

**REGULAR COMMISSION MEETING MINUTES**  
**MONDAY, OCTOBER 23, 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  
ELECTRIC UTILITY DIRECTOR BERNIE CEVERA  
PUBLIC WORKS DIRECTOR CHUCK SHIVELY  
TREASURER ANGIE NADEN  
ELECTRIC GENERATION SUPERINTENDENT DAVE HANNA  
IT DIRECTOR CHRIS FELIX

- 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. MINUTES**
1. Regular City Commission Meeting Minutes – Monday, October 8, 2007  
ACTION: Approved as presented
  2. Special City Commission Meeting Minutes – Tuesday, October 16, 2007  
ACTION: Approved as presented
- E. APPROPRIATION ORDINANCE(s).**
1. 2007 Appropriation Ordinance No. AO-07-36 – \$3,447,168.19  
MOTION: Move to approve Appropriation Ordinance No. AO-07-36 in the total amount of \$3,447,168.19 for adoption.  
  
ACTION: THE MOTION WAS MADE BY COMMISSIONER GONZALES AND SECONDED BY COMMISSIONER HUMMEL. ROLL CALL VOTE - ALL AYE.
  2. 2007 Appropriation Ordinance No. AO-07-37 (Hummel) – \$ 1,361.86  
MOTION: Move to approve Appropriation Ordinance No. AO-07-37 in the total amount of \$1,361.86 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.

3. 2007 Appropriation Ordinance No. AO-07-38 (Flood) – \$ 6,255.17  
MOTION: Move to approve Appropriation Ordinance No. AO-07-38 in the total amount of \$6,255.17 for adoption.

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

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

1. Proclamation to declare Saturday, November 10, 2007, as Buddy Poppy Day.
  - Mayor Horn presented the proclamation to LaVelma Wagner representing the VFW Ladies Auxiliary.
2. Presentation by Cohen Esrey Affordable Partners, LLC on tax credit applications for projects at 1<sup>st</sup> and Glendale and 11<sup>th</sup> and Gillam.
  - Tim Quigley, Cohen-Esrey, discussed two tax credit projects his company is preparing to submit to the Kansas Housing Resources Corporation. The first project is for a 60-unit multi-family project at First & Glendale. The second is for a 21-unit senior apartment rehab of the McKinley School.
3. Presentation by Commercial Group on tax credit applications for projects at 8<sup>th</sup> and Overlook and Westbrook Addition.
  - Don Cooper, Commercial Group, discussed two tax credit projects his company is working on. The first is for up to 30 single family homes to be located at the southwest corner of Third and Cheyenne. The second is for an up to 36-unit senior apartment complex at Eighth and Overlook.
4. Presentation by Garrison Development Company on tax credit applications for a project in 700 block of Walnut and Union.
  - Tony Krsnich, Garrison Development Company, presented information on his company's proposed tax credit application for a 40-unit multi-family and senior apartment complex utilizing the Terminal and Mill Supply Buildings in the 700 blocks of Walnut and Union.

**G. OTHER BUSINESS**

1. Comments from Public
  - Leona White, 511 East 12 Street, stated she is concerned about tires being removed from her property and stated people in the flood area are being mistreated. She contacted the police department regarding the unauthorized removal of items from her property, and the police handcuffed her.
  - Chris Applebaugh, 1413 Willow, stated there are two burned out houses in his block; he is concerned because he believed his house was on the list to be torn down but that is not so. According to City Manager Jeff Morris and Treasurer Angie Naden, 68 houses and one commercial property were submitted to be torn down as part of the CDBG grant prior to the flood. Before additional houses are added to the list; the City must demolish all houses currently on the list.
  - Yula Brown, 602 Buckeye, stated she is concerned about structures she owns at 405 and 407 East Fifth Street which have been put on the condemnation list.

- Commissioner Hummel asked how structures are prioritized to be placed on the condemnation list. Jim Hayes will provide that information to commissioners.
- Max Williams, 3408 West First, stated the Planning Commission needs to begin working on locations which can be rezoned multi family.

**H. OLD BUSINESS**

1. Ordinance No. G-07-17 – Second Reading of an Ordinance to increase campground fees to \$8 per night per site.
  - No changes from First Reading.

MOTION: Move that Ordinance No. S-07-17 be passed to Second Reading and approved for adoption.

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

**I. NEW BUSINESS**

1. Resolution No. R-07-117 – A Resolution to certify to the Kansas Department of Commerce the City of Coffeyville possesses legal authority to submit a FY2008 CDBG.
  - Treasurer Angie Naden addressed this resolution and the next three relating to the Community Development Block Grant application for renovation of the Youth Activities Center to include: exterior building improvements, HVAC replacement; ADA compliance, electrical deficiencies; interior refurbishing and site rehabilitation. CDBG funds requested total \$400,000 with the City portion being \$134,000 for a total project cost of \$534,000. The first application certifies to the Kansas Department of Commerce the City possesses the legal authority to submit the application. The additional resolutions commits the funds to the project, adopts a Residential Anti-displacement and Relocation Assistance Plan (this grant will not require the replacement of structures of any relocations); and commitment to provide ongoing funding for the operations and maintenance of the Youth Activities Center.

MOTION: Move to approve Resolution No. R-07-117 for adoption.

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

2. Resolution No. R-07-118 – A Resolution to commit \$134,000 of City funds for a proposed FY2008 CDBG.

MOTION: Move to approve Resolution No. R-07-118 for adoption.

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

3. Resolution No. R-07-119 – A Resolution to adopt a residential anti-displacement and relocation assistance plan according to the Housing and Community Development Act.

MOTION: Move to approve Resolution No. R-07-119 for adoption.

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

4. Resolution No. R-07-120 – A Resolution to assure the Kansas Department of Commerce funds will be continually provided for the operation and maintenance of improvements to the Youth Activities Center to be financed with CDBG funds.

MOTION: Move to approve Resolution No. R-07-120 for adoption.

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

5. Discussion and action to fill an open position on the City Planning Commission. This appointment will fill an unexpired term to 01/01/08 and a new three-year term serving to January 1, 2011.

Applicants: Jim Falkner and Josh Mecom

MOTION: Move to appoint Jim Falkner to serve through January 1, 2011 on the City Planning Commission.

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

6. Resolution No. R-07-121 – A Resolution to support a Housing Tax Credit Application by Cohen-Esrey Affordable Partners for development of rental housing at First and Glendale.

MOTION: Move to approve Resolution No. R-07-121 for adoption.

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

7. Resolution No. R-07-122 – A Resolution to support a Housing Tax Credit Application by Cohen Esrey Affordable Partners for development of rental housing at 11<sup>th</sup> & Gillam.

MOTION: Move to approve Resolution No. R-07-122 for adoption.

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

8. Resolution No. R-07-123 – A Resolution to support a Housing Tax Credit Application by Commercial Group for development of rental housing in Blocks 2 and 3, Westbrook Addition.

**MOTION:** Move to approve Resolution No. R-07-120 for adoption.

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

9. Resolution No. R-07-124 – A Resolution to support a Housing Tax Credit Application by Commercial Group for development of rental housing at Eighth and Overlook.

**MOTION:** Move to approve Resolution No. R-07-124 for adoption.

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

10. Resolution No. R-07-125 – A Resolution to support a Housing Tax Credit Application by Garrison Development Company for development of rental housing in the 700 Blocks of Walnut and Union.

**MOTION:** Move to approve Resolution No. R-07-125 for adoption.

**ACTION:** THE MOTION WAS MADE BY MAYOR HORN AND SECONDED BY COMMISSIONER GONZALES. ROLL CALL VOTE – ALL AYE EXCEPT COMMISSIONER JONES WHO VOTED NO.

11. Resolution No. R-07-126 – A Resolution to issue a purchase order to Kaeser Compressor for an air compressor for the Power Plant.

- Electric Utility Director Bernie Cevera addressed the Commission stating the 12-year old air compressor recently failed. There are two air compressors in the power plant which supply the main air throughout the plant and provide air to the plant boiler and other analog devices. It is estimated the cost to repair the air compressor would be \$48,000. Staff requested bids and recommend a compressor be purchased from kaeser Compressor at a cost of \$34,029.68.

**MOTION:** Move to approve Resolution No. R-07-126 for adoption.

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

12. Resolution No. R-07-127 – A Resolution to execute a construction contract with Beachner Construction for pavement patching of 11<sup>th</sup> Street.

- Public Works Director Chuck Shively addressed the Commission stating the joints on West 11<sup>th</sup> Street are deteriorating faster than the Public Service Department can find time to replace them. City Staff and an engineering consultant met with a large area highway contractor regarding the streets with the purpose of the meeting to determine a short-term solution to prevent City crews from spending the entire winter placing

cold mix in the highway pot-holes and a long-term solution to repair the streets. It was determined there are no short-term solutions, however, a long-term solution to repair the joints was more affordable than previously thought. Therefore, bids were solicited with two received. The low bid was Beachner Construction at a cost of \$574,669.25. Commissioner Hendryx asked about a five-year warranty on the project. Shively stated he had looked into this and the cost would cost at least an additional \$50,000.

**MOTION:** Move to approve Resolution No. R-07-127 for adoption.

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

13. Resolution No. R-07-128 – A Resolution to execute a contract for sale of property at Tenth and Patterson.

- City Manager Jeff Morris addressed the Commission stating proposals were recently solicited for hotel development on the Memorial Hall lot and a portion of the downtown parking lot. No proposals were received for the downtown lot, however, since that time Sam and Karina Gandhi have submitted a proposal for a portion of the east end of the downtown parking lot for the construction of a Baymont Inn and Suites along with a check for \$40,051 for the purchase of approximately 1.4 acres.

**MOTION:** Move to approve Resolution No. R-07-128 for adoption.

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

14. Resolution No. R-07-129 – A Resolution to execute a contract for sale of property commonly known as the Memorial Hall Lot.

- City Manager Jeff Morris addressed the Commission stating after it was determined Commissioners desired to see staff pursue development of a motel on the Memorial Hall Lot, more specific information is needed to determine what commissioners determine to be the most important aspect of the development – price, size of investment, number of rooms, speed of completion, franchise. Commissioner Jones stated money was most important to her; Hendryx stated the size of the investment was his most important aspect. Ron McVey, representing Coffeyville Hospital who bid on the project, stated his project would be a \$4.5 to \$5 million investment to build a Sleep Inn with 60-80 rooms. Commissioner Hummel stated he does not have an issue with the price of the lot. Commissioner Horn stated we need to have motel rooms in our community so people have someplace to stay. After more discussion it was determined to vote on the proposal as submitted by McVey which included a \$250,000 price tag for the entire Memorial Hall Lot.

**MOTION:** Move to approve Resolution No. R-07-129 for adoption.

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

15. Comments from Commissioners or Staff

**J. EXECUTIVE SESSION(s)**

1. Attorney-client relationship.

MOTION: Move to adjourn to Executive Session for consultation with an attorney on matters that would be deemed privileged in attorney-client relationship to reconvene on or before 10:55 p.m.

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

Mayor Horn stated no action would result from the Executive Session.

TIME THE MEETING WAS RECONVENED: 10:55 p.m.

**K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES**

1. Inspections Department – September Building Permits
2. Library – Minutes of the September 11, 2007, meeting
3. Board of Zoning Appeals – Minutes of September 20, 2007, meeting
4. Communication from LKM regarding Mayor Horn's election to Board
5. Communication from Kansas State Historical Society regarding placement of Dale Hotel on Historic Register
6. Correspondence from Cox Communication

**L. ADJOURNMENT**

MOTION: Move to adjourn.

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

TIME THE MEETING WAS RECONVENED: 11:10 p.m.

Date minutes were approved \_\_\_\_\_

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Cindy Price, City Clerk