

**REGULAR COMMISSION MEETING MINUTES
TUESDAY, SEPTEMBER 9, 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
TREASURER ANGIE NADEN
IT MANAGER CHRIS FELIX

- A. **CALL TO ORDER** – Mayor Horn
- B. **INVOCATION** – Rev. Horn
- C. **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- D. **CONSENT AGENDA ITEMS**
 - 1. Regular City Commission Meeting Minutes – Tuesday, August 26, 2008
 - 2. Special City Commission Meeting Minutes – Tuesday, September 2, 2008
 - 3. 2008 Appropriation Ordinance No. AO-08-42 – \$778,074.15
 - 4. 2008 Appropriation Ordinance No. AO-08-43 – (flood) \$ 20,316.44

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 \$2,233,516.04 to date.

- E. **REGULAR AGENDA ITEMS**
APPROPRIATION ORDINANCE

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

- 1. CDBG 06-PF-623 Performance Hearing
 - City Treasurer Angie Naden addressed the Commission stating the Community Development Block Grant demolition project 06-PF-623 is nearly complete and one of the

requirements to close out the grant is to hold a Performance Public Hearing. The grant was awarded in March, 2006, in the amount of \$200,000; the City committed to contribute a dollar-for-dollar match up to \$200,000. As a result of this grant, 29 structures were torn down by the City of Coffeyville, 13 structures were torn down by contracted labor and two commercial properties, McKinley School and Packing Plant, were torn down. The total spent for the entire project was \$289,886 with the City's portion being \$144,668. The City will only be granted one demolition grant.

- Mayor Horn opened the hearing for public comments.
 - David Yarbrough asked how properties were selected for the list stating there is a house on North Spruce Street next to property he owns that is dilapidated. Naden stated most of the properties had previously been condemned; the process for selection began in 2005.
 - Mayor Horn closed the public hearing.
2. Appeal Hearing -- Property at 1201 East Fourth Street, Bobby Shafer, Jr. & Gina Shafer
- City Attorney Paul Kritz addressed the Commission stating on August 20, 2008, an Administrative Hearing Order was executed directing the demolition of property located at 1201 East Fourth Street (Hoopingarners). Under section 7076 of the City Code, "Any person affected by the order issued by the public officer may appeal the decision to the City Commission." Bobby and Gina Shafer appealed the order through their attorney Randy Rathbun. Gina Shafer and Randy Rathbun attended the hearing along with a court reporter. Larry Trotter, City Inspector, spoke on behalf of the City. Shafer indicated she wants to rebuild the property; Rathbun stated the property is part of a lawsuit against Coffeyville Resources and they can't repair or demolish the building as it will destroy evidence; it could, however, take years to settle the lawsuit. Shafer indicated she would paint the plywood covering the windows and work to make the building presentable while they are in litigation. Commissioners were given an opportunity to question Shafer and Rathbun who stated he would provide progress reports to Larry Trotter on work the Shafers did to spruce up the building while the case is in litigation.
 - Mayor Horn closed the Hearing.

MOTION: Move to overrule the Order.

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

3. Appeal Hearing -- Property at 1115 East Fourth Street, Cook Texas Properties
- City Attorney Paul Kritz addressed the Commission stating on August 20, 2008, an Administrative Hearing Order was executed directing the demolition of property located at 1115 East Fourth Street owned by Doug Cook, Cook Texas Properties. Doug Cook appealed the order through his attorney Randy Rathbun and he, too, is part of the lawsuit against the refinery. Larry Trotter, City Inspector, spoke on behalf of the City. Cook indicated he does not want to put any money into making it presentable as most likely he will tear the structure down. Commissioners were given an opportunity to question Cook and Rathbun.

- Mayor Horn closed the Hearing.

MOTION: Move to uphold the Order.

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

4. Proclamation – Assisted Living Week

- Mayor Horn read and presented the Proclamation to a representative from Asbury Village.

G. OTHER BUSINESS

1. Comments from Public

- Jim Taylor, 704 Spruce; Jean Crutchfield, 1815 West Eighth Street, and Walt Miller, 702 Spruce, took turns reading a prepared statement objecting to the grant submitted to the Kansas Housing Resources Corporation.

H. OLD BUSINESS

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

MOTION: Move that Ordinance No. S-08-14 be passed to Second Reading and approved for adoption.

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

2. Ordinance No. G-08-06 – Second Reading of an Ordinance to amend camping fees.

MOTION: Move that Ordinance No. G-08-06 be passed to Second Reading and approved for adoption.

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

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

MOTION: Move that Ordinance No. G-08-05 be passed to Second Reading and approved for adoption.

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

I. NEW BUSINESS

1. Resolution No. R-08-118 – A Resolution to execute an agreement with the Kansas cities comprising the National Pollutant Discharge Elimination System Storm Water Phase II Consortium to develop a post-construction BMP Manual.

- Public Works Director Chuck Shively addressed the Commission stating the post-construction portion of the Construction and Post-Construction Stormwater ordinance requires developers to utilize Best Management Practices (BMPs) to control runoff of stormwater from the site after construction is complete. The ordinance references a Stormwater Design Manual which would clarify the requirements and simplify compliance by developers and enforcement by the City. The City is a member of a voluntary consortium of Kansas cities subject to the requirements of the stormwater regulations. The consortium has joined together to develop the manual which would save each city significant dollars. Authorizing this agreement would commit the city to an amount not to exceed \$8,000, depending on how many other cities participate, to contract with Wilson & Company to develop a Post-Construction BMP Manual.

MOTION: Move that Resolution No. R-08-118 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-08-119 – A Resolution to assess a collection fee on credit card transactions.

- City Treasurer Angie Naden addressed the Commission stating the Finance and IT departments have been working toward the City accepting credit/debit card payments for city services – utility, rental, fine payment, etc. The equipment is in place and ETS Merchant Services has been selected as a processor as their software is built directly into INCODE. During the recent legislative session, HB2440 was passed which allowed municipalities to assess a fee equal to or less than the fee it costs cities to process a payment. This is not a revenue source, it is simply a way to offset the fees incurred. Staff recommends collecting a 1.8% fee on all credit card transactions with the exception of golf course credit card transactions.

MOTION: Move that Resolution No. R-08-119 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-08-120 – A Resolution to execute a letter of intent with the SPP regarding Facility Study 2007-AG3-AFS-4.

- Electric Utility Director Bernie Cevera addressed the Commission stating the City has been participating in the Southwest Power Pool Aggregate Facilities Study which includes two transmission reservation requests. This resolution will approve submitting a letter of intent to remain active in one study and withdrawing from one. Once the study is complete, the City will be presented with a plan to build additional transmission capacity.

MOTION: Move that Resolution No. R-08-120 be approved for adoption.

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

4. Resolution No. R-08-121 – A Resolution to execute an Engineering Services Agreement with Allgeier, Martin and Associates for services related to the transformer replacement for the Electric Utility.

■ Electric Utility Director Bernie Cevera addressed the Commission stating transformer #1 recently developed an oil leak and other serious problems; the transformer was removed from service. This is the smaller of two transformers and plans were to replace it in 2011. Due to the failure, staff is now recommending replacing the transformer in 2009 after the summer loading season and approving Allgeier, Martin and Associates to perform the engineering services for the replacement.

MOTION: Move that Resolution No. R-08-121 be approved for adoption.

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

5. Resolution No. R-08-122 – A Resolution to issue a purchase order to Graham Construction for a concrete transformer pad for the Electric Utility.

■ Electric Utility Director Bernie Cevera addressed the Commission stating transformers, switchgear, conduit and other expensive pieces of electric utility equipment are located and stored in a variety of locations throughout the city. Staff desires to centrally locate the inventory to one location north of the power plant and is recommending the construction of a concrete pad to store the inventory. The area already is secure with a barb wire fence and staff is always in the area. Additional pads may be constructed in following years.

MOTION: Move that Resolution No. R-08-122 be approved for adoption.

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

6. Comments from Commissioners and Staff

■ Commissioner Jones discussed the parking in the yard ordinance stating she did not like the idea of gravel being listed as an approved parking surface. She requested the ordinance be changed to delete gravel. She also requested property owners maintenance of their alleys be enforced.

J. EXECUTIVE SESSION(s)

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Finance Department – Sales Tax Reports
2. Inspections Department – Building Permit Report
3. Correspondence from the MCAC

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TUESDAY, SEPTEMBER 9, 2008**

L. ADJOURNMENT

MOTION: Move to adjourn.

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

TIME THE MEETING WAS ADJOURNED: 9:53 p.m.

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09/23/08

Date minutes were approved

Cindy Price

Cindy Price, City Clerk