

REGULAR COMMISSION MEETING MINUTES
TUESDAY, NOVEMBER 13, 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
PLANNER/ARCHITECT DENNIS JACOBS
FIRE CHIEF GREG ALLEN
POLICE CHIEF JOE HUMBLE
IT DIRECTOR CHRIS FELIX
ENGINEERING SUPERINTENDENT SCOTT MASSMAN

- A. CALL TO ORDER** – Mayor Horn
- B. INVOCATION** – Dr. Wayne Norton, First Baptist Church
- C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- D. MINUTES**
1. Regular City Commission Meeting Minutes – Monday, October 23, 2007
ACTION: Approved as presented
 2. Special City Commission Meeting Minutes – Friday, November 2, 2007
ACTION: Approved as presented
 3. Special City Commission Meeting Minutes – Thursday, November 8, 2007
ACTION: Approved as presented
- E. APPROPRIATION ORDINANCE(s).**
1. 2007 Appropriation Ordinance No. AO-07-39 – \$978,026.84
MOTION: Move to approve Appropriation Ordinance No. AO-07-39 in the total amount of \$978,026.84 for adoption.

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

2. 2007 Appropriation Ordinance No. AO-07-40 (Flood) – \$ 97,439.25
MOTION: Move to approve Appropriation Ordinance No. AO-07-40 in the total amount of \$97,439.25 for adoption.

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

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

G. OTHER BUSINESS

1. Comments from Public

- John Vest, 303 West 14, asked if the \$3.5 million being spent on getting infrastructure to the new Wal-Mart Supercenter should be spent to help small businesses affected by the flood.. He expressed concern about closing railroad crossings and suggested the City should check to see how many times the railroad had been warned about tying up the roadway too long. He also asked about the air and soil samples taken on the east side as a result of the flood.
- Steve Smith, 502 Lewis, expressed concern about people speeding down Lewis and the number of scooters being driven by children.
- Charles Morris, asked about the roof requirements for a double wide currently being installed in Coffeyville; it was noted this will be an action item later in meeting.

H. OLD BUSINESS

I. NEW BUSINESS

1. Resolution No. R-07-131 – A Resolution to issue a purchase order to Siemens Energy & Automation for Power Plant Substation 69kV circuit breakers.

- Electric Utility Director Bernie Cevera addressed the Commission stating several contracts for the procurement of materials for the Power Plant Substation Upgrade are in the process of being developed or bid. A critical material component for the Power Plant Substation Upgrade is the 69kV Gas circuit Breakers that are to replace the existing 69kV oil circuit breakers. Two bids were received with the low bid by Mitsubishi representing a \$1,275.75 initial savings over the next lowest bidder on a per breaker basis. However, the following was taken into consideration in the evaluation of overall long-term cost: The Power Plant currently has 11 other existing breakers on the system of the same type and manufacture offered by Siemens, and the City has had excellent results with the breakers. Coffeyville personnel are familiar with the Siemens breakers whereas they would be unfamiliar with others. Stocking spare parts for one less breaker brand and type would simplify parts availability and support. Staff recommended purchasing the breakers from Siemens Energy.

MOTION: Move to approve Resolution No. R-07-131 for adoption.

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

2. Resolution No. R-07-132 – A Resolution to issue a purchase order to USCO Power Equipment Corporation for Power Plant Substation 69kV switches.

- Electric Utility Director Bernie Cevera addressed the Commission stating a critical material component for the Power Plant Substation upgrade is the 69kV switches. Two bids were received with USCO offering the lowest bid in the total amount of \$57,288.

MOTION: Move to approve Resolution No. R-07-132 for adoption.

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

3. Resolution No. R-07-133 – A Resolution to issue a purchase order to Galvanizers, Inc., for galvanized steel structures for the 15kV outdoor metal clad switchgear.

- Electric Utility Director Bernie Cevera addressed the Commission stating a critical material component for the Power Plant Substation upgrade is the galvanized steel structures and other miscellaneous steel required to implement installation of the 15kV outdoor metal clad switchgear. Four bids were received; staff is recommending Galvanizers with the lowest bid in the amount of \$20,688.86.

MOTION: Move to approve Resolution No. R-07-133 for adoption.

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

4. Ordinance No. G-07-16 – First Reading of an Ordinance to amend certain provisions of the Model Zoning Ordinance pertaining to residential design—manufactured homes.

- Planner/Architect Dennis Jacobs addressed the Commission stating a request was received from the Building Inspections Department and City Staff to consider a change in the pitch and roofing material acceptable on manufactured homes. The consideration was whether the use of metal roof material is any longer inappropriate in view of the fact an increasing number of traditional construction techniques are incorporating a metal roof as an alternative to shingles. Following a lengthy discussion the Planning Commission approved a recommendation to the City Commission be changed to read: “The roof must be double-pitched and have a minimum vertical rise of 2.0 feet for each 12 feet or horizontal run, and be covered with material that is residential in appearance, including but not limited to approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum and corrugated fiberglass.”

MOTION: Move that Ordinance No. G-07-16 be approved for First Reading.

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

5. Resolution No. R-07-134 – A Resolution to execute a cooperation agreement between the United States of America and the City of Coffeyville for rehabilitation of a non-federal flood control work.

■ Engineering Superintendent Scott Massman addressed the Commission stating the City received a proposal for a rehabilitation project prepared by the District Engineer, U.S. Army District of Tulsa, Oklahoma. The proposal was in response to a request made by the City for help regarding damages received on the levee during the flood of July 1, 2007. The proposed project will address the scouring and erosion issues which the flood caused. The project will also fund replacing damaged equipment at the flood pump stations. Most of the equipment has been seriously compromised and in most cases replacement is in order. The work will bring back the levee to the state it was before the flood. There was severe erosion on the river side of the levee. The Corps of Engineers stated we have the best levee in the State of Kansas.

MOTION: Move to approve Resolution No. R-07-134 for adoption.

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

6. Resolution No. R-07-135 – A Resolution to execute a real estate purchase agreement with Henry G. Gwyn and Mary L. Boyd for property at 404 East Fifth Street.

■ City Clerk Cindy Price addressed the Commission stating the City was requesting bids on three city-owned lots. No bids were received for 1414 and 1416 South Elm Street; two bids were received for 404 East Fifth Street. Staff is recommending Henry Gwyn be approved to purchase the lot at a price of \$501. He is planning to place a manufactured home on the lot.

MOTION: Move to approve Resolution No. R-07-135 for adoption.

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

7. Discussion and action to approve a Cereal Malt Beverage application for Joanna Stoltenberg, 14th Street Bar, 821 West 14th Street in Coffeyville.

■ City Clerk Cindy Price addressed the Commission stating the 14th Street Bar meets the requirements as set out by City code and is eligible for a Cereal Malt Beverage License.

MOTION: Move to approve a Cereal Malt Beverage license for Joanna Stoltenberg, 14th Street Bar, 821 West 14th Street in Coffeyville.

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

8. Resolution No. R-07-136 – A Resolution to execute mortgage releases as to individual lots in Mansion Estates.

- City Attorney Paul Kritz addressed the Commission stating when the City conveyed the Mansion Estate lots to the developer, the City took a mortgage in the amount of \$100,000, which was to be “forgiven” at the rate of \$2,000 per house completed. The developer arranged for financing and the City subordinated its mortgage in favor of the construction loan. Recently, the developer has arranged for different financing and the new lender has requested the City release its mortgage on individual lots as building permits are issued for those lots rather than released as houses are built.

MOTION: Move to approve Resolution No. R-07-136 for adoption.

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

9. Resolution No. R-07-137 – A Resolution to amend a grant agreement with the Midland Foundation.

- City Manager Jeff Morris addressed the Commission stating in June of 2005, the City Commission granted \$360,000 to the Midland Theater Foundation for the restoration of the Midland Theater and Alamo buildings. The term of the grant agreement ends December 31, 2007, unless terminated or extended sooner. The Midland Theater foundation has worked diligently with an architect to develop the vision for the project, and they are now beginning to raise funds for the project. The Foundation is requesting a three-year extension, however, staff feels five years would be more realistic.

MOTION: Move to approve Resolution No. R-07-137 for adoption.

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

10. Discussion and action to authorize and direct City staff to solicit proposals for the development of the McKinley School property site.

- City Attorney Paul Kritz addressed the Commission stating the City executed a contract to sell the McKinley School property site to the Overland Property Group on September 25, 2007. The contract included a provision that gave the City the right to solicit other proposals to develop the property for a period of 90 days from the date of the contract. There have been other entities interested in the property including Cohen-ERtey Affordable Partners, who made a presentation to the City proposing to rehabilitate the McKinley property into senior living apartments. Therefore, staff recommends initiating the process of requesting formal proposals on the McKinley School property.

MOTION: Move to authorize City staff to solicit proposals for the development of the McKinley School property site.

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

11. Resolution No. R-07-138 – A Resolution to authorize Asbestos Removal and Maintenance to provide asbestos inspection and reports for nine properties in the City of Coffeyville.

- City Manager Jeff Morris addressed the Commission stating one of the requirements prior to demolishing a structure is the inspection of the property for asbestos contamination. In order to move forward with the demolition of certain structures damaged by this summer's flood, bids were requested for asbestos inspection of the nine properties owned by the City of Coffeyville that staff has identified for demolition. The bid invitation was sent to nine companies selected from a list provided by the Kansas Department of Health and Environment of licensed asbestos inspectors authorized to perform work in Kansas. One company responded, Asbestos Removal and Maintenance, Inc., out of Wichita. This company has done all previous asbestos inspections for the City's CDBG demolition project; staff recommends authorizing them to perform the inspections as a cost not to exceed \$1,305.

MOTION: Move to approve Resolution No. R-07-138 for adoption.

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

12. Resolution No. R-07-139 – A Resolution to declare an urgent need to remove certain structures in the flood-affected area of the City of Coffeyville, Kansas.

- City Attorney Paul Kritz addressed the Commission stating that following a regulatory roadblock with the blanket disaster declaration previously issued regarding the demolition of oil damaged properties in the flood affected area, a revised resolution has been drafted. It is similar to the previous declaration with wording added referring the confirmation by independent sources that most of the structures sustained significant damage in excess of their pre-flood appraised value. This wording has been approved by the Kansas Department of Health and Environment.

MOTION: Move to approve Resolution No. R-07-139 for adoption SUBJECT TO CONCURRENCE BY Fire Chief Greg Allen.

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

13. Comments from Commissioners or Staff

- City Manager Jeff Morris relayed information to Commissioners regarding City-owned Properties.
- City Inspector Jim Hayes responded to a previous question on what criteria is used to place a home on the condemnation list. Hayes said his criteria is structures that are dangerous and unsafe; there were no promises made to individuals to demolish their properties, however, a list is kept of structures for condemnation. The individuals who signed consent forms in the event the City was able to demolish additional houses with CDBG funds are being contacted to inform them their property will not be added to the list.

J. EXECUTIVE SESSION(s)

1. Non-elected personnel

MOTION: Move to adjourn to Executive Session for discussion of non-elected personnel to reconvene on or before 9:10 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: 9:10 p.m.

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Finance Department – Sales and property tax report
2. Inspections Department – October building permit report
3. KDHE – Communication regarding inspection of Wastewater Treatment Plant
4. Notice of current board openings
5. Correspondence from Cox Communication
6. CRMC – September meeting report

L. ADJOURNMENT

MOTION: Move to adjourn.

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

TIME THE MEETING WAS RECONVENED: 10:30 p.m.

Date minutes were approved _____

Cindy Price, City Clerk