

REGULAR COMMISSION MEETING MINUTES
TUESDAY, JULY 8, 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
PUBLIC SERVICE DEPUTY DIRECTOR JIM BRADSHAW
ENGINEERING SUPERINTENDENT SCOTT MASSMAN
FIRE CHIEF GREG ALLEN
INSPECTOR JIM HAYES
INSPECTOR LARRY TROTTER
ELECTRIC UTILITY DIRECTOR BERNIE CEVERA
IT MANAGER CHRIS FELIX
POWER PLANT ELECTRICIAN KEN WHITE
POWER PLANT OPERATOR DON ONESLAGER

- A. CALL TO ORDER** – Mayor Horn
- B. INVOCATION** – Rev. Gerald Morris, Grace Fellowship Church
- C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- D. CONSENT AGENDA ITEMS**
 - 1. Regular City Commission Meeting Minutes – Tuesday, June 24, 2008
 - 2. 2008 Appropriation Ordinance No. AO-08-33 – \$936,888.13
 - 3. 2008 Appropriation Ordinance No. AO-08-34 – (flood) \$ 65,640.34

MOTION: Move to approve the consent agenda as presented.

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

REGULAR AGENDA ITEMS

E. APPROPRIATION ORDINANCE

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

- 1. Presentation by New Coffeyville
 - Jerry Marquette, Lisa Kuehn and Virginia King, members of the New Coffeyville Steering Committee provided a review of the New Coffeyville stating it is New Coffeyville's intent

to engage the community in the recovery process and address not only those issues that have surfaced due to the 2007 flood but the issues that existed before the flood or those that may appear tomorrow. They have been working with Kansas Communities to ensure the public square is working in Coffeyville and is focused on making sure all four sectors of the public square – Education, Business, Government, Health & Human Services – are working together, communicating and making collaborative decisions for the entire community. Statistics were provided showing there are 3,418 workers traveling from other counties to work in Montgomery County; with approximately 41% of those coming from Oklahoma communities. Information was also provided on the number of houses for sale and vacancies currently available at apartment complexes. Gary Allsup and Fred Bentley, representing Kansas Housing Resources Corporation were introduced; they announced the City of Coffeyville has been awarded a \$1.5 million grant for infrastructure for the Rolling Hills development to include both single family and multi-family housing. Allsup provided information on tax credit housing stating the construction is subsidized; the rent is not. Without tax credits, the rents would be in the \$900 to \$1,100 range. To insure the properties do not become deteriorated, the state does compliance checks on the properties and the owners are required to own the properties for a minimum of 15 years. In addition, a portion of the funding is set aside in a special fund for repairs. In answer to questions, Allsup stated the developer is not going to put a tax credit property where it will be flooded; tax credits are federal funds and will require environmental assessments; the State knew the property was outside the city limits and awarded the project with the expectation it would be annexed. Fred Bentley stated there is a strong incentive on the part of the owner to maintain the property; if it is not maintained, the state reports it to the IRS and the developer risks losing the tax credits.

G. OTHER BUSINESS

1. Comments from Public

- Arnold Roland, Jr., 204 El Paso, expressed concern about a recent statement made about no applications for the Planning Commission. He stated he was a recent applicant and had discussed his qualifications with the City Clerk.
- The Manager of the Plaza apartments thanked the Police Department for the support received during the 4th of July block party and stated police are quick to respond when needed.
- Max Williams, 3408 West First, stated you don't have to call the police for his area; this is a zoning issue which if approved will change the character of neighborhood.
- Grace Erma Cook, 102 Westbrook, stated this is zoning issue; we should place like types together.
- Rev. Colbert stated we can't wipe the east side away but people don't want to stay on the east side due to the refinery.
- Don Smith, 105 Warwick, stated this is not about different income levels or race; it is a zoning issue; he is disturbed the comprehensive plan hasn't been reviewed.
- Gina Thomas, Catalpa Street, stated this is a zoning issue not a race issue.

- Doris Blue, 401 East Eighth, stated we are trying to get stores to come in and everyone needs to come together.
 - Carol Carroll, 506 East Sixth, stated the issue is not about zoning, it is about color.
 - Howard Bredesen, 1302 North Cline, stated there are three things that spoil community harmony – culturalism, classism and racism; we need to deal with real problems which build community harmony.
 - David Yarbrough, 201 South Edgewood, stated this is about zoning and trying to put multiple family into a single family zone.
 - Jim Taylor thanked the City for the 4th of July Celebration
2. Request from Jim Taylor for City to resubmit or make alterations to the grant application submitted to KHRC to move apartment complex to somewhere in the City limits.
- Jim Taylor stated the only problem with the tax credit project is the location; his group is not opposed to the apartments and he believes the grant can be used for infrastructure in other areas. He stated it is difficult to see how the Commission can ignore the citizens.
 - Mayor Horn requested Mr. Taylor stick with the agenda item; and stated some of the statements made tonight are beginning to infringe on civil rights.
 - Taylor ended by stating he is beginning a petition for recall of Commissioners.

H. OLD BUSINESS

I. NEW BUSINESS

1. NO ACTION ON THIS ITEM – A Resolution to execute an agreement with American Mowing for park mowing.
2. Resolution No. R-08-91 – A Resolution to authorize the submission of the KDOT 2011 KLINK resurfacing project.
 - Engineering Superintendent Scott Massman addressed the Commissioners stating the Kansas Department of Transportation is requesting a submittal for a proposed 2011 KLINK Project. Due to funding issues KDOT is not seeking applications for Economic Development and Geometric Improvement Projects at this time. This is due to the fact the Comprehensive Transportation Program ends in 2009. The 2011 KLINK project selected for this years request is Highway 166-169 between 8th Street and the Verdigris Bridge Area. The project will consist of milling and asphalt overlay on the existing 4 lanes. This area has fairly severe asphalt rutting due to heavy wheel pattern effects. This area, when wet, possess hydroplaning potential and is a safety concern for the traveling public. This area contains an unusual design as the two middle lanes are constructed of concrete with an asphalt overlay. The two outside lanes are constructed of asphalt only. Although the rutting exists in all four lanes it seems to be more prevalent in the outside lanes. Funding for KLINK projects is a 50/50 match with the state’s participation in the cost of construction and construction engineering not to exceed \$200,000.

MOTION: Move that Resolution No. R-08-91 be approved for adoption.

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

3. Resolution No. R-08-92 – A Resolution to execute a contract with Power Generation Services, Inc., for disassembly, inspection and reassembly of the No. 6 Elliott Turbine.
- Electric Utility Director Bernie Cevera addressed the Commission stating the No. 6 Elliott turbine required an emergency inspection due to loud noises in the machine following its last shutdown. This usually indicates a blade failure, an imbalance or another serious problem; the unit cannot be restarted until it is inspected and repaired. Due to contractual arrangements with the Grand River Dam authority, bids were solicited to get the turbine repaired as soon as possible. This resolution is to approve a contract with Power Generation for the inspection of the turbine at an estimated cost of \$79,955.

MOTION: Move that Resolution No. R-08-92 be approved for adoption.

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

- 3A Resolution No. R-08-90 – A Resolution to execute a contract with Power Generation Services, Inc., for repair of the No. 6 Elliott Turbine.
- Electric Utility Director Bernie Cevera addressed the Commission stating following the inspection of the turbine, Power Generation Services determined additional components need to be repaired as a result of the inspection at an estimated cost of \$58,000. It is in the City's best interest to get this repaired as soon as possible as GRDA capacity payments have been suspended while the turbine is down. The Power Generation Services crew is familiar with disassembly and reassembly of the unit, they are already on site and will be able to do the repairs in the expeditious manner required by GRDA. Cevera introduced two electric utility employees, Ken White and Don Oneslager, who have been involved with the Elliott Turbine.

MOTION: Move that Resolution No. R-08-90 be approved for adoption.

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

4. Resolution No. R-08-93 – A Resolution to authorize an agreement with Charlesworth & Associates to complete bid process for various insurance coverage for the City of Coffeyville.
- Finance Director Stephanie Richardson addressed the Commission stating property insurance coverage on the electric utility system (building and contents) and boiler and machinery insurance coverage on the power plant and distribution sub-stations will expire September 1, 2008. This policy is put out for bid every three years with the last bid process for the 2005-06 policy year. Three years ago the City contracted with Charlesworth & Associates from Overland Park to prepare the bid specifications, solicit

bids, review and make recommendations to the City and order the policy. The City requested a proposal for the same services this year; the fee would be \$2,950. Staff recommended accepting the proposal for the insurance renewal.

MOTION: Move that Resolution No. R-08-93 be approved for adoption.

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

5. Resolution No. R-08-94 – A Resolution to create a Hillcrest Golf Course petty cash account.

■ Finance Director Stephanie Richardson addressed the Commission stating the golf course staff has been informed by beer vendors of changes in their payment acceptance procedures. According to law, beer vendors must be paid at the time of delivery and charge accounts are not allowed. In the past, orders would be paid out of petty cash at the time of delivery, however, they are no longer allowed to take cash payments. Consequently the golf course staff now calls the finance department to have a manual Treasurer's Account check prepared for payment which requires travel to City Hall to pick up the check prior to the beer delivery. Therefore, staff recommends establishing a Hillcrest golf Course Petty Cash Checking Account in the amount of \$2,000 for the purpose of payment of beer orders with the Pro Shop Manager, Designated Pro Shop Clerk, City Manager and Finance Director as authorized signatures.

MOTION: Move that Resolution No. R-08-94 be approved for adoption.

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

6. Resolution No. R-08-95 – A Resolution to execute a construction change order with Nabholz Construction for rebuild of Coffeyville Recreation facility.

■ Deputy Works Deputy Director Jim Bradshaw addressed the Commission stating a request for a change order for additional work required to complete the rebuild of the Coffeyville Recreation facility has been received. The change order consists of the installation of concrete blocks that were removed during the mold remediation portion of the project; the blocks had to be removed so existing HVAC duct work could be removed as the area involved is located in the gym area. The City's insurance adjuster has been on site; the item has been reviewed and will be covered. Staff recommended entering into a contract with Nabholz Construction in an amount not to exceed \$1,473 for change order #1 for the Coffeyville Recreation facility.

MOTION: Move that Resolution No. R-08-95 be approved for adoption.

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

7. Discussion on building permit fees

■ City Manager Jeff Morris addressed the Commission stating the Mayor requested staff do an analysis of our current building permit fees. At the time the 2000 building codes were adopted the building permit fees were included. Previously the City used the 1991 building code fees. After the new fees were adopted, the City learned the fees were higher than what developers are paying in other communities, including Kansas City. As a result, Commissioners voted to return to the 1991 schedule. Since that time, concern has been expressed that the permit fees are still higher than neighboring communities. A summary of fee schedules and a comparison was included to begin discussion on building permit to determine if any additional adjustments should be considered.

8. R-08-96 – A Resolution to execute a letter of intent to remain with redispach in the SPP Aggregate Facility Study.

■ Electric Utility Director Bernie Cevera addressed the Commission stating the City’s transmission requirements must change because of obligations within the GRDA contract. The City’s SPP 2007 AG3 Aggregate Facilities Study includes two transmission reservation requests from Coffeyville, Staff recommends remaining activite in the SPP 2007 AG3-AFS Study process for both of pending reservation requests.

MOTION: Move that Resolution No. R-08-96 be approved for adoption.

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

9. Comments from Commissioners or Staff

Jeff Morris reported:

- Staff is working on documents to request bids for repair of the Kelly building downtown where the roof has partially collapsed. A grant application to pay one quarter of the cost has been submitted to the Kansas Department of Commerce. Morris recommended the City submit the request for bids to see what the bid estimates will be.
- There is interest in the property south of Best Western motel for a new motel; Commission concurred with sending out a request for proposal.
- Staff met with an individual interested in developing an RV park to be used for industrial workers. They are interested in property at the airport south of the National Guard Armory. Commissioners were interested in putting out a request for proposal on this property.
- Wal-Mart has submitted the required plans and applied for a building permit for their new Supercenter to be built east of Coffeyville.

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 10:15 p.m.

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

**REGULAR COMMISSION MEETING MINUTES
TUESDAY, JULY 8, 2008**

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TIME THE MEETING WAS RECONVENED: 10:15 P.M.

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Finance Department – Sales Tax Report
2. Police Department Report
3. Correspondence with Cox Communication

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: 11:33 p.m.

Date the minutes were approved _____

Cindy Price, City Clerk