

REGULAR COMMISSION MEETING MINUTES
TUESDAY, FEBRUARY 8, 2011
6:30 P.M.

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

Present:

MAYOR ALEC HENDRYX
COMMISSIONER DAVID GEORGE
COMMISSIONER RICHARD GONZALES
COMMISSIONER PAM JONES
COMMISSIONER JIM C. TAYLOR, SR.

City Staff in attendance were:

CITY MANAGER JEFF MORRIS
CITY CLERK CINDY PRICE
CITY ATTORNEY PAUL KRITZ
FINANCE DIRECTOR STEPHANIE RICHARDSON
IT MANAGER CHRIS FELIX
PUBLIC WORKS DIRECTOR CHUCK SHIVELY
CODE ENFORCEMENT OFFICER JOHN HUFFERD

- A. CALL TO ORDER** – Mayor Alec Hendryx
- B. INVOCATION** – Pastor Danny Strange, Central Church of Nazarene
- C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- D. REVIEW OF AGENDA**
- E. CONSENT AGENDA ITEMS**
 - 1. Regular City Commission Meeting Minutes – Tuesday, January 25, 2011
 - 2. 2011 Appropriation Ordinance No. AO-11-02 – \$ 988,555.58
 - 3. 2011 Appropriation Ordinance No. AO-11-03 – \$ 2,252.50
 - 4. Approval of Cereal Malt Beverage licenses for Jump Start locations at 1308 West 8th and 512 Northeast

MOTION: Move to approve the consent agenda as presented.

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

REGULAR AGENDA ITEMS

- F. PUBLIC HEARING(s), SPECIAL PRESENTATION(s), & PROCLAMATION(s).**
 - 1. Presentation to State Championship Debate Team from FKHS
 - Mayor Hendryx presented a certificate to team members and Coach Darrel Harbaugh.
- G. COMMENTS FROM THE PUBLIC**
 - Darrel Sumner, Coffeyville Journal Publisher, praised the City of Coffeyville crews for the good work in clearing streets following the recent snow storm. He also discussed the upcoming Progress Edition and requested the City purchase space at a cost of \$1,200

which would provide a total of five pages of coverage.

- Chris Hendryx, 302 Highland, asked about the plan for street repairs utilizing the street sales tax fund.

H. OLD BUSINESS

I. NEW BUSINESS

1. Resolution No. R-11-17 – A Resolution to execute a construction contract with MSB Construction for sanitary sewer and electric conduit installation in Cline’s Westwood Addition.

- Public Works Director Chuck Shively addressed the Commission stating this project is for sanitary sewer and electric conduit installation in Cline’s Westwood Addition with the full cost for the project being reimbursed by the \$392,000 EDI special project Grant from the United States Department of Housing and Urban Development. Four bids were received with the low bid MSB Construction out of Oologah. Tri-Star Utilities from Independence was within the City’s 5% local bid preference, however, according to the HUD guidelines which prohibit using local preference unless something there are issues with contractor integrity, compliance with public policy, record of past performance or financial and technical resources. Therefore, staff recommended awarding the construction contract to MSB Construction in the total amount of \$116,363. Mayor Hendryx objected to having to use the low bidder rather than one considered local. Shively stated if we went with the local bidder, the City would be responsible for the entire cost of the project.

MOTION: Move to approve Resolution No. R-11-17 for adoption.

ACTION: THE MOTION WAS MADE BY COMMISSIONER TAYLOR AND SECONDED BY MAYOR HENDRYX. ROLL CALL VOTE – ALL AYE EXCEPT COMMISSIONER GEORGE WHO ABSTAINED AS HE HAS PROPERTY IN THE AFFECTED AREA.

2. Resolution No. R-11-18 – A Resolution to execute a construction contract with JRB Industries for street and drainage improvements in Cline’s Westwood Addition.

- Public Works Director Chuck Shively addressed the Commission stating this project is for construction of streets and drainage improvements in Cline’s Westwood Addition. The project was bid with asphalt streets along with an alternate for concrete streets. The low bid was JRP Industries out of Parsons. Staff recommended approving their bid of \$159,787.50 for concrete.

MOTION: Move to approve Resolution No. R-11-18 for adoption.

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

3. Ordinance No. S-11-02 – First Reading of an Ordinance to renew the annual ad valorem property tax exemption/incentive for Four State Maintenance.

- City Manager Jeff Morris addressed the Commission and reviewed the Statement of Policy and Procedures on Ad Valorem Property Tax Exemptions and Incentives for

Economic Development as adopted by the City in 1995. Cities may exempt certain property used for economic development purposes from taxes for a maximum of ten years. This is the third year for the tax abatement for Four State Maintenance, and they are still in their three-year grace period. Employment reports show Four State Maintenance is down 11 jobs from their initial projection, however, their average wages are above projections. The ownership, use of property and other qualified criteria for the tax exemption-incentive of Four State continues to exist and is consistent with the original application. Top Tipton, one of the owners of Four State, indicated he believes the employment numbers provided are incorrect as they have not laid anyone off. Commissioner Taylor read a prepared statement indicating he believes the request and granting of a tax exemption for Four State was improperly presented and negligently processed by the Commission since its original presentation. He stated their performance to date shows 33% fewer employees than existed at the time of their request; they have failed to meet the employment levels that were forecast to justify the tax abatement and they should acknowledge that failure and withdraw their request for continuing the abatement. Approving the continuance of their tax abatement will be a Commission approved thievery from all other businesses and tax paying citizens in the City.

MOTION: Move to approve Ordinance No. S-11-02 for First Reading.

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

4. Resolution No. R-11-19 – A Resolution to establish an inducement for the rehabilitation and expansion of residential structures in the City of Coffeyville.

■ City Manager Jeff Morris addressed the Commission stating at the last meeting Commissioner Jones proposed waiving building permit fees for residential rehabilitation and remodel through June 30, 2011, in an effort to spruce up the community. This is for residential only and building permits would still be required. Commissioners determined this program should run through December 31, 2011.

MOTION: Move to approve Resolution No. R-11-19 for adoption.

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

5. Resolution No. R-11-20 – A Resolution regarding the removal of awnings in the downtown area.

■ City Attorney Paul Kritz addressed the Commission stating this resolution clarifies that additional awnings downtown can only be removed with the consent of the City Commission and the adjacent property owners.

MOTION: Move to approve Resolution No. R-11-20 for adoption.

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

6. Resolution No. R-11-21 – A Resolution to amend the bylaws of the Housing Authority.
- City Manager Jeff Morris addressed the Commission stating due to difficulty in getting a quorum for Housing Authority meetings in order to conduct business, they are requesting the number necessary be changed from four to three.

MOTION: Move to approve Resolution No. R-11-21 for adoption.

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

7. Resolution No. R-11-22 – A Resolution to execute a contract with Muller Construction for demolition of seven structures.
- Code Enforcement Officer John Hufferd addressed the Commission stating Muller had the low bid for seven structures at \$14,995.

MOTION: Move to approve Resolution No. R-11-22 for adoption.

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

8. Resolution No. R-11-23 – A Resolution to execute a contract with Scott Construction for demolition of five structures.
- Code Enforcement Officer John Hufferd addressed the Commission stating Scott Construction had the low bid for five structures at \$13,775.

MOTION: Move to approve Resolution No. R-11-23 for adoption.

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

9. Resolution No. R-11-24 – A Resolution to execute a contract with Muller Construction for demolition of five structures.
- Code Enforcement Officer John Hufferd addressed the Commission stating Muller Construction had the low bid for five structures at \$5,959.

MOTION: Move to approve Resolution No. R-11-24 for adoption.

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

10. Resolution No. R-11-25 – A Resolution to execute Change Order No. 1 to the Third Street Roadway Construction Project Agreement.

- Public Works Director Chuck Shively addressed the Commission stating when the construction of Third Street west of Cheyenne Avenue was underway, Commissioners approved the construction of Westbrook from Third Street north to First Street in order to get the same unit prices and save on mobilization fees rather than bidding the project separately. The estimate at that time was \$177,000; the final project was completed for \$166,237.85.

MOTION: Move to approve Resolution No. R-11-25 for adoption.

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

11. Comments from Commissioners and Staff

- City Manager Jeff Morris explained the sales tax report for January stating the City did not receive all the dollars it should have been allotted due to a glitch at the State level. The State won't be sending the additional funds until the end of February. Due to the cold weather, the fire suppression line at City Rec building froze and the building has been closed due to repairs. The Electric Department is working on a plan for temporary electric service downtown for special events. The new fire truck is scheduled for arrival next week. Staff is working on the franchise agreement with Atmos Energy and it will be on a future agenda. There will be an open house at the Armory on February 24 to review the Airport Height & Hazard plan. Commissioners approved purchasing a \$1,200 ad in the Progress Edition; this will provide five pages for the City. Staff met with representatives from CCC and are recommending the current operational agreement for Veterans Memorial Stadium be extended for three years with additional extensions of two years. Mayor Hendryx wants to discontinue making the \$25,000 annual payment for maintenance and only pay the debt service; Commissioner Jones wants to continue paying the \$25,000. Commissioner Taylor wants all e-mail correspondence with Commissioners to be on a reply to all basis and wants to postpone any decision on the stadium until after the election so the commission that will have the ongoing financial responsibility to make the decision in the contract and its consequences on the tax payers claiming the stadium was a costly mistake and the taxpayers should not be suffering financially more than the users of the stadium.
- Commissioner Taylor stated he wants a consensus from Commissioners to stop any discussion with KHRC on a proposal for prison built housing. He wants to modify the Neighborhood Revitalization program. He wants to have televised candidate forums held in the Commission Room, and he wants a consensus to enforce the minimum housing standards and stop discussion on the rental standards.
- Commissioner George praised the City crews for the good work in clearing the streets following the recent snowfall.

J. EXECUTIVE SESSION(s)

**REGULAR COMMISSION MEETING MINUTES
TUESDAY, FEBRUARY 8, 2011**

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Sales and property tax reports
2. Police Department Report
3. Building Permit Report
4. Planning Department 2010 Report

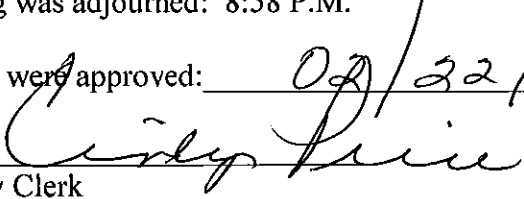
L. ADJOURN

MOTION: Move to adjourn.

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

Time the meeting was adjourned: 8:58 P.M.

Date the minutes were approved: 02/22/11


Cindy Price, City Clerk