30 p.m.

Date the minutes were approved _____

Cindy Price, City Clerk