

REGULAR COMMISSION MEETING MINUTES
THURSDAY, DECEMBER 22, 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.

Those absent were:

COMMISSIONER RJ WARREN

City Staff in attendance were:

CITY MANAGER JEFF MORRIS
CITY CLERK CINDY PRICE
CITY ATTORNEY PAUL KRITZ
FINANCE DIRECTOR STEPHANIE RICHARDSON
IT MANAGER CHRIS FELIX
ELECTRIC UTILITY DIRECTOR BERNIE CEVERA
PUBLIC WORKS DIRECTOR CHUCK SHIVELY
ENGINEERING SUPERINTENDENT SCOTT MASSMAN
PLANNER/ARCHITECT DENNIS JACOBS
DEPUTY PUBLIC WORKS DIRECTOR JIM BRADSHAW

- A. **CALL TO ORDER** – Mayor Gonzales
- B. **INVOCATION** – Mayor Gonzales
- C. **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- D. **REVIEW OF AGENDA**
- E. **CONSENT AGENDA ITEMS**
 - 1. Regular City Commission Meeting Minutes – Tuesday, November 24, 2009
 - 2. 2009 Appropriation Ordinance No. AO-09-42 – \$3,805,438.20
 - 3. 2009 Appropriation Ordinance No. AO-09-43– (flood) \$ 66,807.50

MOTION: Move to approve the consent agenda as presented.

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

REGULAR AGENDA ITEMS

- F. **PUBLIC HEARING(s), SPECIAL PRESENTATION(s), & PROCLAMATION(s).**
 - 1. Public Hearing to amend the FY2009 budget.
 - Treasurer Stephanie Richardson addressed the Commission stating there are six funds which require amendments; the general, bond and interest, Aquatic Center, stormwater

utility, electric utility and water/wastewater utility funds. State statutes authorize an increase in the adopted budget for previously unbudgeted increases in revenue other than ad valorem property taxes. The same requirements must be met for amending a budget as for adopting a budget which is publishing a notice of hearing, conducting a public hearing and filing two copies with the County Clerk. Richardson then reviewed each of the funds requiring amendment.

- Mayor Gonzales opened the public hearing
- Commissioner Taylor stated the Commission is remiss in letting the budget get so out of hand.
- City Manager Jeff Morris stated the budget is prepared in the summer for the next year; and at the same time the 2009 budget was reviewed all revisions were discussed at with Commissioners.
- Damon Willbern, 1507 West Fourth Street, asked about the loan proceeds held at Community State Bank for the golf course and where the funds for the lawn mower purchases at the golf course came from.
 - Jim Falkner, 1014 West Third Street, stated the City is doing a pretty good job of budgeting their funds.
- Mayor Gonzales closed the public hearing

2. Resolution No. R-09-198 – A Resolution to authorize the certification of the 2009 budget.

MOTION: Move to approve Resolution No. R-09-198 for adoption.

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

G. COMMENTS FROM THE PUBLIC - none

H. OLD BUSINESS

1. Ordinance No. S-09-07 – Second Reading of an Ordinance to vacate a portion of Spruce Street.

MOTION: Move that Ordinance No. S-09-07 be approved for Second Reading.

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

2. Ordinance No. S-09-08 - Second Reading of an Ordinance to rezone 2410 South Brown from I-1 Light Industrial to I-2 Heavy Industrial for the purpose of establishing a metal products recycling center.

MOTION: Move that Ordinance No. S-09-08 be approved for Second Reading.

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

3. Ordinance No. S-09-09 - Second Reading of an Ordinance to authorize the imposition of a general one-half percent citywide retailers' sales tax.

MOTION: Move that Ordinance No. S-09-09 be approved for Second Reading.

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

I. NEW BUSINESS

1. Discussion and action to appoint one person to new three-year terms on the Planning Commission from January 1, 2010 to January 1, 2013.

Applicant must reside inside the city limits.

Applicants: Tracy Maxson, Chris West

Postponed until next meeting due to neither applicant being able to attend meeting.

2. Discussion and action to approve the 2010 cereal malt beverage licenses.

MOTION: Move to approve the 2010 cereal malt beverage licenses.

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

3. Resolution No. R-09-199 – A Resolution to approve the 2010 cereal malt beverage license for the Montgomery County Fair Association.

MOTION: Move to approve Resolution No. R-09-199 for adoption.

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

4. Resolution No. R-09-200 – A Resolution to purchase airport liability insurance coverage from Coffeyville Insurance Associates.

- Treasurer Stephanie Richardson addressed the Commission stating the quote received for the City's airport liability insurance is a flat renewal of last year's premium from Coffeyville Insurance. The coverage was sent out for bids two years ago and will be rebid next year.

MOTION: Move to approve Resolution No. R-09-200 for adoption.

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

5. Resolution No. R-09-201 – A Resolution to purchase workers compensation insurance from Kansas Municipal Insurance Trust.

■ Finance Director Stephanie Richardson addressed the Commission stating the renewal premium for the City's workers' compensation insurance has a 2.09% decrease from last year from the Kansas Municipal Insurance Trust. This is a direct result of the safety committee the City formed with representatives from each department participating. In addition, the safety committee has completed an updated safety manual for the City.

MOTION: Move to approve Resolution No. R-09-201 for adoption.

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

6. Resolution No. R-09-202 – A Resolution to execute an agreement with Asplundh Tree Expert Co. to provide line clearance services in 2010.

■ Electric Utility Director Bernie Cevera addressed the Commission stating the annual renewal of the Asplundh line clearing prices will be the same hourly rate in 2010 as it has been in 2009. Tree trimming is getting done more efficiently and professionally since contracting with Asplundh resulting in improved service and reduced outages for the City's electric customers.

MOTION: Move to approve Resolution No. R-09-202 for adoption.

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

7. Resolution No. R-09-203 – A Resolution to participate in the KMU study of the generation needs of the State's public power systems.

■ This item postponed until the January 12 meeting.

8. Resolution No. R-09-204 – A Resolution to execute an engineering services agreement with Bucher, Willis & Ratliff for reconstruction of the north taxiway at the Municipal Airport.

■ Engineering Superintendent Scott Massman addressed the Commission stating the City has been awarded an FAA Airport Capital Improvement Project to remove and replace the deteriorated north concrete taxiway. The contract is for engineering services to prepare designs, construction documents and technical specifications. Commissioner Hendryx asked about cost for engineering the concrete slab. Commissioner Taylor asked about disposing concrete in our shale pit to receive revenue from dumping fees.

MOTION: Move to approve Resolution No. R-09-204 for adoption.

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

9. Resolution No. R-09-205 – A Resolution to execute a pipeline easement in favor of Acme Energy, Inc., dba OK Gas.

■ City Attorney Paul Kritz addressed the Commission stating Acme Energy, Inc., dba OK Gas, has requested an underground pipeline easement to run parallel with a portion of County Road 2800, Angola Road. The company proposes to pay \$1 per running foot for the 1,980 foot easement which, according to the company, is the going rate for similar easements it has secured in Montgomery and Labette Counties. The proposed easement requires the company to restore the surface and pay for any crop damage. The location of the easement is such that it will not interfere with the use or development of the airport or industrial park.

MOTION: Move to approve Resolution No. R-09-205 for adoption.

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

10. Comments from Commissioners and Staff

■ City Manager Jeff Morris passed out and reviewed a project description received for the Mill Supply Apartments stating staff has some questions for the developer and requested any questions Commissioners had be forwarded to him.

■ Morris reported he is currently working on the specifications for the trash contract. Bids will be requested for two options including truck size limitation and axle weight limitation. Commissioners Taylor and Jones requested the service be put back in the alleys and Taylor wants to require two men to be on each truck.

■ Morris reported the Cline Road project will not be completed until the spring.

■ Commissioner Taylor asked if building permits have been obtained for the Carlson project on South Walnut; permits have not been paid for yet.

J. EXECUTIVE SESSION(s)

1. Attorney-client relationship
2. Employer-employee relations and negotiations

MOTION: Move to adjourn to executive session for discussion of items that would be deemed privileged in attorney-client relationship and for discussion of employer/employee relations to include staff and to reconvene on or before 9 p.m.

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

Time the meeting was reconvened: 9:00 a.m.

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Police Department Monthly Report
2. Coffeyville Public Library Minutes
3. CRMC Board Packet

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TUESDAY, DECEMBER 22, 2009**

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K. ADJOURNMENT

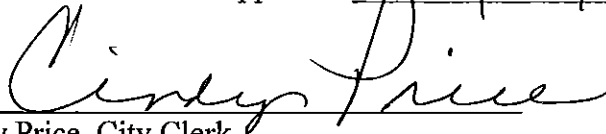
MOTION: Move to adjourn.

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

Time the meeting was adjourned: 9:05 p.m.

Date the minutes were approved: _____

01/12/10



Cindy Price, City Clerk