

REGULAR COMMISSION MEETING MINUTES
TUESDAY, MARCH 25, 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 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
ENGINEERING SUPERINTENDENT SCOTT MASSMAN
FIRE CHIEF GREG ALLEN
IT MANAGER CHRIS FELIX
INSPECTOR LARRY TROTTER
INSPECTOR JIM HAYES
ELECTRIC UTILITY DIRECTOR BERNIE CEVERA
PLANNER/ARCHITECT DENNIS JACOBS
TRESURER ANGIE NADEN
DISASTER RECOVERY COORDINATOR JIM BRADSHAW
SCHOOL RESOURCE OFICER ED RUTHERFORD

- A. CALL TO ORDER** – Mayor Horn
- B. INVOCATION** – Father Jerry Adinolfi, St. Paul’s Episcopal Church
- C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- D. CONSENT AGENDA ITEMS**
 - 1. Regular City Commission Meeting Minutes – Tuesday, March 11, 2008
 - 2. 2008 Appropriation Ordinance No. AO-08-11 – \$704,437.13
 - 3. 2008 Appropriation Ordinance No. AO-08-12 – (flood) \$ 55,769.15

MOTION: Move to approve the consent agenda as presented.

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

- E. REGULAR AGENDA ITEMS**
 - APPROPRIATION ORDINANCE**
 - 1. 2008 Appropriation Ordinance No. AO-08-13 – (Hummel) \$ 993.50

MOTION: Move to approve Appropriation Ordinance No. AO-08-13 in the total amount of \$993.50 for adoption.

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

2. 2008 Appropriation Ordinance No. AO-08-14 – (Hummel) \$ 15,954.50

MOTION: Move to approve Appropriation Ordinance No. AO-08-14 in the total amount of \$15,954.50 for adoption.

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

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

1. Public Hearing – Condemnation of 11 structures in the City of Coffeyville

■ Mayor Horn opened the Public Hearing.

■ Kathy Scott, owner of 802-804 East Eighth Street, and Barbara Halligan, owner of 1108 West Second Street, requested additional time to repair property. Freddy Frederick, owner of 708 Sycamore, stated he plans to tear the house down; Paul Moore, owner of 512 West Sixth Street, stated he has removed the garage and acknowledged the debris needs to be removed; and Allen Purkey, owner of 1518 South Walnut, stated he is making plans to tear the property down. All properties will remain on the condemnation list; owners will have 30 days to begin repairs.

■ Mayor Horn closed the Public Hearing

Resolution No. R-08-38 – A Resolution to find certain structures unsafe, dilapidated and dangerous and directing such structures to be repaired or removed and premises made safe and secure.

MOTION: Move to approve Resolution No. R-08-38 for adoption.

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

2. Public Hearing – Vacation of a portion of East Fifth Street

■ Superintendent of Engineering Scott Massman addressed the Commission stating he has received no comments regarding the vacation request.

■ Mayor Horn opened the Public Hearing

- Mayor Horn closed the Public Hearing

Ordinance No. S-08-09 – First Reading of an Ordinance to vacate a portion of East Fifth Street.

MOTION: Move to approve Ordinance No. S-08-09 for First Reading.

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

3. Presentation by Montgomery County Action Council of a \$5,000 check to be used for the City's Comprehensive Plan.

- Dennis Pruitt, on behalf of the entire Board, presented the Mayor with a check for \$5,000 to be used for the City's Comprehensive Development Plan.

G. OTHER BUSINESS

1. Comments from Public

H. OLD BUSINESS

I. NEW BUSINESS

1. Resolution No. R-08-39 – A Resolution to allocate the FY2008 Local Alcoholic Funds.

- Finance Director Stephanie Richardson addressed the Commission stating State statutes dictate how the monies received from the alcoholic liquor fund are to be allocated with one-third going to the City's General Fund; one-third to a Special Parks and Recreation Fund and one-third to Special Alcohol and Drug Programs. Currently the one-third for the Special Alcohol and Drug Programs is divided three ways with Four County Mental Health and ADSAP receiving one-quarter of the total and the Coffeyville Police Department receiving one-half. Denis Gallagher representing ADSAP reviewed the programs his organization provides; and Virginia King, representing Four County reviewed their programs. Police Officer Ed Rutherford explained their funding was used to teach and fund the DARE program. Following discussion on how the funds should be divided, it was determined a 30/30/40 split with the Police Department receiving 40% would be proposed.

MOTION: Move that Resolution No. R-08-39 be approved for adoption as amended.

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

2. Ordinance No. S-08-05 – First Reading of an Ordinance to rezone 1308 South Roosevelt.

- Planner/Architect Dennis Jacobs addressed the Commission stating Shelly Scott has requested property at 1308 South Roosevelt be rezoned from R-2, Two Family Residential, to A-1, Agricultural, for the purpose of housing more than three dogs in her residence. According to City ordinances, if you have more than three dogs you must have a kennel license and you can only get a kennel license if the property is zoned agricultural. The Planning Commission voted five to one in favor of the rezoning; one member was absent.

MOTION: Move that Ordinance No. S-08-05 be approved for First Reading.

ACTION: THE MOTION WAS MADE BY COMMISSIONER HUMMEL AND SECONDED BY COMMISSIONER JONES. ROLL CALL VOTE - ALL NO EXCEPT COMMISSIONER JONES WHO VOTED AYE. MOTION FAILED. FOLLOWING THE VOTE, ALL FOUR COMMISSIONERS WHO VOTED TO DENY THE REQUEST STATED IT WAS A DOG ISSUE RATHER THAN A ZONING ISSUE.

3. Ordinance No. S-08-06 – First Reading of an Ordinance to rezone 713 South Union and 717 South Walnut.

■ Planner/Architect Dennis Jacobs addressed the Commission stating Tony Krsnich, representing Garrison Development, has requested properties at 717 South Walnut and 713 South Union Street be rezoned from C-3, Business District, to R-4, Multiple Family for the purpose of converting the existing structures into multi-family and senior apartments. Garrison Development was awarded a tax credit project for the rehab. The Planning Commission unanimously approved the rezoning request.

MOTION: Move that Ordinance No. S-08-06 be approved for First Reading.

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

4. Ordinance No. S-08-07 – First Reading of an Ordinance to rezone 204 West Tenth Street.

■ Planner/Architect Dennis Jacobs addressed the Commission stating Dean Strimple, representing Strimple Sign & Graphics, has requested property at 204 West Tenth Street be rezoned from C-3, Business District, to C-4, Service Commercial for the purpose of renovation and an addition to the existing retail sales and engine repair of lawnmowers and sign construction and installation business. At the same time this application was made, Strimple applied for a conditional use permit to repair lawn mower on the site. The Planning Commission approved the conditional use permit. Strimple indicated he wanted to rezone for the future use of the facility in the event he sold the property. The Planning Commission voted 5-1 in favor of the rezoning.

MOTION: Move that Ordinance No. S-08-07 be approved for First Reading.

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

5. Ordinance No. S-08-08 – First Reading of an Ordinance to rezone Lots 1-16, Block 17, Coffeyville Heights Addition, City of Coffeyville.

■ Planner/Architect Dennis Jacobs addressed the Commission stating Ken Heins, representing Coffeyville Resources, has applied for a rezoning of 701-715 East New Street and 702-716 East First Street from R-1, Single Family Residential, and R-2 Two Family Residential District to I-2 for the purpose of operation and expansion of the refinery. The Planning Commission voted unanimously in favor of the addition.

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

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

6. Resolution No. R-08-40 – A Resolution to execute a construction contract with Nabholz Client Services for the rebuild of the City of Coffeyville Recreation Facility.

■ Disaster Recovery Coordinator Jim Bradshaw addressed the Commission stating bids were solicited for the rebuild of the Coffeyville Recreation Building which was damaged during the July 2007 flood. One bid was received from Nabholz Client Services for \$640,000. Bradshaw stated the building is being cleaned and is gutted at this time and there are no apparent leaks in the roof. The insurance company has indicated they will need at least two weeks to review the bid and no FEMA funds will be received until the insurance claim has been settled. The City could potentially be responsible for \$105,500 of this project. The bleachers in the building will not be in place by August 1 due to delivery times. Due to unforeseen circumstances that could arise, the August 1 scheduled completion date is not a guarantee; therefore, the Fair should have other options in place for the use of the building in the event it is not completed.

MOTION: Move that Resolution No. R-08-40 be approved for adoption.

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

7. Resolution No. R-08-41 – A Resolution to execute a construction contract with Decker Construction for the rebuild of the Ron Stevenson Multi-Purpose Facility.

■ Disaster Recovery Coordinator Jim Bradshaw addressed the Commission stating bids were received from three contractors for the rebuild of the Multi-Purpose Building at Walter Johnson Park which was damaged during the July 2007 flood. Decker Construction submitted the low bid and staff recommends entering into a contract with them in an amount not to exceed \$134,500. The project is scheduled to be completed by August 1, 2008, with the cost to be paid from insurance proceeds and the City of Coffeyville.

MOTION: Move that Resolution No. R-08-41 be approved for adoption.

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

8. Resolution No. R-08-42 – A Resolution to execute an agreement for renewal of Health and Life/AD&D Insurance for City of Coffeyville employees.

■ Finance Director Stephanie Richardson addressed the Commission stating a renewal proposal for Health and Life/Accidental Death & Dismemberment insurance has been received from Blue Cross Blue Shield which includes an 11.4% increase in premium. As per the negotiated Personnel Manual Memorandum of Agreements, the City will increase the annual contribution to \$8,500 per employee for this plan year, however, using the worst case scenario, the plan could potentially be underfunded by approximately

\$105,000. Therefore, the City's Health Insurance Committee recommended an increase in the employee's contribution by \$25 per month for the upcoming year. The Committee will pursue ways to control the City's health insurance costs as well as look at organizing employee health challenge programs and wellness program trainings.

MOTION: Move that Resolution No. R-08-42 be approved for adoption.

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

9. Resolution No. R-08-43 – A Resolution to set a public hearing on a request from CVR Energy to vacate a street and alley.
- Engineering Superintendent Scott Massman addressed the Commission stating the refinery is requesting a portion of Ash Street and alley near the refinery be vacated. The first step in the vacation process is to set a public hearing.

MOTION: Move that Resolution No. R-08-43 be approved for adoption.

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

10. Resolution No. R-08-44 – A Resolution to execute a Service Agreement for Network Integration Transmission Service and a Network Operating Agreement.
- Electric Utility Director Bernie Cevera addressed the Commission stating he has been notified by the Southwest Power Pool the City has been accepted as their customer with service to begin on June 1, 2008, and expire on June 1, 2042, the expiration date of the GRDA contract. By approving the proposed Service Agreement, The City will become an SPP Network Transmission customer and the City's existing transmission reservation will be converted to network service.

MOTION: Move that Resolution No. R-08-44 be approved for adoption.

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

11. Resolution No. R-08-45 – A Resolution to authorize contract amendment request #1 for CDBG Grant No. 06-PF-623.
- City Treasurer Angie Naden addressed the Commission stating the CDBG for the demolition project currently has a completion date of March 1, 2008. The demolition project has taken longer than anticipated due to scheduling conflicts, however, is currently caught up with all residential demolitions. Authorization has been received from the Department of Commerce to include the meat packing plant located at 14th and Read and McKinley School located at 1000 South Gillam on the list. An environmental review is currently being completed and plans are to go out for bid for the demolition of these two buildings in the next 45 days. This amendment will extend the completion date to September 1, 2008. The matching funds for the packing plant will come out of the electric fund since the property will be the future location of a substation; there are no

plans for the McKinley School property at this time.

MOTION: Move that Resolution No. R-08-45 be approved for adoption.

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

12. Resolution No. R-08-46 – A Resolution to execute an amendment to the residential solid waste agreement with Allied Waste.

- City Manager Jeff Morris addressed the Commission stating Allied Waste Services has requested a unit price increase in their trash pick up service as per the agreement approved in January, 2007. Morris recommended the requested increase due primarily to the increase in fuel costs.

MOTION: Move that Resolution No. R-08-46 be approved for adoption.

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

13. Resolution No. R-08-47 – A Resolution to establish solid waste collection and disposal rates.

- City Manager Jeff Morris addressed the Commission stating due to the increase in the contract with Allied Waste for residential trash service, staff is recommending customer trash rates be increased by 50 cents making the regular accounts \$11.25 and senior accounts \$10.25; both include a polycart. The portion over and above what is paid to Allied generates approximately \$50,000 per year and is used for code enforcement issues and weed lot mowing.

MOTION: Move that Resolution No. R-08-47 be approved for adoption.

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

14. Resolution No. R-08-48 – A Resolution to execute an agreement with Decker Construction for interior renovations to the third floor of City Hall.

- Planner/Architect Dennis Jacobs addressed the Commission stating in 2006 an agreement was reached to share the costs of repairs and renovation to portions of the third floor of City Hall occupied by various county offices and court facilities. Bids were solicited and four received with Decker Construction submitting the lowest at \$113,900. The City's portion of this will be \$35,035.

MOTION: Move that Resolution No. R-08-48 be approved for adoption.

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

15. Resolution No. R-08-49 – A Resolution to execute a memorandum of agreement with the Coffeyville Public Library to participate in the City’s Section 125 Plan.

■ Finance Director Stephanie Richardson addressed the Commission stating the Coffeyville Public Library staff requested assistance in enhancing the benefit package to library employees specifically by adding AFLAC coverage, flex plan and deferred compensation options. The City’s Section 125 Plan administrator was contacted and it was agreed to add the Library employees to the City’s plan. There will be no cost to the City to do this.

MOTION: Move that Resolution No. R-08-49 be approved for adoption.

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

16. Resolution No. R-08-50 – A Resolution to execute an agreement to transfer electric distribution lines between the City and Twin Valley Electric Cooperative.

■ City Attorney Paul Kritz addressed the Commission stating previously an arrangement was worked out between Twin Valley and the City of Coffeyville to transfer a three phase electric line which serves the KGGF radio transmitter. This is the only customer served in this area, and the City plans to abandon the line for which Twin Valley has agreed to pay \$12,000. According to Bernie Cevera, Electric Utility Director, the City was recently notified by KDOT the electric lines would have to be realigned due to work on a bridge. City Manager Jeff Morris informed the Commissioners KGGF would have to do approximately \$4,300 of upgrades to allow the tower to accept power from Twin Valley. There was no support to assist with this cost with Commissioners suggesting Twin Valley should be responsible for the costs.

MOTION: Move that Resolution No. R-08-50 be approved for adoption.

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

17. Resolution No. R-08-51 – A Resolution to approve a request from CVR Energy to fence block 18, Coffeyville Heights Addition.

■ Engineering Superintendent Scott Massman addressed the Commission stating Coffeyville Resources has requested permission to fence Block 18 of Coffeyville Heights Addition in order to expand the fabrication and equipment laydown operations. If our utility departments need access in the easements, the security guards will open the gates.

MOTION: Move that Resolution No. R-08-51 be approved for adoption.

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

18. Resolution No. R-08-52 – A Resolution to issue General Obligation Sales Tax Refunding Bonds.

■ Finance Director Stephanie Richardson addressed the Commission stating this process will allow our outstanding sales tax bonds to be refunded and converted from revenue

bonds to general obligation bonds. This will result in a cheaper interest and savings to the City of approximately 5% or \$120,000. This process will require a public notice and protest period.

MOTION: Move that Resolution No. R-08-52 be approved for adoption.

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

19. Comments from Commissioners or Staff

- Katie Miley, EPA, stated the flood demolition/oil cleanup is coming to a close in Coffeyville and she and Todd Campbell have been reassigned to Missouri. She stated there will still be a presence in Coffeyville until the project is closed out.

J. EXECUTIVE SESSION(s)

1. Attorney Client Relationship

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 10:35 p.m.

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

Time the meeting was reconvened: 10:35 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. Fire Department – February Report
2. Correspondence from KDOC on receipt of the Community Capacity Building Program Grant Award.
3. Correspondence from Kansas Chamber announcing Jeff Morris’s selection for the 2008 Leadership Kansas Class.
4. Correspondence from Kansas Water Office regarding Chuck Shively’s approval to serve on the Public Water Supply Committee.
5. Library Board Minutes

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: 10:55 p.m.

Date the minutes were approved _____

Cindy Price, City Clerk