

**REGULAR COMMISSION MEETING MINUTES
TUESDAY, JUNE 9, 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
DEPUTY PUBLIC WORKS DIRECTOR JIM BRADSHAW
PUBLIC WORKS DIRECTOR CHUCK SHIVELY
ENGINEERING SUPERINTENDENT SCOTT MASSMAN
FIRE CHIEF GREG ALLEN
IT MANAGER CHRIS FELIX

A. CALL TO ORDER – Mayor Gonzales

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, May 26, 2009
2. 2009 Appropriation Ordinance No. AO-09-18 – \$965,153.47
3. 2009 Appropriation Ordinance No. AO-09-19– (flood) \$ 276.90

MOTION: Move to approve the consent agenda as presented.

ACTION: THE MOTION WAS MADE BY MAYOR 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. Proclamation to declare June 11-18, 2009, National Nursing Assistants' Week
 - Mayor Gonzales read and presented the proclamation to Richard Patterson, director of Asbury Villages.
2. Coffeyville Area Chamber of Commerce Semi-Annual Report
 - Kim Millikin, Executive Director of the Coffeyville Area Chamber of Commerce, updated the Commissioners on Chamber activities over the past six months, discussed upcoming plans, and reviewed the Chamber's membership status and finances.

3. Public Hearing on an application to the Kansas Public Water Supply Loan Fund to finance improvements to the City of Coffeyville water system.
 - Public Works Director Chuck Shively addressed the Commission stating the City submitted a request for potential funding for eight projects from the proposed economic stimulus funding from the Kansas Department of Health and Environment (KDHE); five of the projects with a combined estimated cost of \$720,000 were approved for funding which is in the form of a loan from the Kansas Public Water Supply Loan Fund with a 20% principal forgiveness. This would equate to a \$144,000 grant combined with a \$576,000 loan. The terms are up to 20 years at 80% of market interest rates; the current rate is 3.91%. The projects are all considered important to the Water Utility staff and already in the capital improvement budget. Projects include the installation of a security fence around the perimeter of the finished drinking water underground storage reservoirs yard; installation of security cameras and monitors for the Water Treatment Plant, the finished drinking water reservoirs and the Pfister Park water system booster pump station; replacement of valves in the underground storage reservoirs, installation of reservoir mixers and rebuilding/replacement of equipment in the clarifier at the Water Treatment Plant. One of the requirements to submit an application is to hold a Public Hearing on the application.
 - Mayor Gonzales opened the Public Hearing
 - Commissioner Taylor asked if any of these projects are essential to the operation of the plant. Shively stated we are currently using only two of the three storage units; adding mixers will allow the City to bring the third storage tank back up.
 - Commissioner Hendryx stated he is concerned about security regarding our water system.
 - Commissioner Taylor stated currently the City is short on funds and we do not want to add to it.
 - Arnold Roland, 207 El Paso, asked if we have enough capacity in the event of a major fire; to which Shively replied we do.
 - Mayor Gonzales closed the Public Hearing
4. Resolution No. R-09-119 – A Resolution to submit an application to the Kansas Department of Health and Environment for a loan from the Kansas Public Water Supply Loan Fund.

MOTION: Move to approve Resolution No. R-09-119 for adoption.

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

5. Public Hearing on a request from Coffeyville Community College to vacate a portion of Beech Street
 - City Attorney Paul Kritz addressed the Commission stating Coffeyville Community College filed a petition asking to vacate Beech Street between 9th and 11th; City departments that may be affected were notified and asked for comments as well as other entities with infrastructure in the proposed area; those comments were included in the agenda packet. The Fire Chief responded he is concerned about fighting a fire in the area of the dorms. Kritz researched the potential conflict of interest with Commissioner Warren being a CCC employee and stated there would be no conflict of interest if a current substantial interest statement was on file with the county election officer.
 - Mayor Gonzales opened the Public Hearing
 - Dr. Don Woodburn, President of CCC, stated it is dangerous for students to cross Beech Street; the speed bumps marginally solved the problem of drive-by shootings.
 - Linda Moley, CCC Vice President, stated over 600 students live on campus; their safety is a primary focus; it is the intention of the college to maintain the road.
 - Woodburn stated there is currently no plan in place if the street is closed such as a gate.
 - Fire Chief Greg Allen stated whether or not the street is closed, the Fire Department will maintain access.
 - Ron Levis, President of Condon National Bank stated he is opposed to the vacation. He stated Condon is the largest bank depository in Coffeyville and the majority of their deposits come into the Eighth Street branch. The bank met earlier with CCC regarding the bank's moving to another location and the bank purchasing the Eighth Street building. The bank had the building appraised but the college now has no interest in purchasing the property. When asked what their timeline is for the bank building a new facility, Levis stated according to banking regulations, you have to use or sell the property.
 - Janie Houston, Vice President of Condon National Bank, stated the bank recently conducted a one-day survey asking customer's opinions on the closing of Beech Street. Of 150 responses, 79% were opposed to closing.
 - Jo Falkner, 1014 West Third Street, stated whether or not Beech Street is closed, Ninth Street will still be open which means the parking lots are open; she does not want to see a closed campus.
 - Mary Wilson, 207 West New, stated she is a member of Kiwanis and handicapped; she is concerned about the handicapped parking being taken up by CCC students and staff; seniors will not walk long distances to events.
 - Commissioner Hendryx stated he is not totally opposed, however, he is not in favor at this time to the closing; he wants to see a plan for the area.

6. Ordinance No. S-09-04 – First Reading of an Ordinance to vacate a portion of Beech Street.

MOTION: Move to approve Ordinance No. S-09-04 for First Reading.

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

G. COMMENTS FROM THE PUBLIC

- Larry McGinnis, 3610 West Fourth Street; stated he did not feel the report of the previous Commission meeting reflected the true involvement of USD 445 in Veterans Memorial Stadium. He serves as Vice President of the Board of Education, and the School Board has voted to forgive the \$310,000 obligated payment from the Electric Fund for the past three years. In addition, they are contributing \$25,000 per year into a maintenance fund.
- Kim Milliken, 506 S Overlook, stated Downtown Coffeyville should be applauded for the recently held Fun Night downtown. She also expressed her concern about the lack of attendance by community leaders at community events.
- Don Edwards, 1014 West Third Street, stated Coffeyville has several naysayers and Mr. Taylor is the chief naysayer and noted it takes three Commissioners to do anything; one Commissioner cannot do anything alone.

H. OLD BUSINESS

1. Commissioner Taylor's questions

- Commissioner Taylor asked what limits the four Commissioners have on what he discusses at meetings; everyone has the privilege to speak.
- Attorney Kritz stated a Commissioner cannot interfere with the day-to-day business of running the City; a Commissioner's role is to set policy.

I. NEW BUSINESS

1. Action and discussion to appoint one individual to serve an unexpired term on the Public Library Board to April 30, 2011.

Applicant: Mary Taylor

MOTION: Move to appoint Mary Taylor to an unexpired term on the Public Library Board serving to April 30, 2011.

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

2. Action and discussion to appoint one individual to serve on the Senior Citizens Advisory board to June 1, 2012.

Applicants: Robert DeMott, Richard Patterson, Frankie Roland

MOTION: Commissioner Jones nominated Frankie Roland; Commissioner Hendryx nominated Robert DeMott, Mayor Gonzales nominated Richard Patterson to serve on the Senior Citizens Advisory Bd. to June 1, 2012.

ACTION: REQUIRED TWO VOTES; DURING THE FIRST COMMISSIONER JONES VOTED FOR ROLAND; COMMISSIONERS HENDRYX AND WARREN VOTED FOR DEMOTT AND MAYOR GONZALES AND COMMISSIONER TAYLOR VOTED FOR PATTERSON. DURING THE SECOND VOTE, HENDRYX AND WARREN VOTED FOR DEMOTT AND JONES, GONZALES AND TAYLOR VOTED FOR PATTERSON. RICHARD PATTERSON WAS APPOINTED.

3. Resolution No. R-09-120 – A Resolution to submit a Justice Assistance Grant application by the Coffeyville Police Department.

■ Police Chief Joe Humble addressed the Commission stating the Justice Assistance Grant is from the US Department of Justice, Office of Justice Programs' Bureau of Justice Assistance. This year, CPD is eligible for a total of \$13,772. This needs to be a multi-jurisdictional grant and CPD is acting as the fiscal agent for the grant and has entered into a memorandum of understanding with the Montgomery County Sheriff's office for the allocation and use of the grant funds. The City's portion would be \$8,428.97 for the purchase of seven patrol rifles, seven vehicle mounted rifle locks and three tasers. The Sheriff's Office portion would be toward purchase of three submachine guns. As part of the grant process, a public hearing needs to be conducted.

■ Mayor Gonzales opened the Public Hearing

■ There being no comments, Mayor Gonzales closed the Public Hearing

MOTION: Move to approve Resolution No. R-09-120 for adoption.

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

4. Resolution No. R-09-121 – A Resolution to execute a contract with Muller Construction for demolition of three properties participating in the flood buyout program.

■ Engineering Superintendent Scott Massman addressed the Commission stating requests were sent to six companies requesting a bid for demolition of the three properties in the 2008 CDBG Urgent need flood buyout project. A bid was received from Muller Construction for \$12,950. FEMA will fund 75% of this amount; the State of Kansas will fund 20% leaving 5% for the City. It is anticipated the properties will be demolished by August 15, 2009.

MOTION: Move to approve Resolution No. R-09-121 for adoption.

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

5. Resolution No. R-09-122 – A Resolution to execute a contract with Bryant & Bryant Construction for the 166-63U-2083-01 KLINK project.

■ Engineering Superintendent Scott Massman addressed the Commission stating this proposed contract is for a three-year KLINK award combined into one project on Highway 166/169 from Walnut to Sunflower. KLINK projects are funded by the state on a 50% matching basis up to \$200,000 per project. Bryant & Bryant Construction was the low bid at \$646,037.50. Since bids were considerably lower than anticipated, staff contacted KDOT to look at extending the project limits east to Eighth Street. KDOT determined this could be done and phase II of the project will be bid out in approximately a month.

MOTION: Move to approve Resolution No. R-09-122 for adoption.

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

6. Comments from Commissioners and Staff

■ Commissioner Jones stated she had been receiving numerous calls regarding the City's trash pickup

■ Commissioner Taylor had questions and comments relating to the concrete pad at the Electric Department; resolution of stadium usage; videotaping Commission meetings; utilizing SB417 funds for infrastructure on Keith Blvd; staff serving on boards; establishing an annual fund for street improvements; the Electric Reserve Fund; Housing Authority; departments heads attending Commission meetings and the transient guest tax.

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 return on or before 10:05 p.m.

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

TIME THE MEETING WAS RECONVENED: 10:04 p.m.

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Sales and Property Tax Reports
2. Communication from Downtown Coffeyville
3. Coffeyville Recreation Commission Minutes

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L. ADJOURNMENT

MOTION: Move to adjourn.

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

TIME THE MEETING WAS ADJOURNED: 10:04 p.m.

Date the minutes were approved 06/23/09

Cindy Price
Cindy Price, City Clerk

