

**REGULAR COMMISSION MEETING MINUTES**

**TUESDAY, APRIL 27, 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  
ARCHITECT PLANNER/ DENNIS JACOBS  
PUBLIC WORKS DIRECTOR CHUCK SHIVELY  
PUBLIC WORKS DEPUTY DIRECTOR JIM BRADSHAW  
ENGINEERING SUPERINTENDENT SCOTT MASSMAN  
ELECTRIC UTILITY DIRECTOR BERNIE CEVERA  
ELECTRIC OPERATIONS MANAGER MIKE SHOOK  
HOUSING DIRECTOR GAIL THOMAS  
FIRE CHIEF GREG ALLEN  
TREASURER ANGIE NADEN

- 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, March 23, 2010
  - 2. Special City Commission Meeting Minutes – Thursday, April 15, 2010
  - 3. 2010 Appropriation Ordinance No. AO-10-11– \$3,657,008.55
  - 4. 2010 Appropriation Ordinance No. AO-10-12 (flood) – \$ 164.33

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).**
  - 1. Proclamation declaring April as Fair Housing Month

2. Public Hearing – City of Coffeyville 5-Year Transportation Plan
  - Engineering Superintendent Scott Massman addressed the Commission stating the Kansas Department of Transportation has requested a list of projects to be included in the City’s portion of the updated five-year Statewide Transportation Improvement Program. A list has been developed of projects matching KDOT’s federal funding requirements; the list is reviewed and updated annually. A hearing is required to obtain the public’s input regarding the projects. The list includes Buckeye Street from First to Meadow; Buckeye Street from south of Tenth to First Street; Eighth Street from Northeast Street to the west overpass; Cline Road from Woodland to Seaton Road; Fourth Street from Buckeye to Patterson; Fifth Street from Buckeye to Patterson and First Street from Buckeye to Sparks. Commissioners Taylor and Hendryx requested Overlook be considered for future applications.
  - Mayor Gonzales opened the hearing for public comments.
  - There being no comments, Mayor Gonzales closed the hearing.
3. Resolution No. R-10-47 – A Resolution to update the City’s 2011-2015 five-year transportation project priority.
  - MOTION: Move that Resolution No. R-10-47 be approved for adoption.
  - ACTION: THE MOTION WAS MADE BY COMMISSIONER HENDRYX AND SECONDED BY COMMISSIONER JONES. ROLL CALL VOTE – ALL AYE

**G. COMMENTS FROM THE PUBLIC**

- Kristie Luttrell, 600 Maple #207, stated she uses a motorized scooter for transportation and the curbs around the Pickwick Apartments where she lives are not handicap accessible.
- Mary Wilson, 207 West New, stated the new polycarts are bigger and heavier with smaller wheels than the previous ones and hard to maneuver. Staff indicated they will contact Waste Connections to see if smaller carts could be obtained for those needing one.
- Ron Price, 2105 West Fourth, stated he is concerned about the traffic around the school and people not abiding by the no left turn signs.

**H. OLD BUSINESS**

1. Ordinance No. S-10-04 – First Reading of an ordinance to rezone property located at 712 West Fourth.
  - Architect/Planner Dennis Jacobs addressed the Commission stating Sid Haffener has applied for a rezoning of property located at 712 West Fourth Street from R-1 single family residential to R-2 two-family residential for the purpose of remodeling the structure into a duplex. The Planning Commission unanimously approved recommending to the City Commission the property be rezoned.
  - Sid Haffener stated the duplex will consist of two one bedroom, one bath units and complete interior and exterior renovation. Parking is not an issue as parking is available in front and back. He will also obtain the house next door and demolish it.
  - Commissioner Taylor stated while the notification process followed requirements, the City did not do a good job of notifying citizens in the area about the rezoning request.

- Commissioner Hendryx stated the two family residential zoning fits well in this situation.
- Jim Argent, 702 West Fourth Street, stated the neighborhood is blighted already and Haffener does not fix up the house he owns across the street; if the property is rezoned to duplex it will make the neighborhood go down hill. He suggested the City implement landlord standards.
- Ron Price, 2104 West Fourth, stated he had the same concerns about property next to him when Haffener was requesting a rezone to convert to a duplex. Haffener, however, has done everything he said he would do and is keeping the property up.

MOTION: Move to approve Ordinance No. S-10-04 for First Reading.

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

## **I. NEW BUSINESS**

1. Action to select a Mayor and Vice Mayor to serve to April 12, 2011.
  - Commissioner Taylor nominated Commissioner Jones and Commissioner Warren nominated Commission Hendryx to serve as Mayor. Hendryx was selected on a 3-2 vote; Commissioners Hendryx, Warren and Gonzales voted for Hendryx; Commissioners Jones and Taylor voted for Jones.
  - Commissioner Taylor nominated Commissioner Jones and the vote was unanimous for Commissioner Jones to be vice mayor.
2. Resolution No. R-10-39 – A Resolution to execute an oil and gas lease with Endeavor Energy Resources, L.P.
  - City Attorney Paul Kritz addressed the Commission stating there has been no oil and gas activity at the airport for many years; a request for proposals was issued, and the City has been negotiating the terms of an oil and gas lease with Endeavor Energy for awhile. During this time, the city has been working with the Kansas Department of Commerce regarding site ready property in the Industrial Park for economic development prospects. Therefore, the City needs to study the effects of putting oil and gas wells on the property and what that would do to the site-ready designation. Following discussion, Commissioners agreed the City should not pursue the development of oil and gas wells.  
No action taken
3. Resolution No. R-10-45 – A Resolution to execute an Engineering Services Agreement with Tri-State Engineering for civil engineering services.
  - Public Works Director Chuck Shively addressed the Commission stating the City has contracts with several engineering firms for general engineering services. These contracts work well for small projects or urgent services which do not allow the time needed for formal approval of a contract. Tri-State Engineering would be a good fit for some of the general services required by the City. The agreement does not authorize any services to be performed unless specifically requested by City staff. Chris Cochran from Tri-State Engineering spoke about some of the recent projects his firm has been involved with.

**MOTION:** Move to approve Resolution No. R-10-45 for adoption.

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

4. Resolution No. R-10-44 – A Resolution to modify the Engineering Services Agreement with Allgeier, Martin & Associates for civil engineering services.

- Public Works Director Chuck Shively addressed the Commission stating currently Allgeier Martin and Associates is operating under their 2008 standard rate schedule. This amendment would modify the agreement to bring it up to the 2010 standard rate schedule.

**MOTION:** Move to approve Resolution No. R-10-44 for adoption.

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

5. Resolution No. R-10-41 – A Resolution to purchase insurance for the City of Coffeyville.

- Finance Director Stephanie Richardson addressed the Commission stating the Commission approved a consulting agreement with Charlesworth & Associates to perform the renewal process for the City's various insurance policies. This year the policies are basically unchanged with the exception of some property limit adjustments to more accurately reflect the City's exposure. The premium this year is \$212,476 a slight increase over last year.

**MOTION:** Move to approve Resolution No. R-10-41 for adoption.

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

6. Resolution No. R-10-46 – A Resolution to authorize the repair of the exterior masonry and tuck pointing for the Power Plant.

- Electric Utility Director Bernie Cevera addressed the Commission stating the Power Plant has had issues with roof leaks for several years. The roof membrane has been replaced within the last ten years and over the last two years, the leaks have become worse with the leaks being in close proximity of energized electrical equipment. Quotes were requested from brick tuck pointing contractors; Midland Restoration was the low bidder.

**MOTION:** Move to approve Resolution No. R-10-46 for adoption.

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

7. Resolution No. R-10-40 – A Resolution to establish a Citizen Advisory Board related to racial profiling by law enforcement officers.
- City Attorney Paul Kritz addressed the Commission stating as a city of the first class it is required to establish a Citizens Advisory Board to assist the Police Department with development of a policy regarding racial profiling. Previously the City Commission had been acting as the advisory board. The Board will consist of five members and applications will be taken to fill the Board.

MOTION: Move to approve Resolution No. R-10-40 for adoption.

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

8. Resolution No. R-10-48 – A Resolution to submit an Emergency Shelter Grant for the Crisis Resource Center and the Coffeyville Salvation Army.
- Treasurer Angie Naden addressed the Commission stating the Kansas Housing Resources Corporation is the State agency that oversees the Emergency Shelter Grant program. Only City and County governments are eligible to apply for this grant and the funds are used to contract with local qualified non-profit organizations to meet the service needs of the community. The City serves as a conduit in the application and distribution process; the only resource committed to the program is some time involved with paperwork; the City receives 2.5% of the total funds to help with administrative costs. Two applications are being submitted one for Crisis Resource Center of Southeast Kansas in the amount of \$41,782 and one for Coffeyville Salvation Army in the amount of \$5,000.

MOTION: Move to approve Resolution No. R-10-48 for adoption.

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

9. Ordinance No. S-10-05 – First Reading of an ordinance to rezone property located at 2629 N Highway 169 from Agriculture District (A-1) to Mobile Home Court District (M).
- Architect/Planner Dennis Jacobs addressed the Commission stating Fred Wigley has applied to rezone property located at 2629 North Highway 169 from Agriculture District (A-1) to Mobile Home Court District (M) for the purpose of constructing and operating an RV Park facility. The Planning Commission approved recommending this for rezoning four to one.

MOTION: Move to approve Ordinance No. S-10-05 for First Reading.

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

10. Ordinance No. S-10-06 – First Reading of an ordinance to rezone property located at 2001 East Highway 166 from Agriculture District (A-1) to Service Commercial (C-4).

- Architect/Planner Dennis Jacobs addressed the Commission stating Phil Bundy has applied to rezone property located at 2001 East Highway 166 from Agriculture District (A-1) to Service Commercial (C-4) for the purpose of constructing and operating a multi-tenant retail facility. The Planning Commission unanimously approved recommending the property be rezoned.

**MOTION:** Move to approve Ordinance No. S-10-06 for First Reading.

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

11. Resolution No. R-10-49 – A Resolution execute an agreement with Allgeier Martin & Associates for an automatic underfrequency load shedding scheme.

- Electric Utility Director Bernie Cevera addressed the Commission stating the City of Coffeyville does not have the capability to provide for automatic and underfrequency load shedding which is designed to prevent cascading blackouts and preventing loads from burning up. The Network Operating Agreement between the City and Southwest Power Pool requires the City to have a load shedding scheme in place. Requests for proposals were issued with the low bid being Allgeier, Martin and Associates at a not to exceed cost of \$91,500 to evaluate the existing equipment and replace or reconfigure existing settings.

**MOTION:** Move to approve Resolution No. R-10-49 for adoption.

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

12. Resolution No. R-10-50 – A Resolution to issue a purchase order to Riggs Recreation for the resurfacing of the tennis courts and striping of the basketball courts at LeClere Park.

- Deputy Public Works Director Jim Bradshaw addressed the Commission stating the Coffeyville Recreation Commission has approved paying one half the cost, up to \$11,200, for the tennis court resurfacing and re-striping of the basketball courts at LeClere Park. Staff recommends approving the quote from Riggs Recreation in an amount not to exceed \$22,400. City staff will need to do some concrete repair to at least two areas before the work can proceed.

**MOTION:** Move to approve Resolution No. R-10-50 for adoption.

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

13. Resolution No. R-10-51 – A Resolution to issue a construction contract to Chase Construction for repair of a sanitary sewer main.

- Deputy Public Works Director Jim Bradshaw addressed the Commission stating the City's Sanitary Sewer Department performed a routine inspection on April 5, 2010 of a sanitary sewer main located to the east of the 1500 block of South Walnut. The

sewer main was leaking from the south end of the steel casing. Staff notified Kansas Department of Health and Environment and informed them we would be taking appropriate steps to repair and follow up with the required paper work. Bids were requested, and staff recommends contracting with Chase Construction in an amount not to exceed \$48,400 for the repair.

**MOTION:** Move to approve Resolution No. R-10-45 for adoption.

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

**14. Discussion and action to select Director #2 and an Alternate Director to serve on the Kansas Municipal Energy Agency Board of Directors.**

**MOTION:** Move to appoint Bernie Cevera to serve as Director #2 and Richard Gonzales to serve as Alternate Director on the KMEA Board of Directors.

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

**15. Resolution No. R-10-52 – A Resolution to amend the bylaws of the City of Coffeyville Housing Authority.**

- Housing Director Gail Thomas addressed the Commission stating when the Housing Authority was established the bylaws stated meetings were to be held the third Tuesday of each month. The Housing Authority has approved recommending to the Commission the meeting dates be changed to the second Thursday of each month.

Bids were opened for the full rehabilitation of 806 West First Street, the first project location for the Coffeyville Housing Rehabilitation Grant awarded to the City of Coffeyville. The budget for the project is \$68,500. Steve Lawrence, DNA Contracting will be awarded the primary carpenter at \$36,830; subcontractor contracts will total \$23,540. Including acquisition the total project cost is \$67,050.

The Housing Authority is recommending the acquisition of dwellings located at 1512 South Maple at a price not to exceed \$4,500 and 508 West New for \$6,000. Following discussion, Commissioners determined to approve the purchase of the South Maple property but instructed Thomas to negotiate a lower price not to exceed \$4,000 for the West New property.

**MOTION:** Move to approve Resolution No. R-10-52 for adoption.

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

16. Resolution No. R-10-53 – A Resolution to execute contracts for work on 806 West First Street.

MOTION: Move to approve Resolution No. R-10-53 for adoption.

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

17. Resolution No. R-10-54 – A Resolution to purchase property located at 1512 South Maple.

MOTION: Move to approve Resolution No. R-10-54 for adoption.

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

18. Resolution No. R-10-55 – A Resolution to purchase property located at 508 West New.

No action taken; Commissioners instructed the Housing Authority to go back and negotiate with the owners regarding this property.

19. Resolution No. R-10-56 – A Resolution to modify the nepotism policy for non-represented employee positions.

- City Attorney Paul Kritz addressed the Commission stating the Human Resource Office is recommending a change to the Nepotism Policy for non-represented employee positions. In previous years, the policy for non-represented positions has been whatever came out of collective bargaining with the City's bargaining units and became more restrictive beginning January 1, 2007. The Personnel Manual for non-represented positions has become a separate document from the bargaining unit contracts and may be changed at any time subject to City Commission approval. The proposed language is a combination of pre and post 2007 language and is believed to provide the flexibility needed and still precludes someone from being hired to a position where their direct supervisor is a member of their immediate family.

MOTION: Move to approve Resolution No. R-10-56 for adoption.

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

20. Resolution No. R-10-57 – A Resolution to purchase a digital hydrometer for the Electric Utility.

- Electric Utility Director Bernie Cevera addressed the Commission stating the existing digital hydrometer has failed and cannot be repaired; this equipment is used to test the station batteries located at the Power Plant and Substation A. Staff recommends purchasing the hydrometer from Transcat at a cost of \$3,595.

MOTION: Move to approve Resolution No. R-10-57 for adoption.



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

21. Resolution No. R-10-58 – A Resolution to purchase controllers for the #4 boiler for the Electric Utility.

- Electric Utility Director Bernie Cevera addressed the Commission stating the existing Bailey CLC Loop Controllers installed on Boiler #4 have become obsolete. Quotes were received and staff recommends purchasing the eight programmable dual loop controllers for #4 boiler from Power Specialties in the amount of \$21,040.

MOTION: Move to approve Resolution No. R-10-58 for adoption.

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

22. Resolution No. R-10-59 – A Resolution to approve an engineering services contract with Sega Engineering for the #4 boiler for the Electric Utility.

- Electric Utility Director Bernie Cevera addressed the Commission stating SEGA submitted a bid for software installation and the estimated cost to test and tune the #4 boiler at a cost of \$22,075.

MOTION: Move to approve Resolution No. R-10-59 for adoption.

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

23. Comments from Commissioners and Staff

- Chuck Shively stated the KHRC office is requesting the SB417 grant dollars be spent as quickly as possible. The street project at Third Street and Cheyenne is substantially complete; Commissioners agreed to extending the work to include Westbrook. Asphalt prices are competitive now and this will save the time and extra expense of demobilizing, going out for bid and remobilizing the equipment.
- Bernie Cevera stated the repair on #4 boiler feed pump was higher than anticipated; Commissioners agreed to do a change order for the increased repair.
- Jim Bradshaw stated the tree dump is seeing an increase in traffic with loads coming from outside the area. A proposal for use of the tree dump will be discussed and presented to Commissioners.
- Jeff Morris stated he had received a request to put up a digital sign at 11<sup>th</sup> & Walnut; Commissioners were opposed to this request. The District Court is replacing an air conditioning unit and asked the City to partner with them on the cost which is estimated to be \$3,300 to \$3,500. Commissioners agreed to this request.
- Commissioner Jones stated she is disappointed in the Coffeyville Journal and requested the City consider supporting the Montgomery County Chronicle by utilizing it for legal publications. Commissioner Warren was in favor; Commissioner Taylor thought it was a disgusting idea and Commissioner Gonzales and Mayor Hendryx were opposed to switching.

- Commissioner Taylor requested the City consider replacing the sidewalk in front of Ace Hardware who has recently moved into the former Elmore's building on Eighth Street.
- Mayor Hendryx stated he wants to schedule a work session to discuss the residential code specific to renters. He also stated the City should consider hiring a civil engineer due to all the engineering contracts the City has.

**J. EXECUTIVE SESSION(s)**

1. Non-elected personnel

MOTION: Move to adjourn.

ACTION: THE MOTION WAS MADE BY MAYOR HENDRYX AND SECONDED BY COMMISSIONER GONZALES TO ADJOURN TO EXECUTIVE SESSION FOR DISCUSSION ON NON-ELECTED PERSONNEL TO RECONVENE ON OR BEFORE 10:32 P.M.

Time the meeting was reconvened: 10:30 p.m.

**K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES**

1. Fire Department March Report
2. Police Department March Report
3. Library Board March Minutes
4. CRMC March Board Packet

**K. ADJOURNMENT**

MOTION: Move to adjourn.

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

Time the meeting was adjourned: 10:32 p.m.

Date the minutes were approved: 05/11/10

Cindy Price  
Cindy Price, City Clerk