

**REGULAR COMMISSION MEETING MINUTES
TUESDAY, FEBRUARY 9, 2010
6:30 P.M.**

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

Those in attendance were:

COMMISSIONER ALEC HENDRYX
COMMISSIONER PAM JONES
COMMISSIONER JIM C. TAYLOR, SR.
COMMISSIONER RJ WARREN

City Staff in attendance were:

CITY MANAGER JEFF MORRIS
CITY CLERK CINDY PRICE
CITY ATTORNEY PAUL KRITZ
FINANCE DIRECTOR STEPHANIE RICHARDSON
IT DIRECTOR CHRIS FELIX
TREASURER ANGIE NADEN
PUBLIC WORKS DEPUTY DIRECTOR JIM BRADSHAW
PUBLIC WORKS DIRECTOR CHUCK SHIVELY
ARCHITECT/PLANNER DENNIS JACOBS
INTERCONNECTED OPERATIONS MANAGER STEVE MCGIE
ENGINEERING SUPERINTENDENT SCOTT MASSMAN
HOUSING DIRECTOR GAIL THOMAS

- A. CALL TO ORDER** – Mayor Gonzales
- B. INVOCATION** – Rev. Mark Wilson, First Church of God
- C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- D. REVIEW OF AGENDA**
- E. CONSENT AGENDA ITEMS**
1. Regular City Commission Meeting Minutes – Tuesday, January 26, 2010
 2. 2010 Appropriation Ordinance No. AO-10-02 – \$1,199,473.00
 3. 2010 Appropriation Ordinance No. AO-10-03 (flood) – \$ 337,760.01
- MOTION: Move to approve the consent agenda as presented.
- ACTION: THE MOTION WAS MADE BY MAYOR GONZALES AND
SECONDED BY COMMISSIONER WARREN. ROLL CALL VOTE –
ALL AYE
- REGULAR AGENDA ITEMS**
- F. PUBLIC HEARING(s), SPECIAL PRESENTATION(s), & PROCLAMATION(s).**
- G. COMMENTS FROM THE PUBLIC**
- Crystal Cook, 711 Spruce, stated the snow plows were pushing snow onto the sidewalks around Whittier and Community Elementary School causing a hazardous situation.

- Don Edwards, 1107 West Fifth Street, stated to Commissioners it is their responsibility to see to it the houses currently on the condemnation list are torn down.

H. OLD BUSINESS

I. NEW BUSINESS

1. Ordinance No. S-10-02 – First Reading of an ordinance to approve the annual renewal of the ten-year property tax exemption-incentive for Four State Maintenance.

- Treasurer Angie Naden addressed the Commission stating this is the final annual renewal for the ten-year property tax exemption for Four State Maintenance. Staff has determined the ownership, use of property and other qualified criteria continues to exist and is consistent with the original application and employment levels are higher than originally projected. Commissioner Taylor stated due to the financial situation of the City he wants to see the company refund the tax dollars that have been rebated to Four State. Commissioner Hendryx stated this has been a good tool for economic development for the City.

MOTION: Move that Ordinance No. S-10-02 be approved for First Reading.

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

2. Discussion and action to appoint individuals to new three-year terms on the Board of Zoning Appeals.

Applicants: Bessie Scoffield, Kenneth Winston, David Yarbrough

- Bessie Scoffield and David Yarbrough addressed the Commission stating their desires to serve on the Board of Zoning Appeals.

MOTION: Move to appoint Bessie Scoffield, Kenneth Winston and David Yarbrough to three-year terms on the Board of Zoning Appeals serving to October 1, 2012.

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

3. Discussion and action to appoint individuals to the Housing Authority.

Applicants: Robert Eastman, David L. George, Carla Jones LeLaCheur
Richard Pugh, John L. Smith, Mike Thrasher

- Applicants David George, Richard Pugh and John Smith addressed the Commission stating their desires to serve the on the Housing Authority.

MOTION: Move to appoint Mike Thrasher to a one-year term representing banking; Robert Eastman to a two-year term representing legal; Richard Pugh to a three-year term as an at-large representative; David George to a four-year term as a realtor representative and John Smith to a four-year term as an at-large representative.

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

4. Resolution No. R-10-16 – A Resolution to request the Montgomery County Board of Commissioners make a finding on the annexation of real property.
- City Attorney Paul Kritz addressed the Commission stating on January 12, Commissioners approved an annexation agreement with Fred Wigley, Big Chief RV Park, for property located on Highway 169. Since this property is not adjacent to the city limits, the next step in the annexation process required Mr. Wigley to provide the City with a copy of the deed and a signed petition consenting to the annexation. Both have been provided. A resolution has been prepared to request the Montgomery County Board of Commissioners make a finding and determination pursuant to the provisions of K.S.A. 12-520c that the annexation of the real property will not hinder or prevent the proper growth and development of the area or that of any other incorporated City located in Montgomery County. Once the County consents to the annexation, an annexation ordinance will be prepared and presented to the City Commissioners for approval.

MOTION: Move to approve Resolution No. R-10-16 for adoption.

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

5. Resolution No. R-10-17 – A Resolution to execute an amendment with the Kansas Department of Transportation for reimbursement of expenses incurred in relocation of a water line to accommodate the Highway 169 System Enhancement Project.
- Public Works Director Chuck Shively addressed the Commission stating the City authorized an agreement with the Kansas Department of Transportation to relocate a City owned water line to accommodate construction of the System Enhancement Project on Highway 169 north of Coffeyville. Since the water line was located in a City owned easement, KDOT agreed to reimburse the City for relocation of the line. KDOT has determined an additional water line needs to be relocated to accommodate the project; this, too, will be reimbursed. To allow for a more timely completion of the project, KDOT has requested the water line relocation be performed as a change order to the original project with Tri-Star Utilities rather than going through the bidding process. The increase in the contract price is estimated to be approximately \$300,000.

MOTION: Move to approve Resolution No. R-10-17 for adoption.

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

6. Resolution No. R-10-18 – A Resolution to purchase an upgrade to the GIS mapping system software for the Electric Utility Department.
- Interconnected Operations Manager Steve McGie addressed the Commission stating the Commission approved an agreement with Midland GIS to update the electric utility

maps and reformat the data in the existing GIS system. This purchase is for the software and licensing from ESRI at a cost of \$5,506.85.

MOTION: Move to approve Resolution No. R-10-18 for adoption.

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

7. Resolution No. R-10-19 – A Resolution to amend the land use plan adopted by the Urban Renewal Agency.

- City Attorney Paul Kritz addressed the Commission stating the City Manager received a letter from Garrison Development Company regarding a declaration of land use restriction placed on the property they are purchasing at Eighth and Union for construction of apartments. This restriction was put in place during Urban Renewal. The Urban Renewal Agency is now an inoperative and defunct entity making the Land Use Plan obsolete and archaic. When Garrison ordered the title commitment on the property the restriction was discovered. The City's model zoning ordinances were adopted in 1995 which effectively replaced the Urban Renewal covenants. Staff recommends repealing the land use plan set forth in the covenants and replacing them with the City's Land Use Plan.
- Commissioner Taylor stated we are doing a disjustice to the people who have been living with the covenants, and the Garrison is a phony project which will cost the City by having to maintain the public parking lot.
- Commissioner Hendryx stated Urban Renewal was a failed project.
- George Chronister provided a history of the Shrine Barn and the number of events held there.
- Jim C. Taylor, Jr., owner of the Terminal Building, stated that facility has nine parking spots; he needs to preserve those and plans in the future to put several million dollars into restoring the building. He requested Garrison be required to put the doors on the apartment complex on the north and east side of his building.
- City Manager Morris stated he has spoken to Gary Hassenflu, the apartment developer, and he is planning to make the main entrance on the north side; the door on the west side is for the business office.
- Jim C. Taylor, Jr., stated if the doors are not put on the north side he will probably not develop his building.
- Mayor Gonzales and Commissioner Hendryx stated they are fearful we will lose dollars from KHRC if we don't get a project going.
- David Yarbrough stated we are discouraging builders in our community.

MOTION: Move to approve Resolution No. R-10-19 for adoption.

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

8. Comments from Commissioners and Staff

- City Manager Jeff Morris reported the Electric Department security project is complete, City crews have begun the demolition of the Harmon Pool and the contractor is back at work on the Animal Shelter.
- Public Works Director Chuck Shively reported there will be a change order of \$12,950 in the Third Street and Cheyenne Street project.
- Commissioner Jones complimented the street crews on snow removal during recent storms.
- Commissioner Hendryx read letter from the Board of Realtors stating they are in favor of the neighborhood revitalization program in Coffeyville.
- Commissioner Hendryx read letter to the editor he wrote claiming Commissioner Taylor is presenting misleading information to the public; Hendryx asked for other Commissioners to sign the letter if they so chose; all Commissioners signed the letter.

J. EXECUTIVE SESSION(s)

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Sales Tax Report

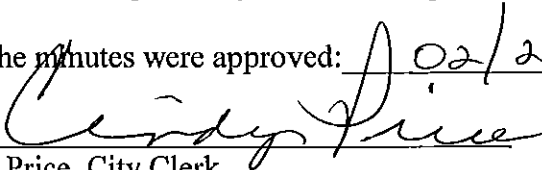
L. ADJOURNMENT

MOTION: Move to adjourn.

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

Time the meeting was adjourned: 8:30 p.m.

Date the minutes were approved: _____


Cindy Price, City Clerk