

REGULAR COMMISSION MEETING MINUTES
MONDAY, OCTOBER 8, 2007
5:30 P.M.

The Board of Commissioners met in Regular Session at 5:30 p.m. with Mayor Virgil O. Horn, Jr., presiding.

Those in attendance were:

COMMISSIONER RICHARD GONZALES
COMMISSIONER ALEC HENDRYX
COMMISSIONER LOUIE HUMMEL
COMMISSIONER PAM JONES

City Staff in attendance were:

CITY MANAGER JEFF MORRIS
CITY CLERK CINDY PRICE
CITY ATTORNEY PAUL KRITZ
FINANCE DIRECTOR STEPHANIE RICHARDSON
ELECTRIC UTILITY DIRECTOR BERNIE CEVERA
PUBLIC WORKS DIRECTOR CHUCK SHIVELY
WATER/WASTEWATER SUPERINTENDENT JIM BRADSHAW
ENGINEERING SUPERINTENDENT SCOTT MASSMAN
IT DIRECTOR CHRIS FELIX

A. CALL TO ORDER -- Mayor Horn

B. INVOCATION -- Mayor Virgil Horn

C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

D. MINUTES

1. Regular City Commission Meeting Minutes -- Tuesday, September 25, 2007

ACTION: Approved as presented

2. Special City Commission Meeting Minutes -- Tuesday, October 2, 2007

ACTION: Approved as presented

E. APPROPRIATION ORDINANCE(s).

1. 2007 Appropriation Ordinance No. AO-07-34 -- \$728,646.15

MOTION: Move to approve Appropriation Ordinance No. AO-07-34 in the total amount of \$728,646.15 for adoption.

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

2. 2007 Appropriation Ordinance No. AO-07-35 (Flood) -- \$ 10,410.68

MOTION: Move to approve Appropriation Ordinance No. AO-07-35 in the total amount of \$10,410.68 for adoption.

ACTION: THE MOTION WAS MADE BY COMMISSIONER HUMMEL AND SECONDED BY COMMISSIONER HENDRYX. ROLL CALL VOTE

- ALL AYE.

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

1. FY 2008 Budget Hearing

■ Finance Director Stephanie Richardson addressed the Commission stating a Public Hearing is required prior to certifying the FY2008 budget to the County Clerk. The mill levy is the same as last year at 39.790, however, due to an increased assessed valuation, this will levy more dollars. The increased dollars will be used to staff the City Planner position full time; fund the additional employee added to Public Service and provide for a 50 cent per hour employee wage increase.

■ Mayor Horn opened the Public Hearing

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

2. Resolution No. R-07-110 – A Resolution to certify the FY2008 budget and authorize \$1,731,587 to be the amount of the Ad Valorem Tax to be levied.

MOTION: Move to approve Resolution No. R-07-110 for adoption.

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

G. OTHER BUSINESS

1. Comments from Public

H. OLD BUSINESS

1. Ordinance No. S-07-17 – Second Reading of an Ordinance to rezone property at 2012 South Willow Street.

■ No changes from First Reading.

MOTION: Move that Ordinance No. S-07-17 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.

I. NEW BUSINESS

1. Resolution No. R-07-111 – A Resolution to execute a payment to Muller Construction in the not-to-exceed amount of \$57,319.50 for rock for Walter Johnson Park.

■ Engineering Superintendent Scott Massman addressed the Commission stating bids were received for installation of compacted AB3 rock for roadways and parking lots affected by the flood including Walter Johnson Park, Pecan Street between 3rd and 4th Streets, North Sycamore Street and the driveway and storm drain area on Sunflower between 6th and 7th Streets. It is anticipated a portion of this will be paid for by FEMA; the low bidder was Muller Construction.

MOTION: Move to approve Resolution No. R-07-111 for adoption.

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

2. Resolution No. R-07-112 – A Resolution to execute a three-year agreement with Siemens Water Technologies for purchase of bioxide odor/corrosion control chemicals for the Industrial Park Pump Station and forcemain for the Wastewater Utility.

■ Public Works Director Chuck Shively addressed the Commission stating the length of the force main from the Industrial Park to the southern portion of Coffeyville and the related long detention time, odor/corrosion control chemicals are required. When the Industrial Park Pump Station was placed into service in October, 2000, bioxide, which is non-hazardous, was selected. This is a patented product of Siemens Water Technologies. Staff is pleased with the performance of this product and would prefer not to change to a more hazardous substance and recommends authorization of a three-year contract with Siemens Water Technologies for bioxide.

MOTION: Move to approve Resolution No. R-07-112 for adoption.

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

3. Ordinance No. G-07-17 – First Reading of an Ordinance to increase campground fees to \$8 per night per site.

■ City Clerk Cindy Price addressed the Commission stating the City is currently charging \$4 per night per camp site in Walter Johnson Park. This includes electric and water and use of a dump station. A review of campsites in surrounding areas shows this fee is significantly lower than other locations charge. Staff is recommending a two-phase increase with the first increase being \$4 to make the per night per site fee \$8. Once the park is upgraded to full service hookups, an additional increase will be implemented. The campground has officially opened to the public following the July flooding.

MOTION: Move that Ordinance No. G-07-15 be approved for First Reading.

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

4. Resolution No. R-07-113 – A Resolution to execute an Engineering Services Contract with Allgeier Martin & Associates, Inc., for 2007 flood damage study and restoration for the electric utility system.

■ Electric Utility Director Bernie Cevera addressed the Commission stating Kansas Emergency Management (KEM), a Division of the Adjutant General's Department, has met with City of Coffeyville staff and strongly recommended the City hire a professional engineering firm to evaluate and determine damages to the transmission and distribution system as a result of the July flood in addition to putting the system back on-line to pre-disaster conditions under today's codes and standards. Unlike other public utility services, evaluations of the electrical system are reimbursable, with

FEMA paying 75%, the State 10% and the City the remaining 15%. Staff recommended Allgeier, Martin and Associates, Inc., be retained to conduct the evaluation on an hourly basis until completed at an estimated cost of \$75,000.

MOTION: Move to approve Resolution No. R-07-113 for adoption.

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

5. Resolution No. R-07-114 – A Resolution to attest to an increase in tax revenues for Budget Year 2008 for the City of Coffeyville.

■ Finance Director Stephanie Richardson addressed the Commission stating in 1999 the State of Kansas suspended the mill levy rate limitations which requires the adoption of a resolution if the tax levies in the budget exceed the tax levy in the preceding budget year with certain adjustments. This year the total tax levy exceeds the amount computed on the State budget forms by \$198,707 which requires a resolution be passed.

MOTION: Move to approve Resolution No. R-07-114 for adoption.

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

6. Resolution No. R-07-115 – A Resolution to execute a contract for clean-up of the Old Wal-Mart building.

■ City Manager Jeff Morris addressed the Commission stating bids were solicited for the clean up and interior demolition of the Old Wal-Mart building, currently occupied by Sonoco, which was damaged during the flood. The City is working with Coffeyville Resources on an oil damage claim, the City's insurance carrier and FEMA for reimbursement. After reviewing bids, staff recommends contracting with American Catastrophe Environmental. They can mobilize quickly and estimate the work will take one to two weeks to complete which will allow Sonoco to move back into the building as soon as possible.

MOTION: Move to approve Resolution No. R-07-115 for adoption.

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

7. Discussion and action on future of the Memorial Hall Lot

■ City Manager Jeff Morris addressed the Commission stating it is staff's recommendation a decision be made regarding the Memorial Hall Lot to remain as green space or be sold for development purposes. If it is determined the lot should remain as green space, staff will work with the Lions Club and others to complete development of the space as a park. If it is determined to sell the lot for development, staff will work to get the area developed as well as work with the Lions Club on other suitable sites for their project.

- Commissioner Gonzales asked about the price of the land and a fourth proposal submitted after the deadline for sealed bids.
- Commissioner Jones stated there is no visible downtown square; the City needs to beautify the area and bring people to our community.
- Commissioner Gonzales stated of the two – beautify or generate revenue – we need to generate more revenue.
- Dorothy Conklin, representing the Lions Clubs, stated there is a written contract between the Lions Clubs and the City regarding the Memorial Hall Lot. She presented a petition with the names of 432 people who do not want to see commercial development on the lot.
- Chuck McFate stated it is unfair to characterize the issue as a park or as economic development; there is an agreement with the City and the City should stand behind the agreement.
- Helen Rigdon stated there is a park on the north and east sides of Coffeyville and the City needs economic development particularly since the flood.
- Max Williams stated this is an opportunity for development on property that can make the City some money.
- Rick Thompson stated if we don't react to the opportunity we will lose people; we need to work to develop our community.
- Martha Bond stated the location is good for the downtown and for the Midland Theater complex when it is completed.
- Ron McVey, who submitted a proposal for purchasing the property to build a motel, stated he and a group of local investors are planning to build a franchise motel with the project being completed in the middle of 2008. He has plans to recruit a restaurant for the property or the City can retain one half of the site and the Lions development could be placed there.
- Phil Griffin, architect for McVey, stated the franchise is a Sleep Inn & Suites which has become the new Comfort Inn as Comfort Inns are not converting to non-smoking facilities.
- Karina Ghandi, owner of the Regal Inn, stated her family has submitted a proposal for the property and they plan to build a Baymont Inn & Suites.
- John Schmid reviewed the substantial dollars a motel brings into the community.
- Dorothy Conklin requested the Lions Club be able to put their park on the Memorial Hall Lot and a motel be built on the east end of the large parking lot north of Super 8 Motel. When asked if the Lions could build their park on one-half of the Memorial Hall Lot, she stated they need the entire property for the park.
- Ryan Thompson stated a motel would be the gateway to the downtown and hopefully would inspire more restaurants, a sports bar and shopping so there would be something for the younger generation to do.
- Blanche Cunningham stated she had recently moved back to Coffeyville but it was a difficult decision due to the depressing community.
- Richard Johnson, vice president of the Montgomery County Fair Association, stated that even before the flood there were not enough motels and suggested the Lions put their gazebo in Walter Johnson Park.
- Mayor Horn stated he is pro Lions, however, he had 57 guests from St. Louis the past weekend to visit his church and there was no place for them to stay; he was forced to entertain them in Bartlesville.
- Commissioner Jones asked if we are in such dire need for a hotel, why are we only concentrating on one spot.

- Commissioner Hendryx stated we need more property on the tax rolls; he has heard from a number of veterans who want the property sold. The flood changed everything; we will have a lot of green space available.
- Commissioner Hummel clarified the Lions Club contract had options for the City to obtain control of the property. He stated the decision needs to be based on needs of the City.
- Helen Brown asked where would the City look to place a motel if there was already something on the lot.

MOTION: Move to authorize and direct staff to negotiate a development agreement for the development of Memorial Hall Lot.

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

8. Comments from Commissioners or Staff

J. EXECUTIVE SESSION(s)

1. Attorney-client relationship.

MOTION: Move to adjourn to Executive Session for consultation with an attorney on matters that would be deemed privileged in attorney-client relationship to reconvene on or before 8:10 p.m.

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

Mayor Horn stated no action would result from the Executive Session.

TIME THE MEETING WAS RECONVENED: 7:55 p.m.

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Finance Department – Sales and property tax reports
2. Planning Commission – Minutes of the August 27, 2007, meeting
3. Report from KDHE following 09/06/07 inspection of Wastewater Plant

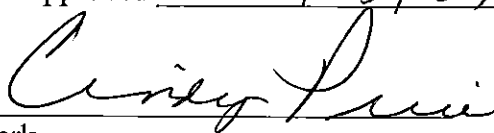
L. ADJOURNMENT

MOTION: Move to adjourn.

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

TIME THE MEETING WAS ADJOURNED: 7:55 p.m.

Date the minutes were approved 10/23/07



Cindy Price, City Clerk