

**REGULAR COMMISSION MEETING MINUTES
TUESDAY, JANUARY 10, 2012
6:30 P.M.**

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

Present:

MAYOR PAM JONES
COMMISSIONER DON EDWARDS
COMMISSIONER DAVID GEORGE
COMMISSIONER RICHARD GONZALES
VIRGIL O. HORN, JR.

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
PUBLIC WORKS DEPUTY DIRECTOR JIM BRADSHAW
ELECTRIC UTILITY DIRECTOR GENE RATZLAFF
PLANNER/ARCHITECT DENNIS JACOBS
HOUSING DIRECTOR ROBERT YORK

- A. **CALL TO ORDER** – Mayor Pam Jones
- B. **INVOCATION** – Pastor Richard Peckman, St. Paul's Lutheran Church
- C. **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- D. **REVIEW OF AGENDA**

E. **CONSENT AGENDA ITEMS**

- 1. Regular City Commission Meeting Minutes – Tuesday, December 27, 2011
 - 2. 2011 Appropriation Ordinance No. AO-11-26 – \$803,170.17
- MOTION: Move to approve the consent agenda as presented.

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

REGULAR AGENDA ITEMS

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

- 1. Discussion with Pheland Lucas, Cylx Corporation, on the Animal Shelter.
 - City Attorney Paul Kritz addressed the Commission providing background information on the delays incurred in constructing the Animal Shelter. Pheland Lucas, spoke detailing information about his company, Cylx Corporation, the merger with a company owned by Marcus Cox which became Cylx Cox, the company who had the low bid to build the Animal Shelter, and the subsequent problems Marcus Cox encountered. These problems lead to the delay in constructing the shelter, which according to records by the City amounting to 196 days. According to the contract signed by Cylx Cox, liquidated

damages are to be assessed at \$1,000 per day making a total \$196,000. There were additional expenses incurred by the City when it contracted with Decker to complete the project amount to \$74,784.46. Lucas stated he would make the City whole on the cost incurred to complete the shelter, however, he requested the City reduce the amount of liquidated damages. The Commission took no action.

G. COMMENTS FROM THE PUBLIC - none

H. OLD BUSINESS

I. NEW BUSINESS

1. Resolution No. R-12-01 - A Resolution to support the Senior Services of Southeast Kansas grant application to KDOT.

- City Clerk Cindy Price addressed the Commission stating Senior Services of Southeast Kansas provides public transportation to the elderly, disabled and general public of rural Southeast Kansas. Their primary funding source is the Federal Transit Administration and Kansas Department of Transportation. To obtain the KDOT funding, a grant application is submitted on an annual basis which requires evidence of support from the governing body. Sandra Gross provided details about the day-to-day activities of Senior Services.

MOTION: Move to approve Resolution No. R-12-01 for adoption.

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

2. Resolution No. R-12-02 – A Resolution to support a tax credit project application for Pointe Royale Development, Inc., for development of affordable rental housing.

- Tom Carlson, owner of Pointe Royale Development, stated he is submitted a tax credit application to build 18 houses in the Mansion Estates area just north of the 18 houses he has recently completed. He currently has a waiting list of approximately 30 people for his current homes. The homes in the new project will be the same type as previously built, 3 bedroom, 2 bath, 2 car garage.

MOTION: Move to approve Resolution No. R-12-01 for adoption.

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

- 2A Resolution No. R-12-07 – A Resolution to approve including Brown’s Riverside housing project and two Pollett Construction houses in the Neighborhood Revitalization Program.

- City Manager Jeff Morris addressed the Commission stating at the time Tom Carlson built his 18 houses in Brown’s Riverside addition and Carl Pollett built two houses in the Mansion Estates addition, it was their intent to participate in the Neighborhood Revitalization Program. They did not get their paperwork filed in time, and are now requesting to be allowed to participate. In order to do this, they will need to get approval from all taxing entities.

MOTION: Move to approve Resolution No. R-12-07 for adoption.

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

3. Ordinance No. S-12-01 – First Reading of an Ordinance to rezone property located in the City of Coffeyville (100 & 200 block of East Wilcox; 100 block of East Beatty Street; 100 block of East Sterling Street; 100 & 200 block of East North Street; 100 & 200 block of East Martin Street; and the 100 & 200 block of East New Street).
 - City Planner/Architect Dennis Jacobs addressed the Commission stating an application has been received from Coffeyville Resources Nitrogen Fertilizers to rezone property they own west of the refinery from R-1 (Single Family Residential, R-2 (Two Family Residential District and I-1 (Light Industrial District to I-2 (Heavy Industrial District) for the purpose of construction of a railroad car switching and storage yard. Basically the property is located east of Union and north of New Street. The Fertilizer plant and the railroad have stated it will minimize the amount of switching south of Eighth Street and on South Walnut. After review, the Planning Commission approved recommending this rezoning 3-2.
 - City Attorney Paul Kritz stated the Commission has requested restrictive covenants be developed to apply to this property if rezoned. A draft covenant has developed and provided to the refinery which addresses such things as the property is to be used solely for construction and maintenance of a train rail yard and storage of empty rail cars. There shall be no rail traffic between the hours of 5:30 p.m. and 7 a.m.; rail lubricators are to be installed to keep rail noise to a minimum; proper fencing will be constructed; trees are to be left and new trees planted and all trees replaced when they die or become damaged.
 - Melvin Simpson, Charles Weed, Ivan Smith, Mary Wilson and Lawrence Briggans all expressed concern about the rezoning and what it will do to the neighborhood.
 - Commissioners requested a work session be planned to further discuss the rezoning and restrictive covenants.

MOTION: Move to table Ordinance No. S-12-01.

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

4. Ordinance No. S-12-02 – First Reading of an Ordinance to vacate certain streets and alleys.
No action
5. Resolution No. R-12-03 – A Resolution to purchase 1202 West Sixth Street.
 - Housing Authority Director Robert York addressed the Commission stating the Housing Authority is recommending purchase of 1202 West Sixth for \$28,000 for a rehab project. The estimated rehabilitation cost is approximately \$38,000.

MOTION: Move to approve Resolution No. R-12-03 for adoption.

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

6. Resolution No. R-12-04 – A Resolution to implement a Personnel Manual/Memorandum of Agreement with the Fraternal Order of Police, International Association of Fire Fighters, International Brotherhood of Electrical Workers and the International Union of Operating Engineers.
- City Manager Jeff Morris addressed the Commission stating all four unions have approved the agreement subject to some minor wording changes. The agreement includes a 30 cent per hour wage increase.
 - Commissioner Edwards requested a detailed salary comparison with both public and private entities.

MOTION: Move to approve Resolution No. R-12-04 for adoption.

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

7. Ordinance No. G-12-01 – First Reading of an Ordinance amending Commission compensation.
- City Attorney Paul Kritz addressed the Commission stating current ordinances provide for Commissioners to receive \$100 per year while in office. Several months ago Commissioners determined to replace the pay with the purchase of electronic tablets to be used to receive and review City documents and agenda items. A separate policy will be adopted outlining the specifics involved with the purchase and use of the tablets.

MOTION: Move to approve Ordinance No. G-12-01 for First Reading.

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

8. Resolution No. R-12-05 – A Resolution to execute a contract with Asplundh for line clearance services.
- Electric Utility Director Gene Ratliff addressed the Commission stating the crew rates for 2012 with Aplundh for line clearing has not increased; there is a slight increase for additional personnel if needed.

MOTION: Move to approve Resolution No. R-12-05 for adoption.

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

9. Resolution No. R-12-06 – A Resolution to execute a change order with KC Utility Packaging.
- Electric Utility Director Gene Ratzlaff addressed the Commission stating a change order is requested as steel adapters and sales tax was not included in the original amount bid by KC Utility Packaging for Substation B upgrade equipment. The total amount of the change order is \$12,787.11.

MOTION: Move to approve Resolution No. R-12-06 for adoption.

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

10. Comments from Commissioners and Staff

- City Manager Jeff Morris provided an update on city projects and reported the Electric Department is working on lighting for the Verdigris River Bridge.

J. EXECUTIVE SESSION(s)

1. Attorney-client relationship
2. Non-elected personnel

MOTION: Move to adjourn to Executive Session for discussion of items that would be deemed privileged in attorney-client relationship to include Chuck Shively and Jim Bradshaw and for discussion of non-elected personnel to reconvene on or before 9:40 p.m.

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

Time the meeting was reconvened: 9:40 p.m.

MOTION: Move to adjourn to Executive Session for discussion of non-elected personnel to reconvene on or before 9:55 p.m.

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

Time the meeting was reconvened: 9:55 p.m.

No action was taken following the Executive Sessions

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Property tax report

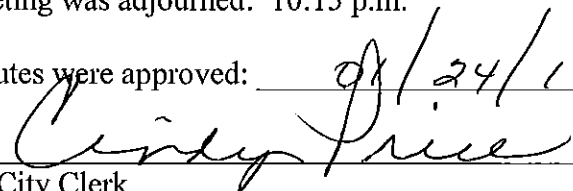
L. ADJOURN

MOTION: Move to adjourn.

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

Time the meeting was adjourned: 10:15 p.m.

Date the minutes were approved: _____


Cindy Price, City Clerk