

**REGULAR COMMISSION MEETING MINUTES
TUESDAY, JANUARY 9, 2007
6:30 P.M.**

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

Those in attendance were:

COMMISSIONER RICHARD GONZALES
COMMISSIONER ALEC HENDRYX
COMMISSIONER VIRGIL O. HORN., JR.
COMMISSIONER LOUIE HUMMEL

City Staff in attendance were:

CITY MANAGER JEFF MORRIS
CITY CLERK CINDY PRICE
CITY ATTORNEY PAUL KRITZ
FINANCE DIRECTOR STEPHANIE RICHARDSON
ENGINEERING SUPERINTENDENT SCOTT MASSMAN
FIRE CHIEF GREG ALLEN
ELECTRIC UTILITY DIRECTOR BERNIE CEVERA

- A. CALL TO ORDER** – Mayor York
- B. INVOCATION** – Rev. Ray Newman, Retired
- C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- D. MINUTES**
1. Regular City Commission Meeting Minutes – Tuesday, December 19, 2006
ACTION: Approved as presented
- E. APPROPRIATION ORDINANCE(s).**
1. 2006 Appropriation Ordinance No. AO-06-36 – \$641,659.98
MOTION: Move to approve Appropriation Ordinance No. AO-06-36 in the total amount of \$641,659.98 for adoption.

ACTION: THE MOTION WAS MADE BY COMMISSIONER HUMMEL AND SECONDED BY COMMISSIONER HORN. ROLL CALL VOTE - ALL AYE.
- F. PUBLIC HEARING(s), SPECIAL PRESENTATION(s), & PROCLAMATION(s).**
1. Fire Department presentations
 - Fire Chief Greg Allen presented a Life Saving Medal to Josh Mecom and Medals of Valor to James Grimmatt, Mike Adamson, Joe Rexwinkle and Josh Warner for their efforts at a fatality fire at 1109 West 11th Street in November.
 2. 2005 Audit Report, Phil Jarred, representing Jarred, Gilmore & Phillips, PA
 - Phil Jarred from the accounting firm of Jarred, Gilmore & Phillips presented the 2005 audit stating it had a clean opinion. There was one budget violation in the electric utility fund and he reported that some Treasurer's Reports had been filed a few days late. He also had recommendations on separation of duties in some areas that deal with preparation and handling of checks noting this is a common problem in smaller cities.

3. Proclamation recognizing January 15, 2007, as Martin Luther King Day in Coffeyville
 - Mayor York read and presented the proclamation to Howard Bredesen representing the PINCH organization. Mr. Bredesen requested the City take over sponsorship of the Martin Luther King Day activities. Jeff Morris stated he would set up a meeting with the Chamber of Commerce to discuss this.

G. OTHER BUSINESS

1. Comments by the Public
 - Charles Gann, 803 West Sixth Street, stated the pending wastewater increase is unpopular with citizens.

H. OLD BUSINESS

1. Ordinance No. G-07-01 – Second Reading of an ordinance to incorporate by reference a Minimum Standard For Commercial and Retail Buildings Code.
 - City Attorney Paul Kritz addressed the Commission stating the requested changes for this ordinance had been included referring to the City’s mechanical, plumbing, electrical and building codes, and the option for the repair of buildings rather than just removal or demolition.

MOTION: Move that Ordinance No. G-07-01 be passed to second reading and approved for adoption.

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

2. Ordinance No. G-07-02 – Second Reading of an ordinance to amend Section 29.02/030 of the Model Zoning Ordinance of the City of Coffeyville.

MOTION: Move that Ordinance No. G-07-02 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.

3. Ordinance No. G-07-03 – Second Reading of an ordinance to amend Chapter 26, Utilities, Article IV. Use of Public and Private Sewers and Drains, Part 1. General Sewer Use, Section 26-105. Sewer user charge, paragraph F of the City of Coffeyville.

MOTION: Move that Ordinance No. G-07-03 be passed to second reading and approved for adoption.

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

I. NEW BUSINESS

1. Resolution No. R-07-01 – A Resolution to authorize the execution of a second addendum to lease agreement between the City of Coffeyville and the Coffeyville Recreation Commission.
 - City Attorney Paul Kritz addressed the Commission stating this addendum adds a section reimbursing the Recreation Commission for any leased building or premise that is destroyed which the City does not repair or reconstruct. Following discussion, Commissioners requested language be added requesting proof of the expenditures made by the Recreation Commission.

NO ACTION TAKEN

2. Resolution No. R-07-02 – A Resolution to execute an addendum to lease agreement between the City of Coffeyville and Coffeyville Resources relating to the airport storage area.
 - City Manager Jeff Morris addressed the Commission stating this addendum to a lease agreement with Coffeyville Resources changes the restrictions for storage of building material and equipment not exceeding six feet in height to eight feet in height on the six acre tract the refinery is leasing at the airport. It also adds conditions for utilization of a crane at that location.

MOTION: Move that Resolution No. R-07-02 be approved for adoption.

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

3. Resolution No. R-07-03 – A Resolution to authorize support for the Senior Services of Southeast Kansas grant application to the Kansas Department of Transportation.
 - City Clerk Cindy Price addressed the Commission stating Senior Services of Southeast Kansas provides public transportation to the elderly, disabled and general public in rural Southeast Kansas. Their primary funding source is the Federal Transit Administration and Kansas Department of Transportation (KDOT). To obtain the KDOT funding, a grant application is submitted on an annual basis. KDOT requires letters of support from the counties served by this service.

MOTION: Move that Resolution No. R-07-03 be approved for adoption.

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

4. Resolution No. R-07-04 – A Resolution to authorize the execution of Attachments “A,” “B,” and “N” to the Open Access Transmission Tariff to convert to network integration transmission service with the Southwest Power Pool.
 - Electric Utility Director Bernie Cevera addressed the Commission stating this resolution pertains to additional documents required for the City’s application with the Southwest Power Pool’s Network Transmission Service.

MOTION: Move that Resolution No. R-07-04 be approved for adoption.

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

5. Resolution No. R-07-05 – A Resolution to authorize the execution of a Memorandum of Understanding with the Montgomery County District Court and a Standard Form of Agreement with Jacobs Architects in relation to the interior renovation to the third floor of the Municipal Building.
 - City Attorney Paul Kritz addressed the Commission stating this Memorandum of Understanding is for the renovation work to be done on the third floor of City Hall used by the Montgomery County court system including the Judge’s and Court Reporter’s Offices and bathrooms; jury room exterior wall and restrooms; Municipal Courtroom jury box and floor area and the public restrooms. The City’s portion of the renovation is approximately \$30,200 plus a portion of the architectural fees. City labor will account for some of the City’s commitment. The County’s commitment is \$42,437.50. The funding would come

from the Capital Improvement Fund, however, Commissioners expressed concern these repairs would come at the expense of repairs/renovations in other city facilities.

MOTION: Move that Resolution No. R-07-05 be approved for adoption.

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

6. Resolution No. R-07-06 – A Resolution to authorize the submission of the Airport Capital Improvement Plan (ACIP) data sheets to the Federal Aviation Administration for consideration for funding.

■ Engineering Superintendent Chuck Shively addressed the Commission stating the Central Region of the Federal Aviation Administration is soliciting projects from each city for airport improvements to be funded in FY2008-FY2010. Projects selected this year are very similar to those selected last year with the exception of the priority order. Last year the request for Drainage and Runway 17-35 light improvements was rated at priority number five and is now number four. The parallel Taxiway Extension, which was listed as four last year is now five. The reason for the change is the drainage and light improvements are more of a maintenance type of problem that requires more consideration at this time.

MOTION: Move that Resolution No. R-07-06 be approved for adoption.

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

7. Resolution No. R-07-07 – A Resolution to authorize the execution of a sales contract with American Traders, Inc., for generators, equipment and salvage resources from the Coffeyville Municipal Light and Power Company.

■ Electric Utility Director Bernie Cevera addressed the Commission stating the City accepted bids for steam turbine generators and auxiliary equipment to be sold for scrap. A minimum bid of \$200,000 was placed; there was one bidder, American Traders, who bid \$225,000.

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

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

8. Resolution No. R-07-08 – A Resolution to establish a time and place to hold a public hearing for the consideration of adopting an amendment to the Neighborhood Revitalization Plans.

■ City Manager Jeff Morris addressed the Commission stating the City is adding a redemption clause to the Neighborhood Revitalization plans as other cities in the county have included this in their plans. Any change in the Neighborhood Revitalization plans require a public hearing; this resolution sets that public hearing.

MOTION: Move that Resolution No. R-07-08 be approved for adoption.

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

9. Resolution No. R-07-09 – A Resolution to support a housing tax credit application by Dominion Development & Acquisition, LLC and La Colonia for acquisition and rehabilitation of rental housing at 600 East Third Street, 100 North Grant and 700 Hibbard Street.

■ City Manager Jeff Morris addressed the Commission stating Dominion Development & Acquisition, LLC and La Colonia is planning to acquire and rehabilitate the Plaza Apartments (600 block East Third Street, 100 block North Grant Street and 700 block Hibbard Streets) and the Dale Apartments. They are filing a housing tax credit application with the Kansas Housing Resources Corporation and are requesting the City support their application. Ryan Lunderby from Dominion Development addressed questions from the Commissioners regarding the tax credits stating the Federal Government has established a housing program to entice builders by offering a tax credit for a project. These tax credits are sold to investors for a particular project and the entities can use the proceeds to fund a project.

MOTION: Move that Resolution No. R-07-09 be approved for adoption.

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

10. Resolution No. R-07-10 – A Resolution to support a housing tax credit application by Dominion Development & Acquisition, LLC and La Colonia for acquisition and rehabilitation of rental housing at 206 West Eighth Street.

MOTION: Move that Resolution No. R-07-10 be approved for adoption.

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

11. Comments from Commissioners or Staff

J. EXECUTIVE SESSION(s)

1. Non-elected personnel
2. Consultation with an attorney on matters that would be deemed privileged in attorney-client relationship.

MOTION: Move to adjourn to Executive Session for discussion of non-elected personnel and consultation with an attorney on matters that would be deemed privileged in attorney-client relationship to reconvene on or before 10:30 p.m.

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

Time the meeting was reconvened: 10:30 p.m.

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

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Finance Department – Sales Tax Report
2. Planning Department – Report of Planning Commission Activities
3. Kansas Department of Commerce – Notice of Chuck Shively’s grant recertification

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4. Thank you letter from Jayhawk Shootout Coordinator
5. Correspondence from Cox Communication
6. CRMC – Monthly reports

L. ADJOURNMENT

MOTION: Move to adjourn.

ACTION: THE MOTION WAS MADE BY COMMISSIONER 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, January 23, 2007, at 6:30 p.m.

Date the minutes were approved _____

Cindy Price
City Clerk