

**REGULAR COMMISSION MEETING MINUTES
TUESDAY, MARCH 24, 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 LARRY TROTTER
DEPUTY PUBLIC WORKS DIRECTOR JIM BRADSHAW
ENGINEERING SUPERINTENDENT SCOTT MASSMAN
INTERCONNECTED OPERATIONS MANAGER STEVE MCGIE
TREASURER ANGIE NADEN
ELECTRIC GENERATION SUPERINTENDENT DAVE HANNA

A. CALL TO ORDER – Mayor Horn

B. INVOCATION – Dr. Wayne Norton, First Baptist Church

C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

D. CONSENT AGENDA ITEMS

1. Regular City Commission Meeting Minutes – Tuesday, March 10, 2009
2. 2009 Appropriation Ordinance No. AO-09-08 – \$4,535,431.98
3. 2009 Appropriation Ordinance No. AO-09-09 – (flood) \$ 2,304.58

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. Proclamation declaring April 17-18, 2009, as Kansas Exoduster Descendant Days.
 - Mayor Horn read the proclamation

G. COMMENTS FROM THE PUBLIC

- Raymond Cook, 2310 Walnut, commented on a potential zoning case that may be presented to the Planning Commission.
- Charley Gann, 806 West Sixth Street, expressed concern about street repairs at Seventh and Elm Street; these repairs were made by Atmos Gas.
- Rebecca Reedy, Executive Director of the Crisis Resource Center, stated the Safehouse shelter sustained damage in a recent fire; they are waiting for the insurance company to determine the extent of damage to shelter; they will have a shelter up and running in approximately 12 months; currently their victims are being housed in Pittsburg. The Center houses up to 150 women and children in Coffeyville each year.
- Jim Taylor, 704 Spruce, read comments pertaining to a resolution regarding engineering services at Third and Westbrook.
- Janice Wright, expressed concern about high taxes in certain areas and if infrastructure were going to be put in for some people, it should be put in for all.
- Commissioner Gonzales expressed concern about some inaccuracies Jim Taylor is putting out regarding the 417 grant money.

H. OLD BUSINESS

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

MOTION: Move that Ordinance No. G-09-02 be passed to second reading and approved for adoption.

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

I. NEW BUSINESS

1. Executive Session for attorney-client privilege

MOTION: Move to adjourn to Executive Session and to include Jim Bradshaw for discussion of items that would be privileged in attorney-client relationship to reconvene on or before 7:10 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: 7:10 p.m.

- Resolution No. R-09-65 – A Resolution to execute construction change order #3 with Nabholz Construction for the Coffeyville Recreation Facility.

- Deputy Public Works Director Jim Bradshaw addressed the Commission stating on March 12, 2009, City staff, design architect Steven Lacey and David Rains, City Rec Director met with Nabholz Construction to try to reach an agreement allowing a final disposition on some remaining outstanding issues at the Recreation Center. The first two were the sub-floor preparation cost claimed by Nabholz for \$9,296 and the backing material removal cost of \$10,967, totaling \$16,000. Nabholz believes their claim for payment is valid beyond the amount the architect determined was equitable which was \$3,290.10. Following discussion, Nabholz offered a compromise their claim for the additional payment for the disputed gym subfloor cost of \$20,263 would be dropped in

exchange for the City dropping the \$16,000 liquidated damages which will extend the contract time to September 12, 2008. It was determined this would be a fair compromise.

MOTION: Move to approve Resolution No. R-09-65 for adoption.

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

2. Resolution No. R-09-50 – A Resolution to execute an engineering services contract with BWR for plans and specifications for West Third Street in Westbrook Addition.

■ Engineering Superintendent Scott Massman addressed the Commission stating the city plans to contract with BWR to provide engineering services to complete the preliminary design and specifications to provide infrastructure improvements to property at West Third Street in the Westbrook area. The proposed design would incorporate a cul-de-sac arrangement to allow future street extensions. This is one of the areas proposed in the City's SB417 grant; this project has been submitted to KHRC.

MOTION: Move to approve Resolution No. R-09-50 for adoption.

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

3. Resolution No. R-09-66 – A Resolution to execute an engineering services contract with Professional Engineering Consultants for KLINK Project No. U-2216-01.

■ Engineering Superintendent Scott Massman addressed the Commission stating this contract is for engineering services for the 2011 KLINK project which has been approved for funding by the Kansas Department of Transportation. The project will consist of milling and asphalt overlay on the existing four lanes of Highway 166/169 between Eighth Street and the Verdigris Bridge area. A request for proposals was sent out; eight companies responded and they were reviewed and rated by a six-member staff committee in eight different categories with Professional Engineering Consultants (PEC) ranking highest.

MOTION: Move to approve Resolution No. R-09-66 for adoption.

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

4. Resolution No. R-09-67 – A Resolution to approve a contract with Dave's Lawn Service for Airport mowing.

■ Engineering Superintendent Scott Massman addressed the Commission stating bids were requested for mowing of approximately 31 acres at the Coffeyville Airport. Dave's Lawn Service was low bidder at a cost of \$712 per mowing.

MOTION: Move to approve Resolution No. R-09-67 for adoption.

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

5. Resolution No. R-09-68 – A Resolution to submit a FY 2009 Kansas Emergency Shelter Grant application on behalf of the Salvation Army as subgrantee.
- Treasurer Angie Naden addressed the Commission stating the Emergency Shelter Grant program was originally established by the Homeless Housing Act of 1986. It grew out of a response to the growing issue of homelessness among men, women and children. In 1987, the program was incorporated into subtitle B of title IV of the Stewart B. McKinney-Vento Homeless Assistance Act. City and county governments are eligible to apply for the grant funds to be used to contract with local qualified non-profit organizations to meet the service needs of the community. The City acts as a conduit in the application on behalf of both the Salvation Army and Crisis Resource Center. This resolution and the next will approve submitting grant applications on behalf of the Salvation Army and Crisis Resource Center.

MOTION: Move to approve Resolution No. R-09-68 for adoption.

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

6. Resolution No. R-09-69 – A Resolution to submit a FY 2009 Kansas Emergency Shelter Grant application on behalf of the Crisis Resource Center as subgrantee.

MOTION: Move to approve Resolution No. R-09-69 for adoption.

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

7. Resolution No. R-09-70 – A Resolution to execute an agreement with Blue Cross Blue Shield for health insurance coverage.

- Finance Director Stephanie Richardson addressed the Commission stating the City recently received the renewal proposal for Health and Life insurance to cover city employees as well as employees of the Coffeyville Recreation Commission, Coffeyville Public Library and Chamber of Commerce. The non-city entities all pay 100% of the premiums for their participation. This year's proposal includes a .7% decrease in premiums. The City's health insurance committee will remain active this year in determining how the City will go through the bid process for FY 2011 coverage as well as finding ways to control costs. The committee plans to take bids next year for the health insurance coverage.

MOTION: Move to approve Resolution No. R-09-70 for adoption.

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

8. Resolution No. R-09-71 – A Resolution to authorize payment to Ruggles-Klingmann for the rebuild of the differential regulator valve for the Electric Utility.
 - Interconnected Operations Manager Steve McGie addressed the Commission stating a valve on a generator in the Electric Utility Department was removed for repair due to oil leaking. At that time it was determined the internal seats and bellows were deteriorated and needed to be replaced. Due to the age of the valve, the original manufacturer is the only place it can be repaired; the valve will need to be shipped to Ruggles-Klingmann Mfg to be rebuilt at an estimated cost of \$7,789.

MOTION: Move to approve Resolution No. R-09-71 for adoption.

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

9. Resolution No. R-09-72 – A Resolution to issue a purchase order to Power Specialties, Inc. for replacement of the hydrogen analyzers for the Electric Utility.
 - Interconnected Operations Manager Steve McGie addressed the Commission stating Sega personnel has begun the first phase of the inspection of the Electric Utility. It was requested the Elliot unit be first priority due to past problems and it would be the first one to run. The throttle/trip valve and the hydrogen analyzers need to be repaired or replaced or the unit will be red tagged and taken out of service for safety precaution. Staff recommended replacing the existing analyzers on both generators with Yokogawa analyzers from Power Specialties at a cost of \$14,077 per generator.

MOTION: Move to approve Resolution No. R-09-72 for adoption.

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

10. Resolution No. R-09-73 – A Resolution to issue a purchase order to Continental Field Machining/VR-Tesco for repair of the throttle/trip valve for the Electric Utility.
 - Interconnected Operations Manager Steve McGie addressed the Commission stating the throttle/trip valve was the second item on Sega's list to be replaced. This valve regulates the flow of steam to the turbine; it is essential to the safe operation of the unit. Staff recommended Continental Field Machining/VR-Tesco inspect and repair the throttle/trip valve at a cost of \$19,200 for labor only.

MOTION: Move to approve Resolution No. R-09-73 for adoption.

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

11. Resolution No. R-09-74 – A Resolution to authorize payment to ACM Removal for asbestos removal on two FEMA buyout properties.
 - Engineering Superintendent Scott Massman addressed the Commission stating this ACM Removal had the low bid to remove asbestos from two properties, 610 North Maple and 624 North Walnut, both in the FEMA buyout grant.

MOTION: Move to approve Resolution No. R-09-74 for adoption.

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

12. Kansas Municipal Energy Agency (KMEA) Board of Directors: Discussion and action by the Board of Commissioners to appoint the Coffeyville representative for the two-year Director #1 position on the KMEA Board of Directors.

MOTION: Move to appoint Jeff Morris as the Coffeyville representative for the two-year Director #1 position on the KMEA Board of directors.

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

13. Resolution No. R-09-75 – A Resolution to establish rental and deposit fees for certain City owned facilities.

- City Clerk Cindy Price addressed the Commission stating staff is recommending the cleaning deposit at Oakcrest Lodge be increased by \$5 to \$35; the rental fee at Ron Stevenson Building be established at \$75 per day with a \$75 cleaning deposit and the rental fee for the livestock show arena and barns be set at \$50, an increase of \$15.

MOTION: Move to approve Resolution No. R-09-75 for adoption.

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

14. Resolution No. R-09-76 – A Resolution to issue a purchase order to ISG Technology for the purchase and installation of a Cisco Communications System for the City of Coffeyville.

- IT Manager Chris Felix addressed the Commission stating the current ten-year old phone system is outdated and difficult and expensive to repair and cannot be upgraded. Bids were requested for a Cisco IP phone system; this system will be used for all city phones and has numerous features which will improve efficiency for both callers and staff alike. A new agreement with AT&T will need to be approved along with the purchase of the phone system.

MOTION: Move to approve Resolution No. R-09-76 for adoption.

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

- Resolution No. R-09-78 – A Resolution to execute a contract with AT&T for a digital PRI, long distance service and Plexar II system for the City of Coffeyville.

MOTION: Move to approve Resolution No. R-09-78 for adoption.

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

15. Resolution No. R-09-77 – A Resolution to authorize Downtown Coffeyville, Inc., to remove certain awnings in the downtown area.

- Downtown Coffeyville, Inc., representative Carla LeLaCheur addressed the Commission stating DCI is working with property owners on Walnut to remove the awnings; the goal is to go back to the historical integrity of the buildings. DCI is applying for grants and raising funds to help with costs of removal. The bid specifications include leveling the sidewalk once the awnings are removed. She stated the goal is to have the awnings removed in the spring; however, the bids are higher than anticipated. Attorney Paul Kritz stated the awnings were erected during Urban Renewal and since this agency is now defunct, the restrictive covenants established during the Urban Renewal period states that in the event they become non-operative for any reason whatsoever, their rights would automatically be vested in the City of Coffeyville and exercised by the Board of Commissioners. This resolution approves DCI's request to remove certain awnings in the downtown area.

MOTION: Move to approve Resolution No. R-09-77 for adoption.

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

16. Schedule of planned Special Commission Meetings and Department Tours.

- City Manager Jeff Morris reported beginning April 21 and running through June 30, the Commission will meet weekly for department tours and budget planning sessions.

17. Resolution No. R-09-79 – A Resolution to execute Supplemental Agreement No. 1 with the Kansas Department of Transportation for flood mitigation on Sycamore Creek/Highway 166 Bridge.

- Engineering Superintendent Scott Massman addressed the Commission stating KDOT has included a guardrail across the Sycamore Creek Bridge on Highway 166. This agreement includes the guardrail; KDOT has increased their portion of the funding to include this addition.

MOTION: Move to approve Resolution No. R-09-79 for adoption.

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

18. Comments from Commissioners and Staff

- Jeff Morris updated the Commissioners on recent street repairs and work; reported the walls on the new Wal-Mart Supercenter are up on three sides; and announced the City of Coffeyville did not receive any of the transportation projects they recently applied for using the 2009 stimulus funding.
- Commissioner Hendryx stated since this is the last meeting for the current Commission, he wanted to publicly state this has been a good group to work with. He also clarified some of the misconceptions regarding the KHRC funding for housing.

J. EXECUTIVE SESSION(s)

1. Non-elected personnel
2. Attorney client relationship

MOTION: Move to adjourn to Executive Session for discussion of non-elected personnel and items that would be deemed privileged in attorney-client relationship to reconvene on or before 9 p.m.

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

TIME THE MEETING WAS ADJOURNED: 9:00 p.m.

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Building Permit Report – February 2009
2. Notice of Board openings
3. Coffeyville Public Library Minutes – February 10, 2009
4. Thank you letter from Kennett, Missouri
5. CRMC Board of Directors Report

L. ADJOURNMENT

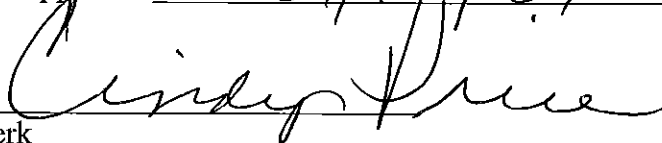
MOTION: Move to adjourn.

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

TIME THE MEETING WAS ADJOURNED: 9:00 p.m.

Date the minutes were approved _____

04/14/09



Cindy Price, City Clerk