

COMMISSION MEETING MINUTES
TUESDAY, APRIL 25TH, 2023 6:30 P.M.

The Board of Commissioners met in Regular Session at 6:30 p.m. in the Commission Room. The meeting was called to order by Mayor Vannoster.

Present:

COMMISSIONER JUSTIN DOANE
COMMISSIONER DEBORAH MAPLES
COMMISSIONER JASON SWINDELL
COMMISSIONER ANN MARIE VANNOSTER
COMMISSIONER ROBERT YORK

City Staff in attendance (for procedure or agenda items):

CITY MANAGER MARK HALL
CITY CLERK MELISSA CARTER
DIRECTOR OF IT CHRIS FELIX
DIRECTOR OF FINANCE STEPHANIE RICHARDSON
DIRECTOR OF ELECTRIC UTILITY MIKE SHOOK
SPECIAL PROJECTS COORDINATOR CHUCK SHIVELY
ELECTRIC SERVICES AMY TAYLOR

- A. **CALL TO ORDER** – Mayor Ann Marie Vannoster
- B. **ROLL CALL**
- C. **INVOCATION** – Pastor Dick Smith, First Baptist Church
- D. **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- E. **REVIEW OF AGENDA**

MOTION: Move to Amend the Agenda to add Resolution R-23-24 to New Business

ACTION: MOTION: VANNOSTER SECOND: DOANE
ROLL CALL: ALL AYE

F. CONSENT AGENDA

- 1. City Commission Meeting Minutes – Tuesday, April 11th, 2023
- 2. Execution of agreement with CSA to provide Meter Data Management System in conjunction with Tantalus Advanced Metering Infrastructure system for the City of Coffeyville.
- 3. 2023 Appropriation Ordinance No. AO-23-08 \$5,941,023.06

MOTION: Move to approve items 1 -3 of the consent agenda as presented.

ACTION: MOTION: VANNOSTER SECOND: YORK
ROLL CALL: ALL AYE

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4. 2023 Appropriation Ordinance No. AO-23-08A (Isham's)

\$29.32

MOTION: Move to approve item 4 of the consent agenda as presented.

ACTION: MOTION: YORK SECOND: MAPLES
ROLL CALL: MAPLES – AYE, YORK – AYE, SWINDELL – AYE,
VANNOSTER – ABSTAIN, DOANE - AYE

G. COMMENTS

1. Comments from Public

Any citizen desiring to address the Commission shall be recognized, advance to the podium, state his/her name and address for the record. Comments shall be limited to 3 minutes unless extended by a vote of the majority of the Commission. The Commission does not hear matters involving litigation or City Personnel. The Commission does not take action on subjects not on the agenda unless unusual or hardship conditions exist. Citizens may address the Commission on agenda items as they are brought to the floor.

- Jim Falkner, 1014 W. 3rd, came to the podium and stated that Kansas Law Prohibits Commissioners to engage in serial communication which means Commissioners are prohibited from communicating with each other outside of official meetings concerning city business. To honor that, he said he sent an e-mail to each individual commissioner outlining his concerns and recommendations. Mr. Falkner said that our City Manager's effectiveness in terms of leadership is bankrupt. He said he is going to withhold any further comments until the next meeting to see if the Commission goes into Executive Session and if anything results from that. Mr. Falkner stated what they cannot do is do nothing because now that the pay issue is resolved there is more to it and they need to address it.
- Kent Allison, 612 W. 5th, came to the podium and asked why the three words We the People are important. We the People of the United States in order to form a perfect union do ordain and establish the Constitution of the United States of America. He said some people in the room are military veterans and anyone who is a veteran knows that they swore a solemn oath to support and defend the Constitution. The Constitution is 4,543 words including the signatures of the 53 signers there are 27 amendments, the first ten known as the Bill of Rights. They are actually negative rights because they put limitations and restrictions on what the government can do to the people. The First Amendment is the Freedom of religion, speech, press, assembly and the right to seek redress from our government over grievances. Mr. Allison said the last two months have been miserable in Coffeyville for everyone. The Commission has taken a lot of incoming fire, emotions, passion and anger – some deserved and some not deserved. As frustrated as the Commission has been he said it is worse for all of them because the Commission is the only ones that have known what's been going on. He said they have been kept in the dark like the proverbial mushroom. He said the Commission has been castigated, denigrated and maligned and so have they. Mr. Allison stated that he doesn't remember anyone putting anything in public calling them names but recently a statement was made in the newspaper which intimated that they are a bunch of troublemakers and liars. He feels like this group of people have been ignored because of their silence and said they are not against the City of Coffeyville. They don't want to see Coffeyville fail as they are invested in this community too. He said everyone needs to take a deep breath,

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cool down and heal this City. He said he hasn't seen this City divided like this since the 1980's. He said each time he has spoken he has implored them to please consider what is best for the community and the citizens. He stated they were elected to represent the citizens and when they feel like that hasn't been done, they revert back to the First Amendment by peacefully protesting and airing their grievances at the podium. Mr. Allison said they are not against the Commission or the City, we want to see the City be successful, the firemen and the Commission be appreciated. He thanked them for the opportunity to speak and the community needs healing.

- Becky Caresio, 2274 N. Hwy 169, came to the podium and said that she loves this group of people, they've had her back and each other's backs. She said she is here to address some of the stuff in the Coffeyville Journal. She quoted "We sit in the midst of persecution and belittling" she said that she gets that the Commission is taking the heat but people are standing before them and telling them their concerns. They sit back down and hear nothing so they feel like their time is wasted which is belittling to them. The next part of the quote says it has separated closest friendships and littered our everyday walk in the city with lies as they cry we are silent. Mrs. Caresio asked what the lies are because everyone who has spoken is coming to them with their truths and concerns. She questioned why this was posted in the Coffeyville Journal whether they thought nobody would read it or maybe she is taking it wrong, but she doesn't think that she is. She said she does not feel like anyone has intentionally lied to the Commission, every citizen who has spoken is telling their truths. She stated if they are going to call out lies, she hopes they can back that up. She understands the silent issue since it was a grievance but her problem with the personnel issue is that no commissioner reached out to Kenny Ward to explain why he lost his job because that is silence. Silence is defined as no utterance of sound and no one reached to Kenny Ward or any of the firefighters and said let's have a sit down and discuss the issues to see what we can do to make it right. Mrs. Caresio stated they were given a list of problems they had with the City Manager that goes beyond personnel and grievance and none of those issues have been addressed, which is silence. Then there was scripture quoted "Wherever there is jealousy and selfish ambition, there you will find disorder and evil of every kind." She asked where the jealousy was and said that the fire department is not jealous of the police department and that is what social media has made it look like. She said this is not a fight with the police department, they are glad that they get out in the community, they support them and they're important. She said there is no jealousy, envy, or evil thoughts going on. Mrs. Caresio read a scripture she wishes the Commission would ponder "If it is encouraging, let him encourage. If it is contributing to the needs of others, let him give generously. If it is leadership, let him govern diligently. If it is showing mercy, let him do it cheerfully" She stated maybe that was the scripture that should have been posted in the Coffeyville Journal.
- Drew Cantrell, 1607 W. 6th, came to the podium and said before he got here he saw a post from KGGF saying that Hall says the City not only has the right but the responsibility to maintain the process for the accounting of payroll regardless of what the IAFF believes. He said that is why we have unions because saying that is terrible. They had been fighting for what they have been getting for 16 years and someone said not anymore. He stated they need to deal with this and the City Attorney and Fire Chief are gone. It is hard to believe nothing has been done with an out of control person. Mr. Cantrell said they hear the stories of the yelling, and cussing and it's gone on way too long and he asked them to please do something

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about it.

- Jimmy Bradshaw, 2250 CR 3900, came to the podium and said he is on the board of the IAFF Local #265 Firefighter Union and is going to make a statement representing that Union. He thanked everyone who has shown support for them throughout this whole situation. They are honored to serve amazing citizens of Coffeyville and are appreciative of the opportunity bestowed upon the Coffeyville Firefighters. They are also very grateful they have the ability to take business disputes through the grievance process as in all previous grievances and the recent one filed it was just that, a business dispute. They understand that disputes require different levels of discussion, research and time to resolve. They are and always will be inclined to resolve these disputes with open dialogue as opposed to a lengthy grievance process. Unfortunately not all situations can be taken through the grievance process, with this in mind, they did not take lightly the decision to bring these issues up. They began by wanting to bring awareness to decisions and policies that were changes and put in place that were unfair and unprofessional. Unfortunately many of the avenues that would be available to them were cut off as they no longer have a supervisor in place and no interim was named to fill the vacancy. With no one to voice their concerns to and have them presented to the City Manager and calls to City Commissioners that were not returned or fell on deaf ears, they were left with no other option to file a vote of no confidence in City Manager Mark Hall in an attempt to let their voices be heard. Other prominent members of the community also took this opportunity to come forward and express their concerns and issues as they too have been experiencing with our current administration. That being said, the IAFF Local #265 speak for themselves and appreciate the public support but any statements made other than those directly from any member of their Union are those of personal opinion. They have never asked, coached or heard any statements made prior to any public meetings. They do not regret their decisions and stand in unity on their disagreement on the unfair policies laid out for them and improper handling and decision to release the Fire Chief Kenny Ward in the manner that occurred. However, many of the public comments between citizens, ourselves and the commission have gone off subject and became more personally focused and it was never their intention for this to happen and view it as truly unfortunate that it has digressed to this point. They also recognize that this is no longer a viable option to address their concerns. There is no progress or constructive dialogue between themselves and the other parties involved. That being said they unanimously made the decision to no longer attend any future commission meetings in hopes of addressing our concerns. Instead they will focus on the next group of Commissioners and address their concerns fresh in 2024. They will continue to strive to present themselves professionally while fulfilling their duties as best as possible for the citizens of Coffeyville and the surrounding areas deserve it.
- Jim Falkner returned to the podium and said the pigeons downtown are out of control and you can't park your car, especially on 9th Street, without then having to take it to the carwash. The sidewalks are horrendous too. Mr. Falkner said he didn't know if the property owners are responsible for that or if the City can do anything but it would be nice to park your car without having to go the carwash.

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REGULAR AGENDA ITEMS

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

1. Presentation of “Envision the Possibilities” Sales Tax Programs.

City Manager Mark Hall went through the ½ cent Sales Tax Programs that will take affect May 1st. These include the Housing & Community Development Programs, Downtown Revitalization Programs and the Parks Improvement Programs.

I. OLD BUSINESS

1. Second Reading of Ordinance G-23-01 an Ordinance amending certain provisions of Chapter 42, Article V, of the Code of Ordinances of the City of Coffeyville, KS relating to the Wastewater Utility.

MOTION: Move to approve Second Reading of Ordinance G-23-01 as presented.

ACTION: MOTION: VANNOSTER SECOND: SWINDELL
ROLL CALL: ALL AYE

J. NEW BUSINESS

1. Resolution R-23-24 a Resolution to authorize the execution of an agreement with BG Consultants Inc. for design and inspection services for a potential CDBG grant project. Special Projects Coordinator Chuck Shively stated that on March 28th the City Commission held a public hearing and approved necessary documents for the grant application. If we have an engineering agreement approved prior to the application deadline, we get extra points for “readiness” when they evaluate the applications submitted. One point often makes the difference in getting funded or getting nothing. This year they have \$1 million for all of the state of Kansas in the category. We are asking for \$500,000, half of the total available statewide. The applications received by the deadline are rated based on guidelines established for the competition. The grant program is extremely competitive, with many more applications received than can be funded. So, every point counts in the rating process. One category that provides points is “readiness”, which provides points for having a grant administrator agreement and an engineering services agreement in place when the application is submitted. Attached for their consideration is a proposed design and construction engineering agreement. The agreement would only become effective if the City of Coffeyville is awarded the CDBG Grant.

MOTION: Move to approve Resolutions R-23-24 as presented.

ACTION: MOTION: DOANE SECOND: YORK
ROLL CALL: ALL AYE

2. City Manager’s Report

City Manager Mark Hall read the following statement: I am pleased to report that the grievance filed on 03/15/2023 by the IAFF relating to Haz-Mat pay has been withdrawn or settled between the City and the IAFF. The City stands by the 16-year payroll procedure established in 2006. As you are aware, staff and commissioners chose not speak on this issue publically, rather, let the process move forward as spelled out in the labor agreement, work through the complaint while allowing administration an opportunity to investigate the issues, work together with the IAFF to find a resolution to the problem if practical, or allowing the IAFF the opportunity to forward the grievance on for binding arbitration. The IAFF

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grievance centered around requests for on-duty fire personnel to be paid at double-time for State approved Haz-Mat responses, which was contrary to the established 16-year procedure. Upon review of the IAFF labor agreement and the Kansas Office of the State Fire Marshal's Hazardous Materials Response Agreement, it was determined that there was no language in either agreement stipulating double-time pay for on-duty responding personnel. The Haz-Mat agreement with the State did however provide for reimbursement of City's cost for personnel, both on-duty regular time, and overtime costs associated with call-in personnel to cover the station and the City while on-duty personnel were responding outside of our jurisdiction. To that end, the City recognizes the responsibility to provide and pay for fire service coverage 24 hour per day, 365 days per year at a minimum of straight-time pay, noting it has been the practice of the City to take the straight-time reimbursement received from the State Fire Marshal's Office, passing this on to the on-duty personnel responding to the Haz-Mat calls. This equates to two straight-time pays, and must be recorded as such in to payroll for proper time and record keeping, otherwise, inputting as double-time pay could possibly equate to triple-time pay, if not caught by payroll office. Staff, at the direction of legal counsel, reached out to the Office of the State Fire Marshal to determine if legally, the state had any issue with the City passing this straight-time reimbursement to the on-duty responding personnel. The State Fire Marshal indicated that the decision was solely up to each participating City to handle, as it is the State's responsibility to make each City 'whole' for all incurred expenses and "normal personnel costs" related to responding to a State incident or event. Therefore, the State agreement and the 16-year payroll procedure is unchanged. The State Fire Marshal further explained that the Coffeyville Fire Department has improperly submitted reimbursement requests to the Office of the State Fire Marshal on multiple occasions, often not requesting the proper or correct pay reimbursement back to the City for called-in personnel (ultimately not requesting enough reimbursement), to requesting double-time pay for on-duty personnel, which the agreement does not allow for. The State Fire Marshal added that Coffeyville Fire Department personnel altered Office of the State Fire Marshal reimbursements forms or spreadsheets by changing locked cell calculations, changing from straight-time to allow for input of double-time reimbursement request. The Fire Marshal was under the impression that these spreadsheets were locked down, preventing changes being made to the reimbursement request documents. The State Fire Marshal indicated that his office would be making changes to prevent further tampering with the reporting forms and documents however encouraged that some additional oversight from the City would help support the City's participation in the Haz-Mat program, as Coffeyville Fire Department is a valued participant in the program. The City Manager's office, in consultation with legal counsel, denied Step 1, Step 2, and Step 3 of the IAFF grievance on the basis that in the absence of no contractual agreement, either with the IAFF and the City, or the Office of the State Fire Marshal and the City, to allow for double-time pay for on-duty responding personnel to haz-mat incidents, however, would continue the previous 16-year practice of paying two straight-time pays, one for normal on-duty hours, and additional 'haz-mat straight-time' for on-duty responding personnel. Staff also prepared and provided the IAFF with a written instruction sheet explaining the 16-year payroll procedure and how to correctly enter/input time for the additional straight-time pay. The City Manager's office also provided a new procedure for submittal of all State of Kansas Office of the Fire Marshal Haz-Mat Response requests going forward, whereas Fire Department staff will prepare the state reimbursement request forms, submit first to Finance and Payroll for review then proceed with submittal to the State for reimbursement. I will state that there has never been a discussion with IAFF to discontinue the Haz-Mat program. The Coffeyville Fire Department averages 2.33 Haz-Mat responses per year. While only an average of 2.33 Haz-Mat

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responses per year, the City is proud to offer the Haz-mat response in coordination with the Kansas State Fire Marshal to protect life and property in Southeast Kansas. The City attempted to communicate this information prior to the grievance being filed, through the former Chief and in responses back to the IAFF. The City understands the value of the grievance process and was certain this would be resolved, however, the City must always take every step to make certain that all agreements are being followed, such the agreement with the State Fire Marshal's Office, not just labor agreements or un-written policies. The City is looking forward to the community healing and moving forward. It is very unfortunate that this has divided our community, but the City must always, always act from a legally correct position, leaving emotionally charged reactions and accusations aside.

Mr. Hall thanked the Commission and said this was a tough process to go through and a lot of things were discovered. Commissioner York stated that it was a concern to him that the form was manually altered to the point that the State Fire Marshal's has now had to redo this process because of that. Mr. Hall replied that the Fire Marshal thought this was locked and couldn't be done but Coffeyville had done it. It was not something that they brought to us but they looked back and realized it was happening and it is being changed because of what Coffeyville has done. Commissioner York clarified that it was never said that they can't have the State money but it's not double time pay it is two straight pays and there is a difference. The double time situation comes in when on duty personnel are filing under the code that says they get double time back from the State and that's where the disagreement in this comes from. Mr. Hall said that in the 16 year process by the City we have always set up a Hazmat one and two code. Those on duty use Hazmat one which is one pay plus their normal rate of pay. When they are called back it is double time pay and the State agrees with that to make us whole. That is why there is 2 codes and there has always been 2 codes. He said the City has never changed the codes or wanted to change the codes and they will stay the same along with the procedure. He stated it was asked of him that if this procedure was the same for 16 years then why would it be grieved unless it was wanting to be changed. The procedure was explained in round 1, round 2 and their last submittal was wanting to go to arbitration. What was sent by his letter was stating that they are getting double time pay and they did not furnish the City a list of arbitrators per the agreement. They did resubmit and it was taken care of in payroll last week. It came roughly to a cost of \$350. He reminded that this is not an everyday event and happens on average 2.3 times per year. Mr. Hall said the last time we went on a Hazmat call was October 2022. Commissioner York restated that for billing, to prevent further confusion, it will now go through the Finance Department instead of going straight from the Fire Department to the State. Commissioner Swindell asked if any employee withheld any on duty standard wages. Mr. Hall said they all got paid, the way they submitted it was the error. It was suggested that if they resubmit it can be straightened out, which they did last week. Commissioner Swindell asked if since the grievance has been settled if they have been paid and Mr. Hall said yes. Commissioner Swindell asked if this was a misunderstanding or clerical error. Mr. Hall said this was explained to them because they attempted that in October of 2022, it was sent to the Chief who said he would make them aware as we follow the 16 year procedure. He said at that time we did not know that they had manually altered the State form. When they went to the Cherryvale Hazmat on the 7th, the next morning was when they were notified that the grievance had been filed. Commissioner York asked that what they actually filed was double time pay on top of their regular pay. Mr. Hall said what they were wanting to file is everybody gets double time pay and there was more to it but it wasn't consistent with the 16 year procedure. Mayor Vannoster asked if the State Fire Marshal's office recognized that discrepancy on the agreement. Mr. Hall said yes, the agreement still stands and the agreement will be brought

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before them again because it didn't have the Commission's signature on the 2016 agreement. The Fire Marshal was understanding because we explained the situation and asked if they changed the agreement and that is when they looked and realized their expenditure report had been manually altered by the City of Coffeyville Fire Department. Vice Mayor Doane asked what they are doing, if it is an ongoing investigation. Mr. Hall replied we will handle things internally and we want to know who instructed who and the Fire Marshal is going to change the form. He said we are looking further but on the October 2022 somebody was instructed to manually alter the State form. We will work through this and the State Fire Marshall understood and want people in this program. There will not be any sanction as far as penalty and they were very understanding. Mr. Hall said we have always supported the Fire Department and there will be a meeting to explain they are treated like every other department, there is no preference of police and we all have to work together to make a great city. He went over the population change in Coffeyville, we want to take care of employees but we have to tighten our belts. Mr. Hall said he will never allow the increase of property tax even though we have taken hits with valuation. He stated in the past three years we have not raised the mill levy and we're not raiding it in 2023. He thanked the Commission for the position that they took, he knows it was tough but it was the advice of the labor attorney.

3. Comments from Commissioners and Staff

Vice Mayor Doane said his initial concern with what has been done, we want to work with the Fire Department and they provide an amazing service with Hazamat, but if we are going to make an ignorant decision of altering a form that puts that service at risk. We want to continue this service and they're saying we need more oversight but one of the complaints is that Mr. Hall micromanages so this will be perceived as further micromanaging. If something like this happens more oversight needs to be done. Commissioner Doane says that he hates that it has gotten this far, people have been frustrated and we have not been able to say anything. He understands their position and as far as them getting harassed, that is what they signed up for, it is part of it. He stated he doesn't like the division, the hurt feelings and the whole story not being able to be told, it's a mess. Mr. Hall noted again that the labor attorney instructed us, he is part of this. He said there are no winners in this and the statement of retaliation and harassment - there are policies in place and he can't retaliate against a union employee. In the hype people say things like he is going to go after them but he respects IAFF and every union received the same wage offer. He thanked the Commission again and stated he knows they have lost friends, this is nothing nobody asks for but the truth has come out. Mr. Hall then stated Chief Ward is well aware of why he was let go and we do not comment therefore any comments he makes, he knows Mr. Hall will not address them. Chief Ward knows the immediate was not why he was let go and he was available to the offer of resignation instead of termination. Mr. Hall stated he has full understanding of termination, he just chooses not to discuss it. Vice Mayor Doane clarified we don't want the Fire Department not to respond to medical calls in the community, that has never been the intention. We do want them to filter out those calls and only respond to calls at a certain tier. He thinks we need to look at that list again to see if there are things we need to add and they will always respond to code blues. We want that and it is a misunderstanding in the community but we don't need to go out on calls for someone who has had a stomachache for three days. EMS can respond to that. This plan was actually put in place several years ago by the Fire Chief, it just wasn't followed closely. When it was brought back up, we said they need to follow the policy. Because it wasn't watched closely, it appeared that we just threw it out there which it was not. There was a lot of discussion and thought. Commissioner York said that there have already been things added to the original list. Mr. Hall said the list says

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all life threatening calls when in doubt they will respond. If it is non-life threatening but the hospital needs their assistance, they will call us. The cost is based on FEMA, to respond to non-life threatening calls is \$170 for 30 minutes. Commissioner York noted the last two Saturdays we have has an Innovation Lab here done through a Coffeyville Area Community Foundation and it was a wonderful experience for the kids. They got to create a project on a 3D printer, print it and take it home. It was a great inspiration for the kids and thanked the Foundation for making that available.

K. EXECUTIVE SESSION(s)

L. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Coffeyville Police Department Crime Stats – March 2023
2. CRS Activity 510 Progress Report 2023

M. ADJOURN

MOTION: Move to Adjourn

ACTION: MOTION: VANNOSTER SECOND: MAPLES
ROLL CALL: ALL AYE

Time the meeting was adjourned: 8:10 pm

Date the minutes were approved:

5/9/23

Melissa Carter

Melissa Carter, City Clerk

