

**REGULAR COMMISSION MEETING MINUTES
TUESDAY, APRIL 14, 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 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
ELECTRIC UTILITY DIRECTOR BERNIE CEVERA
FIRE CHIEF GREG ALLEN
PUBLIC WORKS DIRECTOR CHUCK SHIVELY
CODE ENFORCEMENT OFFICER JIM HAYES
PLANNER/ARCHITECT DENNIS JACOBS
IT MANAGER CHRIS FELIX
ELECTRIC GENERATION SUPERINTENDENT DAVE HANNA
DEPUTY PUBLIC WORKS DIRECTOR JIM BRADSHAW
ENGINEERING SUPERINTENDENT SCOTT MASSMAN

- A. **CALL TO ORDER** – Mayor Horn
- B. **INVOCATION** – Rev. Gerald Morris, Grace Fellowship Church
- C. **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

D. CONSENT AGENDA ITEMS

- 1. Regular City Commission Meeting Minutes – Tuesday, March 10, 2009
- 2. Special City Commission Meeting Minutes – Monday, April 6, 2009
- 3. 2009 Appropriation Ordinance No. AO-09-10 – \$3,979,592.76
- 4. 2009 Appropriation Ordinance No. AO-09-11 – (flood) \$ 40,525.44

MOTION: Move to approve the consent agenda as presented.

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

REGULAR AGENDA ITEMS

E. SEATING OF NEW COMMISSIONERS

- 1. Swearing In Ceremony for Richard Gonzales, Pam Jones & Jim C. Taylor, Sr.
 - City Clerk Cindy Price swore in newly elected commissioners Richard Gonzales, Pam Jones and Jim C. Taylor, Sr.

2. Selection of Mayor to serve to April 13, 2010

NOMINATION: Commissioner Warren nominated Richard Gonzales to serve as Mayor through April 13, 2010. Commissioner Jones nominated Commissioner Hendryx.

ACTION: ROLL CALL VOTE – COMMISSIONERS HENDRYX, WARREN AND GONZALES VOTED FOR GONZALES; COMMISSIONER JONES VOTED FOR HENDRYX AND COMMISSIONER TAYLOR ABSTAINED.

3. Selection of Vice Mayor to serve to April 13, 2010

NOMINATION: Mayor Gonzales nominated Alec Hendryx to serve as Vice-Mayor through April 13, 2010. Commissioner Jones nominated herself.

ACTION: ROLL CALL VOTE – COMMISSIONERS HENDRYX, WARREN AND GONZALES VOTED FOR HENDRYX; COMMISSIONER JONES VOTED FOR JONES AND COMMISSIONER TAYLOR ABSTAINED.

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

1. Presentation by Downtown Coffeyville, Inc.

■ Shelley Paasch, Executive Director of Downtown Coffeyville, reviewed the work accomplished by Downtown Coffeyville over the past several months. Assisting with the presentation were Board Members Carla LeLaCheur, Jim Correll and Carol Mangan.

2. Public Hearing on condemnation of structures located on Keith Blvd.

- Code Enforcement Officer Jim Hayes addressed the Commission stating a public hearing is the next step in the process to condemn a structure.
- Mayor Gonzales opened the public hearing.
- Darrel Dugan, Core First Bank, addressed the Commission stating the bank is working to gain control of the houses and to have them finished.
- Mayor Gonzales closed the public hearing.

3. Resolution No. R-09-83 – A Resolution to find certain structures unsafe, dilapidated and dangerous.

MOTION: Move to approve Resolution No. R-09-83 for adoption.

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

4. Presentation on Edward Byrne Memorial Justice Assistance Grant application.

■ Police Commander Mike Brown addressed the Commission stating the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program is a grant program from the U.S. Department of Justice, Bureau of Justice Assistance. Montgomery County is eligible for a total of \$93,295; no local match is required. Of this the Coffeyville Police Department is eligible for \$56,635 and the Independence Police Department is eligible for \$36,660. The grant will be submitted on behalf of the County for an upgrade of obsolete

911 equipment in Coffeyville and a specialized vehicle for Independence. Both of these projects will benefit the entire county as the upgrade to the 911 equipment will better serve the citizens of Coffeyville and the entire southern half of Montgomery County and the vehicle will be available for use by the Coffeyville Police Department and the Sheriff's Office. The 911 equipment currently in place is over 15 years old and unable to be serviced adequately. The total cost of the upgrade is \$128,224; the grant will pay approximately 50% of the cost.

5. Resolution No. R-09-100 – A Resolution to approve submittal of an Edward Byrne Memorial Justice Assistance Grant application for upgraded 911 equipment.

MOTION: Move to approve Resolution No. R-09-100 for adoption.

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

G. COMMENTS FROM THE PUBLIC

- Commissioner Taylor stated he was pleased to be selected as a Commissioner and he no longer has to listen to derogatory comments from Commissioners. Mayor Gonzales responded the Commission needs to work together to serve the citizens of Coffeyville

H. OLD BUSINESS - none

I. NEW BUSINESS

1. Resolution No. R-09-84 – A Resolution to execute a FY 2009 Weed Lot Finish Mowing Contract with VWP Lawn Care.

- Code Enforcement Officer Jim Hayes addressed the Commission stating there were seven bids received for finish mowing of weed lots in Coffeyville. VWP Lawn Care was the low bidder at \$13.85 per lot for a 50' x 140' lot.

MOTION: Move to approve Resolution No. R-09-84 for adoption.

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

2. Resolution No. R-09-85 – A Resolution to execute an agreement with the Kansas Department of Transportation for a KLINK Resurfacing Project.

- Engineering Superintendent Scott Massman addressed the Commission stating the City has been awarded a FY 2011 KLINK grant for a milling and asphalt overlay project on Highway 166/169 between Eighth Street and the Verdigris River Bridge. The total cost estimate is \$366,580; KDOT's portion will be 50% up to a maximum of \$200,000.

MOTION: Move to approve Resolution No. R-09-85 for adoption.

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

3. Resolution No. R-09-86 – A Resolution to purchase property and liability insurance.
Note: this item will be on the April 28, 2009 agenda
4. Resolution No. R-09-87 – A Resolution to execute a letter of intent with the Southwest Power Pool.
 - Electric Utility Director Bernie Cevera addressed the Commission stating this is the next iteration of the Southwest Power Pool Aggregate Facilities Study; the letter of intent to remain active in the study needs to be executed and submitted to SPP by April 23, 2009.

MOTION: Move to approve Resolution No. R-09-87 for adoption.

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

5. Resolution No. R-09-88 – A Resolution to purchase a lawn mower from Strimple Sign and Outdoor Power for the Electric Utility.
 - Electric Utility Director Bernie Cevera addressed the Commission stating bids were requested for a mower for the Electric Utility Department. The low bid was a new 2008 eXmark from Strimple Sign and Outdoor Power.

MOTION: Move to approve Resolution No. R-09-88 for adoption.

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

6. Resolution No. R-09-89 – A Resolution to execute a contract with Evans Enterprises to recondition and retrofit three circuit breakers for the Electric Utility.
 - Electric Utility Director Bernie Cevera addressed the Commission stating all of circuit breakers and relays at the power plant have been tested by Criswell Engineering as part of the preventative maintenance program. During this inspection, a problem was found in the low voltage breakers in the north end of the power plant. The A/C pro trip device is not functioning; the breakers appear to be in good shape. This trip device electronically triggers to protect the rest of the equipment. Bids were requested to replace the trip device and recondition the breakers. Evans Enterprises was the low bidder at \$10,440.

MOTION: Move to approve Resolution No. R-09-89 for adoption.

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

7. Resolution No. R-09-90 – A Resolution to execute a transmission/distribution line right-of-way easement with Jacqueline Barrett and Janet Kilcoyne.

- Electric Utility Director Bernie Cevera addressed the Commission stating the next ten items all pertain to electric line easements for the east feeder rebuild and the Highway 169 System Enhancement Project. This will complete the purchase of all easements.

MOTION: Move to approve Resolution No. R-09-90 for adoption.

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

8. Resolution No. R-09-91 – A Resolution to execute a transmission/distribution line right-of-way easement with William and Ruth King.

MOTION: Move to approve Resolution No. R-09-91 through Resolution No. R-09-99 be approved for adoption.

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

The following eight items were approved with approve action item.

9. Resolution No. R-09-92 – A Resolution to execute a transmission/distribution line right-of-way easement with Sharon Kaye Whited.

10. Resolution No. R-09-93 – A Resolution to execute a transmission/distribution line right-of-way easement with D & M Johnston Family Trust.

11. Resolution No. R-09-94 – A Resolution to execute a transmission/distribution line right-of-way easement with Crude Marketing, Inc.

12. Resolution No. R-09-95 – A Resolution to execute a transmission/distribution line right-of-way easement with Heath Head.

13. Resolution No. R-09-96 – A Resolution to execute a transmission/distribution line right-of-way easement with Marvin & Ray Vogt.

14. Resolution No. R-09-97 – A Resolution to execute a transmission/distribution line right-of-way easement with Muller Construction.

15. Resolution No. R-09-98 – A Resolution to execute a transmission/distribution line right-of-way easement with Marvin and Glenna Witwer.

16. Resolution No. R-09-99 – A Resolution to execute a transmission/distribution line right-of-way easement with Richard and Larry Felts.

17. Discussion and action to approve a Cereal Malt Beverage license for Jiggs Tavern, 1701 West Fourth Street.

- City Clerk Cindy Price addressed the Commission stating Jiggs Tavern meets all the requirements necessary to obtain a Cereal Malt Beverage license in Coffeyville.

MOTION: Move to approve a Cereal Malt Beverage license for Jiggs Tavern..

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

18. Comments from Commissioners and Staff

- City Manager Jeff Morris updated Commissioners on road and street repairs, demolition projects, park maintenance and reported we should receive updated pricing on the animal shelter costs in 30 days.
- Fire Chief Greg Allen reported the Fire Department has begun flushing and painting hydrants. Commissioner Taylor asked if the City was comfortable with their notification in the event the railroad has a derailment.
- Commissioner Warren praised the Electric Department for the preventative work they have been doing as there were no major outages during the winter months.
- Commissioner Hendryx stated he would like to pursue a sidewalk/bike path up to Pfister Park.
- Commissioner Taylor asked what the responsibilities of the Commissioners versus the City Commissioner were; Paul Kritz had information on this which he made available to Commissioners. Commissioner Taylor also had questions about what Carlson was requesting from the City regarding his tax credit application for South Walnut and why the Special Meeting on April 6 was called. He indicated any grant funds used for new housing development should also include the access streets leading to the new construction and requested Morris ask for response from KHRC in writing regarding the use of 417 funds for such purposes. Regarding the proposed rezoning request for Brown Street, he is concerned about truck traffic into the Heyman property and suggested limiting truck traffic in the residential area. To make the Commission meetings more accessible to the general public, Commissioner Taylor requested the City look into the cost to purchase video equipment.

J. EXECUTIVE SESSION(s)

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Finance Department – Tax reports

L. ADJOURNMENT

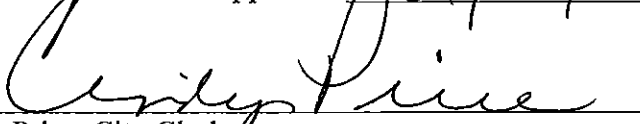
MOTION: Move to adjourn.

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

TIME THE MEETING WAS ADJOURNED: 9:02 p.m.

Date the minutes were approved

04/28/09



Cindy Price, City Clerk