

**REGULAR COMMISSION MEETING MINUTES
TUESDAY, MARCH 10, 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
PLANNER/ARCHITECT DENNIS JACOBS
IT MANAGER CHRIS FELIX
CODE ENFORCEMENT OFFICER JIM HAYES
DEPUTY PUBLIC WORKS DIRECTOR JIM BRADSHAW
PUBLIC WORKS DIRECTOR CHUCK SHIVELY
ELECTRIC UTILITY DIRECTOR BERNIE CEVERA
POLICE CHIEF JOE HUMBLE

- 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, February 24, 2009
- 2. 2009 Appropriation Ordinance No. AO-09-06 – \$682,062.48
- 3. 2009 Appropriation Ordinance No. AO-09-07 – (flood) \$ 2,843.09

MOTION: Move to approve the consent agenda as presented.

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

REGULAR AGENDA ITEMS

E. APPROPRIATION ORDINANCE

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

- 1. Public Commendation for Coffeyville Police Department Officers, Dispatcher and civilian witnesses regarding the February 17, 2009, bank robbery.
 - Police Chief Joe Humble along with Mayor Horn and Commissioners recognized Lt. Herman Colbert, Sgt. Kwin Bromley, Sgt. Darin Daily, Master Patrol Officer Craig Males, Dispatcher April Eads and citizens Vosco Brown and Kim Burnett for the role they played in the successful apprehension of a bank robbery suspect on Feb. 17, 2009.

2. Public Hearing regarding local transportation projects resulting from the American Recovery and Reinvestment Act of 2009.

- Public Works Director Chuck Shively addressed the Commission stating staff has prepared five applications for the American Recovery and Reinvestment Act of 2009 grant funds from two separate grant programs offered by the Kansas Department of Transportation. One application is for a project from the Transportation Enhancement Project program and the other four are for projects from the Road and Bridge Project program. KDOT has designated \$10.4 million specifically for Transportation Enhancement Projects statewide. Staff has prepared an application for a raised median beautification project on West 11th Street/Highway 166. This will include prairie plantings, flowering trees and brick planters. The four Road and Bridge projects include Cline Road from Fourth Street to Woodland; East Fourth from Sunflower to Northeast Street; Northeast Street from Sunflower to Eighth Street and signal lights at Eighth and Northeast Street. As there is just \$4 million available for all of southeast Kansas, staff is considering breaking some of these projects into multiple components to increase the likelihood of being awarded a grant.
- Mayor Horn opened the Public Hearing for comments
- There being no comments, Mayor Horn closed the Public Hearing

3. Resolution No. R-09-45 – A Resolution to declare eligibility to submit an application to KDOT for enhancement funds for the US Hwy 166 raised median beautification project.

MOTION: Move to approve Resolution No. R-09-45 for adoption.

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

4. Resolution No. R-09-46 – A Resolution to declare eligibility to submit an application to KDOT for transportation funds for the Rehabilitation of Cline Road North of 4th Street project.

MOTION: Move to approve Resolution No. R-09-46 for adoption.

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

5. Resolution No. R-09-47 – A Resolution to declare eligibility to submit an application to KDOT for transportation funds for the Rehabilitation of 4th Street east of Sunflower Road project.

MOTION: Move to approve Resolution No. R-09-47 for adoption.

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

6. Resolution No. R-09-48 – A Resolution to declare eligibility to submit an application to KDOT for transportation funds for the Rehabilitation of Northeast Street from Sunflower Road to 8th Street Project.

MOTION: Move to approve Resolution No. R-09-48 for adoption.

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

7. Resolution No. R-09-49 – A Resolution to declare eligibility to submit an application to KDOT for transportation funds for the Northeast Street and 8th Street intersection traffic signalization project.

MOTION: Move to approve Resolution No. R-09-49 for adoption.

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

G. COMMENTS FROM THE PUBLIC

- Mary Wilson, 207 West New, thanked the Commission for the work done in the alley between the Methodist and Christian Churches.
- Melanie Massey, 2209 West Third Street, stated the property on South Walnut has additional room to grow in the event that becomes the location for the animal shelter. The City needs to pay attention to the wishes of the property owners when determining the best location.
- Larry Fischer, 505 Tyler, requested a work session between the Commissioners and Friends of Animals to help resolve some misinformation. His opinion is the best site is on South Walnut and the City should strive to work out an agreement with Friends of Animals to help run the shelter.
- Jim C. Taylor, Sr., 704 Spruce, read a letter he submitted to the Coffeyville Journal.
- Becky Medley, representing Friends of Animals, requested a work session with the Commission. The Friends are working to purchase the Alter Animal Clinic and believe the best location is on First Street as it would be beneficial to place facilities next to each other.
- Frankie Roland stated the primary goal should be to keep the animal shelter visible to allow more animals to be adopted.
- Commissioner Gonzales stated the City is working under a tight time frame; he would be in favor of a work session to allow the two entities to figure out how they can work together. Commissioner Jones stated she is concerned about the gas chamber. City Manager Morris indicated it would be placed in another building at the animal shelter location.

H. OLD BUSINESS

1. Resolution No. R-09-43 – A Resolution to locate the Coffeyville Animal Shelter on South Walnut, near the Wastewater Treatment Plant.

MOTION: Move to approve Resolution No. R-09-43 for adoption.

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

I. NEW BUSINESS

1. Discussion and action to appoint one individual to a four-year term on the Coffeyville

Recreation Commission.

Applicants: Gary Frazier, Becky McCune, Jeff Stewart

MOTION: Commissioner Jones nominated Becky McCune; Commissioner Hendryx nominated Jeff Stewart and Commissioner Gonzales nominated Gary Frazier.

ACTION: COMMISSIONER HENDRYX VOTED FOR STEWART; COMMISSIONERS GONZALES AND HORN VOTED FOR FRAZIER AND COMMISSIONERS JONES AND WARREN VOTED FOR MCCUNE.

ACTION: IN A SECOND VOTE, COMMISSIONERS HENDRYX, JONES AND WARREN VOTED FOR MCCUNE; MAYOR HORN AND COMMISSIONERS GONZALES VOTED FOR FRAZIER.

2. Ordinance No. G-09-02 – First Reading of an ordinance to amend Chapter 29 definitions section of the zoning ordinance.

■ Planner/Architect Dennis Jacobs addressed the Commission stating a definition for residential goods recycling center has been included with the junk yard and salvage yard definitions. With this definition, a residential goods recycling center could be established in a C-4 Service Commercial District by conditional use permit; a salvage yard could go in as a provisional use in I-2 Heavy Industrial District and a junk yard is prohibited in I-2 Heavy Industrial.

MOTION: Move that Ordinance No. G-09-02 be approved for First Reading.

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

3. Resolution No. R-09-50 – A Resolution to execute an Engineering Services Agreement with BWR for street design for Third and Cheyenne. NO ACTION ON THIS ITEM

4. Resolution No. R-09-51 – A Resolution to allocate FY 2009 Local Alcoholic Liquor Funds.

■ Finance Director Stephanie Richardson addressed the Commission stating this resolution determines the expenditure of the Local Alcoholic Liquor Funds. According to state statute, one third of the liquor funds collected must go to the general fund; one third to special parks and recreation fund and one third to special alcohol and drug programs. The latter has been distributed 30% to Four County Mental Health, 30% to ADSAP and 40% to the Coffeyville Police Department for the Dare Program. Virginia King, Dennis Gallagher and Joe Humble, each requested funds for their respective entities.

MOTION: Move to approve Resolution No. R-09-51 for adoption.

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

5. Resolution No. R-09-52 – A Resolution to execute an amendment to the residential solid waste agreement with Allied Waste Services.
- City Manager Jeff Morris addressed the Commission stating Allied Waste has, per their contract of January 23, 2007, requested a unit price increase up to a maximum of 75% of any increase in the Consumer Price Index (which equals 3.75%) in accordance with the provisions of the contract. For Coffeyville this would be an increase of \$.37 per month for regular residential dwellings and \$.33 per month for senior citizen dwelling units. As an alternative, Allied has requested some refinements in the contract to make their operation more efficient in return for a lower price increase. These refinements include requiring residents who routinely have more trash than their polycart can hold to obtain a second cart; requiring residents to get their carts to the curb (this does not pertain to the at-the-house pickups). For those residents not complying with the rules, Allied will put a hangtag on the cart; after a couple weeks, the trash will no longer be picked up. Under this agreement Allied's increase will be \$.24 per month for regular dwellings; \$.18 for senior dwellings. The City of Coffeyville places a markup on the trash fee which goes to cover the cost of billing and collection as well as funding the City's beautification efforts through the enforcement of trash, slum and blight, weed lot and condemnation ordinances. Therefore, the proposed rates would be \$11.75 per month for residential dwellings; \$10.75 per month for senior dwellings and \$6 per month for each additional cart. This increase would provide \$12,322 per year to use for additional code enforcement issues. Commissioners expressed concern about any increase in trash rates that would be passed along to customers due to the current economy.

MOTION: Move to approve Resolution No. R-09-52 for adoption.

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

6. Resolution No. R-09-53 – A Resolution to establish solid waste collection and disposal rates of \$11.50 per dwelling unit; \$10.45 per senior dwelling unit and \$6 for each additional polycart.

MOTION: Move to approve Resolution No. R-09-53 for adoption.

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

7. Resolution No. R-09-54 – A Resolution to execute Construction Change Order #2 with Nabholz Construction for the Coffeyville Recreation Building.
- Deputy Public Works Director Jim Bradshaw addressed the Commission stating a request to change out the six volleyball inserts in the City Rec gym was received. The existing inserts were either missing or broken, and due to the new floor being installed, there was not the time to replace them. The contractor doing the City Rec rebuild agreed to install the inserts if the City would purchase them at a cost of \$1,089. This amount was reduced by \$813.40 for utility costs the contractor utilized during the rebuild of the building making the total change order \$275.

MOTION: Move to approve Resolution No. R-09-54 for adoption.

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

8. Resolution No. R-09-55 – A Resolution to issue a purchase order to Sellers Equipment for the purchase of a street sweeper.

■ Deputy Public Works Director Jim Bradshaw addressed the Commission stating staff requested bids for a street sweeper with two bids received from two vendors. Staff tested and evaluated both types of sweepers to determine which would be best for the City. Following the evaluation, it was determined the Johnson 4000 was more operator friendly, provided better visibility and mechanically could be more efficiently maintained and serviced. The cost of the Allianz Johnson 4000 street sweeper from Sellers Equipment is \$214,229.

MOTION: Move to approve Resolution No. R-09-55 for adoption.

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

9. Resolution No. R-09-56 – A Resolution to execute an agreement to finance the purchase of a street sweeper.

■ Finance Director Stephanie Richardson addressed the Commission stating this resolution will authorize the financing of the street sweeper through Community State Bank of Coffeyville.

MOTION: Move to approve Resolution No. R-09-56 for adoption.

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

10. Resolution No. R-09-57 – A Resolution to execute an Engineering Services Agreement with Trinity Consultants for preparation of a Storm Water Pollution Prevention Plan for the Electric Utility.

■ Electric Utility Director Bernie Cevera addressed the Commission stating the Electric Utility has a storm water permit through the KDHE. As part of the permit, a Storm Water Pollution Prevention Plan must be developed and implemented. Three bids were requested with Trinity Consultants being the lowest at \$3,700 total cost to develop the plan.

MOTION: Move to approve Resolution No. R-09-57 for adoption.

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

11. Resolution No. R-09-58 – A Resolution to execute an Engineering Services Agreement with Sega, Inc., for improvements to the 138KV transmission system.

- Electric Utility Director Bernie Cevera addressed the Commission stating the City purchases power from GRDA and as a result of that contract there is a requirement to change to SPP network transmission service. Due to that requirement and also to accommodate future growth in the City, the 138kV transmission system must be upgraded. This resolution will approve an engineering services agreement with Sega who will analyze, design, provide specifications, prepare a construction contract, schedule and cost estimates for the rebuild of the existing 138kV line, the addition of a 138kV bay in the existing substation and the installation of a new 138kV substation. The estimated cost to the City is \$1,400,600.

MOTION: Move to approve Resolution No. R-09-58 for adoption.

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

12. Resolution No. R-09-59 – A Resolution to execute a Membership Agreement with the Southwest Power Pool.

- Electric Utility Director Bernie Cevera addressed the Commission stating Coffeyville is a network transmission customer of the Southwest Power Pool and currently owns and operates an existing 138kV transmission facility within the SPP region. Since the City's transmission facilities are directly connected to the AEP system, Coffeyville is considered in the AEP Transmission Zone. To accommodate future growth in the City and increased loading of the transmission system, the City's 138kV transmission facilities must be upgraded; the costs are estimated at \$3.7 million with Coffeyville responsible for 100% of the cost. By virtue of being an SPP member, transmission owners are eligible for cost recovery of their transmission assets placed under operational control of SPP with the cost of facilities upgrades shared among all of the transmission customers in a host transmission zone (2/3) and within the region (1/3).

MOTION: Move to approve Resolution No. R-09-59 for adoption.

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

13. Resolution No. R-09-60 – A Resolution to execute an agreement with Cox Business to provide bandwidth for the Coffeyville Wireless Internet Utility.

- IT Manager Chris Felix addressed the Commission stating as the Coffeyville Wireless Internet Service grows, there is a need for additional bandwidth. Currently the City has a contract with Cox Business for 10 mbps of bandwidth; approving this contract will increase it to 20 mbps at a monthly cost of \$3,550 for three years.

MOTION: Move to approve Resolution No. R-09-60 for adoption.

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

14. Resolution No. R-09-61 – A Resolution to implement an 18-month customer contract for the Coffeyville Wireless Internet Utility.

- IT Director Chris Felix addressed the Commission stating at the last meeting, Commissioners approved the fee structure and installation fee for Coffeyville Wireless Internet Service. This resolution will formalize the 18-month customer contract. The contract also includes a 30-day period where the customer may cancel without any penalties applied to their account. In the event they cancel after the 30-day period and prior to the end of the 18-month contract, the customer will be required to pay the remaining time left on the contract.

MOTION: Move to approve Resolution No. R-09-61 for adoption.

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

15. Resolution No. R-09-62 – A Resolution to execute an Automatic Aid Agreement between the Coffeyville and South Coffeyville Fire Departments.

- Fire Chief Greg Allen addressed the Commission stating approval of this agreement will provide an automatic five-year mutual aid agreement on structure fires with the City of South Coffeyville. Unified command will be used in all emergency situations with both entities remaining in control of their respective personnel. It does not guarantee aid, however, for either participant as there are situations when aid cannot be provided due to various conditions and the priority will always be for each department to take care of their citizens first.

MOTION: Move to approve Resolution No. R-09-62 for adoption.

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

16. Resolution No. R-09-63 – A Resolution to execute a Mutual Aid Agreement between the Coffeyville Fire Department and Coffeyville Resources.

- Fire Chief Greg Allen addressed the Commission stating the Coffeyville Fire Department and Coffeyville Resources have each provided mutual aid for one another in various situations; approval of this agreement will formalize the arrangement. Unified command will be used in all emergency situations with both entities remaining in control of their respective personnel. The agreement is for five years and may be modified at any time; the mutual aid is not guaranteed as there may be times when one or the other entities may not be able to provide assistance.

MOTION: Move to approve Resolution No. R-09-63 for adoption.

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

17. Resolution No. R-09-64 – A Resolution to execute a contract with Tri-Star Utilities for a sanitary sewer main replacement.

- Deputy Public Works Director Jim Bradshaw addressed the Commission stating there have been several sanitary sewer main stoppages in the vicinity of Columbus, Cortez and Catalina west of Buckeye; this line was put in during the early 1950's and the tile is no longer structurally sound. Tri-Star Utilities will replace the sanitary sewer main for \$128,700 with the project expected to take approximately 45 days.

MOTION: Move to approve Resolution No. R-09-64 for adoption.

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

18. Comments from Commissioners and Staff

- City Manager Morris updated Commissioners on the street repairs and clarified the use of tax abatements in the City of Coffeyville.

J. EXECUTIVE SESSION(s)

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Finance Department – Tax Reports
2. Fire Department – Reports and Correspondence
3. Inspection Department – Reports
4. Recreation Commission – Meeting Minutes
5. Hillcrest Golf Course Report


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: 9:44 p.m.

Date the minutes were approved 03/24/09


Cindy Price, City Clerk

