

REGULAR COMMISSION MEETING MINUTES
TUESDAY, OCTOBER 28, 2008
6:30 P.M.

The Board of Commissioners met in Regular Session at 6:30 p.m. with Mayor Virgil Horn 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
ATTORNEY PAUL KRITZ
FINANCE DIRECTOR STEPHANIE RICHARDSON
FIRE CHIEF GREG ALLEN
CODE ENFORCEMENT OFFICER LARRY TROTTER
IT MANAGER CHRIS FELIX
PUBLIC WORKS DIRECTOR CHUCK SHIVELY
CODE ENFORCEMENT OFFICER JIM HAYES
INTERCONNECT OPERATIONS MANAGER STEVE MCGIE
PLANNER/ARCHITECT DENNIS JACOBS
POLICE CHIEF JOE HUMBLE

- A. **CALL TO ORDER** – Mayor Horn
- B. **INVOCATION** – Rev. Mark Wilson, First Church of God
- C. **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- D. **CONSENT AGENDA ITEMS**

- 1. Regular City Commission Meeting Minutes – Tuesday, October 14, 2008
- 2. 2008 Appropriation Ordinance No. AO-08-48 – \$893,172.37
- 3. 2008 Appropriation Ordinance No. AO-08-49 – (flood) \$ 25,549.22

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

Finance Director Stephanie Richardson reported total flood repair cost to date \$2,384,835.29.

REGULAR AGENDA ITEMS

- E. **APPROPRIATION ORDINANCE**
- F. **PUBLIC HEARING(s), SPECIAL PRESENTATION(s), & PROCLAMATION(s).**
 - 1. Proclamation – Buddy Poppy Day
 - Mayor Horn presented the proclamation to LaVelma Wagner from VFW Ladies Auxiliary.

2. Proclamation – It Starts With Me Fall For Coffeyville
 - Mayor Horn presented the proclamation to JoLynn Falkner.

3. Public Hearing for Brownfield Grant Application
 - Public Works Director Chuck Shively addressed the Commission stating the Small Business Liability Relief and Brownfields Revitalization Act authorized the U. S. Environmental Protection Agency to provide federal financial assistance for brownfields, including funding to states, communities, tribes and nonprofits for three types of grants – assessment, revolving loan fund and cleanup. Staff from Terracon Consultants began discussions several months ago with the City regarding Coffeyville’s opportunity to submit a grant proposal which would likely score highly due to the 2007 flood. The proposed grant is for a Community Wide Assessment Grant with \$200,000 for hazardous substances sites and \$200,000 for petroleum sites. The major products of the grant, if received, will be an inventory of potential brownfields sites within the city and surrounding area with potential for development. No local matching funds are required. A public hearing is not required, however, it is evidence of the City’s efforts to seek public input into, and support of, the proposal to be submitted.

 - Mayor Horn opened the Public Hearing for comments
 - Tim Flowers, 1509 West First Street, stated this would be a good thing for Coffeyville.

 - Mayor Horn closed the Public Hearing

4. Resolution No. R-08-137 – A Resolution to authorize the submission of a grant proposal to the EPA for a community wide Brownfields Assessment Grant.
 - MOTION: Move that Resolution No. R-08-137 be approved for adoption.

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

5. Lyle Martin to make comments regarding speed limit proposal
 - Lyle Martin addressed the Commission reminding Commissioners he had sent a proposal addressing speed limits in the Cline Road and other areas and is looking forward to hearing comments from Commissioners.

G. OTHER BUSINESS

H. OLD BUSINESS

I. NEW BUSINESS

1. Ordinance No. S-08-16 – First reading of an ordinance to rezone property at 1610 West First Street from I-1 (Light Industrial) to A-1 (Agriculture).
 - Planner/Architect Dennis Jacobs addressed the Commission stating the City has applied for rezoning of property located at 1610 West First Street from Light Industrial to Agricultural for the purpose of the construction and operation of the Municipal Animal Shelter. The planning Commission voted three to one with two absent to recommend the rezoning. According to Deputy Public Works Director Jim Bradshaw who reviewed

drawings of the proposed facility, it will be a completely enclosed facility placed approximately 200 feet back from the street and there will be no outside runs. The animals will all be unloaded inside and they will not have direct contact with other animals. There will be a crematory located in a separate building; there will be no exhaust, no odor and no smoke. There will be a separate area for puppies and cats as well as an exam room, office and adoption area. Security would be provided from the electric substation.

- City Manager Jeff Morris stated the City's animal shelter was less than desirable prior to the flood and the Friends of Animals want to assist the City with the animals as well as develop a program to adopt animals.
- Jim Correll, 1437 CR 4100, Chairman of Friends of Animals spoke in favor of the project.
- Jo Falkner, 1014 West Third, asked about the cost of the facility. Bradshaw replied the cost was anticipated to be approximately \$170,000 with \$78,000 available from insurance. Other funding will come from buildings demolished as a result of the flood which the City won't be rebuilding such as Metts Barbeque and the Radio Shack building.
- Charity Sterk, 1507 West First, presented a petition signed by residents of the neighborhood who were not against the animal shelter just the location. A primary concern was an increase of animals running the neighborhood as a result of animals dropped off at the shelter.
- Karen Palmer Thomas, 1503 West First Street, expressed concern about not having a drop off location for animals.
- Susan Correll, 1437 CR 4100, stated there are stray animals all over the city. The Friends of Animals are planning to help the City; they want to have an adoption center and promote a spay and neuter program.
- Tim Flowers, 1509 West First, stated he is not against the animal shelter; just the location with a particular concern about the crematory.
- Juanita Flowers, 1509 West First, stated all people in the immediate area except Dr. Alter signed the petition.
- Mayor Horn stated he likes the previously discussed wastewater plant location as he is concerned about the noise and if it would impact neighbors on First Street.
- Commissioner Gonzales likes the proposed First Street location.
- Commissioner Warren concerned about the lack of an outside drop off location being available.

MOTION: Move to approve Ordinance No. S-08-16 for First Reading.

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.

2. Resolution No. R-08-138 – A Resolution to approve a consulting agreement with Charlesworth & Associates for insurance bid services.
 - Finance Director Stephanie Richardson addressed the Commission stating this agreement is with Charlesworth and Associates to complete the bid process for the property and liability insurance coverage for the City of Coffeyville effective May 1, 2009. This company has worked on the City's last two renewals for the electric utility system and boiler and machinery insurance coverage and has presented insurance quotes with

decreases in the premium in excess of the fees charged by their firm. They do not sell insurance; they just act in an advisory capacity. The fee for their services is \$6,500.

MOTION: Move that Resolution No. R-08-138 be approved for adoption.

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

3. Resolution No. R-08-139 – A Resolution to execute a contract with Tri-Star Utilities for the Highway 169 Water and Sewer Line Relocation Project.

■ Deputy Public Works Director Jim Bradshaw addressed the Commission stating some water and sewer lines are required to be relocated due to the Highway 169 System Enhancement Project. This work will be required to allow a new overpass to be constructed over the railroad line. Tri-Star Utility was the lowest of six bidders at an amount not to exceed \$163,998.55. The cost of the project will be reimbursed 100% by the Kansas Department of Transportation.

MOTION: Move that Resolution No. R-08-139 be approved for adoption.

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

4. Resolution No. R-08-140 – A Resolution to execute two agreements with the Kansas Department of Transportation for reimbursement of expenses incurred by the City for the Highway 169 Water and Sewer Line Relocation Project.

■ Public Works Director Chuck Shively addressed the Commission stating to accommodate construction of the System Enhancement Project on Highway 169 north of Coffeyville, one City owned water line and one City owned pressure sewer line need to be relocated to a great depth where the overpass will be constructed over the railroad spur. Tri-Star Utilities was the low bidder on this project as indicated in the previous action item. This agreement is for 100% reimbursement from KDOT for the costs of this project.

MOTION: Move that Resolution No. R-08-140 be approved for adoption.

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

Resolution No. R-08-142 – A Resolution to execute an agreement with the Kansas Department of Transportation for reimbursement of expenses incurred by the City for the Highway 169 Electric Line Relocation Project.

MOTION: Move that Resolution No. R-08-142 be approved for adoption.

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

5. Resolution No. R-08-141 – A Resolution to authorize the purchase of temporary General Obligation Bonds, Series 2008-1.

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- Attorney Paul Kritz addressed the Commission stating at the October 14 commission meeting, the Commission approved a resolution creating a benefit district for the Wal-Mart project. The Development Agreement, approved in November of 2007, calls for the City to pay 95% and Wal-Mart to pay 5% of the public improvements necessary to construct the new store. The public improvements include water, sewer, electric and improvements to the intersection of Highway 166 and County Road 5300. These bonds will be a short term financing tool until actual costs are known at which time they will be converted into general obligation bonds.

MOTION: Move that Resolution No. R-08-141 be approved for adoption.

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

6. Comments from Commissioners and Staff

- City Manager Jeff Morris reported the following:
 - A community meeting is scheduled for October 30, 6:30 p.m., for the Comprehensive Plan
 - The RV Park expansion is nearly complete
 - The MCAC meeting scheduled for October 30, 2008, has been cancelled
 - Public Service Department is working on South Walnut joint repairs
 - New Coffeyville has been in existence for approximately 12 months; the contract with Terry Woodbury requires \$8,500 local funds which are matched by the Kansas Health Foundation and Department of Commerce. The City's share of this, if approved by Commissioners, would be \$1,000. Commission Hendryx asked if the work of New Coffeyville is being handled locally without the need to retain Woodbury.
- Bernie Cevera reported the SPP approved the waiver request which means \$10.5 million City of Coffeyville won't have to spend.

7. Comments from the Public

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 9:45 p.m.

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

Time the meeting was reconvened: 9:40 p.m.

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

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K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES

1. Comprehensive Plan meeting flyer
2. Current City of Coffeyville Board openings
3. Coffeyville Public Library meeting minutes
4. Coffeyville Recreation Commission meeting minutes

L. ADJOURNMENT

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

TIME THE MEETING WAS ADJOURNED: 9:45 p.m.

11/13/08

Date minutes were approved



Cindy Price, City Clerk