

**REGULAR COMMISSION MEETING MINUTES
TUESDAY, AUGUST 28, 2012
6:30 P.M.**

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

Present:

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

City Staff in attendance were:

INTERIM CITY MANAGER/CITY CLERK CINDY PRICE
FINANCE DIRECTOR STEPHANIE RICHARDSON
CITY ATTORNEY PAUL KRITZ
IT MANAGER CHRIS FELIX
PUBLIC WORKS DIRECTOR CHUCK SHIVELY
DEPUTY PUBLIC WORKS DIRECTOR JIM BRADSHAW
FIRE CHIEF JAMES GRIMMETT
POLICE CHIEF TONY CELESTE
ELECTRIC UTILITY DIRECTOR GENE RATZLAFF
ELECTRIC UTILITY DEPUTY DIRECTOR MIKE SHOOK
INTERCONNECTIONS MANAGER STEVE MCGIE

- A. **CALL TO ORDER** – Mayor David George
- B. **INVOCATION** – Pastor Rick Krietemeyer, South Coffeyville Emmanuel Chapel
- C. **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- D. **REVIEW OF AGENDA**
- E. **CONSENT AGENDA ITEMS**
 - 1. Regular City Commission Meeting Minutes – Tuesday, August 14, 2012
 - 2. Special City Commission Meeting Minutes – Monday, August 20, 2012
 - 3. 2012 Appropriation Ordinance No. AO-12-15 – \$4,793,375.81

MOTION: Move to approve the consent agenda as presented.

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

REGULAR AGENDA ITEMS

- F. **PUBLIC HEARING(s), SPECIAL PRESENTATION(s), & PROCLAMATION(s).**
 - 1. Public Hearing on CVR/CRNF request to vacate streets.
 - Interim City Manager Cindy Price addressed the Commission stating requests to vacate two separate areas owned by Coffeyville Resources and Coffeyville Resources Nitrogen Fertilizer have been received. One request is for New Street between Sunflower & Linden in front of the administrative building. According to CVR officials, this request

is consistent with previous vacations. CVR is evaluating changing the Linden Street plant entrance and modifying perimeter fencing. With the New and Martin Street vacation, such change would allow more options in potential design concepts. A request to vacate the Martin Street property was made a few years ago, however, it was not granted as there was another landowner on adjoining property. CRNF has since bought the adjoining property so they own all land on both sides of the street. They want to be able to straighten out the fence and secure the area.

- Mayor George opened the Public Hearing.
- There being no comments, Mayor George closed the Public Hearing.

2. Ordinance No. S-12-08 – First Reading of an ordinance to vacate certain streets in Coffeyville.

MOTION: Move to approve Ordinance No. S-12-08 for First Reading.

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

G. COMMENTS FROM THE PUBLIC - None

H. OLD BUSINESS

1. Ordinance No. G-12-04 – Second Reading of an Ordinance to approve the 2012 Standard Traffic Ordinance.

MOTION: Move to approve Ordinance No. G-12-04 for adoption.

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

2. Ordinance No. G-12-05 – Second Reading of an Ordinance to approve the 2012 Uniform Public Offense Code.

MOTION: Move to approve Ordinance No. G-12-05 for adoption.

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

I. NEW BUSINESS

1. Ordinance No. S-12-09 – First Reading of an Ordinance to annex city-owned property.

- City Attorney Paul Kritz addressed the Commission stating the City presented a list of City owned properties outside the existing city limits to Commissioners and discussed annexing the properties. Some properties were utility easements or rail spurs, and it was determined there was no need to annex them. The final list includes 12 properties including the airport, wastewater pump station in the Industrial Park, electric substation by Southwire, Tree Dump and C& D Landfill, capped landfill, Penn Street lift station, Exner Park north ball field, Southern Hills tower, Animal Shelter, Wastewater Treatment Plant, 8th Street and CR 5300 and 1876 CR 5300. None of these properties are residential or inhabited. Along with the annexation, the property is being assigned a

zoning classification according to its current use.

MOTION: Move to approve Ordinance No. S-12-09 for First Reading.

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

2. Resolution No. R-12-79 – A Resolution to renew flood insurance.

- Finance Director Stephanie Richardson addressed the Commission stating this coverage is through the National Flood Insurance Program for the 14 properties the City owns located in Flood Zone A. The properties include the Penn Street Lift Station, buildings at the Wastewater Treatment Plant, buildings at the Water Treatment Plant and the Public Service building. Our general property policy includes flood coverage for all city owned properties. If FEMA has paid a loss on a property and there is a second occurrence at the property, they will not provide assistance unless the City has insurance through the National Flood Insurance Program. Of the 14 properties this policy covers, FEMA assistance was received for three of them after the 2007 flood. In the event a FEMA claim would ever be filed in the future, this coverage needs to be in place.

MOTION: Move to approve Resolution No. R-12-79 for adoption.

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

3. Resolution No. R-12-80 – A Resolution to execute a consulting services agreement with C. H. Guernsey for the Electric Utility.

- Electric Utility Director Gene Ratzlaff addressed the Commission stating the City Electric Department owns and operates electric generation resources with a capacity totaling 60 MW. This includes two gas fired units (18 MW and 38 MW) and two diesel units (4 MW). The City of Coffeyville and GRDA have a Power Purchase and Sale Agreement executed in 2007 which includes a capacity purchase agreement where GRDA pays the City for the capacity of the generation units in exchange for their being in a ready state to be called upon by GRDA when needed. This capacity payment may be terminated by providing a five-year written notice. Staff is concerned the contract will become less beneficial to GRDA in the future due to age of our generation assets and the need for fast start generation. Staff recommends an analysis be completed to determine if this will be economically feasible for the City. C. H. Guernsey will provide the analysis at a cost not to exceed \$34,960.

MOTION: Move to approve Resolution No. R-12-80 for adoption.

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

4. Resolution No. R-12-81 – A Resolution to purchase a fairway mower for Hillcrest Golf Course.

- Deputy Public Works Director Jim Bradshaw addressed the Commission stating the fairway mower at Hillcrest Golf Course is 14 years old and having mechanical problems.

The cost to repair would be \$10,000 to \$12,000. Kansas Golf & Turf has a 2012 demo unit available for \$36,500.

MOTION: Move to approve Resolution No. R-12-81 for adoption.

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

5. Resolution No. R-12-82 – A Resolution to set a public hearing for the vacation of a portion of Brookwood Drive.

- City Attorney Paul Kritz addressed the Commission stating a petition has been received from Heartland Management Company, representing Penwell Gabel Funeral Home and Grace Fellowship Church to vacate a portion of Brookwood Drive. This strip runs from Woodland to Grandview Street. The rest of Brookwood has previously been vacated and this will complete the entire street. This resolution will set a public hearing for September 25 at 6:30 p.m.

MOTION: Move to approve Resolution No. R-12-82 for adoption.

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

6. Discussion and action to hold Dalton Defenders Days in downtown Coffeyville October 5-6, 2012.

MOTION: Move to approve Dalton Defenders Days to be held October 5-6, 2012, pending receipt of proof of insurance as required.

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

7. Resolution No. R-12-83 – A Resolution to authorize filing a claim in the settlement proceeding of the Atrazine Class Action Lawsuit.

- City Attorney Paul Kritz addressed the Commission stating the city was recently notified of its eligibility to file a claim in a class action lawsuit originally filed by the lead city of Greenville, Illinois, and other cities, against Syngenta Crop Protection Corporation, relating to elevated Atrazine levels in the public water supply. Atrazine is an herbicide used to control weeds on corn, sorghum and other crops and is one of the most widely used herbicides in the United States. Due to runoff from fields where it has been used, it has been found in ground and surface waters. The lawsuit claimed Syngenta knew atrazine would enter drinking water supplies and requested they pay the cost to remove it. Syngenta denied it did anything wrong; the case was settled with no admissions of wrongdoing and agreed to create a \$105 million trust fund to be divided among all class members after paying court-approved attorneys' fees. Trace amounts of atrazine have been detected in the City's water supply for several years, however, they are consistently well below the standard for levels permitted by the EPA. If Coffeyville files a claim it is estimated the amount eligible for recovery would be \$187,000.

MOTION: Move to approve Resolution No. R-12-83 for adoption.

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

8. Comments from Commissioners and Staff

- Cindy Price reported the level of the river is up, and at the present time we are not pulling any stored water, however, staff recommends the water warning remain in effect. The exhaust removal system has been installed at the Fire Department; the Electric Department is generating this week; Engineering Department received notice Coffeyville has been awarded a 2015 Geometric Improvement Project for 8th & Northeast Street. Price discussed with Commission the need for getting zoning ordinances codified. This will be placed on the next agenda.
- Police Chief Tony Celeste reported on the warrant amnesty month PD will have in place during September.
- Commissioner Horn reported the railroad tracks on South Walnut are in need of repair.
- Mayor George asked about placing a stop sign at First and Parkview Street.

J. EXECUTIVE SESSION(s)

1. Discussions prior to acquisition of real estate.

MOTION: Move to adjourn to Executive Session for discussion of acquisition of real estate to reconvene on or before 7:55 p.m.

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

Time the meeting was reconvened: 7:55 p.m.

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

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Library Monthly Report

L. ADJOURN

MOTION: Move to adjourn.

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

Time the meeting was adjourned: 8:40 p.m.

Date the minutes were approved: 09/11/12

Cindy Price
Cindy Price, City Clerk