

**REGULAR COMMISSION MEETING MINUTES
TUESDAY, FEBRUARY 10, 2009
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 PAM JONES
COMMISSIONER RJ WARREN

City Staff in attendance were:

CITY MANAGER JEFF MORRIS
CITY CLERK CINDY PRICE
CITY ATTORNEY PAUL KRITZ
FINANCE DIRECTOR STEPHANIE RICHARDSON
PLANNER/ARCHITECT DENNIS JACOBS
CODE ENFORCEMENT OFFICER LARRY TROTTER
IT MANAGER CHRIS FELIX
CODE ENFORCEMENT OFFICER JIM HAYES
DEPUTY PUBLIC WORKS DIRECTOR JIM BRADSHAW
TREASURER ANGIE NADEN
INTERCONNECTED UTILITY MANAGER STEVE MCGIE
FIRE CHIEF GREG ALLEN

- A. **CALL TO ORDER** – Mayor Horn
- B. **INVOCATION** – Rev. Mark Wilson, First Church of God
- C. **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- D. **CONSENT AGENDA ITEMS**

- 1. Regular City Commission Meeting Minutes – Tuesday, January 27, 2009
 - 2. 2009 Appropriation Ordinance No. AO-09-02 – \$1,324,224.50
 - 3. 2009 Appropriation Ordinance No. AO-09-03 – (flood) \$ 2,852.45
- MOTION: Move to approve the consent agenda as presented.

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

- E. **REGULAR AGENDA ITEMS**
APPROPRIATION ORDINANCE
- F. **PUBLIC HEARING(s), SPECIAL PRESENTATION(s), & PROCLAMATION(s).**
- G. **COMMENTS FROM THE PUBLIC**
 - Damon Willbern, 1507 West Fourth Street, questioned Commissioner Jones regarding the negative vote on the resolution of support for a tax credit project on South Walnut.

- Jim Falkner, 1014 West Third Street, candidate for City Commission, stated due to work obligations, he is no longer able to pursue election to the Commission.

H. OLD BUSINESS

I. NEW BUSINESS

1. Resolution No. R-09-35 – A Resolution to execute a Shared User Agreement with the Kansas Department of Transportation to allow the City of Coffeyville to operate communication equipment on the State of Kansas' radio communication system.

- City Manager Jeff Morris addressed the Commission stating the State of Kansas uses 800 MHz digital radios for communication; they are the only ones authorized to use this frequency. This agreement will allow the City to be able to utilize this frequency during emergency situations by forming talk groups with other first responder entities in the system. The system is not for routine communications and is limited for emergency use only. The cost of installation and maintenance will be paid by the State of Kansas.

MOTION: Move to approve Resolution No. R-09-35 for adoption.

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

2. Ordinance No. S-09-02 – First Reading of an Ordinance to approve an annual renewal of the ten-year property tax exemption-incentive for Four State Maintenance.

- Treasurer Angie Naden addressed the Commission stating this is the ninth year of the ten-year property tax exemption/incentive awarded to Four State Maintenance. When considering a tax exemption there are three things the City looks at: number of new jobs created, average wage and the annual tax savings. Following the annual review, staff determined the ownership, use of the property and other qualified criteria continues to exist and is consistent with the original property tax exemption-incentive application. Employment levels are higher than originally projected and the annual savings per job created is below staff's usually recommended \$1,000 per annum level.

MOTION: Move that Ordinance No. S-09-02 be approved for first reading.

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

3. Ordinance No. S-09-03 – First Reading of an Ordinance to approve an annual renewal of the ten-year property tax exemption-incentive for Linde, Inc. (formerly BOC).

- Treasurer Angie Naden addressed the Commission stating this is the tenth and final year for the tax exemption/incentive for Linde, Inc. (formerly The BOC Group, Inc.). While the actual employment figures for Linde are below what was originally estimated, Linde subcontracts with Jack B. Kelly, a trucking company that located a facility in Coffeyville as a direct result of the work it does for Linde and employees approximately 15 drivers and three office personnel. Taking these employees into account bumps the number of permanent jobs created well above that in the application. Considering Linde's energy consumption and other economic benefits to the community, the annual savings per job created, while important, was not the sole determining factor in approving the original application.

MOTION: Move that Ordinance No. S-09-03 be approved for first reading.

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

4. Resolution No. R-09-29 – A Resolution to adopt the Montgomery County Multi-Hazard Mitigation Plan.

- City Manager Jeff Morris addressed the Commission stating the Montgomery County Mitigation Plan has recently been completed utilizing input from a multitude of organizations and agencies throughout the County including several City departments. The Federal Emergency Management Agency requires the plan be adopted for future mitigation projects to be funded. Other entities in the County will be asked to adopt the plan in order for future mitigation funding from the State and Federal Government to be available.

MOTION: Move to approve Resolution No. R-09-29 for adoption.

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

5. Resolution No. R-09-30 – A Resolution to authorize approval of a grant offer with the Federal Aviation Administration for rehabilitation of taxi lanes.

- Deputy Public Works Director Jim Bradshaw addressed the Commission stating the City is working to enter into a grant agreement with the Federal Aviation Administration for reconstruction of the existing concrete apron areas, taxi lanes, surrounding the existing t-hangars located at the airport. The concrete was built during the early 1940's and has deteriorated into gravel. This project was submitted as priority number one for the recently approved ACIP Data Sheets; the total project is anticipated to be \$962,112 with a 5% match required by the City.

MOTION: Move to approve Resolution No. R-09-30 for adoption.

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

6. Resolution No. R-09-31 – A Resolution to execute a contract with Condon National Bank for the sale of real estate located at 11th and Gillam.

- City Manager Jeff Morris addressed the Commission stating the City of Coffeyville acquired the McKinley School property when Royal Motors car dealership closed. The school building was demolished using funds from the CDBG demolition grant. Following the demolition, the City was approached about selling the property. Following standard City practice, a Request for Proposal (RP) for the property was sent out with bids due the end of January. Since the building was demolished using grant funds, the Department of Commerce was contacted to determine what the City's responsibility would be to KDOC if the property were sold. If it is sold to a for-profit entity prior to September 1, 2011, the City is required to repay one-half of the demolition costs which amounts to \$52,205. One bid was received from Condon National Bank for \$116,000;

their plan is to build a branch bank. Selling this property will get it back on the tax rolls and alleviate the City's responsibility to mow and maintain.

MOTION: Move to approve Resolution No. R-09-31 for adoption.

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

7. Resolution No. R-09-32 – A Resolution to purchase a bucket truck from Altec Industries for the Electric Utility Department.

■ Interconnected Utility Manager Steve McGie addressed the Commission stating the Electric Utility's bucket truck #450 is red tagged, unsafe and the aerial device can no longer meet certification. The truck has been in service for 28 years and is budgeted for replacement. Bids were requested; four were received with one from Altec Industries meeting the specifications. Staff recommends purchasing a 2008 Altec model A77-T on a 2007 International Model 7,400 chassis for \$185,053.

MOTION: Move to approve Resolution No. R-09-32 for adoption.

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

8. Resolution No. R-09-33 – A Resolution to purchase a Hustler mower from Sandbagger Golf & Turf for the Public Service Department.

■ Deputy Public Works Director Jim Bradshaw addressed the Commission stating bids were requested for one new wide area mower and trailer for the Public Service Department to mow the parks and City rights of way. Four bids were received. Staff recommends purchasing one new Hustler range wing mower for \$38,988.72. The trailer will not be purchased at this time.

MOTION: Move to approve Resolution No. R-09-33 for adoption.

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

9. Resolution No. R-09-34 – A Resolution to purchase a 2005 Sterling Dump Truck for the Public Service Department.

■ Deputy Public Works Director Jim Bradshaw addressed the Commission stating the motor locked up on the 1988 Kenworth dump truck currently used by the Public Service Department. This truck has 1,121,523 miles on it and is in need of replacement. Staff located a 2005 Sterling 8500 dump truck in Wichita with 126,980 miles. A price was negotiated for \$63,600 with the dealer installing four new tires and replacing the rear drive brakes. Staff recommends purchase of this dump truck from Wichita Kenworth.

MOTION: Move to approve Resolution No. R-09-34 for adoption.

ACTION: THE MOTION WAS MADE BY COMMISSIONER GONZALES AND

SECONDED BY COMMISSIONER JONES. ROLL CALL VOTE –
ALL AYE.

10. Resolution No. R-09-36 – A Resolution to support the submission of an application to the Tony Hawk Skate Park Foundation.

- Commissioner Alec Hendryx addressed the Commission stating the Skate Park Task Force is submitting a grant to the Tony Hawk Foundation and requested the Commissioners approve and all sign the resolution of support. Hendryx stated the City's support may include putting up the lights and mowing.

MOTION: Move to approve Resolution No. R-09-36 for adoption.

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

11. Discussion items

- Intersection drainage improvement projects
 - Jim Bradshaw reported back to Commissioners on the 5th & Buckeye, 8th & Buckeye intersections and Elm Street between 10th & 11th drainage improvement project revisions. The projects were bid as asphalt, however, with the relatively small price difference between concrete and asphalt a revised price was requested from Muller Construction. The proposed increase is \$48,937.95 making the total cost \$245,500.10. Asphalt is expected to last ten years while concrete has a life expectancy of 40 years. Commissioners agreed to the change; Muller will be notified and the change order will be presented to Commissioners at a later meeting.
- Animal Shelter
 - Jeff Morris reported on the recent meeting with Friends of Animals where they reviewed the architect's drawings on the Animal Shelter. He relayed to the group the concern about placing the Animal Shelter on First Street of land locking the shelter as well as the City's electric substation. There was discussion about placing the City's shelter on the Alter property which the Friends of Animals is planning to purchase. They would also assist by purchasing some of the kennels as well as the crematory. Moving the City's shelter to the Alter property would require rezoning; time is of the essence as we don't know if we can get another extension on the use of the funds from our insurance company. Bradshaw has visited with the three low bidders and they will extend bids for 30-45 days. The positives of moving the facility to the Alter location is getting it farther away from residences and more out of sight to the public. It is estimated that placing the facility near the Waste Water Treatment Plant could save the City approximately \$50,000 over construction on First Street. The Friends of Animals are concerned about the accessibility for the volunteers, however. Commissioner Jones is concerned about the City acquiring another gas chamber; Morris stated the City euthanizes approximately 900 animals per year. Commissioners agreed they do not want to place a City owned structure on leased property. Morris stated he will set up another meeting with the Friends of Animals.

- Zoning Light Industrial Classification Conditional Use
 - Dennis Jacobs reported to Commissioners a request was received from John McClure of Caney representing Heymann Iron & Metal to rezone property on Brown Street from Light Industrial District to Heavy Industrial District for the purpose of operating a salvage yard. The Planning Commission reviewed the application and tabled it after considering the proximity of residential neighborhoods, the other types of industries that could go into the area once it is rezoned and the lack of controls or stipulations placed upon the property operator in a heavy industrial district. Possible solutions could be adding a salvage yard as an acceptable use in I-1, Light Industrial; adding salvage yard as a conditional use in I-1, rezoning the property to I-2 as originally requested, redefining the term junk yard as opposed to salvage yard to separate uses for vehicles and auto parts. Commissioners suggested the terms be redefined.

12. Comments from Commissioners and Staff

- City Manager Morris reported:
 - Morris reported the City is working to get the blighted modulars removed from North Edgewood; goal is to have them gone by the end of February.
 - Received consensus from Commissioners the Aquatic Center water heaters will not be used this year.
 - Updated Commissioners on the Chamber contract with the Chamber's Executive Board requesting to approve a contract as originally presented by the City, however, they have concern about naming specific special events in the contract. As the Chamber appeared for the past several months to be moving away from involvement with Special Events, there have been other groups who have indicated a desire to organize these events. There will be continued discussions.
 - Commissioners requested a report from the Aquatic Center and Golf Course on promotion plans.
 - Commissioner Warren asked about future improvements for the pool; Morris indicated the Aquatic Center Task Force will be called back together to discuss future improvements.
 - Commissioner Hendryx noted the baselines on the tennis courts are worn and the basketball court at LeClere needs maintenance. He also asked about increasing fees for the wireless internet.

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 9:45 p.m.

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

TIME THE MEETING WAS RECONVENED: 9:45 p.m.

Mayor Horn stated there was no action as a result of the executive session.

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Finance Department – Sales and property tax reports
2. Planning Department – January Building Permit Report
3. Fire Department – January Fire Report, letters of commendation
4. Notice of Board openings
5. Coffeyville Recreation Commission – December meeting minutes
6. Report from Downtown Coffeyville regarding way-finding signs
7. Correspondence from Cox Communications

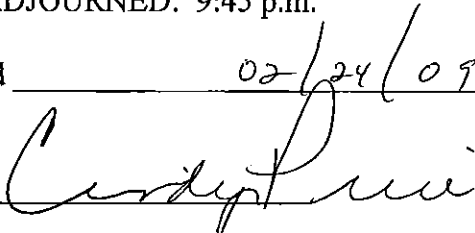
L. ADJOURNMENT

MOTION: Move to adjourn.

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

TIME THE MEETING WAS ADJOURNED: 9:45 p.m.

Date the minutes were approved 02/24/09


Cindy Price, City Clerk

