

**REGULAR COMMISSION MEETING MINUTES
TUESDAY, AUGUST 26, 2008
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

City Staff in attendance were:

CITY MANAGER JEFF MORRIS
CITY CLERK CINDY PRICE
CITY ATTORNEY PAUL KRITZ
FINANCE DIRECTOR STEPHANIE RICHARDSON
PUBLIC SERVICE DIRECTOR CHUCK SHIVELY
FIRE CHIEF GREG ALLEN
INSPECTOR JIM HAYES
INSPECTOR LARRY TROTTER
ELECTRIC UTILITY DIRECTOR BERNIE CEVERA
ENGINEERING SUPERINTENDENT SCOTT MASSMAN
IT MANAGER CHRIS FELIX

- A. **CALL TO ORDER** – Mayor Horn
- B. **INVOCATION** – Rev. Howard Bredesen
- C. **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

D. CONSENT AGENDA ITEMS

- 1. Regular City Commission Meeting Minutes – Tuesday, August 12, 2008
- 2. 2008 Appropriation Ordinance No. AO-08-40 – \$3,606,120.15
- 3. 2008 Appropriation Ordinance No. AO-08-41 – (flood) \$ 265,117.50

MOTION: Move to approve the consent agenda as presented.

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

Finance Director Stephanie Richardson reported flood expenditures total \$2,211,379.99 to date.

REGULAR AGENDA ITEMS

E. APPROPRIATION ORDINANCE

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

- 1. Jim Taylor – housing solutions
 - Jim Taylor reiterated comments made at previous meetings regarding a proposed multi-family housing project and stated the City should not accept a grant it recently received from the Kansas Housing Resources Corporation to assist with infrastructure for new housing construction.

G. OTHER BUSINESS

1. Comments from Public

- Mary Wilson, 207 New Street, stated she had donated three acres on her property at First and Overlook to USD 445 for the FFA program.
- Jean Crutchfield, 1815 West Eighth Street, asked what the time frame was for the appropriations approved each meeting.

H. OLD BUSINESS

1. Resolution No. R-08-105 – A Resolution to execute a contract with TNT Contractors for repair and partial demolition of building located at 119 West Eighth Street.

- Engineering Superintendent Scott Massman addressed the Commission stating more information on the repair work needed at the building at 119 West Eighth Street was obtained. The bid from TNT Construction to demolish the damaged back portion of the building and seal the existing interior party wall between it and the adjoining building is \$78,321.60. It is anticipated it would cost an additional \$35,000 to make the building habitable. To totally demolish the building is anticipated to cost \$100,000. The Downtown Coffeyville Main Street program has secured an Incentive Without Walls grant which would fund 25% of the cost to repair up to \$20,000 maximum.

MOTION: Move that Resolution No. R-08-105 be approved for adoption.

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

2. Resolution No. R-08-106 – A Resolution to execute an agreement with the Kansas Department of Commerce and Downtown Coffeyville, Inc., for an Incentives Without Walls Grant for 119 West Eighth Street.

- Engineering Superintendent Scott Massman addressed the Commission stating this resolution is to approve the Incentive Without Walls grant which would fund 25% up to a total of \$20,000 for repairs to the downtown building located at 119 West Eighth Street.

MOTION: Move that Resolution No. R-08-106 be approved for adoption.

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

I. NEW BUSINESS

1. Resolution No. R-08-111 – A Resolution to declare the boundary lines and city limits of the City of Coffeyville.

- Engineering Superintendent Scott Massman addressed the Commission stating if a city's boundary lines change during the course of a year, the city is required to adopt a resolution declaring the boundary lines and city limits. In 2007, the Coffeyville boundary lines and city limits changed upon the annexation of property east of the Verdigris River. Upon review of the resolution adopted December 20, 29007, it was discovered a portion of the legal description reflecting the change was omitted. This resolution corrects the omission.

MOTION: Move that Resolution No. R-08-111 be approved for adoption.

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

2. Resolution No. R-08-112 – A Resolution to execute a contract with ACM Removal for asbestos inspection of 13 properties.

■ City Inspector Larry Trotter addressed the Commission stating bids were requested for asbestos inspection of 13 properties in the City. Four bids were received; staff recommends contracting with ACM Removal from Wichita for asbestos inspection.

MOTION: Move that Resolution No. R-08-112 be approved for adoption.

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

3. Resolution No. R-08-113 – A Resolution to execute Construction Change Order #2 with Decker Construction for the Ron Stevenson Multi-Purpose Building.

■ Deputy Public Works Director Jim Bradshaw addressed the Commission stating a change order request was received from Decker Construction for additional work required on the Ron Stevenson Building in Walter Johnson Park which has been repaired following flood damage.

MOTION: Move that Resolution No. R-08-113 be approved for adoption.

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

4. Ordinance No. G-08-05 – First Reading of an ordinance to amend Chapter 26 (Utilities), Article V (Storm Water Utility) of the City of Coffeyville Code of Ordinances.

■ Public Works Director Chuck Shively addressed the Commission stating the City was issued a National Pollutant Discharge Elimination System (NPDES) permit by the Kansas Dept. of Health & Environment effective October 1, 2004, for discharge of stormwater from our Municipal Separate Storm Sewer System (MS4) to the waters of the United States. Two of the requirements are to control non-stormwater discharges into our storm sewer system from construction sites one acre or larger and to control discharges from those sites after construction has been completed. The construction site portion of the proposed ordinance specifies requirements for developers and contractors to utilize Best Management Practices to control runoff from the site. The construction site requirements are not new. For several years developers have been required to apply for and meet the requirements of a state permit and that will continue. Now the City will receive a copy of the State permit application and the City will become the front line enforcement agency. While the State was the main enforcement agency, many developers and contractors didn't know about or simply ignored the permit requirement. The city is now required to make them comply. This ordinance should meet the minimum requirements for the last two ordinances currently mandated by the NPDES Stormwater permit issued to the City.

MOTION: Move that Ordinance No. G-08-05 be approved for approved for First Reading.

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

5. Resolution No. R-08-115 – A Resolution to execute a Lease Agreement for the Carnegie Library Building with Heartline Ministries, Inc.

■ City Clerk Cindy Price addressed the Commission stating the City has recently received inquiries regarding the use of the Carnegie Library. A request for proposal was issued and one was received from Heartline Ministries to use the Carnegie Library as a Youth Center and CoffeyHouse for the area youth and young adults. The CoffeyHouse will be located on the second floor and equipped with free wi-fi access and multi-media equipment. The lower level will be a game room and location for after-school tutoring. They are proposing a monthly lease of \$240 and will be responsible for utilities. A one-year lease will be drawn up with options for renewal.

MOTION: Move that Resolution No. R-08-115 be approved for adoption.

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

6. Resolution No. R-08-114 – A Resolution to execute a quitclaim deed conveying certain real property to Bartlett Milling Company.

■ City Attorney Paul Kritz addressed the Commission stating approximately three years ago, the City became the owner of the old flour mill building; the property was subsequently demolished. Bartlett Milling expressed interest in acquiring the property to use as a parking lot. The dimensions of the lot as well as its contiguity to railroad tracks, limit its potential use and value. The City has no present use for the lot.

MOTION: Move that Resolution No. R-08-114 be approved for adoption.

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

7. Ordinance No. G-08-06 – First Reading of an Ordinance to amend camping fees.

■ City Clerk Cindy Price addressed the Commission stating the City currently charges \$8 per night per campsite in Walter Johnson Park. This includes electric and water and use of a dump station. The fee was raised from \$4 in October, 2007, following a review of campsites in surrounding areas which showed the \$4 fee was significantly lower than other locations charge. At that time staff recommended a two-phase increase with an additional increase once sewer was added to the campsites making them full service. Staff has begun construction of 52 campsites at the far east side of Walter Johnson Park. These will all be full-service hookups with water, sewer and electric. At the same time these are constructed, sewer will be installed at the 16 campsites east of the baseball field making a total of 68 full-service sites.

MOTION: Move that Ordinance No. G-08-06 be approved for First Reading.

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

8. Discussion and action to issue a permit for Dalton Defenders Days to be held October 3-4, 2008.

MOTION: Move to approve a permit for Dalton Defenders Days to be held October 3-4, 2008.

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

9. Resolution No. R-08-116 – A Resolution to issue a purchase order for insurance coverage for the Power Plant.

- Finance Director Stephanie Richardson addressed the Commission stating Charlesworth and Associates was hired to prepare insurance proposal specifications, review proposals and submit recommendations for the Electric Utility property insurance for policy year September 1, 2008, through August 31, 2009. After their review of the proposals submitted, Charlesworth recommended accepting the Coffeyville Insurance Associates/Chubb proposal. Their premium will be \$175,337 for property coverage on building and contents and boiler and machinery coverage on the Power Plant.

MOTION: Move that Resolution No. R-08-116 be approved for adoption.

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

10. Ordinance No. S-08-14 – First Reading of an Ordinance to issue General Obligation Sales Tax Refunding Bonds.

- City Manager Jeff Morris addressed the Commission stating Series 2000 sales tax revenue bonds were issued for community projects including the Aquatic Center and drainage improvements at Fifth and Sunflower. Our bond attorneys have advised it will be to the City's advantage to refund and reissue bonds due to lower interest rates. The rate will be lowered more if the bonds are issued as general obligation sales tax refunding bonds with the City's full faith and credit behind them.

MOTION: Move that Ordinance No. S-08-14 be approved for First Reading.

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

11. Discussion on filling the vacant City Commission position
 - Commissioners set a deadline of Tuesday, September 9, 5 p.m. to accept applications for the vacant Commission seat. A date to interview candidates will be determined.

12. Discussion on usage of the Ron Stevenson Multi-Facility Building
 - Prior to the flood and the subsequent rebuilding of the damaged facility, the Ron Stevenson Multi-Facility Building was used by the Coffeyville Community College baseball team, and the Inter-State Fair & Rodeo. Following discussion, Commissioners agreed this building should be available to rent to the public and the City should work with the College on options for their programs.

13. Comments from Commissioners and Staff
 - City Manager Jeff Morris reported to Commission
 - McKinley School and old packing plant have been demolished
 - The Planning Commission meets on September 2 and will consider the application to rezone property at First and Poplar for the animal shelter.
 - The gym floor is being installed at the Recreation Center
 - Levee repair is in process; city staff is replacing the pumps
 - Public Service has a street crew working at 11th and Ellsworth and under the railroad trestle
 - Crack sealing should begin in the next two to three weeks

J. EXECUTIVE SESSION(s)

1. Attorney Client privilege

MOTION: Move to adjourn to Executive Session for discussion of items that would be privileged in Attorney-Client relationship to reconvene on or before 9:15 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: 9:15 p.m.

Mayor Horn stated no action was to be taken as a result of the Executive Session.

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Correspondence regarding FEMA grant application
2. Library Board July Minutes
3. Correspondence from Downtown Coffeyville
4. CRMC Board Meeting Information

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L. ADJOURNMENT

MOTION: Move to adjourn.

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

TIME THE MEETING WAS ADJOURNED: 9:45 p.m.

09/09/08
Date minutes were approved

Cindy Price
Cindy Price, City Clerk

