

REGULAR COMMISSION MEETING MINUTES
TUESDAY, FEBRUARY 12, 2008
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

Those absent:

COMMISSIONER LOUIE HUMMEL

City Staff in attendance were:

CITY MANAGER JEFF MORRIS
CITY CLERK CINDY PRICE
CITY ATTORNEY PAUL KRITZ
FINANCE DIRECTOR STEPHANIE RICHARDSON
FIRE CHIEF GREG ALLEN
ELECTRIC UTILITY DIRECTOR BERNIE CEVERA
IT MANAGER CHRIS FELIX
INSPECTOR LARRY TROTTER
INSPECTOR JIM HAYES
TREASURER ANGIE NADEN
ARCHITECT/PLANNER DENNIS JACOBS
DISASTER RECOVERY COORDINATOR JIM BRADSHAW
PUBLIC WORKS DIRECTOR CHUCK SHIVELY

- A. **CALL TO ORDER** – Mayor Horn
- B. **INVOCATION** – Rev. Jennifer Collins, First United Methodist Church
- C. **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- D. **MINUTES – Consent agenda items**
 - 1. Regular City Commission Meeting Minutes – Tuesday, January 22, 2008
 - 2. Special City Commission Meeting Minutes – Monday, February 4, 2008
- E. **APPROPRIATION ORDINANCE(s) – Consent agenda items**
 - 1. 2008 Appropriation Ordinance No. AO-08-04 – \$3,346,399.72
 - 2. 2008 Appropriation Ordinance No. AO-08-05 – (flood) 107,474.16

MOTION: Move to approve the consent agenda as presented.

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

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

G. OTHER BUSINESS

1. Comments from Public

H. OLD BUSINESS

1. Ordinance No. S-08-01 – Second Reading of an Ordinance to rezone 821 West 14th Street.

MOTION: Move that Ordinance No. S-08-01 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 EXCEPT COMMISSIONER HUMMEL WHO WAS ABSENT.

2. Ordinance No. S-08-02 – Second Reading of an Ordinance to rezone 1112 West 11th Street.

MOTION: Move that Ordinance No. S-08-02 be passed to Second Reading and approved for adoption.

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

I. NEW BUSINESS

1. Ordinance No. S-08-03 – First Reading of an Ordinance to approve an annual renewal of the ten-year property tax exemption-incentive for Linde, Inc. (formerly BOC).

- City Treasurer Angie Naden addressed the Commission stating Linde, Inc. (formerly BOC) is applying for their annual tax exemption; staff determined the ownership, use of the property and other qualified criteria for the tax exemption-incentive continues to exist and is consistent with the original property tax exemption-incentive application. Considering Linde's energy consumption and other economic benefits to the community, staff recommends approving the tax exemption.

MOTION: Move that Ordinance No. S-08-03 be approved for First Reading.

ACTION: THE MOTION WAS MADE BY MAYOR HORN AND SECONDED BY COMMISSIONER HENDRYX. ROLL CALL VOTE - ALL AYE EXCEPT COMMISSIONER HUMMEL WHO WAS ABSENT.

2. Ordinance No. S-08-04 – First Reading of an Ordinance to approve an annual renewal of the ten-year property tax exemption-incentive for Four State Maintenance.

- City Treasurer Angie Naden addressed the Commission stating Four State Maintenance is applying for their annual tax exemption. Staff has determined the ownership, use of the property and other qualified criteria for the tax exemption-incentive continues to exist and is consistent with the original property tax exemption-incentive application. Employment levels are higher than originally projected and the annual savings per job created is below

staff's usually recommended \$1,000 per annum level. Staff recommends approval.

MOTION: Move that Ordinance No. S-08-04 be approved for First Reading.

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

3. Resolution No. R-08-14 – A Resolution to set a public hearing to condemn 11 properties.
- Inspector Jim Hayes presented 11 properties to the Commission for condemnation stating the first step in the process is to set a public hearing. The resolution will set the hearing for March 25 at 6:30 p.m.

MOTION: Move to approve resolution No. R-08-14 for adoption.

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

4. Resolution No. R-08-15 – A Resolution to submit a 2008 Kansas Emergency Shelter Grant on behalf of the Crisis Resource Center.
- Treasurer Angie Naden addressed the Commission stating the City is applying for an Emergency Shelter Grant on behalf of the Crisis Resource Center of Southeast Kansas. Only City and County governments are eligible to apply for the grant. The Crisis Resource Center's application is for \$14,500 with the funds being used to pay for a portion of the utility costs at the Coffeyville shelter and for partial funding of staff salaries.

MOTION: Move to approve resolution No. R-08-15 for adoption.

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

5. Resolution No. R-08-16 – A Resolution to submit a 2008 Kansas Emergency Shelter Grant on behalf of the Salvation Army.
- Treasurer Angie Naden addressed the Commission stating the City is also applying for an Emergency Shelter Grant on behalf of the Salvation Army. Their application is for \$5,000 with the funds being used to provide rent and utility assistance to individuals and families to prevent evictions.

MOTION: Move to approve resolution No. R-08-16 for adoption.

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

6. Resolution No. R-08-17 – A Resolution to execute a contract with Liebert Brothers Electric Co. for installation of electrical pedestals at Walter Johnson Park.
- Disaster Recovery Coordinator Jim Bradshaw addressed the Commission stating bids were sent out for the replacement of electrical pedestals located in Walter Johnson Park which were damaged by the flood. A total of 50 pedestals will be replaced with the majority of them being double feeds; some will be upgraded to 50 amp service pedestals. Staff recommends entering into a contract with Liebert Brothers Electric in an amount not to exceed \$22,650 for the installation of pedestals at Walter Johnson Park.

MOTION: Move to approve resolution No. R-08-17 for adoption.

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

7. Discussion and action to appoint one individual to an unexpired term on the Coffeyville Regional Medical Center Board of Trustees.

Applicants: Lance Allred, Howard Bredesen, Judy Hiner, Larry Trotter

- Applicants Howard Bredesen, Judy Hiner and Larry Trotter addressed the Commission about their desire to serve on the Board of Trustees. A letter from Lance Allred, who was unable to attend the meeting, was provided to Commissioners

MOTION: Move to appoint Judy Hiner to serve an unexpired term on the CRMC Board of Trustees serving to January 1, 2010.

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

8. Discussion and action to approve a Cereal Malt Beverage license for Hong Kong Delight, 915 West 11th Street.

MOTION: Move to approve a Cereal Malt Beverage license for Hong Kong Delight, 915 West 11th Street.

ACTION: THE MOTION WAS MADE BY COMMISSIONER GONZALES AND SECONDED BY COMMISSIONER HENDRYX. ROLL CALL VOTE - ALL AYE EXCEPT COMMISSIONER HUMMEL WHO WAS ABSENT AND MAYOR HORN WHO ABSTAINED.

9. Resolution No. R-08-18 – A Resolution to execute a professional services agreement with Roy Criswell Engineering, LLC, for the Electric Utility System.

- Electric Utility Director Bernie Cevera addressed the Commission stating Roy Criswell is a competent engineer with consulting experience in power systems, commissioning, relaying and substation maintenance. Between 2003 and 2007, Criswell was in charge of the preventative maintenance program for Siemens and maintained the system in Coffeyville. He has since formed his own consulting company; staff recommends

entering into a service agreement for preventative maintenance engineering services with Criswell Engineering in an amount not to exceed \$150,000 for consulting services for 2007.

MOTION: Move to approve resolution No. R-08-18 for adoption.

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

10. Resolution No. R-08-19 – A Resolution to issue a purchase order to Texas Communications for equipment and services for the Coffeyville Wireless Internet Service to become CALEA compliant.

- IT Manager Chris Felix addressed the Commission stating this contract with Texas Communications will provide the equipment and set up fee to bring the Coffeyville Wireless Internet into compliance with the Communications Assistance for Law Enforcement Act (CALEA).

MOTION: Move to approve resolution No. R-08-19 for adoption.

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

11. Resolution No. R-08-20 – A Resolution to issue a purchase order to Martin Farm Power for a Hustler 4600 mower for park use.

- Public Works Director Chuck Shively addressed the Commission stating the City had a 12-foot cut wing mower located at Walter Johnson Park which was damaged in the flood. The 16-year-old mower was insured and was used constantly to maintain the parks. Our insurance will cover \$31,739 for replacement of the mower. Bids were received from three vendors; staff recommends purchasing a Hustler 4600 mower with hydraulic range wings and roll over protection system from Martin Farm Power, the low bidder, in the amount of \$34,115.

MOTION: Move to approve resolution No. R-08-20 for adoption.

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

12. Resolution No. R-08-21 – A Resolution to rescind Resolution No. R-07-118 and the corresponding commitment for a proposed FY2008 Community Development Block Grant.

- City Attorney Paul Kritz addressed the Commission stating the City applied for a CDBG to refurbish the Youth Activities Center. As part of the application, a resolution was adopted to set aside \$134,000 as the City's share of the project. The City did not receive the grant, therefore, this resolution is to rescind the resolution committing the funds.

MOTION: Move to approve resolution No. R-08-21 for adoption.

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

13. Resolution No. R-08-22 – A Resolution to approve a tree trimming contract with Asplundh.
- Electric Utility Director Bernie Cevera addressed the Commission stating Asplundh is submitting a one-year renewal for their tree trimming contract at the same price as 2007. Utilizing Asplundh has allowed tree trimming to be done efficiently resulting in improved service and reduced outages for customers.

MOTION: Move to approve resolution No. R-08-22 for adoption.

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

14. Resolution No. R-08-23 – A Resolution to approve a change order with Timberline Construction for the Electric Substation Upgrade.
- Electric Utility Director Bernie Cevera addressed the Commission stating the City has contracted with Timberline Construction for the construction labor and miscellaneous materials to install the substation equipment and complete the necessary improvements as the general contractor for the substation project. Timberline is requesting a change order to compensate their company for changes in the installation of feeder conduits. As originally planned, the project would include using the tunnel system under Seventh Street, Santa Fe and Spring Streets and the power plant substation. The change order would allow the work to be done using the tunnel system only where necessary and to install the conduits from above the ground. The change order is an increase of \$7,700.

MOTION: Move to approve resolution No. R-08-23 for adoption.

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

15. Comments from Commissioners or Staff

- City Inspector Larry Trotter reviewed the process he uses to determine if a structure meets the minimum standard for housing.

J. EXECUTIVE SESSION(s)

1. Attorney-Client privilege

MOTION: Move to adjourn to Executive Session for discussion of items that would be deemed privileged in attorney-client privilege to reconvene on or before 9:00 p.m.

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

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

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

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Finance Department – Property tax report
2. Inspections Department – January Building Permits
3. Inspections Department – January Inspections Report
4. Notice of Board openings
5. Kansas Public Water Supply Capacity Survey
6. 2007 Zoning Index
7. Board of Zoning Appeals Minutes
8. CRMC Board Meeting Information

L. ADJOURNMENT

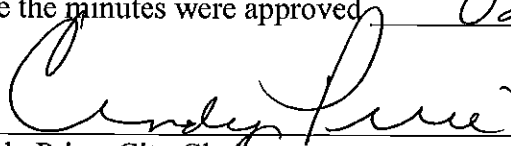
MOTION: Move to adjourn.

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

Time the meeting was adjourned: 9:35 p.m.

Date the minutes were approved

02/26/08



Cindy Price, City Clerk

