

**REGULAR COMMISSION MEETING MINUTES
TUESDAY, OCTOBER 13, 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
IT DIRECTOR CHRIS FELIX
PUBLIC WORKS DIRECTOR CHUCK SHIVELY
DEPUTY PUBLIC WORKS DIRECTOR JIM BRADSHAW
TREASURER ANGIE NADEN
FIRE CHIEF GREG ALLEN
CODE ENFORCEMENT OFFICER JIM HAYES

- A. CALL TO ORDER** – Mayor Gonzales
- B. INVOCATION** – Rev. John Collins, First Methodist Church
- C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- D. REVIEW OF AGENDA**
- E. CONSENT AGENDA ITEMS**
1. Regular City Commission Meeting Minutes – Tuesday, September 22, 2009
 2. 2009 Appropriation Ordinance No. AO-09-34 – \$2,522,598.00
 3. 2009 Appropriation Ordinance No. AO-09-35– (flood) \$ 134,313.01
- H-1 Ordinance No. G-09-06 – Second Reading of an Ordinance to authorize the operation of micro utility trucks on City Streets.
- MOTION: Move to approve the consent agenda as presented.
- ACTION: THE MOTION WAS MADE BY COMMISSIONER HENDRYX AND SECONDED BY COMMISSIONER WARREN. ROLL CALL VOTE – ALL AYE
- F. REGULAR AGENDA ITEMS**
- PUBLIC HEARING(s), SPECIAL PRESENTATION(s), & PROCLAMATION(s).**
- G. COMMENTS FROM THE PUBLIC**
- George Chronister, 512 Willow, asked about a street maintenance program the City initiated several years ago; stated the parking lot south of Ninth Street was full during Dalton Defenders Days and at least two other times in the past month and questioned

whether the school district still owned property south of the bowling alley.

- Rick Trotter, 211 West Third Street, asked about Commissioner Taylor's e-mail reply to a citizen's inquiry.

H. OLD BUSINESS

I. NEW BUSINESS

1. Resolution No. R-09-153 – A Resolution to set a public hearing for the consideration of a ten-year tax exemption-incentive for 4State Maintenance Supply.

- Treasurer Angie Naden addressed the Commission stating at the May 13, 2008, meeting, Commissioners approved a tax exemption application made by 4State Maintenance for the addition of 10,000 square foot of warehouse space valued at \$200,000. After submitting all required documents to the County and then on to the Court of Tax Appeals (COTA), it was determined since the exemption was requested by 4State, but the owner of the property was actually TTT Enterprises (both companies are owned equally by the same individuals and TTT leases the real estate and personal property in question to 4State), there were a few more technical details that should have been included in the application and some additional verbiage needed in the ordinance before COTA would approve the exemption. Working with Department of Commerce, an amendment to the application was attempted, however, it was determined that withdrawing the application and starting fresh would be the best and cleanest approach to take. Therefore, the process must begin over which involves setting a public hearing and presenting an ordinance for approval. The one difference between the application originally presented and this one is that when applying for a property tax exemption for leased property, there must be a piece of property that integrally associates the facility with the applicant. In this case, it is the shelving units purchased to accommodate the warehoused items. With Commission approval, a public hearing will be conducted on October 27. Commissioner Taylor stated he is opposed to tax abatements as they are a burden on taxpayers; we set benchmarks for what we expect and then change the benchmarks along the way and the 11 jobs to be created over ten years by approving this abatement are insignificant.

MOTION: Move to approve Resolution No. R-09-153 for adoption.

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

2. Resolution No. R-09-154 – A Resolution to submit Contract Amendment Request #1 for the CDBG Urgent Need Grant.

- Treasurer Angie Naden addressed the Commission stating the CDBG Urgent Need Grant for the demolition portion of the flood buyout project has a completion date of August 31, 2009. The demolition has been completed and funds have been drawn, however, there are still a couple of expenses yet to be paid related to the Kansas Department of Emergency Management grant. Technically the grant cannot be considered complete until the entire project is complete. Staff is requesting a three month extension on the CDBG portion of the grant with the new completion date to be November 30, 2009.

MOTION: Move to approve Resolution No. R-09-154 for adoption.

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

3. Resolution No. R-09-155 – A Resolution to execute a memorandum of agreement with Coffeyville Community College and Pratt Community College for the Electrical Power Technology Program.

■ City Manager Jeff Morris addressed the Commission stating The Kansas Department of Commerce has indicated a significant need for electric linemen; 225 will retire within the next 5 years. Currently there are two programs in the State of Kansas with electric linemen programs, therefore, Coffeyville Community College is proposing the City partner with the College and Pratt Community College to bring an electric lineman program to CCC. Marlon Thornburg, Vice President for Innovation for CCC stated there are 19 people on an interest list and the College is interviewing for the instructor position. This will be a two-year program with both classroom and lab work included.

MOTION: Move to approve Resolution No. R-09-155 for adoption.

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

4. Resolution No. R-09-156 – A Resolution to approve bylaws for the Coffeyville Housing Authority.

■ City Attorney Paul Kritz addressed the Commission stating the bylaws are ready for adoption with the changes proposed at last meeting included.

MOTION: Move to approve Resolution No. R-09-156 for adoption.

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

5. Ordinance No. G-09-07 – First Reading of an ordinance incorporating by reference an Environmental Code of the City of Coffeyville, Kansas.

■ Fire Chief Greg Allen addressed the Commission stating the use of this code would provide the City the option of pursuing owners of property containing unsightly or hazardous conditions by initiating action in municipal court or by a resolution/assessment. In addition to providing the City another weapon in our arsenal, the code would serve to give us a quicker start on some of the run down properties that would not otherwise qualify for condemnation or blight procedures. Property owners would still receive a letter informing them of the problem and given a chance to abate the problem prior to being cited in court. Commissioner Taylor stated this is a terrible idea as we don't enforce what we have and will put additional burden on taxpayers.

MOTION: Move that Ordinance No. G-09-07 be approved for First Reading.

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

6. Resolution No. R-09-157 – A Resolution to issue a purchase order to Kansas Golf and Turf for a Greens Mower for the Hillcrest Golf Course.

■ Public Works Deputy Director Jim Bradshaw addressed the Commission stating staff had previously discussed with Commissioners the need to purchase a greens mower to be utilized at the golf course due to the current age and condition of the existing mower. After the budget was finalized, staff experienced mechanical problems with the existing 11-year-old trim mower, a repair is estimated to be \$6,000. Bids were requested for both a greens mower and a trim mower. Kansas Golf and Turf was the low bidder with a Jacobson greens mower at \$22,560. Funding for this mower and the trim mower will be out of the remaining loan fund proceeds for the golf course.

MOTION: Move to approve Resolution No. R-09-157 for adoption.

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

7. Resolution No. R-09-158 – A Resolution to issue a purchase order to Van-Wall Equipment for one John Deere 7400 Terraincut Trim Mower for the Hillcrest Golf Course.

■ Public Works Deputy Director Jim Bradshaw addressed the Commission stating Van-Wall Equipment was low bidder at \$27,335 for a John Deere trim mower; mower would not be delivered until March, 2010. Commissioner Taylor stated the City should buy the greens mower, repair the trim mower and pay off the loan fund.

MOTION: Move to approve Resolution No. R-09-158 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.

8. Resolution No. R-09-159 – A Resolution to issue a purchase order to Miller Time Mfg. for one custom made mower trailer for the Fairview and Elmwood Cemetery Maintenance Department.

■ Public Works Deputy Director Jim Bradshaw addressed the Commission stating this trailer will be used by the cemetery crews to transport mowing equipment between cemeteries. The trailer will also be available to other departments if needed. Miller Time Manufacturing submitted the low bid at \$4,480 for a custom-made mower trailer.

MOTION: Move to approve Resolution No. R-09-159 for adoption.

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

9. Resolution No. R-09-160 – A Resolution to approve change order #1 (final) for the Penn Street Lift Station Improvements Construction Contract with Tri-Star Utilities.

■ Public Works Deputy Director Jim Bradshaw addressed the Commission stating in January, 2009, Commission approved a contract with Tri-Star Utilities for the North Penn Street Lift Station Improvements that involved converting the lift station to submergible type pumps and elevating the standby generator to protect it from possible flooding events. The bid was for estimated quantities of sewer main to be installed; this change order reflects the actual quantities installed resulting in \$6,040 additional cost. Funding will come from FEMA, the State of Kansas and the City will be responsible for \$906.

MOTION: Move to approve Resolution No. R-09-160 for adoption.

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

- 9A. Resolution No. R-09-167 – A Resolution to purchase a tandem axle dump truck from the Kansas Department of Transportation for the Public Service Department.

■ Public Works Deputy Director Jim Bradshaw addressed the Commission stating the Kansas Department of Transportation has a program to sell their surplus equipment to Kansas cities and counties. City staff was notified on Friday, October 9, they had a five-ton dump truck with snow plow and stainless steel chipper trucks located at the KDOT office in Chanute for sale. City mechanics evaluated and drove the trucks and reported the 1999 International truck with 176,000 miles appeared to be in good mechanical and operating condition. Staff recommends purchasing this truck from the KDOT for \$16,000.

MOTION: Move to approve Resolution No. R-09-167 for adoption.

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

10. Resolution No. R-09-161 – A Resolution to approve placement of 20-MPH signs to be located in the 300 Block of West North Street. – NO ACTION; MOTION DIED FOR LACK OF SECOND

■ Public Works Director Chuck Shively addressed the Commission stating a request was received from residents of the 300 block of West North for a children playing sign to be installed due to people speeding in the area. Staff investigated the area and determined a 20-mile per hour speed limit sign would be a better solution as there have been many requests for children playing signs throughout the community and if one were granted it would set a precedent. Commissioner Hendryx stated it would be confusing to drivers to have a 30 MPH speed limit and then one block with a 20 MPH speed limit. The City should maintain uniformity and enforce the 30 MPH speed limit.

MOTION: Move to approve Resolution No. R-09-161 for adoption.

ACTION: THE MOTION WAS MADE BY MAYOR GONZALES; DIED FOR LACK OF SECOND.

11. Resolution No. R-09-162 – A Resolution to approve a General Civil Engineering Contract with Transystems Corporation.

- Public Works Director Chuck Shively addressed the Commission stating this contract is with Transystems Corporation of Independence to perform general engineering services. The contract is not for one specific project but for services as requested by City Staff. This type contract works well for small projects or urgent services which do not allow for the time necessary for formal approval of a contract. Commissioners Hendryx and Warren asked about hiring a civil engineer for the City.

MOTION: Move to approve Resolution No. R-09-162 for adoption.

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

12. Resolution No. R-09-163 – A Resolution to execute a contract with the EPA for a Community Wide Hazardous Substances Brownfields Assessment Grant.

- Public Works Director Chuck Shively addressed the Commission stating the City submitted two applications to the Environmental Protection Agency for Brownfields Assessment Grants, one in the Hazardous Materials category and one in the Petroleum category. Brownfields Assessment Grants provide funds tot inventory, characterize, assess and conduct planning (including cleanup planning) an community involvement related to brownfield sites. Both applications were successful and are in the amount of \$200,000 each; no local matching funds are required; the only City match proposed is in-kind service for grant administration.

MOTION: Move to approve Resolution No. R-09-163 for adoption.

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

13. Resolution No. R-09-164 – A Resolution to execute a contract with the EPA for a Community Wide Petroleum Brownfields Assessment Grant.

MOTION: Move to approve Resolution No. R-09-164 for adoption.

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

14. Resolution No. R-09-165 – A Resolution to execute a purchase order with Verizon Wireless for City cell phone service.

- IT Director Chris Felix addressed the Commission stating the two-year cell phone contract with U.S. Cellular will be up the end of October. Quotes were received from AT&T and Verizon, both lower than what is currently paid to U.S. Cellular. After

review, staff recommended signing a one-year contract with Verizon.

MOTION: Move to approve Resolution No. R-09-165 for adoption.

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

15. Resolution No. R-09-166 – A Resolution to authorize the calling of a Special Question Election for the purpose of submitting to electors the question of imposing a one-half cent sales tax for financing the costs of constructing street improvements.

- City Attorney Paul Kritz and City Manager Jeff Morris addressed the Commission stating after input from Commissioners, the resolution presented is for a one-half cent sales tax for residential streets with a five-year sunset. A one-half cent brings in approximately \$800,000 per year. In order to begin collecting the tax the first of April, the election must be conducted by the end of the year. County Clerk Charlotte Scott Schmidt has indicated a December 1 election would work; she is required to conduct the election within 45 days of being notified, therefore, a special meeting will be called for Tuesday, October 20, 4:30 p.m., to approve the resolution to conduct a sales tax election.

16. Comments from Commissioners and Staff

- City Manager Jeff Morris reported GRDA is proposing an approximate 10% increase in the City's electric contract; staff will be attending a KDOT meeting in Chanute regarding the State's 10-year comprehensive transportation program; the Friends of Animals have met regarding the animal shelter, and they desire to operate the shelter and will provide a draft for operation. Commissioners agreed to sponsor the Brown Mansion Gala at a \$2,000 level.
- Commissioner Jones read a prepared statement regarding the Garrison multi-family, tax-credit project and Commissioner Taylor's letters to the editor. She also asked about implementing a policy where individuals seeking to be appointed to a board were interviewed by Commissioners prior to appointment.
- Commissioner Hendryx requested clarification on comments Taylor made in letters to editor and stated Taylor's conduct was unbecoming of the Commission.
- Mayor Gonzales stated Taylor's behavior and numerous visits and phone calls to City Hall is disruptive to the business of running the City.
- Commissioner Warren asked Taylor to resign.
- Commissioner Taylor stated he was not resigning; there needs to be better management out of City Manager and staff or new commissioners; he requested a copy of the phone log showing his calls to City Hall.

J. EXECUTIVE SESSION(s)

1. Non-elected personnel

MOTION: Move to adjourn to Executive Session for discussion of non-elected personnel and items that would be deemed confidential in attorney-client relationship to reconvene on or before 10:20.

ACTION: THE MOTION WAS MADE BY COMMISSIONER WARREN AND

SECONDED BY COMMISSIONER HENDRYX. ROLL CALL VOTE
- ALL AYE

Time the meeting was reconvened: 10:20 p.m.

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Finance Department – Sales tax report
2. Inspections Department – Building Permit Report
3. Code Enforcement Department Reports
4. Correspondence regarding STP Project 63 U-2297-01

L. ADJOURNMENT

MOTION: Move to adjourn

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

Time the meeting was adjourned: 10:20 p.m.

Date the minutes were approved _____

10/27/09

Cindy Price

Cindy Price, City Clerk

