

**REGULAR COMMISSION MEETING MINUTES
TUESDAY, JANUARY 27, 2009
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
PUBLIC WORKS DIRECTOR CHUCK SHIVELY
PLANNER/ARCHITECT DENNIS JACOBS
ENGINEERING SUPERINTENDENT SCOTT MASSMAN
CODE ENFORCEMENT OFFICER LARRY TROTTER
IT MANAGER CHRIS FELIX
CITY INSPECTOR JIM HAYES
DEPUTY PUBLIC WORKS DIRECTOR JIM BRADSHAW
WIRELESS INSTALLER BRUCE FOUTS
FIRE CHIEF GREG ALLEN
ELECTRIC DISTRIBUTION SUPERINTENDENT DAVE HANNA
ELECTRICIAN KEN WHITE
INTERCONNECTED OPERATIONS MANAGER STEVE MCGIE

- A. **CALL TO ORDER** – Mayor Horn
- B. **INVOCATION** – Pastor Dan Strange, Central Church of Nazarene
- C. **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

D. CONSENT AGENDA ITEMS

- 1. Regular City Commission Meeting Minutes – Tuesday, January 13, 2009
- 2. 2008 Appropriation Ordinance No. AO-08-60 – \$ 504,381.09
- 3. 2008 Appropriation Ordinance No. AO-08-61 – (flood) \$ 66,790.20
- 4. 2009 Appropriation Ordinance No. AO-09-01 – \$3,720,279.30
- 5. Ordinance No. S-09-01 – Second Reading of an Ordinance to vacate a portion of Center St.
- 6. Ordinance No. G-09-01 – Second Reading of an Ordinance to approve the Fuel Gas Code.
- 7. Resolution No. R-09-28 – A Resolution to approve a letter of intent with the Southwest Power Pool to remain active in the SPP 2007-AG3-AFs-6 Facility Study.

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. Public Hearing – Condemnation of 11 properties

- City Inspector Jim Hayes reported three of the properties, 307 West 2nd, 403 West 3rd, and 416 West 4th, have already been demolished; repairs are underway on 307 West 3rd; and the owner of property at 911 Lincoln Street has Muller Construction under contract to demolish.
- Mayor Horn opened the Public Hearing
- There being no comments, Mayor Horn closed the Public Hearing

2. Resolution No. R-09-14 – A Resolution to condemn 11 properties in the City of Coffeyville.

MOTION: Move to approve Resolution No. R-09-14 for adoption.

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

3. Presentation – Carlson Gardner, Inc., housing tax credit project, South Walnut

- Tom Carlson, Carlson Gardner, Inc., addressed the Commission stating his company is applying for tax credits from the Kansas Housing Resource Corporation to build 43 houses in the Brown's Riverside Addition on South Walnut. The houses will be three bedroom, two bath, two car single-family homes with 1,350 square feet of living space. The 15-year old company currently manages approximately 1,500 units; there will be on site management available; the income limits will be 60% of the median income; the tenants occupying the houses at the end of 15 years will be given the option of purchasing the house. Carlson indicated they are seeking to use approximately \$800,000 of infrastructure assistance from the 417 grant awarded to the City of Coffeyville.

4. Presentation – Vintage Construction LLC, housing tax credit project, 1099 Highland Ct.

- Mark Cox and Andy Bias from Vintage Construction and Mennonite Housing respectively discussed their tax credit project which is an acquisition and rehab project for the Coffeyville Garden Apartments. If awarded the tax credits, they plan to put \$20,000 into each of the 60 units. They are seeking to have 48 of the units eligible for those with incomes at 60% of the average median income; the other 12 will be market rate rents.

G. COMMENTS FROM THE PUBLIC

- Janice Wright, 601 South Overlook, questioned the amount of rent that will be charged for the housing projects and indicated the city needs to be looking at vacant areas in town to put housing.
- Jim Taylor, Sr., passed out written comments questioning whether there is a housing shortage and expressing concern about the Commissioners meeting with housing developers.

H. OLD BUSINESS

I. NEW BUSINESS

1. Resolution No. R-09-15 – A Resolution to submit the Airport Capital Improvement Plan data sheets to the FAA.

■ Engineering Superintendent Scott Massman addressed the Commission stating the Central Region of the Federal Aviation Administration is soliciting projects from each city in the four-state region for airport improvements to be funded in FY2010-FY2012. Projects for the Coffeyville airport were developed with the goal of improving our local facilities and to keep the airport adequately maintained. The projects submitted this year are similar to last year with the exception of the addition of the North Taxiway Extension. Bucher, Willis & Ratliff was the engineering firm selected to handle airport needs for the next five years. If the FAA approves a grant for the proposed Airport Layout Plan, BWR will update the plan as required by the FAA.

MOTION: Move to approve Resolution No. R-09-15 for adoption.

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

2. Resolution No. R-09-16 – A Resolution to execute a general services agreement with Segra for Electric Utility plant assessment services.

■ Interconnected Operations Manager Steve McGie addressed the Commission stating currently the City's electric transmission limit is 114 MWs. Until the 138 kV line is upgraded, it is essential the power plant be capable of running for extended periods of time during the summer and winter months between now through 2011. KMEA currently requests daily, 15 MWs of firm transmission through the OASIS System. If this requested 15 MWs is not available, we must be capable of operating the Power Plant. During the peak, the requested 15 MWs will normally be unavailable or the first to be curtailed. When the agreements were signed with GRDA and SPP, the City became obligated to maintain the power plant facilities in a safe and reliable manor. Currently we cannot be certain the plant will be capable of running in the winter months; therefore, staff recommends contracting with SEGA to provide a plant assessment of the entire generating facility.

MOTION: Move to approve Resolution No. R-09-16 for adoption.

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

3. Resolution No. R-09-17 – A Resolution to support a housing tax credit application for Carlson Gardner, Inc.

■ City Manager Jeff Morris addressed the Commission stating adopting this resolution is the next step required by Carlson Gardner and Vintage Construction in order for the application to proceed to the state. These resolutions are a required part of the application process.

MOTION: Move to approve Resolution No. R-09-17 for adoption.

ACTION: THE MOTION WAS MADE BY MAYOR HORN AND SECONDED

BY COMMISSIONER GONZALES. ROLL CALL VOTE – ALL AYE EXCEPT COMMISSIONER JONES WHO VOTED NO.

4. Resolution No. R-09-18 – A Resolution to support a housing tax credit application for Vintage Construction LLC.

MOTION: Move to approve Resolution No. R-09-18 for adoption.

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

5. Resolution No. R-09-19 – A Resolution to approve an employee identification badge policy.

■ City Manager Jeff Morris addressed the Commission stating upon adoption of this policy, all city employees and designated individuals will be required to wear an appropriate City identification card in according with established procedures. These ID cards will help maintain security by identifying authorized personnel at City work sites and residential or commercial properties served by the City. The badge policy is a result of Homeland Security. Each employee of the City will be required to wear an ID badge at all times while working and/or on the City's premises. Employees wearing distinctive uniforms will be required to only have their ID badge in their possession. The policy also addresses replacement of the badge if necessary.

MOTION: Move to approve Resolution No. R-09-19 for adoption.

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

6. Resolution No. R-09-20 – A Resolution to execute a construction contract with C&H Power Line Construction, Inc.

■ Electric Director Bernie Cevera addressed the Commission stating highway construction projects along Highways 166 and 169 east of Coffeyville will require the relocation of the 69kV and 15 kV lines. This project will be bid by the City of Coffeyville, however, it will be reimbursed 100% by KDOT. C&H Power Line Contractors were the low bidders at \$1,829,418.64.

MOTION: Move to approve Resolution No. R-09-20 for adoption.

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

7. Resolution No. R-09-21 – A Resolution to execute an agreement with the Kansas Mutual Aid Program.

■ Electric Director Bernie Cevera addressed the Commission stating a coordinated effort has been developed by KMU, KRWA, KsAWWA, KWEA, KCC, KDHE and KDEM

to provide assistance to Kansas Utilities affected by a disaster. Kansas municipal utilities make up the Kansas Mutual Aid Program (KSMAP) and are able to assist with equipment, materials and personnel to assist in the restoration and continuation of utility services for communities in need. This program covers electric, water, wastewater and natural gas systems. The Federal Emergency Management Agency requires that mutual aid programs for public assistance be in written form prior to a disaster in order for the costs associated with emergency assistance be eligible for reimbursement.

MOTION: Move to approve Resolution No. R-09-21 for adoption.

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

8. Resolution No. R-09-22 – A Resolution to execute the third amendment with the Kansas Water Pollution Control Revolving Fund Act.

- Public Works Director Chuck Shively addressed the Commission stating in 1995 the City of Coffeyville was issued a consent order by KDHE to meet specific improvements at the wastewater treatment plant. As a result of the needed improvements, three loans were received from the Kansas Water Pollution Control Revolving Loan Fund. The projects funded by these loans were the Industrial Park Pump Station and Force Main project, the Penn Street Pump Station Force Main Extension project and the Wastewater Treatment Plant construction project. All three projects were completed under their original loan budgets; KDHE agreed to allow the City to use the remaining funds to finance other wastewater collection system projects mandated by the consent orders. Over the course of the loan repayments based on the anticipated timing of disbursements made to the city, the remaining semi-annual loan payments will be reduced. The amounts to a total reduction of approximately \$40,000 over the next 11 years.

MOTION: Move to approve Resolution No. R-09-22 for adoption.

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

9. Resolution No. R-09-23 – A Resolution to execute an engineering services agreement with Bucher, Willis & Ratliff.

- Public Works Director Chuck Shively addressed the Commission stating in 2006 a retainer contract was approved with Allgeier, Martin and Associates for general engineering services as requested by City staff. This has worked well for small projects or urgent services which do not allow the time necessary for formal approval of a contract. It will be beneficial for the City to have one or more additional similar contracts with other engineering firms; this would allow staff to select which firm should be assigned to a project based on factors such as availability to meet our requested deadline, specialization in the required services, etc. Additionally, with a federal economic stimulus package on the horizon to fund public works projects which are ready for immediate construction or which can be ready in a short time, it would be beneficial to have an engineering firm under contract. Requests for qualifications

were sent to 14 engineering firms; responses were received from eight of the firms. Staff was impressed with the transportation related experience, contacts and expertise of the representatives from Bucher, Willis & Ratliff.

MOTION: Move to approve Resolution No. R-09-23 for adoption.

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

10. Resolution No. R-09-24 – A Resolution to authorize \$500 in financial assistance for the Senior Citizen Center Activity Board.

- City Manager Jeff Morris addressed the Commission stating Montgomery County levies one-half mill to support various agencies/services within the county including the Senior Citizen Board. This money funds the majority of the operating expenses for the center. Previously, if actual tax revenues did not match the requested fund, the County made up the shortfall from the surplus fund balance. This balance is now depleted. The Senior Citizen Board was unaware of this until they received their smaller than expected final tax distribution for 2008. As they had not made any adjustments to their budget, this left them short of funds. The operating budget for the year is \$15,570 with \$14,000 for the director/custodian. The City pays all utility costs. Rather than face closing the Center, the Board did some fundraising in the amount of \$850. Staff recommends assisting the Senior Citizen Board with \$500.

MOTION: Move to approve Resolution No. R-09-24 for adoption.

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

11. Resolution No. R-09-25 – A Resolution to purchase a 2008 Chevy Express Cargo Van for the Wireless Utility.

- IT Manager Chris Felix addressed the Commission stating a wireless installer, Bruce Fouts, has recently been hired for the wireless utility which will require the purchase of a vehicle for the installer to use. Fouts has a 2008 model Chevy Express 2500 cargo van which he was using for installs; he has priced it at \$23,972.43. If the City were to purchase a similar van with the specialty shelving it would cost around \$29,000. Staff recommends purchasing the van from Fouts.

MOTION: Move to approve Resolution No. R-09-25 for adoption.

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

12. Resolution No. R-09-26 – A Resolution to execute a water tower/land lease agreement with Rural Water District #7.

- IT Manager Chris Felix addressed the Commission stating staff has been researching ways to provide wireless coverage southwest and west of Coffeyville. One option was to build a tower, however, the cost of construction and locating land to locate the tower became an issue. Discussions were begun with the Rural Water District #7

Board to place equipment on the top of one of their water towers. Initially there was concern the wireless equipment would affect the water tower. A consultation was held with a company specializing in working on towers who recommended a bracket be welded to the top of the tower which would support the added weight of the equipment as well as the wind drag it would create. Staff recommended an annual lease agreement of \$4,200 with RWD #7 be approved as well as an agreement with Cunningham Sandblasting and Painting to install the necessary bracket on the tower.

MOTION: Move to approve Resolution No. R-09-26 for adoption.

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

13. Resolution No. R-09-27 – A Resolution to execute an agreement with Cunningham Sandblasting & Painting for work regarding the wireless utility.

MOTION: Move to approve Resolution No. R-09-27 for adoption.

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

14. Comments from Commissioners and Staff

- City Manager Jeff Morris updated Commissioners on street repairs by City crews; clearing is underway on Sycamore Creek including the removal of beavers and their dams. Bids were opened on the Animal Shelter; it was anticipated the cost would be \$250,000; the bids came in at \$500,000. Staff has looked at ways to reduce expenses including locating the shelter at the Waste Water Treatment Plant rather than on First Street. The Friends of Animals has indicated they want to provide volunteers for the shelter, however, they have stated they won't contribute any funding if the facility is located at the WWTP. Additional funding could perhaps come from FEMA flood payments for Floral Hall and the two shelters at Walter Johnson Park and dollars planned to be used for needed improvements at City Hall. David Yarbrough indicated he has property at 407 N. Spruce which could be used for a shelter. There is a meeting on Friday with Friends of Animals to discuss the animal shelter.

J. EXECUTIVE SESSION(s)

1. Non-elected personnel

2. Confidential data related to trade secrets or financial affairs of third parties

MOTION: Move to adjourn to executive session for discussion of non-elected personnel and confidential data related to trade secrets or financial affairs of third parties to reconvene on or before 10:30 p.m.

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

TIME THE MEETING WAS RECONVENED: 10:30 p.m.

Mayor Horn stated there was no action as a result of the executive session.

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Engineering Department -- December Building Permit Report
2. Fire Department -- December Fire Report
3. Coffeyville Public Library Meeting Minutes
4. CRMC -- Board Meeting Information

L. ADJOURNMENT

MOTION: Move to adjourn.

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

TIME THE MEETING WAS ADJOURNED: 10:30 p.m.

Date the minutes were approved February 10, 2009

Cindy Price
Cindy Price, City Clerk