

**REGULAR COMMISSION MEETING MINUTES**

**TUESDAY, MAY 27, 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 LOUIE HUMMEL  
COMMISSIONER PAM JONES

City Staff in attendance were:

CITY MANAGER JEFF MORRIS  
CITY CLERK CINDY PRICE  
CITY ATTORNEY PAUL KRITZ  
FINANCE DIRECTOR STEPHANIE RICHARDSON  
PUBLIC SERVICE DEPUTY DIRECTOR JIM BRADSHAW  
PLANNER/ARCHITECT DENNIS JACOBS  
INSPECTOR JIM HAYES  
INSPECTOR LARRY TROTTER  
INSPECTOR JIM HAYES  
ELECTRIC UTILITY DIRECTOR BERNIE CEVERA

**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, May 13, 2008

2. 2008 Appropriation Ordinance No. AO-08-23 – \$3,281,177.00

3. 2008 Appropriation Ordinance No. AO-08-24 – \$ 13,621.68

MOTION: Move to approve the consent agenda as presented.

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

**REGULAR AGENDA ITEMS**

**E. APPROPRIATION ORDINANCE**

1. 2008 Appropriation ordinance No. AO-08-25 -- Hummel \$ 2,342.13

MOTION: Move to approve 2008 Appropriation Ordinance No. AO-08-25.

ACTION: THE MOTION WAS MADE BY COMMISSIONER HENDRYX AND  
SECONDED BY COMMISSIONER JONES. ROLL CALL VOTE --  
ALL AYE; COMMISSIONER HUMMEL ABSTAINED.

2. 2008 Appropriation ordinance No. AO-08-26 – Hummel (flood) \$ 338.40

MOTION: Move to approve 2008 Appropriation Ordinance No. AO-08-26.

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

- Finance Director Stephanie Richardson reported flood expenses to date of \$1,559,252.05

**F. PUBLIC HEARING(s), SPECIAL PRESENTATION(s), & PROCLAMATION(s).**

1. Condemnation hearing

- Mayor Horn opened the Public Hearing for three properties that have been determined unsafe and dangerous.
- Michael Gray, representing SKO/Watco owners of property at 1300 South Walnut, stated his company is working to clean up the trash and the outside of the building; requested the company be given additional time and asked what specifically the company needed to do so the property would not be placed on the condemnation list. Staff responded stating the property will be placed on the condemnation list which gives the owners 30 days to commence rehabilitation or demolition of the unsafe, dangerous and dilapidated structures and make the premises safe and secure and to continue making progress to avoid the structure being torn down. The property will come off the condemnation list when it is brought up to meet City codes.
- There being no further comments, Mayor Horn closed the Public Hearing.

Resolution No. R-08-78 – A Resolution to find certain structures unsafe, dilapidated and dangerous.

MOTION: Move that Resolution No. R-08-78 be approved for adoption.

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

2. Presentation by Downtown Coffeyville, Inc., on Main Street program

- Shelley Paasch, Executive Director of Downtown Coffeyville, reviewed the past 11 months since Coffeyville was named a Main Street community. She indicated there would be a First Birthday Party on July 17, 5:30 p.m., at Lannings.

3. Presentation from Hortense Mason regarding Harmon Park

- Hortense Mason requested the City repair and maintain Harmon Park for the benefit of children and other residents who live in that area.

**G. OTHER BUSINESS**

1. Comments from Public

**H. OLD BUSINESS**

**I. NEW BUSINESS**

1. Ordinance No. S-08-12 – First Reading of an Ordinance to rezone 122 West 7<sup>th</sup> Street.
  - Planner/Architect Dennis Jacobs addressed the Commission stating Tim Wells, representing TNT Contractors, Inc., has purchased the building at 122 West Seventh Street for his construction business and has requested it be rezoned from Business District (C-3) to Service Commercial District (C-4). The Planning Commission unanimously recommended the rezoning.

MOTION: Move that Ordinance No. S-08-12 be approved for First Reading.

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

2. Ordinance No. S-08-13 – First Reading of an Ordinance to rezone properties located in the 600 block of East First and East Second Streets.
  - Planner/Architect Dennis Jacobs addressed the Commission stating Ken Heins representing Coffeyville Resources Refinery & Marketing (CVR Energy) is requesting properties they own in the 600 block of East First and Second Street be rezoned from Single Family Residential and Light Industrial to Heavy Industrial for the purpose of construction and utilization a petroleum refinery business. Heins stated the refinery is continuing to rezone the property they have purchased surrounding the refinery. Mayor Horn asked about the close proximity to the apartments and how they played into the refinery's future. Commissioners requested additional information on the refinery's future expansion and plans for the area.

MOTION: Move to table action on Ordinance No. S-08-13.

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

3. Resolution No. R-08-72 – A Resolution to establish fees for the Coffeyville Wireless Internet Service in Walter Johnson Park.
  - City Clerk Cindy Price addressed the Commission stating IT Manager Chris Felix reviewed the plans for equipment installation at Walter Johnson Park to allow a pay for service wireless internet access. This resolution establishes the per hour, day and week fee to access the service.

MOTION: Move that Resolution No. R-08-72 be approved for adoption.

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

4. Discussion and action to approve a Cereal Malt Beverage license for Wal-Mart.

MOTION: Move to approve a Cereal Malt Beverage license for Wal-Mart Store #42.

**ACTION:** THE MOTION WAS MADE BY COMMISSIONER HUMMEL AND SECONDED BY COMMISSIONER GONZALES. ROLL CALL VOTE - ALL AYE EXCEPT MAYOR HORN WHO ABSTAINED.

5. Resolution No. R-08-73 – A Resolution to execute an agreement with Ochsner, Hare & Hare for services to develop a comprehensive plan for the City of Coffeyville.
- Planner Architect Dennis Jacobs addressed the Commission stating the City of Coffeyville has been using a Comprehensive Plan adopted by the City in 1986. There have been obvious changes in the past 22 years such as the abandonment of neighborhood schools and the population shifts to the west and north which have made the plan ineffective. Add to this the July 2007 flood, and it is critical to develop a new comprehensive plan to guide the post flood redevelopment as well as the future growth of the entire city. A request for qualifications was sent out; four firms responded and were interviewed. The interview team recommends hiring Oschner, Hare & Hare from Kansas City with the anticipated completion of the plan to be May 31, 2009. The cost is not to exceed \$86,910. The City received a grant from the Department of Commerce for \$25,000 and the Montgomery County Action Council contributed \$5,000; the balance will come from the Capital Improvements Fund.

**MOTION:** Move that Resolution No. R-08-73 be approved for adoption.

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

6. Resolution No. R-08-74 – A Resolution to execute an engineering services contract with Allgeier Martin & Associates for design engineering services for KLINK Project 166-63 U-2083-01.
- Public Service Deputy Director Jim Bradshaw addressed the Commission stating the City has received approval for a FY2010 KLINK IR project which includes an area of full depth patching as well as dowel bar retrofitting and pavement rehabilitation on East 11<sup>th</sup> Street between Walnut and Sunflower Streets. The Kansas Department of Transportation requires a licensed engineer prepare the plans and specifications. Staff recommended awarding the preliminary Engineering Design contract for the KLINK project to Allgeier Martin and Associates in an amount not to exceed \$79,317.50.

**MOTION:** Move that Resolution No. R-08-74 be approved for adoption.

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

7. Resolution No. R-08-75 – A Resolution to execute a contract with Dave's Lawn Service for Airport mowing.
- Public Service Deputy Director Jim Bradshaw addressed the Commission stating staff has determined the mowing contractor for the airport and City owned parks is not able to adequately perform the desired mowing in a timely manner as required by contract. Both contracts have been reviewed as well as the other mowing bids. Staff has determined the best course of action is to award the airport mowing contract to Dave's Lawn Service and monitor the mowing at the parks.

**MOTION:** Move that Resolution No. R-08-75 be approved for adoption.

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

8. Resolution No. R-08-76 – A Resolution to execute a contract with Meyer Roofing and Sheet Metal for installation of a rubber roof system at the Youth Activities Center.

■ Public Service Deputy Director Jim Bradshaw addressed the Commission stating Meyer Roofing has reroofed several of the city buildings using a two part rubber roof system and there have been no problems with the product or workmanship. Staff is recommending this roofing system be installed on the Youth Activities Center. The cost will be paid from the Capital Replacement Fund.

**MOTION:** Move that Resolution No. R-08-76 be approved for adoption.

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

9. Resolution No. R-08-77 – A Resolution to issue purchase orders for restoration of the downtown fountain.

■ Public Service Deputy Director Jim Bradshaw addressed the Commission stating there has been discussion over the past couple of years about restoring the fountain located on the downtown Plaza. Staff has determined what equipment is needed and estimates the cost of the parts will not exceed \$6,000. Coffeyville Main Street is organizing the fund raising for this project and currently has \$1,550. The City has \$950 coming from FEMA from the loss of flags used in the downtown area and is recommending these funds go toward the fountain restoration project as an alternate FEMA project. The Coffeyville Area Community Foundation may contribute some funding and the Dalton Defenders Bowl Committee has committed to fund any remaining portion of the cost of materials for the project. The City will provide the labor for installation and be responsible for routine maintenance. The Gazebo currently on the Plaza will be moved to Walter Johnson Park.

**MOTION:** Move that Resolution No. R-08-77 be approved for adoption.

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

10. Resolution No. R-08-79 – A Resolution to authorize the sale of general obligation sales tax refunding bonds, Series 2008, of the City of Coffeyville.

■ Finance Director Stephanie Richardson addressed the Commission stating the City is moving forward with the issuing refunding bonds in order to achieve an interest cost savings on the debt. The confirmation of the sale of the Series 2008 Bonds shall be subject to the execution of a bond purchase agreement between the City and Stifel Nicolaus & Company, purchaser of the bonds. This resolution authorizes the City to take such action as may be necessary to carry out the sale of the Series 2008 Bonds.

**MOTION:** Move that Resolution No. R-08-79 be approved for adoption.

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

**11. Comments from Commissioners or Staff**

- Electric Utility Director Bernie Cevera addressed the Commission stating as part of the work to upgrade and replace the Power Plant Substation the power cables and control cables for Generator 6 were replaced and added onto, necessitating a test of the phasing and phase sequence of the completed installation. A tripping problem is occurring from the plant control circuits sent to the new ODMC breaker which causes it to trip open as soon as it is closed. Staff is working with Allgeier Martin personnel to trace the source of the trip so corrective action can be taken.

City Manager Jeff Morris reported:

- Budget schedule has been set to include meetings with Commissioners beginning July 14.
- It was reported at a New Coffeyville meeting the City wants to meet with the animal shelter group, however, it is not in the best interest to operate two animal shelters. The City is planning to begin work just north of the Waste Water Treatment Plant.

**J. EXECUTIVE SESSION(s)**

**1. Non-elected personnel**

**MOTION:** Move to adjourn to Executive Session for discussion of non-elected personnel to reconvene on or before 10:20 p.m.

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

Time the meeting was reconvened: 10:20 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. Police Department Report
2. Inspection Department Report
3. Notice of Board Openings
4. Coffeyville Public Library Board Meeting Minutes
5. Correspondence from KDOT
6. CRMC Board Meeting Information

**L. ADJOURNMENT**

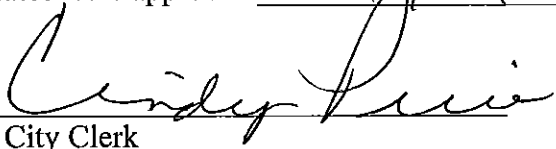
**MOTION:** Move to adjourn.

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

Time the meeting was adjourned: 10:20 p.m.

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TUESDAY, MAY 27, 2008**

Date the minutes were approved 06/10/08

  
Cindy Price, City Clerk