

**REGULAR COMMISSION MEETING MINUTES
TUESDAY, JULY 12, 2011
6:30 P.M.**

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

Present:

MAYOR PAM JONES
COMMISSIONER DON EDWARDS
COMMISSIONER DAVID GEORGE
COMMISSIONER VIRGIL O. HORN., JR.

Absent:

COMMISSIONER RICHARD GONZALES

City Staff in attendance were:

CITY MANAGER JEFF MORRIS
CITY CLERK CINDY PRICE
FINANCE DIRECTOR STEPHANIE RICHARDSON
CITY ATTORNEY PAUL KRITZ
PUBLIC WORKS DIRECTOR CHUCK SHIVELY
IT MANAGER CHRIS FELIX
ARCHITECT/PLANNER DENNIS JACOBS
ELECTRIC UTILITY DIRECTOR GENE RATZLAFF
CODE ENFORCEMENT OFFICER JOHN HUFFERD

- A. CALL TO ORDER** – Mayor Pam Jones
- B. INVOCATION** – Pastor Richard Peckman, St. Paul's Lutheran Church
- C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- D. REVIEW OF AGENDA**
- E. CONSENT AGENDA ITEMS**
 - 1. Regular City Commission Meeting Minutes – Tuesday, June 28, 2011
 - 2. Special City Commission Meeting Minutes – Thursday, July 7, 2011
 - 3. 2011 Appropriation Ordinance No. AO-11-14 – \$789,138.51
MOTION: Move to approve the consent agenda as presented.

**ACTION: THE MOTION WAS MADE BY COMMISSIONER GEORGE AND
SECONDED BY COMMISSIONER HORN. ROLL CALL VOTE – ALL
AYE EXCEPT COMMISSIONER GONZALES WHO WAS ABSENT.**

REGULAR AGENDA ITEMS

- F. PUBLIC HEARING(s), SPECIAL PRESENTATION(s), & PROCLAMATION(s).**
- G. COMMENTS FROM THE PUBLIC**

H. OLD BUSINESS

1. Ordinance No. S-11-07 – Second Reading of an Ordinance to rezone various properties for construction storage and parking for a petroleum refinery.
 - City Attorney Paul Kritz addressed the Commission stating at the Special Meeting held last week to discuss this rezoning, the Commission requested Coffeyville Resources Refining & Marketing execute a restrictive covenant to address the use of the proposed rezoning area. This would restrict use of the property to what was designated in an approved site plan and require any deviation to be approved by the Commission.

MOTION: Move to approve Ordinance No. S-11-07 for adoption subject to execution of the restrictive covenant as approved by the Commission.

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

2. Ordinance No. S-11-08 – Second Reading of an Ordinance to rezone various properties for construction storage and parking for a fertilizer manufacturer.

MOTION: Move to approve Ordinance No. S-11-08 for adoption.

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

3. Ordinance No. S-11-09 – Second Reading of an Ordinance to execute a franchise agreement with Atmos Energy.

MOTION: Move to approve Ordinance No. S-11-09 for adoption.

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

I. NEW BUSINESS

1. Resolution No. R-11-66 – A Resolution to convey certain property to Coffeyville Resources Nitrogen Fertilizers, LLC.
 - City Manager Jeff Morris addressed the Commission stating in 2002 Coffeyville built the fertilizer plant issuing Industrial Revenue Bonds to fund the project. The IRBs were issued through the City and while they were outstanding the City was listed as owner of the property. The bonds have been paid off and this resolution will turn the property back over to the refinery.

MOTION: Move to approve Resolution No. R-11-66 for adoption.

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

2. Resolution No. R-11-67 – A Resolution to approve Change Order No. 1 (final) with MSB for construction project in Cline’s Westwood Addition.

- Public Works Director Chuck Shively addressed the Commission stating construction of the sanitary sewer and electric conduit installation project in Cline’s Westwood Addition is now complete except final clean-up and seeding. This project is funded by the EDI Special Project Grant and was awarded based on unit prices bid times the estimated quantities to be replaced. The change order modifies the contract price to reflect unit prices bid times the actual quantities installed which results in a decrease in the contract amount of \$3,378.

MOTION: Move to approve Resolution No. R-11-67 for adoption.

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

3. Resolution No. R-11-68 – A Resolution to execute an agreement with Muller Construction for the demolition of three properties.

- Code Enforcement officer John Hufferd addressed the Commission stating bids were solicited for the demolition of three properties with two bids received. Using the 5% local vendor preference, staff recommended awarding the contract to Muller Construction in the amount of \$14,810.

MOTION: Move to approve Resolution No. R-11-68 for adoption.

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

4. Resolution No. R-11-69 – A Resolution to execute a purchase order to B&L Electric for Substation B 138 kV Upgrade.

- Electric Utility Director Gene Ratzlaff addressed the Commission stating requirements of the Southwest Power Pool include upgrading the portion of the transmission line owned by CMLP to accommodate increased loading of the transmission system. Bids were received from five companies; staff is recommending the upgrade be awarded to B&L Electric in the amount of \$661,388.42.

MOTION: Move to approve Resolution No. R-11-69 for adoption.

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

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5. Comments from Commissioners and Staff

- City Manager Jeff Morris reported the contracted crack sealing project is set to begin July 18; City crews are currently crack sealing around Roosevelt and Field Kindley School. The water flushing project is set to be completed the end of this week.

J. EXECUTIVE SESSION(s)

1. Trade secrets of second parties

MOTION: Move to adjourn to executive session for discussion of confidential data related to financial affair or trade secrets of second parties to reconvene on or before 8 p.m.

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

Time the meeting was reconvened: 8 p.m.

Mayor Jones stated there would be no action taken as a result of the Executive Session.

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Sales tax report
2. Police Department report
3. Public Library Minutes
4. CRC Minutes
5. Hillcrest Golf Course

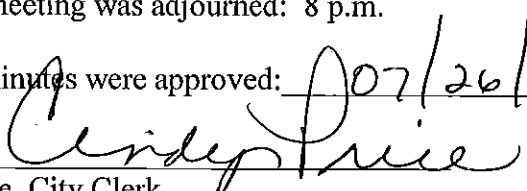
L. ADJOURN

MOTION: Move to adjourn.

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

Time the meeting was adjourned: 8 p.m.

Date the minutes were approved: 07/26/11


Cindy Price, City Clerk