

**REGULAR COMMISSION MEETING MINUTES
TUESDAY, DECEMBER 20, 2012
6:30 P.M.**

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

Present:

MAYOR DAVID GEORGE
COMMISSIONER DON EDWARDS
COMMISSIONER JIM FALKNER
COMMISSIONER VIRGIL O. HORN, JR.
COMMISSIONER PAM JONES

City Staff in attendance were:

CITY MANAGER GARY BRADLEY
CITY CLERK CINDY PRICE
FINANCE DIRECTOR STEPHANIE RICHARDSON
CITY ATTORNEY PAUL KRITZ
IT DIRECTOR CHRIS FELIX
PUBLIC WORKS DIRECTOR CHUCK SHIVELY
FIRE CHIEF JAMES GRIMMETT
POLICE CHIEF TONY CELESTE
ELECTRIC UTILITY DIRECTOR GENE RATZLAFF
ELECTRIC UTILITY DEPUTY DIRECTOR MIKE SHOOK
PLANNER/ARCHITECT DENNIS JACOBS
DEPUTY PUBLIC WORKS DIRECTOR JIM BRADSHAW

- A. CALL TO ORDER** – Mayor David George
- B. INVOCATION** – Pastor Doug Mund, Grace Fellowship 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 11, 2012
 2. 2012 Appropriation Ordinance No. AO-12-23 – \$3,707,678.79
- MOTION: Move to approve the consent agenda as presented.
- ACTION: MOTION MADE BY FALKNER AND SECONDED BY HORN. ROLL CALL VOTE – ALL AYE.

REGULAR AGENDA ITEMS

- F. PUBLIC HEARING(s), SPECIAL PRESENTATION(s), & PROCLAMATION(s).**
1. Public Hearing to amend the FY2012 budget.
 - Finance Director, Stephanie Richardson, stated there are two funds which need to be amended for 2012. In May 2012, the Public Building Commission, CRMC Board of Trustees and City Commission approved refinancing the bonds issued for the hospital expansion. The sales tax revenues were used to buy down the debt issue reducing the amount of debt refinanced and shortening the debt service period by four years. The CRMC Sales Tax Fund needs to be amended to increase the spending authority to allow

for the additional debt payment in FY 2012. The Electric Utility System Revenue Bond Series 2011-A bonds were issued in December 2011 for the 138 kV transmission line upgrade project in the amount of \$1,235,000. The 2012 adopted budget set in August 2011 did not include payments for this bond issue, therefore, the fund requires an amendment.

- Mayor George opened the hearing for public comments.
- There being no comments, Mayor George closed the hearing.

2. Resolution No. R-12-118 – A Resolution to certify the 2012 budget amendment.

MOTION: Move to approve Resolution No. R-12-118 for adoption.

ACTION: MOTION MADE BY JONES AND SECONDED BY FALKNER. ROLL CALL VOTE – ALL AYE

G. COMMENTS FROM THE PUBLIC

- Lawrence Briggans, Jr., 1411 West Seventh, thanked the Commissioners and staff for their assistance in relocating his house.
- Tosha Williams, 2203 West Second Street, expressed frustration nothing had been done regarding the school crossing issue. Mayor George stated he met with the school superintendent and there will be a crossing guard present; if the guard is not there, one of the building principals will cover it.

H. OLD BUSINESS

1. Ordinance No. S-12-12 – Second Reading of an Ordinance to authorize the levying of a one-half percent city wide retailers' sales tax.

MOTION: Move to approve Ordinance No. S-12-12 for approval.

ACTION: MOTION MADE BY HORN AND SECONDED BY GEORGE. ROLL CALL VOTE – ALL AYE

I. NEW BUSINESS

1. Ordinance No. S-13-01 – First Reading of an Ordinance to rezone property at 1512 W. Second Street.

- Planner/Architect Dennis Jacobs stated Stan Bryan submitted an application requesting 1512 West Second Street be rezoned from R-1 single family residential to R-2 two family residential for the purpose of converting the existing separate garage building into an apartment structure as an independent rental unit. No one spoke against the rezoning during the Planning Commission's public hearing, and they unanimously recommended approving the request. Commission Jones expressed concern about approving a spot zoning request stating she had heard from a property owner in the area.

MOTION: Move to approve Ordinance No. S-13-01 for First Reading.

ACTION: MOTION MADE BY GEORGE AND SECONDED BY HORN. ROLL CALL VOTE – ALL AYE EXCEPT JONES WHO VOTED NO.

2. Resolution No. R-12-119 – A Resolution to execute a quitclaim deed Terry Boswell for property located at 811 West Second Street.

■ City Clerk Cindy Price stated the City of Coffeyville owns a vacant lot at 811 West Second Street. The lot has been in the Free Land for many years; there has been no interest in the lot to build a house. Earlier in the year, the owner of property at 809 West Second Street, Terry Boswell, expressed interest in obtaining the lot to enlarge his yard and agreed to mow and maintain the lot through the 2012 mowing season. At the end of the mowing season, the lot would be conveyed to him. Boswell fulfilled his commitment. Deeding the property to him will get it back on the tax roll and relieve the City of any future maintenance on the lot. Edwards requested no more City owned lots be conveyed to others until Gary Bradley has a chance to review areas for infill housing.

MOTION: Move to approve Resolution No. R-12-119 for adoption.

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

3. Resolution No. R-12-120 – A Resolution to submit an application for the Special Traffic Enforcement Program.

■ Police Chief Tony Celeste stated the Kansas Department of Transportation promotes traffic safety through a number of projects including the Special Traffic Enforcement Program which provides grant funded overtime for enforcement of traffic safety laws such as DUI and seatbelt violations. The City's cost to participate comes from the operation of vehicles during the overtime projects. This is a minimal expense generally offset by citation fines collected as a result of extra enforcement.

MOTION: Move to approve Resolution No. R-12-120 for adoption.

ACTION: MOTION MADE BY HORN AND SECONDED BY JONES. ROLL
CALL VOTE – ALL AYE

4. Resolution No. R-12-121 – A Resolution to authorize the Coffeyville Police Department to initiate a police canine program.

■ Police Chief Tony Celeste stated the addition of a police canine unit to the Police Department will provide another tool to combat crime and improve the quality of life for residents, business and visitors. CPD has had a successful canine program previously; however, it was not continued when the last canine retired. The majority of the funding will come from forfeiture funds. Sergeant Darin Daily will be the canine officer; he stated in addition to drug searches, a canine can do searches and tracking.

MOTION: Move to approve Resolution No. R-12-121 for adoption.

ACTION: MOTION MADE BY HORN AND SECONDED BY GEORGE. ROLL
CALL VOTE – ALL AYE

5. Resolution No. R-12-122 – A Resolution to execute a construction contract for intersection and drainage improvements.

■ Public Works Director Chuck Shively stated the Commission previously approved a plan to utilize 70% of the street improvement sales tax funds for street preservation projects

and the other 30% for street repair and replacement projects. In April Commissioners approved a plan for utilizing the 30% street repair and replacement funds to replace intersections and drainage swales. One intersection, First and Central, has been completed, and bids received for the second phase which includes total replacement of three intersections and replacement of drainage swales at four intersections. The low bid was from Bryant & Bryant Construction in the amount of \$320,760.50. The project is expected to begin in February and take 120 days.

MOTION: Move to approve Resolution No. R-12-122 for adoption.

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

6. Resolution No. R-12-123 – A Resolution to purchase airport liability insurance.
 - Finance Director Stephanie Richardson stated the renewal quote for airport liability insurance provides the same coverage and premium as last year at \$1,725. This insurance coverage goes through a bid process every three years. Bids will be requested for next year's coverage.

MOTION: Move to approve Resolution No. R-12-123 for adoption.

ACTION: MOTION MADE BY HORN AND SECONDED BY JONES. ROLL CALL VOTE – ALL AYE

7. Discussion on restrictive covenant on property owned by Coffeyville Resources.
 - City Attorney Paul Kritz stated when the property for the proposed rail storage yard was proposed, a restrictive covenant on the property was put into place. The storage yard is now being constructed north on property outside the city limits. Therefore, the refinery is requesting the restrictive covenants be released. If they are released, the property will go back to the former zoning. No official document has been received from the refinery pertaining to this request.
8. Presentation by Montgomery County Action Council.
 - John Schmid representing Montgomery County Action Council provided a history of the organization and the activities conducted in Coffeyville including the number of jobs created in the county and the increase in the County's valuation. He and other members of the board present asked the Commission to reconsider their decision to drop funding for MCAC. He also indicated the county needs to focus on implementing a dedicated revenue stream for economic development in order to be more competitive. Commissioner Horn indicated previous communication from MCAC has been poor; however, he has a better understanding of the organization and wants to reconsider the decision not to fund the organization for 2013. Commissioner Edwards stated the City needs to get serious about economic development; needs to utilize the 10% of the sales tax dedicated for economic development for that purpose; needs to recruit more employable people to Coffeyville and needs to lower the mill levy when an abated property comes back on the tax roll. Commissioners Edwards and Falkner want to look at additional funding for Montgomery County Action Council.

MOTION: Move to approve funding for Montgomery County Action Council contingent on keeping the lines of communication open and MCAC providing updated marketing material.

ACTION: MOTION MADE BY GEORGE AND SECONDED BY HORN. ROLL CALL VOTE – ALL AYE

9. Comments from Commissioners and Staff

MOTION: Move to appoint the Coffeyville Journal as the official newspaper effective January 1 for a period of six months.

ACTION: MOTION MADE BY EDWARDS AND SECONDED BY FALKNER. ROLL CALL VOTE – ALL AYE

- Fire Chief James Grimmert reported the chief of planning and air monitoring from KDHE could not make it to Coffeyville due to the weather to discuss air monitoring at the refinery. He plans to attend the next meeting.
- Police Chief Tony Celeste reported the next Neighborhood Watch program will be January 3, 2013, at 6:30 p.m. County Attorney Larry Markle will speak. He also reported a draft report of school zone safety had been provided to Commissioners for their review.
- City Clerk Cindy Price reported the City is conducting a recycling survey on the website. There have been 329 responses so far; the survey is open until December 31. The results will be compiled and presented to Commissioners in January when the trash bids are discussed.
- Mayor George reported City Manager Gary Bradley wishes to purchase the City owned house at 606 West Fourth which has been recently rehabbed as part of the KHRC grant. He proposed selling it for what the City has in it or what it appraises for, whichever is lower; and there be a two-year contract on the house, at current interest rates, with Bradley. At the end of two years, Bradley will then get a conventional loan. Commissioners agreed by consensus.

J. EXECUTIVE SESSION(s)

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Library Minutes

L. ADJOURN

MOTION: Move to adjourn.

ACTION: MOTION MADE BY EDWARDS AND SECONDED BY GEORGE. ROLL CALL VOTE – ALL AYE.

Time the meeting was adjourned: 8:13 p.m.

Date the minutes were approved: 12/10/13

 Cindy Price
Cindy Price, City Clerk