

REGULAR COMMISSION MEETING MINUTES
THURSDAY, NOVEMBER 13, 2008
6:30 P.M.

The Board of Commissioners met in Regular Session at 6:30 p.m. with Mayor Virgil O. Horn, Jr., presiding.

Those in attendance were:

COMMISSIONER RICHARD GONZALES
COMMISSIONER ALEC HENDRYX
COMMISSIONER PAM JONES
COMMISSIONER RJ WARREN

City Staff in attendance were:

CITY MANAGER JEFF MORRIS
CITY CLERK CINDY PRICE
CITY ATTORNEY PAUL KRITZ
FINANCE DIRECTOR STEPHANIE RICHARDSON
ELECTRIC UTILITY DIRECTOR BERNIE CEVERA
PUBLIC WORKS DIRECTOR CHUCK SHIVELY
DEPUTY PUBLIC WORKS DIRECTOR JIM BRADSHAW
ENGINEERING SUPERINTENDENT SCOTT MASSMAN
IT MANAGER CHRIS FELIX
POLICE CHIEF JOE HUMBLE
CODE ENFORCEMENT OFFICER LARRY TROTTER
CODE ENFORCEMENT OFFICER JIM HAYES

- A. **CALL TO ORDER** – Mayor Horn
- B. **INVOCATION** – Mayor Horn
- C. **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- D. **CONSENT AGENDA ITEMS**

- 1. Regular City Commission Meeting Minutes – Tuesday, October 28, 2008
- 2. 2008 Appropriation Ordinance No. AO-08-50 – \$3,307,061.90
- 3. 2008 Appropriation Ordinance No. AO-08-51 – (flood) \$ 11,243.96

Total flood expense to date: \$2,395,652.40

MOTION: Move to approve the consent agenda as presented.

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

REGULAR AGENDA ITEMS

- E. **APPROPRIATION ORDINANCE**
- F. **PUBLIC HEARING(s), SPECIAL PRESENTATION(s), & PROCLAMATION(s).**
 - 1. Cline Road speed limit discussion

- Public Works Director Chuck Shively addressed the Commission stating he and Police Chief Joe Humble met to discuss traffic signage issues presented by Lyle Martin. The primary issues were making the speed limit on Cline Road by Community Elementary School 20 miles per hour permanently along with putting an additional crosswalk near the front entrance of the school from the parking lot at Sherwin Williams Park. Shively reported the traffic control plan currently in effect in the area was proposed by the school district, discussed by a committee of City and school representatives and approved by the City Commission. Cline Road is a major thoroughfare for business and industry as well as the school and a permanent 20 mph would be unduly restrictive, which leads to speeding violations and is not justified by accident history. A crosswalk would not work in the location requested as there is no sidewalk to connect it to on either side of Cline Road; therefore the only safe location to cross is at the traffic signals on Fourth Street. It is recommended to add new playground warning signs northbound on Cline between First and Fourth Street. There are a number of additional signage recommendations also that will be presented to make the area safer around the school and in other areas such as Woodland between Cline Road and Buckeye, at the Woodland and Overlook intersection.

G. OTHER BUSINESS

H. OLD BUSINESS

1. Ordinance No. S-08-16 – Second reading of an ordinance to rezone property at 1608 West First Street from I-1 (Light Industrial) to A-1 (Agriculture).
 - Deputy Public Works Director Jim Bradshaw addressed the Commission stating there have been no changes to the ordinance approved for first reading.
 - Mayor Horn suggested if the shelter were built on that property, a barrier/fence be constructed using shrubbery with the fence open during the hours the shelter is open. Bradshaw stated the fencing would cost approximately \$26,000.
 - Commissioner Jones stated the City needs an animal shelter; this shelter will take some of the workload off the animal control officer and animals are dropped off all over town.
 - Juanita Flowers stated in response to a question from Mayor Horn about the number of young people present at the meeting, the neighbors are not concerned about the animals in the shelter, they are concerned about the animals who get dropped off; the children present all live in the neighborhood of the proposed shelter.
 - Jim Correll stated in response to a comment about two locations being considered – one being on First Street and the other at the Wastewater Treatment Plant location – the Friends of Animals would only agree to assist the City if the shelter were built on First Street.

MOTION: Move that Ordinance No. S-08-16 be passed to Second Reading and approved for adoption.

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

I. NEW BUSINESS

1. Resolution No. R-08-153 – A Resolution to issue sale and delivery of temporary notes, series 2008-1, for the Wal-Mart infrastructure project.

- City Attorney Paul Kritz addressed the Commission stating a resolution creating a benefit district for the Wal-Mart project was approved at the October 14 meeting. The Development Agreement obligates the City to pay 95% and Wal-Mart for pay 5% of the costs of public improvements necessary to serve the new store. The Public Improvements include water, sewer, electric and improvements to the intersection of Highway 166 and County Road 5300. The Development also calls for the City to issue temporary notes in an amount necessary to temporarily finance the costs of the public improvements and related financing costs and to provide Wal-Mart with written confirmation the proceeds of the notes have been set aside into a segregated account, within the City's accounting procedures and process, specifically dedicated for the purpose of paying the City's portion of the improvements and related expenses. This resolution represents the next step required for the issuance of the notes. If approved, this resolution will authorize the issuance, sale and delivery of temporary notes in the amount of \$2,930,000. The balance of the funds required for this project will be paid from the proceeds of a loan from the Transportation Revolving Loan Fund, which is administered by the Kansas Department of Transportation. Pat Hinojos, representing Stifel Nicolaus who is selling the bonds, stated the yield on the bonds is 2.95% and the City has been issued a very good credit rating.

MOTION: Move to approve Resolution No. R-08-153 for adoption.

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

2. Resolution No. R-08-143 – A Resolution to adopt an Identity Theft Prevention Program for the City of Coffeyville.

- Finance Director Stephanie Richardson addressed the Commission stating the Red flags Rule went into effect on January 1, 2008, and requires certain businesses and organization to spot and heed the red flags that often can be the telltale signs of identity theft. to comply with the New Red Flags Rule, implemented and enforced by the Federal Trade Commission, municipal utilities are required to develop a written "red flags program" to prevent, detect and minimize the damage from identity theft in connection with the opening and maintenance of certain city accounts.

MOTION: Move to approve Resolution No. R-08-143 for adoption.

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

3. Resolution No. R-08-144 – A Resolution to execute a construction contract with Mid-Con Construction in a total amount not to exceed \$45,300 for the Retaining Wall and Walkway Repairs Project.

- Deputy Public Works Director Jim Bradshaw addressed the Commission stating Allgeier, Martin and Associates prepared plans and specifications for repair of a retaining wall and walkway at the Water Filtration Plant at the pump house which sustained damage during the July flood in 2007. Three bids were received; staff

recommends authorizing a contract with Mid-Con Construction from Joplin in an amount not to exceed \$45,300. The cost of this project will be funded by FEMA, the State of Kansas and the City of Coffeyville.

MOTION: Move to approve Resolution No. R-08-144 for adoption.

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

4. Resolution No. R-08-145 – A Resolution to execute a construction contract with Muller Construction in a total amount not to exceed \$196,562.15 for intersection drainage improvements.

- Deputy Public Works Director Jim Bradshaw addressed the Commission stating Allgeier, Martin and Associates prepared plans and specifications for three intersections to be reconstructed to correct drainage problems. The intersections are 5th and Buckeye, Elm between 9th and 10th, and 8th and Buckeye. Bids were received from three contractors with Muller Construction the low bidder at \$196,562.15. Fifth and Buckeye was bid to be asphalt, however, staff is working with the engineer and contractor to modify this intersection to concrete; the cost will be brought back to commission if it exceeds the bid amount presented with this resolution.

MOTION: Move to approve Resolution No. R-08-145 for adoption.

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

5. Resolution No. R-08-146 – A Resolution to execute a construction contract with Muller Construction in a total amount not to exceed \$200,734.63 for street repairs.

- Deputy Public Works Director Jim Bradshaw addressed the Commission stating Allgeier, Martin and Associates prepared plans and specifications for six streets that were damaged during the flood in 2007. Three bids were received with Muller Construction being the low bidder at \$200,734.63. The cost of this project will be paid by FEMA, the State of Kansas with the balance out of the capital improvement fund.

MOTION: Move to approve Resolution No. R-08-146 for adoption.

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

Commissioner Hendryx was absent for the remainder of the meeting.

6. Resolution No. R-08-147 – A Resolution to purchase a 2001 one-ton truck with dump bed from Atlas Auto Company for the Public Service Department.

- Deputy Public Works Director Jim Bradshaw addressed the Commission stating two City mechanics were sent to St. Louis to look at and evaluate a 2001 GMC one-ton truck with a dump bed, chipper and snow blade to be used in the Public Service Department. A price of \$19,500 was negotiated.

MOTION: Move to approve Resolution No. R-08-147 for adoption.

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

7. Resolution No. R-08-148 – A Resolution to purchase steel poles from Dis-Tran Steel Pole for the 166/169 69 kV Transmission Line Reroute Project.

- Electric Utility Director Bernie Cevera addressed the Commission stating the City is in the initial stages of relocating the 69kV transmission line at the Highway 166/169 intersection north to the Industrial Park. A contract is expected to be awarded sometime around the end of the year for construction of this line. Six special steel poles are needed for this project. Six quotes were received with staff recommending the quote from Dis-Tran Steel Pole be accepted in the amount of \$101,406. The low bid did not meet specifications. In light of the announcement from the Kansas Department of Transportation they were temporarily suspending bid letting on the system enhancement project scheduled for December, the purchase order for the poles will not be issued until clarification on the system enhancement project is received.

MOTION: Move to approve Resolution No. R-08-148 for adoption.

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

8. Resolution No. R-08-149 – A Resolution to authorize financial participation for Coffeyville Redevelopment Assistance provided by Kansas Communities.

- City Manager Jeff Morris addressed the Commission stating in 2007 the City, along with other entities, contributed a combined amount of \$7,000 to hire Terry Woodbury to assist the community in redevelopment efforts. Since that time, Woodbury has been meeting monthly with the New Coffeyville Steering Committee. In order to retain Woodbury's services for the next year, New Coffeyville must raise \$8,500 which will be matched by the Kansas Health Foundation and the Kansas Department of Commerce. To date, \$4,250 has been raised; staff is recommending the City contribute \$1,000 the same as in 2007.

MOTION: Move to approve Resolution No. R-08-149 for adoption.

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

9. Resolution No. R-08-150 – A Resolution to purchase property located at 707 Spring Street.

- City Attorney Paul Kritz addressed the Commission stating Billie Lewark-Wood approached the City about selling her property at 707 Spring. The building is in decent condition and could be used for storage space for the Electric Department. The original asking price was \$35,000; however, it has been lowered to \$25,000. This is

more than the estimated value given to the city by a local realtor, but less than the insured value.

MOTION: Move to approve Resolution No. R-08-150 for adoption.

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

10. Resolution No. R-08-151 – A Resolution to convey property to Sherwin Williams Company.

- City Attorney Paul Kritz addressed the Commission stating there was a piece of land within the fenced area of Sherwin Williams property that Sherwin Williams was requesting be conveyed to them. Kritz indicated he had reviewed legal documents with Engineering Superintendent Scott Massman, and they found no objections to the request.

MOTION: Move to approve Resolution No. R-08-151 for adoption.

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

11. Resolution No. R-08-152 – A Resolution to execute a Letter of Intent to the Southwest Power Pool to Remain in the SPP 2007-AG3-AFS-5 Study Process.

- Electric Utility Director Bernie Cevera addressed the Commission stating the City’s transmission requirements changed due to obligations within the Grand River Dam authority contract which included language requiring Coffeyville to use “commercially reasonable efforts” to change to network transmission service effective immediately. This Resolution will provide for a letter of intent to be issued to the Southwest Power Pool to remain active with dispatch in the SPP 2007-AG3-AFS-5 study process.

MOTION: Move to approve Resolution No. R-08-152 for adoption.

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

12. Comments from Commissioners and Staff

- Jeff Morris reported on the following:
 - Reviewed a press release released on Wednesday from KDOT announcing a delay of the System Enhancement Project scheduled to be let in December. In a follow up phone call, KDOT stated they were proceeding with right of way acquisition and wanted the City to proceed with utility relocations.
 - The campground expansion at Walter Johnson Park is complete;
 - The Hillcrest Golf Course Task Force met on November 12; will hold a second meeting next week.
 - A piece of property Dalmark was interested in on Woodland for their multi-family housing project needed an environmental study; the results show there are

three locations which tested contaminated. KDHE will take additional samples and then figure out a plan to remediate the property.

- Mayor Horn stated he made a presentation to the Board of Realtors

13. Comments from the Public

- Jim Taylor, 704 Spruce, read a letter stating opposition to multi-family zoning for property at First and Overlook and requesting communication with Commissioners on the subject.

J. EXECUTIVE SESSION(s)

1. Non-elected personnel
2. Attorney Client privilege

MOTION: Move to adjourn to Executive Session for discussion of non-elected personnel and items that would be considered privileged in attorney client relationship to reconvene on or before 9:15 p.m.

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

TIME THE MEETING WAS RECONVENED: 9:15 p.m.

Mayor Horn stated no action would be taken as a result of the Executive Session.

K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Finance Department – Tax Reports
2. Communication from CVR

L. ADJOURNMENT

MOTION: Move to adjourn.

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

TIME THE MEETING WAS ADJOURNED: 9:15 p.m.

Date the minutes were approved _____

Cindy Price, City Clerk