

REGULAR COMMISSION MEETING MINUTES
TUESDAY, MAY 12, 2009
6:30 P.M.

The Board of Commissioners met in Regular Session at 6:30 p.m. with Mayor Richard Gonzales presiding.

Those in attendance were:

COMMISSIONER ALEC HENDRYX
COMMISSIONER PAM JONES
COMMISSIONER JIM C. TAYLOR, SR.
COMMISSIONER RJ WARREN, by phone

City Staff in attendance were:

CITY MANAGER JEFF MORRIS
CITY CLERK CINDY PRICE
CITY ATTORNEY PAUL KRITZ
ENGINEERING SUPERINTENDENT SCOTT MASSMAN
IT MANAGER CHRIS FELIX
PLANNER/ARCHITECT DENNIS JACOBS
DEPUTY PUBLIC WORKS DIRECTOR JIM BRADSHAW

- A. **CALL TO ORDER** – Mayor Gonzales
- B. **INVOCATION** – Pastor Margie Miller, Crossroads Community of Christ
- C. **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

D. CONSENT AGENDA ITEMS

- 1. Regular City Commission Meeting Minutes – Tuesday, April 28, 2009
- 2. 2009 Appropriation Ordinance No. AO-09-14 – \$1,237,959.59
- 3. 2009 Appropriation Ordinance No. AO-09-15– (flood) \$ 15,353.12

MOTION: Move to approve the consent agenda as presented.

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

REGULAR AGENDA ITEMS

E. APPROPRIATION ORDINANCE

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

- 1. Proclamation – Poppy Day
 - Mayor Gonzales read a proclamation declaring Saturday, May 23, as Poppy Day.
- 2. Discussion on downtown traffic signals
 - Following extensive discussion about the downtown lighting, including input from representatives from Downtown Coffeyville, Inc., it was determined to return the downtown traffic signals to their previous format – red, green and yellow between 8 a.m. and 6 p.m. and flashing red and yellow from 6 p.m. to 8 a.m.

G. COMMENTS FROM THE PUBLIC

- Margie Miller, 1403 Catalina, asked about the status of street repair
- Commissioner Taylor objected to Commissioner Warren participating in the meeting via phone. Consensus among Commissioners was to develop a policy regarding phone participation during meetings. Under certain circumstances phone participation could be allowed, i.e. a called meeting for a specific purpose not being held on the normal meeting day or to approve the appropriation ordinance in the event a quorum is not available; however, participation during a regularly scheduled meeting will be discouraged.

H. OLD BUSINESS - none

I. NEW BUSINESS

Commissioner Warren joined the meeting via phone.

1. Resolution No. R-09-106 – A Resolution to award a construction contract to Beachner Construction Company, Inc., for the KDOT Cline Road and Sycamore Creek/Highway 166 Culvert Project.

- Engineering Superintendent Scott Massman addressed the Commission stating the Cline Road extension between 8th Street and 11th Street and installation of the Sycamore Creek box culvert is scheduled to be constructed in the spring and summer of 2009. This is an economic development project whereby KDOT will pay 75% of the construction costs, as well as the engineering/inspection fees, up to \$800,000. The City's portion of the Cline Road project is expected to be \$236,000 and the Sycamore Creek Project is estimated to be \$184,000. Beachner Construction was the successful bidder with a lump sum bid of \$1,324,371.20.

MOTION: Move to approve Resolution No. R-09-106 for adoption.

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

2. Resolution No. R-09-107 – A Resolution to execute a revised Engineering Services Contract with Transystems Corporation for the KDOT Cline Road and Sycamore Creek/Highway 166 Culvert Project.

- Engineering Superintendent Scott Massman addressed the Commission stating this item was brought to the Commission for approval at the April 28, 2009, meeting. KDOT had made a typographical error in the contract; the correct amount of the engineering services agreement with Transystems Corporation is \$206,063.47 instead of \$106,063.47.

MOTION: Move to approve Resolution No. R-09-107 for adoption.

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

3. Resolution No. R-09-103 – A Resolution to authorize a final change order for the Kelly Building located at 119 West Eighth Street.

- Engineering Superintendent Scott Massman addressed the Commission stating this change order built a concrete curb with a water stop at the back of the building to prohibit water from running toward the building. The change order was \$1,312.28 making the total cost of the building repair \$79,633.88. A Main Street grant was received for \$20,000 of the total cost.

MOTION: Move to approve Resolution No. R-09-103 for adoption.

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

4. Resolution No. R-09-108 – A Resolution to execute an engineering services supplemental agreement with Bucher, Willis & Ratliff for the FAA Project to reconstruct taxilanes at the Coffeyville Municipal Airport.

- Engineering Superintendent Scott Massman addressed the Commission stating this resolution approves the construction engineering (inspection) fees for Bucher, Willis & Ratliff for the FAA taxilane project. The total project cost is \$677,380.80 with the City's share \$33,869.04.

MOTION: Move to approve Resolution No. R-09-108 for adoption.

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

5. Resolution No. R-09-109 – A Resolution to execute a services agreement with Kansas Municipal Energy Agency to provide technical assistance for the Electric Utility.

- Electric Utility Director Bernie Cevera addressed the Commission stating Coffeyville is a member of the Kansas Municipal Energy Agency (KMEA) and a network transmission customer of the Southwest Power Pool (SPP). Coffeyville currently owns and operates existing 138 kV transmission facilities within the SPP region. To accommodate future growth in the City and increased loading of the transmission system, the City's 138 kV transmission facilities must be upgraded. SPP member Transmission Owners are eligible for cost recovery of their transmission assets placed under operational control of SPP. This cost support is only available to transmission owners under the regional transmission tariff. As a result of the base plan funding treatment of the City's upgrades, the cost is lowered from 100% paid by Coffeyville's electric customers to the City's load ratio share within the American Electric Power (AE) transmission zone; approximately 2-3%. There are costs for SPP Membership and documentation of compliance with accepted industry standards for maintenance and reliable operation of transmission facilities. Staff has worked with KMEA to estimate the City's costs for developing compliance plans and documenting the City's compliance with these industry policies, guidelines and criteria. KMEA would provide technical assistance for transmission scheduling, services related to city recovery of transmission revenue requirements under the SPP tariff, NERC compliance and SPP interface. With this agreement we would turn control of our assets over to SPP; we would continue to own them, they would just control.

MOTION: Move to approve Resolution No. R-09-109 for adoption.

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

6. Resolution No. R-09-110 – A Resolution to utilize the remaining Kansas Housing Development SB417 Grant proceeds for infrastructure improvements in the North Edgewood/Gibson/Grandview area and the Mansion Estates Subdivision.

- City Manager Jeff Morris addressed the Commission stating SB417 was a bill passed as a result of the flood disaster to put infrastructure in place to replace housing lost in the flood. The City received a \$1.5 million grant; there are three areas where the proceeds will be spent – Edgewood/Gibson/Grandview, South Walnut and Third and Cheyenne (\$202,500 has already been committed for the David George project which will open up seven building lots). The plan is to complete the infrastructure requirements in the Edgewood/Gibson/Grandview area and then spend the remaining amount amount in the Mansion Estates subdivision. There are no plans to use the 417 grant funds for the Carlson project on South Walnut as KHRC has stated if the tax credit project is approved, there will not be any need for the City to provide gap funding. Once this resolution is approved, the design work will begin to get a better idea of what it will cost for the infrastructure projects.

Commissioner Taylor stated there is not enough information provided to make a decision on this resolution and requested the project be tabled.

MOTION: Move to approve Resolution No. R-09-110 for adoption.

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

7. Discussion and action to approve a Cereal Malt Beverage license for Ross BBQ, 304 East Eighth Street.

- City Clerk Cindy Price addressed the Commission stating all criteria has been met for this cereal malt beverage license.

MOTION: Move to approve a Cereal Malt Beverage license for Ross BBQ, 304 East Eighth Street

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

8. Resolution No. R-09-111 – A Resolution to approve the 2009 contract with the Coffeyville City Band.

- City Clerk Cindy Price addressed the Commission stating this is the 114th year of existence for the City Band. They will be performing ten concerts; the contract

amount is the same as previous years at \$4,000. The City Band was asked to play last year for the 4th of July Celebration, however, they were unable to participate. They were also asked for this year's Celebration and stated they could not play as the Celebration was on a weekend. The request for the band to participate in 2010 will be made in writing as the City feels this would be a good addition to the Celebration.

MOTION: Move to approve Resolution No. R-09-111 for adoption.

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

9. Resolution No. R-09-112 – A Resolution to set a public hearing to vacate a portion of Beech Street in the City of Coffeyville.

- City Attorney Paul Kritz addressed the Commission stating Coffeyville Community College has sent a petition requesting Beech Street between 9th and 11th Street be vacated. The first step in this process is to set a public hearing.

Commissioner Taylor read a statement objecting to the request to close the street and to remove the existing speed bumps.

MOTION: Move to approve Resolution No. R-09-112 for adoption.

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

10. Resolution No. R-09-113 – A Resolution to participate in the KMEA voluntary assessment to assist in the prosecution of the City of Arma's complaint against Westar Energy.

- City Manager Jeff Morris addressed the Commission stating the KMEA Executive Committee has authorized the collection of a voluntary assessment to assist in the prosecution of the City of Arma's complaints against Westar Energy which has been filed at FERC. The complaint alleges Westar is exercising its market power in order to extract from Arma (and other municipals) unfair terms, and to lock in Westar as the exclusive supplier to the municipal for the next two decades. The purpose of the complaint is to break Westar's "one size fits all" approach with a 20-year full requirements contract to ensure the final pricing is consistent with the FERC's market mitigation order, and to ensure the non-price terms and conditions are fair and equitable. There are a number of other inequitable terms which have been proposed, including ceding essential statutory rights designed to protect the customer throughout the term of the agreement. Arma is seeking to change those and other terms in order to arrive at a fair and balanced agreement. The cost to Arma to file this complaint is \$80,000. KMEA is asking 74 municipal utilities to participate by making voluntary assessments.

Commissioner Hendryx did not feel Coffeyville needed to participate as it doesn't necessarily affect us.

MOTION: Move to approve Resolution No. R-09-113 for adoption with the total assessment to be \$2,892.04.

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

11. Discussion on employee residency boundaries

- Ray Robinson, City employee, addressed the Commission to request an exception to the current employee residency ordinance to allow him to live in Labette County on property given to him by his mother; he was displaced during the flood and is currently living in an RV. Attorney Kritz suggested the ordinance be amended to allow employees to live outside the existing boundaries for up to five years if they are displaced as a result of a natural disaster.

12. Comments from Commissioners and Staff

- Electric Utility Director Bernie Cevera reported the boilers in the Power Plant have been inspected and found to be in satisfactory condition for operation and certifications.
- City Manager Jeff Morris reported pool drain covers will be installed at the Aquatic Center to meet the Pool and Spa Act; they will be installed prior to the pool opening on Memorial Day. Morris read a request from the Chamber of Commerce they be allowed to use the funds they would normally pay for rent the next year to do facility improvements.
- Commissioner Taylor stated he believes denial of the tax credit project for Carlson on South Walnut should be pursued; the intent of the neighborhood revitalization program is not for new buildings; we should deny any and all tax exemptions that would increase taxes on existing taxpayers.

J. EXECUTIVE SESSION(s) - none

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Finance Department – Tax Reports
2. Police Department – April Report
3. Fire Department – April Report
4. Reports from Code Enforcement Officers
5. Correspondence from Coffeyville Recreation Commission
5. MCAC Report

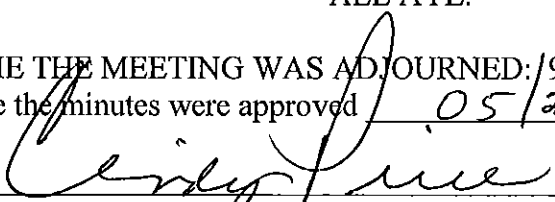
L. ADJOURNMENT

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: 9:12 p.m.

Date the minutes were approved 05/26/09


Cindy Price, City Clerk