REGULAR COMMISSION MEETING MINUTES
TUESDAY, DECEMBER 11, 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 VIRGIL O. HORN, JR.
COMMISSIONER PAM JONES

City Staff in attendance were:

CITY MANAGER GARY BRADLEY
CITY CLERK CINDY PRICE
FINANCE DIRECTOR STEPHANIE RICHARDSON
CITY ATTORNEY PAUL KRITZ
IT DIRECTOR CHRIS FELIX
PUBLIC WORKS DIRECTOR CHUCK SHIVELY
FIRE CHIEF JAMES GRIMMETT
POLICE CHIEF TONY CELESTE
ELECTRIC UTILITY DIRECTOR GENE RATZLAFF
ELECTRIC UTILITY DEPUTY DIRECTOR MIKE SHOOK
ENGINEERING SUPERINTENDENT SCOTT MASSMAN
WATER SUPERINTENDENT EARL MENEFEE
DEPUTY PUBLIC WORKS DIRECTOR JIM BRADSHAW

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, November 27, 2012
2. 2012 Appropriation Ordinance No. AO-12-22 – $756,998.57

MOTION: Move to approve the consent agenda as presented.

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

<u>REGULAR AGENDA ITEMS</u>

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

G. COMMENTS FROM THE PUBLIC

- Jack Cornell questioned the need for a community survey and for the traffic lights in downtown Coffeyville.

H. OLD BUSINESS

I. NEW BUSINESS

1. Discussion and action to appoint two people to the CRMC Board of Trustees.
   Applicants: Michael Hassenplug, Barbara Kidwell, Jeff Morris, Robert Stiles

   MOTION: Move to appoint Barbara Kidwell and Jeff Morris to new four-year terms on the CRMC Board of Trustees serving to January 1, 2017.

   ACTION: MOTION MADE BY FALKNER AND SECONDED BY JONES. ROLL CALL VOTE – ALL AYE

2. Discussion and action to appoint two people to the Citizens Advisory Board.
   Applicants: Howard Bredesen, Melvin Simpson

   MOTION: Move to appoint Howard Bredesen and Melvin Simpson to new two-year terms on the Citizens Advisory Board serving to July 1, 2014.

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

3. Discussion and action to appoint two people to the Planning Commission.
   Applicants: Tracy Maxson, Michael Mongan, John Shively

   MOTION: Move to appoint John Shively to fill the inside the city limit position and Michael Mongan to fill the outside the city limit position on the Planning Commission serving to January 1, 2016.

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

4. Resolution No. R-12-112 – A Resolution to recognize preferred vendors for 2013 chemicals for the Water Treatment Plant.
   - Public Works Director Chuck Shively addressed the Commission stating the designation as preferred vendor documents the City's intent to purchase chemicals to be used at the Water Treatment Plant during FY2013 from the specified vendors unless the vendor loses its competitive advantage due to factors such as price, quality, availability, service, etc. Chemical bid prices remained approximately the same as last year except the aluminum sulfate, which increased an estimated $19,600 for the year. The overall difference for the entire year is estimated to be an increase of $19,374 or approximately 5%.

   MOTION: Move to approve Resolution No. R-12-107 for adoption.

   ACTION: MOTION MADE BY EDWARDS AND SECONDED BY HORN. ROLL CALL VOTE – ALL AYE

5. Resolution No. R-12-113 – A Resolution to execute an engineering services agreement with Sega, Inc., to provide air compliance monitoring reporting assistance.

- Electric Utility Deputy Director Mike Shook addressed the Commission stating Sega has provided engineering services to assist staff with both the KDHE and EPA Clean Air Act Compliance Programs for the Electric Utility. Sega provides two environmental engineers to assist in evaluating and directing the compliance program for the utility, including all quarterly and semiannual reporting efforts as well as any new or pending regulation changes. The cost for these services is not to exceed $6,000 annually which is reduced 50% from the previous year.

MOTION: Move to approve Resolution No. R-12-113 for adoption.

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

6. Discussion and action to approve 2013 cereal malt beverage licenses.
   - City Clerk Cindy Price stated there are 18 applications for 2013 cereal malt beverage licenses; 17 are permanent locations; the other is for the Montgomery County Fair Association. A resolution exempting the Fair from the park alcohol rules is adopted to allow for the sale of beer during the Fair & Rodeo.

MOTION: Move to approve the 2013 cereal malt beverage licenses.

ACTION: MOTION MADE BY JONES AND SECONDED BY EDWARDS. ROLL CALL VOTE – ALL AYE EXCEPT HORN WHO ABSTAINED.

7. Resolution No. R-12-114 – A Resolution to approve the 2013 cereal malt beverage license for the Montgomery County Fair Association.

MOTION: Move to approve Resolution No. R-12-114 for adoption.

ACTION: MOTION MADE BY JONES AND SECONDED BY EDWARDS. ROLL CALL VOTE – ALL AYE EXCEPT HORN WHO ABSTAINED.

8. Ordinance No. S-12-12 – First Reading of an Ordinance to authorize the levying of a one-half percent city wide retailers' sales tax.
   - Finance Director Stephanie Richardson addressed the Commission stating the 2014 Capital Improvements Sales Tax was approved by a majority of the qualified electors of the City at a special question election on November 6. The tax is an extension of an existing tax with collections to begin July 1, 2014. This ordinance authorizes the City to levy the tax. A certified copy of the ordinance is then submitted to the State Director of Taxation to request the implementation of the tax.

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

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

9. Discussion and action to set a public hearing for the purpose of amending the 2012 budget.
   ■ Finance Director Stephanie Richardson addressed the Commission stating there were two funds, CRMC sales tax and electric debt service, which requirement amendment.

   MOTION: Move to set a public hearing for Thursday, December 20, 6:30 p.m., for the purpose of amending the 2012 budget.

   ACTION: MOTION MADE BY GEORGE AND SECONDED BY JONES. ROLL CALL VOTE – ALL AYE

10. Resolution No. R-12-115 – A Resolution to declare the necessity to acquire by condemnation an interest in real property.
    ■ City Attorney Paul Kritz addressed the Commission stating in connection with the Cline Road improvement project, the City needs to acquire two narrow strips of right-of-way along both sides of Cline Road, just north of the 8th and Cline intersection. Contact has been made with the two affected property owners and negotiations to acquire the right of way through a negotiated settlement are underway. The likelihood of reaching a settlement with the owners is high. If an agreement cannot be reached with owners, it will be necessary to acquire the right-of-way by eminent domain. The resolution is the first step in the eminent domain process.

    MOTION: Move to approve Resolution No. R-12-115 for adoption.

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

11. Resolution No. R-12-116 – A Resolution to declare the boundary lines and city limits of the City of Coffeyville.
    ■ Public Works Director Chuck Shively addressed the Commission stating the City of Coffeyville annexed several city owned properties within the county this year. A declaration needs to be made of the new boundaries and filed with the county and state.

    MOTION: Move to approve Resolution No. R-12-116 for adoption.

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

12. Resolution No. R-12-117 – A Resolution to purchase workers' compensation insurance
    ■ Finance Director Stephanie Richardson addressed the Commission stating staff is recommending changing carriers for Workers' Compensation to Kansas Eastern Region Insurance Trust. In addition to a premium $3,186 lower, KERIT also provides annual dividends and 50 hours of safety training per year to each member.

    MOTION: Move to approve Resolution No. R-12-117 for adoption.

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

13. Comments from Commissioners and Staff

- Fire Chief James Grimmett and other department heads thanked the Commission for the Christmas bucks given to employees. He also stated he had made contact with KDHE regarding air monitoring equipment for the area around the refinery and has invited a representative to attend a Commission meeting to address air monitoring.
- Commissioner Horn recognized students from the NADO Alternative School in attendance.
- Commissioner Edwards requested an update on traffic safety around Community Elementary. City Manager Bradley stated the City will apply for a Safe Routes to Schools grant, and the City is looking at installing rumble strips in the school area.
- Police Chief Tony Celeste reported traffic fines are doubled in school zones.

J. EXECUTIVE SESSION(s)

1. Attorney-client privilege
2. Non-elected personnel

MOTION: Move to adjourn to Executive Session for discussion of non-elected personnel and items that would be deemed privileged in attorney-client privilege to include Chuck Shively and to reconvene on or before 8:30 p.m.

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

Time the meeting was reconvened: 8:30 p.m.

MOTION: Move to adjourn to Executive Session for discussion of non-elected personnel to reconvene on or before 8:40 p.m.

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

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

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Sales tax report
2. Police Department report

L. ADJOURN

MOTION: Move to adjourn.

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

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

Date the minutes were approved: _____

_____
Cindy Price, City Clerk