

**REGULAR COMMISSION MEETING MINUTES**  
**TUESDAY, FEBRUARY 24, 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  
PUBLIC WORKS DIRECTOR CHUCK SHIVELY  
ELECTRIC UTILITY DIRECTOR BERNIE CEVERA

A. **CALL TO ORDER** – Mayor Horn

B. **INVOCATION** – Mayor Horn

C. **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

D. **CONSENT AGENDA ITEMS**

1. Regular City Commission Meeting Minutes – Tuesday, February 10, 2009
2. 2009 Appropriation Ordinance No. AO-09-04 – \$3,784,659.79
3. 2009 Appropriation Ordinance No. AO-09-05 – (flood) \$ 9,051.60
4. Ordinance No. S-09-02 - Second Reading of an Ordinance to approve an annual renewal of the ten-year property tax exemption-incentive for Four State Maintenance.
5. Ordinance No. S-09-03 – Second Reading of an Ordinance to approve an annual renewal of the ten-year property tax exemption-incentive for Linde, Inc. (formerly BOC).

MOTION: Move to approve the consent agenda as presented.

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

**REGULAR AGENDA ITEMS**

E. **APPROPRIATION ORDINANCE**

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

1. Presentation by Wayne Gudmonson, KDOT District IV Area Engineer, on the American Recovery & Reinvestment Act of 2009 regarding Highway Projects

- Gudmonson reported \$378 million was coming to the State of Kansas as a result of the ARRA of 2009; of that amount \$32 million will go to local units with \$4-5 million expected to go to District 4. Local entities have until March 13, 5 p.m., to have project applications submitted to the Chanute KDOT office. Projects will be reviewed and prioritized on March 17. All funding received must be appropriated by December, 2009. The criteria used for selection of projects will be on job creation, location in an economically distressed area, and the project must be completed in three years, among others.

**G. COMMENTS FROM THE PUBLIC**

- Larry Fischer, 505 Tyler, requested the Commission table the item to locate the Animal Shelter and hold a work session with the Friends of Animals.
- Chris Williams, owner of property at 1505 South Elm Street, requested the Commissioners allow him to tear down the house located at 1505 South Elm Street. He stated he had been out of the area and just found out it is scheduled to be demolished. He indicated he was willing to pay the back taxes and weed lot mowing bills. Commissioners instructed him to meet with Inspector Hayes regarding this house.
- Raymond Cook, 2310 Walnut, requested the Commission not allow a scrap metal place to go on Brown and Jackson Streets; doing so would devalue all the property in that area including the Brown Mansion.
- Les Walters, 2404 South Walnut, and James Hall requested the Commission not allow a scrap metal business to be located at Brown and Jackson Streets.

**H. OLD BUSINESS**

**I. NEW BUSINESS**

1. Resolution No. R-09-37 – A Resolution to execute a contract with Muller Construction for demolition of nine properties in the City of Coffeyville.
  - Inspector Larry Trotter addressed the Commission stating Muller Construction had the low bid for demolition of nine properties which have been through the slum and blight process.

MOTION: Move to approve Resolution No. R-09-37 for adoption.

ACTION: THE MOTION WAS MADE BY MAYOR HORN AND SECONDED BY COMMISSIONER GONZALES. ROLL CALL VOTE – ALL AYE
2. Resolution No. R-09-38 – A Resolution to set a Public Hearing for the condemnation of eight properties in the City of Coffeyville.
  - Inspector Jim Hayes addressed the Commission stating this item involves 7 houses in various stages of completion along with one lot at 1815 Stark; nothing has been done to complete the properties. Six of the seven properties are unlocked and easily entered. This resolution will set a date for a public hearing regarding condemnation of the properties.

MOTION: Move to approve Resolution No. R-09-38 for adoption.

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

3. Resolution No. R-09-39 – A Resolution to utilize a portion of the Kansas Housing Development SB417 Grant proceeds for infrastructure improvements at Third and Cheyenne Streets.

■ City Manager Jeff Morris addressed the Commission stating local housing developer David George has approached the City regarding installation of infrastructure in the Westbrook Addition, Third and Cheyenne. George initially intends to build three houses. The area has sewer available, however, the electric, water and street infrastructure is not there. This is one of the areas approved in the Kansas Housing Resources Corporation Housing Development Grant awarded to the City. The installation of the infrastructure would accommodate seven building lots. The estimated infrastructure cost is \$225,000, including engineering fees. According to the grant agreement, the City is required to provide matching funds which can include in-kind labor and services which will include labor and equipment. The City is requesting \$202,500 of the \$1.5 million SB417 grant funds to be used for infrastructure improvements at Third and Cheyenne.

MOTION: Move to approve Resolution No. R-09-39 for adoption.

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

4. Resolution No. R-09-40 – A Resolution to purchase transmission/distribution line right-of-way easement from Douglas A. Dewey.

■ Electric Utility Director Bernie Cevera addressed the Commission stating the easement is needed for the relocation of the 69 kV transmission line; the \$250 cost will be reimbursed by KDOT. The Benning easement, at a cost of \$500, is needed for the new east feeder.

MOTION: Move to approve Resolution No. R-09-40 for adoption.

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

5. Resolution No. R-09-41 – A Resolution to purchase transmission/distribution line right-of-way easement from Paul E. and Sandra K. Benning.

MOTION: Move to approve Resolution No. R-09-41 for adoption.

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

6. Resolution No. R-09-42 – A Resolution to purchase certain real property for the east feeder extension and Wal-Mart circuit from Cody and Janice Mummert.

■ Electric Utility Director Bernie Cevera addressed the Commission stating this property is needed for the new east feeder and Wal-Mart circuit. The owners, Cody and Janice Mummert did not wish to grant an easement, therefore, the City will purchase the property at a cost of \$2,000.

MOTION: Move to approve Resolution No. R-09-42 for adoption.

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

7. Ordinance No. G-09-02 – First Reading of an ordinance to amend Chapter 29 definitions section of the zoning ordinance.

■ Architect/Planner Dennis Jacobs addressed the Commission stating at the previous meeting the Commissioners requested the zoning definitions for junk yard, recycling facility and salvage yard be reviewed as well as defining what conditional use properties could go in I-1 Light Industrial District. The Planning Commission has received a request from John McClure to rezone property on Brown Street from Light Industrial to Heavy Industrial for the purpose of operating a salvage yard. The Planning Commission requested guidance from the City Commission regarding the zoning options for this property or redefining the term junk yard as opposed to salvage yard to separate uses for vehicles and auto parts. The Commissioners suggested the terms be redefined. As presented, a junk yard would be defined as land with or without buildings used for the collection, deposit, storage or sale of materials such as scrap metals, two or more disabled vehicles or for operation of automobile graveyard on a permanent basis. A recycling facility would be land with buildings where recyclable material is collected, processed and/or baled in preparation for shipment. This use would not include junk or salvage yards. A salvage yard would be land with our without buildings used for collection of used materials such as scrap metals but not vehicles on a permanent basis. Commissioners expressed concern about putting a salvage yard. The other suggested change would include the placement of a salvage yard or recycling facility in an I-1 Light Industrial District with a conditional use which does not rezone the property permanently. Commissioners suggested they meet with the Planning Commission to work this issue out.

**MOTION: Move to approve Ordinance No. G-09-02 for First Reading.**

**ACTION: THE MOTION WAS MADE BY COMMISSIONER HENDRYX AND SECONDED BY COMMISSIONER GONZALES. ROLL CALL VOTE – AYE: HENDRYX AND GONZALES; NO: HORN, WARRREN AND JONES. MOTION FAILED**

8. Resolution No. R-09-43 – A Resolution to approve the location of the Coffeyville Animal Shelter.

■ Prior to a staff presentation, Mayor Horn asked if Commissioners wished to table this item. Hendryx and Gonzales stated they wished to table; Horn, Jones and Warren did not. Therefore, Deputy Public Works Director Jim Bradshaw addressed the Commission and reviewed estimated cost differences for the four proposed locations of the animal shelter – First Street south of the Electric Substation on City-owned property; two separate locations north of the Alter Animal Clinic on property the Friends of Animals is planning to purchase; and the fourth just off South Walnut, north of the Wastewater Treatment Plant on city-owned property. Staff is concerned if the shelter is built south of the substation, it will become landlocked and prohibit possible expansion of either the shelter or the substation. The two sites on Alter's property would require additional engineering costs and there is concern about putting a City facility on land not owned by the City. Of primary concern to the City is the pending deadline to receive insurance and FEMA funds; the insurance company has extended their deadline to the end of the year, however,

to receive any reimbursement from FEMA, the building contract would need to be awarded and ground work underway by July.

- Jim Correll, representing Friends of Animals, spoke stating the group had no idea the City would come up with an Animal Shelter plan as they did; he questioned why the concern about the expansion of the substation was just now coming up. Bradshaw stated after the bid opening, the Electric Utility Director contacted him to make sure there would be adequate access to the substation for work that would need to be done on a transformer there. Correll also stated that people would likely not volunteer if the shelter is placed near the Wastewater Treatment Plant and putting the gas chamber in the shelter would give the perception of capital punishment.
- Becky Medley stated both donors and volunteers would back off if the location is on South Walnut; Denise Tatman stated the goal of the Friends of Animals is to have a no-kill shelter.
- Mayor Horn expressed concern about the First Street location due to having the shelter in a residential area.
- Correll stated the Friends of Animals would consider a long-term lease in order to place the shelter on the Alter property and there are potential donors for the facility who are sitting back waiting for a shelter plan.

MOTION: Move to table action on location for the Coffeyville Animal Shelter

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

9. Resolution No. R-09-44 – A Resolution to establish fees for the Coffeyville Wireless Internet Service.

- IT Manager Chris Felix addressed the Commission stating staff has been reviewing the current wireless service and setup fees. Due to increased installation costs, the proposed setup fee would be \$125 up from the current \$50; the current monthly fees of \$39.95 and \$79.95 would remain the same. A service fee of \$35 per hour, with one hour minimum, will be implemented if a service call is made to a customer's location and the problem is with customer's equipment and not City's equipment. Staff is still reviewing the customer contract which will be brought to Commissioners at a future meeting. Commissioner Hendryx stated he wanted a higher setup fee to recoup the City's costs quicker.

MOTION: Move to approve Resolution No. R-09-44 for adoption.

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

10. Comments from Commissioners and Staff

- City Manager Jeff Morris provided an update on the South Walnut road repair projects stating there had been a total of 27 joint repairs on the outside lanes; 198 to go on the inside lanes. The modules on North Edgewood had been removed at a cost of \$7,150 plus asbestos inspection fees of \$300; the cost billed to the owner. Allen Purkey, owner of the Purkey building on South Walnut, has stated he plans to begin demolition of the building in two weeks.
- Commissioner Hendryx reported the grant application for the skate park has been turned in.
- Mayor Horn stated due to a need to commit more time to pastoring his church, he is not campaigning for the upcoming Commission election.

**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 Relationship to include Electric Utility Director Bernie Cevera and to reconvene on or before 10:00 p.m.

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

TIME THE MEETING WAS RECONVENED: 10:00 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. Police Department – January statistics
2. Inspections Department – February reports
3. Public Library – January Board minutes
4. Senior Citizens Board – February Board minutes

**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: 10:00 p.m.

Date the minutes were approved

03/10/09

*Candy Price*

