

REGULAR COMMISSION MEETING MINUTES

TUESDAY, AUGUST 14, 2007

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 LOUIE HUMMEL
COMMISSIONER PAM JONES

City Staff in attendance were:

CITY MANAGER JEFF MORRIS
CITY CLERK CINDY PRICE
CITY ATTORNEY PAUL KRITZ
FINANCE DIRECTOR STEPHANIE RICHARDSON
PUBLIC WORKS DIRECTOR CHUCK SHIVELY
FIRE CHIEF GREG ALLEN
ELECTRIC UTILITY DIRECTOR BERNIE CEVERA
PLANNER/ARCHITECT DENNIS JACOBS
IT MANAGER CHRIS FELIX

A. CALL TO ORDER – Mayor Horn

B. INVOCATION – Rev. Eugene Colbert

C. PLEDGE OF ALLEGIANCE TO THE AMERICAN

D. MINUTES

1. Regular City Commission Meeting Minutes – Tuesday, July 24, 2007

ACTION: Approved as presented

2. Special City Commission Meeting Minutes – Tuesday, August 7, 2007

ACTION: Approved as presented

E. APPROPRIATION ORDINANCE(s).

1. 2007 Appropriation Ordinance No. AO-07-23 - \$3,440,879.32

MOTION: Move to approve Appropriation Ordinance No. AO-07-23 in the total amount of \$3,440,879.32 for adoption.

ACTION: THE MOTION WAS MADE BY COMMISSIONER GONZALES AND SECONDED BY COMMISSIONER JONES. ROLL CALL VOTE - ALL AYE EXCEPT COMMISSIONER HUMMEL WHO VOTED NO.

2. 2007 Appropriation Ordinance No. AO-07-24 (Flood) - \$39,994.51

MOTION: Move to approve Appropriation Ordinance No. AO-07-24 in the total amount of \$39,994.51 for adoption.

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

- ALL AYE.

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

■ Public Works Director Chuck Shively addressed the Commission stating one of the requirements for close-out of the 05-PF-525 Community Development Block Grant is for the City to hold a Performance Public Hearing in order to facilitate oral and written public participation and comments as to project performance. The Grant Completion Date was July 15, 2007, with all close-out paperwork to be submitted no later than 90 days from that date. The sewer replacement project was completed as proposed in the grant application and the grant agreement with one six-month time extension. All manholes in the downtown project area were rehabilitated and all sewer mains in the project area were lined or replaced. Some changes were made, such as constructing a new main or manhole to allow rerouting the flow to a different main so problematic or redundant mains could be abandoned rather than lined. The end result is a greatly improved collection system in the project area which should be easier to maintain with fewer problems.

■ Mayor Horn opened the Public Hearing.

■ There being no comments, Mayor Horn closed the Public Hearing.

G. OTHER BUSINESS

1. Comments by the Public

■ Rev. Eugene Colbert expressed concern about weed lots in the eastern part of the community particularly around 14 East Fourth Street and about public safety due to the number of street lights that are not working.

■ Karla Mongan, representing Kansas Assistance Recovery Efforts (KARE) provided details on the services offered to assist disaster victims with recovery following the flood.

H. OLD BUSINESS

I. NEW BUSINESS

1. Resolution No. R-07-97 – A Resolution to approve a Final Plat for the Wal-Mart Addition to the City of Coffeyville.

■ City Manager Jeff Morris addressed the commissioners and stated the Wal-Mart Development plat is being presented for final approval. Once the City has approved, it will go to the County for signature.

MOTION: Move that Resolution No. R-07-97 for adoption.

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

2. Resolution No. R-07-88 – A Resolution to issue a purchase order to Pedersen Power Products for a 15kV outdoor metal-clad switchgear for the Power Plant Substation upgrade.

■ Electric Utility Director Bernie Cevera addressed the Commission stating a critical material component for the Power Plant Substation Upgrade is the 15kV Outdoor Metal Clad Switchgear to replace the existing outdoor air switchgear. There is a long lead time

in getting this piece of equipment. Staff recommends purchasing the switchgear from Pedersen Power Products which provided the lowest evaluated complete bid receive the bid.

- Commissioner Hummel asked if this project were part of the Electric Utility Master Plan, if staff was comfortable with the master plan and if change orders were to be brought to the Commission for approval.

MOTION: Move that Resolution No. R-07-88 for adoption.

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

3. Resolution No. R-07-89 – A Resolution to issue a Professional Services Agreement with Courtney and Associates.

- Electric Utility Director Bernie Cevera addressed the Commission stating Courtney & Associates is a small engineering firm which assisted 15 municipal electric utilities in reaching final agreement with the Grand River Dam Authority for a long-term power supply. This agreement will provide services by Courtney regarding the power supply agreement between the City and Coffeyville Resources Nitrogen Fertilizers.

MOTION: Move that Resolution No. R-07-89 for adoption.

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

4. Resolution No. R-07-90 – A Resolution to execute change order No. 1 (Final) in the sum of \$70,194.54 increase in the contract price for the purchase and installation of “Black Start” diesel generators.

- Electric Utility Director Bernie Cevera addressed the Commission stating the Black Start Diesel Generator project is now complete; this resolution approves an additional \$70,194.54 for the project for site preparation, wiring, sidewalk replacement and fuel fill station.

MOTION: Move that Resolution No. R-07-90 for adoption.

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

5. Resolution No. R-07-91 – A Resolution to motion for leave to intervene out of time in the American Electric Power filing for a proposed rate increase for Network Integration Transmission Service.

- Electric Utility Director Bernie Cevera addressed the Commission stating the recently executed Power Purchase and Sale Agreement with the Grand River Dam Authority states the City shall use commercially reasonable efforts to obtain and maintain Network Integration Transmission Service for the delivery of electric power and energy. The AEP has filed for a rate increase for Network Integration Transmission Service and this increase will directly increase future costs to the City’s Electric

Utility, therefore, it is in the best interest of the City's rate payers for the City to actively participate in the rate review process in order to minimize the financial impact of the Electric Utility.

MOTION: Move that Resolution No. R-07-91 for adoption.

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

6. Resolution No. R-07-92 – A Resolution to execute a Consulting and Technical Services Agreement between PAR Electrical Contractors, Inc., and the City of Coffeyville for the Coffeyville Wireless Internet Service.

■ IT Manager Chris Felix addressed the Commission stating PAR Electric is being contracted to assist with the stabilization of the Coffeyville Wireless Internet Service.

MOTION: Move that Resolution No. R-07-92 for adoption.

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

7. Resolution No. R-07-93 – A Resolution to approve a property lease agreement with the Federal Emergency Management Agency.

■ City Manager Jeff Morris addressed the Commission stating this agreement is for the lease of an additional acre of property at the airport for FEMA to place office trailers as part of the staging area for trailers arriving in Coffeyville for flood victim housing.

MOTION: Move that Resolution No. R-07-93 for adoption.

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

8. Resolution No. R-07-94 – A Resolution to declare it necessary to issue Electric Utility System Revenue Bonds.

■ City Manager Jeff Morris addressed the Commission stating current cash reserve levels are not adequate to fund the improvement projects needed for the Electric Utility; therefore, bonds must be issued. The first step in the process is to declare a notice of intent to issue the bonds. The notice of intent limits the size of the bond issue to \$8 million which will accommodate financing of the previously mentioned projects, all bond issuance costs, including required bond reserves and provides the option to refinance the costs incurred for the Black Start generators if interest rates are favorable.

MOTION: Move that Resolution No. R-07-94 for adoption.

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

9. Discussion and action to appoint a Director and Alternate Director to serve two-year terms on the Kansas Municipal Gas Agency Board of Directors.
- MOTION: Move to appoint Bernie Cevera as Primary Director and Jeff Morris as Alternate Director to two-year terms on the KMGGA Board of Directors.
- ACTION: THE MOTION WAS MADE BY MAYOR HORN AND SECONDED BY COMMISSIONER GONZALES. ROLL CALL VOTE – ALL AYE.
10. Resolution No. R-07-95 – A Resolution to execute an oil and gas lease between the City of Coffeyville and Endeavor Energy Resources.
- City Attorney Paul Kritz addressed the Commission stating the City recently sought proposals for oil and gas rights at the airport. One proposal was submitted for the south 256 acres which included a 3/16 royalty along with a lease of \$50 per acre. This proposal is for three years. Staff is still working through details on the lease and recommends it be approved subject to revisions as may be recommended by the City Manager and City Attorney.
- MOTION: Move to approve Resolution No. R-07-95 for adoption.
- ACTION: THE MOTION WAS MADE BY COMMISSIONER GONZALES AND SECONDED BY COMMISSIONER JONES. ROLL CALL VOTE – ALL AYE.
11. Resolution No. R-07-96 – A Resolution to discontinue the policy of extending City water and wastewater utility services beyond the corporate limits of the City of Coffeyville, KS.
- City Manager Jeff Morris addressed the Commission stating the City has previously agreed to provide water and wastewater utility services outside the corporate city limits. This change will not affect existing customers unless their service is discontinued for a continuous period of 30 days or longer; nor will it affect wholesale customers.
- MOTION: Move to approve Resolution No. R-07-96 for adoption.
- ACTION: THE MOTION WAS MADE BY COMMISSIONER HUMMEL AND SECONDED BY COMMISSIONER HENDRYX. ROLL CALL VOTE – ALL AYE.
12. Discussion on adding a temporary housing provision to the zoning ordinance.
- City Manager Jeff Morris addressed the Commission stating in order to accommodate residents dislocated by the recent flood, the City may want to consider amending the current zoning regulations for the placement of temporary housing. Currently the process can take up to 60 to 90 days. The intent is just to shorten the process not to do away with it. Morris recommended the City and Planning Commissions schedule a work session to further discuss this process.
13. Ordinance No. S-07-16 – First Reading of an Ordinance related to the occupancy of tents and recreational vehicles within the City of Coffeyville
- City Attorney Paul Kritz addressed the Commission stating currently the City's ordinance states no tent or recreational vehicle shall be used for dwelling purposes

for more than 14 days of any 30 day period. As a result of the recent flood, this ordinance will be amended to not apply to a flood victim using an RV for temporary housing. This exception will expire on July 1, 2008.

MOTION: Move to approve Ordinance No. S0-07-16 for First Reading.

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

14. Comments from Commissioners or Staff

- City Manager Jeff Morris reviewed a meeting staff held with the Coffeyville Lions Club members.
- Commissioners asked about the condition of the railroad tracks on Fourth Street, the condition of the Boys & Girls Club and whether the City is planning for the caretaker to return to Walter Johnson Park.

J. EXECUTIVE SESSION(s)

1. Non elected personnel

MOTION: Move to adjourn to Executive Session for discussion of non-elected personnel to convene on or before 9:35 p.m.

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

TIME THE MEETING WAS RECONVENED: 9:35 P.M.

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

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Finance Department – July Sales Tax Report
2. Inspections Department – July Building Permit Report
3. Library Minutes – July Meeting
4. Communication from CRMC

L. ADJOURNMENT

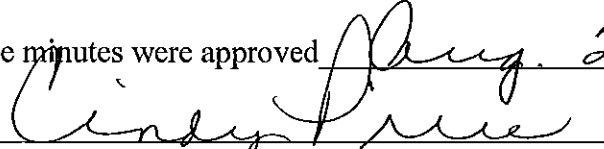
MOTION: Move to adjourn.

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

TIME THE MEETING WAS ADJOURNED: 10:30 P.M.

The next meeting will be Tuesday, August 28, 2007, 6:30 p.m.

Date minutes were approved

Aug. 28, 2007

Cindy Price, City Clerk