

**REGULAR COMMISSION MEETING MINUTES  
TUESDAY, APRIL 28, 2009  
6:30 P.M.**

The Board of Commissioners met in Regular Session at 6:30 p.m. with Mayor Richard Gonzales presiding.

Those in attendance were:

COMMISSIONER ALEC HENDRYX  
COMMISSIONER PAM JONES  
COMMISSIONER JIM C. TAYLOR, SR.  
COMMISSIONER RJ WARREN

City Staff in attendance were:

CITY MANAGER JEFF MORRIS  
CITY CLERK CINDY PRICE  
CITY ATTORNEY PAUL KRITZ  
FINANCE DIRECTOR STEPHANIE RICHARDSON  
FIRE CHIEF GREG ALLEN  
PLANNER/ARCHITECT DENNIS JACOBS  
DEPUTY PUBLIC WORKS DIRECTOR JIM BRADSHAW  
ENGINEERING SUPERINTENDENT SCOTT MASSMAN  
TREASURER ANGIE NADEN

- A. **CALL TO ORDER** – Mayor Gonzales
- B. **INVOCATION** – Rev. Dan Strange, Central Church of the Nazarene
- C. **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- D. **CONSENT AGENDA ITEMS**
  - 1. Regular City Commission Meeting Minutes – Tuesday, April 14, 2009
  - 2. 2009 Appropriation Ordinance No. AO-09-12 – \$834,586.84
  - 3. 2009 Appropriation Ordinance No. AO-09-13– (flood) \$ 20,316.06

MOTION: Move to approve the consent agenda as presented.

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

**REGULAR AGENDA ITEMS**

- E. **APPROPRIATION ORDINANCE**
- F. **PUBLIC HEARING(s), SPECIAL PRESENTATION(s), & PROCLAMATION(s).**
- G. **COMMENTS FROM THE PUBLIC**
  - Raymond Cook, 2310 Walnut, read comments regarding proposed rezoning on Brown (item I-1) from Light Industrial to Heavy Industrial for the purpose of establishing a scrap salvage yard. He is concerned about pollution on property; he has contacted the EPA regarding the pollution and believes this type of business needs to be in the Industrial Park; suggested the City donate land such as the north dump.

- Les Walters, 2404 South Walnut, stated he is concerned about property deterioration when industry is located close to residential area.
- David Yarbrough suggested the City look into putting in disc golf; it is an activity that is low cost, low maintenance and can be enjoyed by all ages.
- Deanna Blythe, Regional Property Manager for Plaza Apartments, thanked the City for the support they have received from the Police Department. Their company is making additional improvements on the property and will be repaving the driveway and parking lot on Hibbard; she requested the potholes at entrance near First and Martin be repaired. Also requested criminal trespass be enforced to assist with their security measures.
- City employee Ray Robinson, 1017 East Eighth Street, asked for approval to live in Labette County on property he inherited from his parents.

**H. OLD BUSINESS - none**

**I. NEW BUSINESS**

1. Ordinance No. S-09-04 – First Reading of an Ordinance to rezone property at 2410 S. Brown Street from Light Industrial to Heavy Industrial.
  - Planner/Architect Dennis Jacobs addressed the Commission stating a request has been received from John (Gene) McClure representing Heymann Iron & Metal Company to rezone 2410 South Brown Street from Light Industrial to Heavy Industrial for the purpose of the operation of a salvage yard business. The Planning Commission unanimously approved recommending the rezoning request to Commissioners. Jacobs reviewed two proposals for truck traffic. The first would utilize Eldridge and Osage to access the gate on Brown; this would cover 4,310 linear feet; the second utilized Jefferson to access the gate; this would cover 500 linear feet.
  - Gene McClure, owner of Heymans, wants to move to the Brown Street property up for rezoning consideration. This is a bigger building which will allow him to grow the business. He is planning to operate the salvage yard only on the west side of the property. He indicated Jefferson Street would be the preferred route for his trucks; he is currently operating two, as they would have a difficult time making the turn into the gate if turning off Brown.
  - Commissioner Taylor stated he is concerned about what would be done on the east side of the property and asked Jacobs what the plans for this portion of the property were. Jacobs replied the rezoning application was only for the west lots.
  - Commissioner Hendryx stated is concerned about rezoning the property to I-2; he asked about having a special exception in the I-1 category. Jacobs stated when the Commission recently approved the salvage yard definitions, they did not want to be able to put a salvage yard as special exception in I-1 district as they wanted to be able to vote on it and a special exception does not come to City Commission for final approval.
  - Raylene Cook, 2014 Walnut stated she is concerned about health problems in the area of the proposed rezoning.
  - Clarence Tosh stated he is concerned about an increase in taxes.

**MOTION:** Move to **not** approve Ordinance No. S-09-04.

**ACTION:** THE MOTION WAS MADE BY COMMISSIONER WARREN AND  
SECONDED BY COMMISSIONER TAYLOR. ROLL CALL VOTE –

ALL AYE. GONZALES STATED HE BELIEVES THERE IS A MORE APPROPRIATE LOCATION FOR THIS BUSINESS; JONES STATED SHE WANTS TO PROTECT THE NEIGHBORHOOD; WARREN IS CONCERNED ABOUT THE CITIZENS, TRUCK TRAFFIC, NOISE AND REZONING TO I-2; HENDRYX IS CONCERNED ABOUT THE TRUCK TRAFFIC AND THE LOCATION; TAYLOR IS IN FAVOR OF THE BUSINESS BUT NOT THE TRUCK TRAFFIC.

2. Resolution No. R-09-101 – A Resolution to execute an FY2009 Professional Services Agreement with the Coffeyville Area Chamber of Commerce.

- City Manager Jeff Morris addressed the Commission stating the Chamber of Commerce Board has approved the current version of the Chamber contract which states the Chamber agrees to oversee the organization and promotion of community celebrations and events. This language is not as specific as previously proposed, however, the new Chamber Director, Kim Millikin, has conveyed her belief the Chamber must be involved in community celebrations and events and has verbally committed to do this. The Chamber membership fees are also part of the contract with the Mayor, Vice Mayor and three City staff members being listed.

MOTION: Move to approve Resolution No. R-09-101 for adoption.

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

3. Resolution No. R-09-86 – A Resolution to issue a purchase order for various types of insurance coverage for the City of Coffeyville to be effective May 1, 2009, through May 1, 2010.

- Finance Director Stephanie Richardson addressed the Commission stating renewal quotes for the City's property and liability insurance coverage have been received. The city used Charlesworth & Associates to handle the renewal process; four agencies, two local and two out of town, were contacted to provide quotes. Following review staff recommended binding coverage using the OneBeacon American Insurance Company for a total annual premium of \$208,716 with Arthur J. Gallagher & Co. serving as the agent for the fifth consecutive year. This is a decrease of \$100,476 from the 2008-09 policy year. Flood insurance will be covered through the NFIP program for those city owned facilities located in flood zone A; this will be presented at a future meeting.

MOTION: Move to approve Resolution No. R-09-86 for adoption.

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

4. Discussion and action to appoint one person to a four-year term on the Public Library Board.  
Applicant: Diane Watson

MOTION: Move to appoint Diane Watson to a four-year term on the Public Library Board serving through April 30, 2013.

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

5. Discussion and action to make a two-year appointment to the Montgomery County Community Corrections Board. Applicant: Toby Loomis

MOTION: Move to appoint Toby Loomis to a two-year term on the Montgomery County Community Corrections Board serving through January 1, 2011.

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

6. Resolution No. R-09-102 – A Resolution to execute an Engineering Services Contract with Transystems Corporation for the Cline Road and Sycamore Creek/Highway 166 Culvert Project.

■ Deputy Public Works Director Jim Bradshaw addressed the Commission stating this KDOT Project No. 166-63-K-6655-01 is scheduled to be constructed in the spring and summer of 2009. The plan calls for Cline Road to be extended between 8<sup>th</sup> Street and 11<sup>th</sup> Street. This construction engineering contract is with Transystems Corporation with an upper limit of \$106,063.47.

MOTION: Move to approve Resolution No. R-09-102 for adoption.

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

7. Resolution No. R-09-103 – A Resolution to authorize final change orders for repairs to the Kelly Building located at 119 West Eighth Street.

No action taken

8. Resolution No. R-09-104 – A Resolution to issue a refund check to Kennett, Missouri, as part of Coffeyville's mutual aid efforts in FEMA-1822-DR.

■ Finance Director Stephanie Richardson addressed the Commission stating this resolution will approve issuing a refund check to Kennett, Missouri, for \$16,696.31. This amount represents 25% of the total billing from Coffeyville as a result of three of our electric utility workers who assisted with the clean up following an ice storm in Kennett. FEMA reimbursed 75% of the cost. In normal mutual aid response situations, the city does not bill or expect reimbursement from the city requesting the aid; since this was a FEMA declared disaster, the City did bill for the services provided by our employees plus the equipment used. By reimbursing the 25%, it will hold Kennett harmless for our assistance.

MOTION: Move to approve Resolution No. R-09-104 for adoption.

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

**9. Resolution No. R-09-105 – A Resolution to participate in the Neighborhood Stabilization Program (NSP) and approve a NSP Action Plan.**

- Treasurer Angie Naden addressed the Commission stating the City of Coffeyville was approached by the Southeast Kansas Regional Planning Commission to participate in the federal Neighborhood Stabilization Program (NSP). This program allows banks and other lending institutions to have the opportunity to divest themselves of homes they hold due to foreclosure; it gives new homeowners who are at or below 120% of area median income the chance to own a home at a discounted price; and local communities receive the benefit of having once abandoned properties utilized as family homes. Montgomery County is receiving \$216,034; the County decided they did not wish to participate in the program, therefore, it is being offered to the city of Coffeyville. Based on funds available, staff recommends the City could purchase and rehabilitate foreclosed property and use up to 10% of the grant funds for demolition. There is a 7% administration fee for Southeast Kansas Regional Planning Commission to administer the grant; these funds come out of the grant funds. All funds are to be used in a nine-month time period. Once it is determined the City will participate, an action plan needs to be adopted. This resolution approves participation in the NSP plus adopts an action plan.

**MOTION:** Move to approve Resolution No. R-09-105 for adoption.

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

**10. Comments from Commissioners and Staff**

- Jeff Morris updated the Commission on street and alley repairs noting there have been 210 potholes filled over the last two weeks.
- Commission Jones asked about a vacant substation in the 1600 block of West 5<sup>th</sup>
- Commissioners Warren and Hendryx stated they liked the idea of disc golf
- Commissioner Warren requested there be more enforcement of ordinances adopted particularly cars parked on sidewalk, mowing or blowing grass in the street and abandoned vehicles.
- Commissioner Hendryx suggested holding a joint meeting with USD 445 and CCC could be helpful to discuss mill levies and taxes.
- Commissioner Taylor questioned the City's telephone answering and response guidelines; the contract agreement with Allied Waste stating the gross weight of the trash trucks is tearing up some of the City streets; obtaining a list of city owned properties and returning traffic signals in the downtown area to a standard recognizable use.

**J. EXECUTIVE SESSION(s)**

**MOTION:** Move to adjourn to Executive Session to discuss the acquisition of property to include staff members Jacobs, Bradshaw, Richardson and Price and to reconvene on or before 10 p.m.

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

Time the meeting was reconvened: 10:00 p.m.

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

1. Building Permit Report – March 2009
2. Notice of Board openings
3. Reports from Code Enforcement Officers
4. Coffeyville Public Library Minutes – February 10, 2009
5. CRMC Board of Directors Report

**L. ADJOURNMENT**

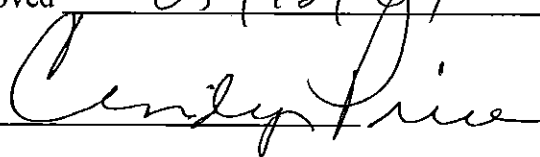
MOTION: Move to adjourn.

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

TIME THE MEETING WAS ADJOURNED: 10:00 p.m.

Date the minutes were approved

05/12/09



Cindy Price, City Clerk