

**REGULAR COMMISSION MEETING MINUTES
TUESDAY, OCTOBER 14, 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
FIRE CHIEF GREG ALLEN
INTERCONNECT OPERATIONS MANAGER STEVE MCGIE

- A. **CALL TO ORDER** – Mayor Horn
- B. **INVOCATION** – Dr. Wayne Norton, First Baptist Church
- C. **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

D. CONSENT AGENDA ITEMS

- 1. Regular City Commission Meeting Minutes – Tuesday, September 23, 2008
- 2. 2008 Appropriation Ordinance No. AO-08-46 – \$3,897,275.94
- 3. 2008 Appropriation Ordinance No. AO-08-47 – (flood) \$ 8,012.66

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 \$2,359,286.07.

REGULAR AGENDA ITEMS

E. APPROPRIATION ORDINANCE

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

- 1. 2007 Audit Report
 - Neil Phillips from the CPA firm of Jarred, Gilmore & Phillips presented the 2007 Audit Report noting the City received a clean opinion.

2. Presentation by Tony Lamb on Cline Road speed limit
 - Tony Lamb, an EMT with CRMC, requested the City review the speed limit on Cline Road near the Community Elementary School. It is a highly travelled area at all times and not just when school is in session. Recently a child was struck by a car on a Saturday; soccer games were going on and there was a lot of activity in the area. Fortunately the child was not severely injured, however, Lamb is concerned there will be other instances occur. He also noted the area around Sycamore Park on First Street should be reviewed. Lamb's suggestions will be reviewed along with a proposal by Lyle Martin on the same subject given to the City several weeks ago.

G. OTHER BUSINESS

H. OLD BUSINESS

I. NEW BUSINESS

1. Resolution No. R-08-133 – A Resolution to determine advisability of making infrastructure improvements to the site of the Wal-Mart Supercenter.
 - City Attorney Paul Kritz addressed the Commission stating at a special meeting conducted on November 2, 2007, the City commission unanimously approved the execution of the Wal-Mart Development Agreement which calls for the City to pay 95% and Wal-Mart to pay 5% of the public improvements necessary to construct the new Wal-Mart Supercenter. The public improvements include water, sewer, electric and improvements to the intersection of Highway 166 and CR 5300. This resolution will establish the improvement district to provide for the construction and financing of the public improvements. It was noted the infrastructure to be built is being sized and constructed to handle additional businesses should they be built as a result of the Wal-Mart store; the improvement district will only include Wal-Mart. Mark Bryant, attorney for Wal-Mart working on this project, stated the supercenter will be 149,000 square feet and include an eating establishment such as Subway. Duong Bach architect for the project showed a drawing of the exterior of the proposed supercenter. Angela Stoner, Public Relations manager for Wal-Mart stated the company is excited to be constructing this new supercenter in Coffeyville; it is anticipated it will 10-12 months for construction. Quinn Shratz, CEI Engineering, reviewed additional drawings of the proposed building. Kritz noted it will take approximately 15-20 years for the infrastructure improvements to be paid back. All four taxing entities in the county will meet prior to the end of the month for a general discussion on the proposed benefit district.

MOTION: Move that Resolution No. R-08-133 be approved for adoption.

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

2. Resolution No. R-08-134 – A Resolution to approve an agreement with Asplundh Tree Expert Co. for 2009 tree trimming services.
 - Interconnect Operations Manager Steve McGie addressed the Commission stating Asplundh began doing the City's line clearance and tree trimming services since 2007. For 2009 they are requesting a 4% increase from \$77 to \$80.34 per hour; this cost includes the labor and all equipment.

**REGULAR COMMISSION MEETING MINUTES
TUESDAY, OCTOBER 14, 2008**

3

MOTION: Move that Resolution No. R-08-134 be approved for adoption.

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

3. Resolution No. R-08-135 – A Resolution to approve a contract with Muller Construction for demolition of 12 properties.

- Code Enforcement Officer Larry Trotter addressed the Commission stating Muller Construction was the low bidder for the demolition of 12 properties at a cost not to exceed \$23,845.

MOTION: Move that Resolution No. R-08-135 be approved for adoption.

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

4. Discussion and action to fill an unexpired position on the City Planning Commission serving to January 1, 2010.

Applicants: Tony Mullens, Arnold Roland, Jr.

MOTION: Move to appoint Arnold Roland, Jr., to serve an unexpired position on the City Planning Commission to January 1, 2010.

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

5. Resolution No. R-08-136 – A Resolution to authorize a commercial curb cut in the 1000 block of South Willow Street.

- Public Works Director Chuck Shively addressed the Commission stating Decker Construction submitted a curb cut request on behalf of Coffeyville Community College to service a new handicap accessible parking and passenger loading area. The request includes one curb cut for an entrance to the area. The curb cut meets all the requirements as set out by City ordinances.

MOTION: Move that Resolution No. R-08-136 be approved for adoption.

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

6. Action to declare a public emergency relating to a reduction in the total principal amount of Series 2008 General Obligation Sales Tax Refunding Bonds and amend Ordinance S-08-14.

- Finance Director Stephanie Richardson introduced Kevin McKown with Gilmore, Bell law firm who addressed the Commission stating after final structuring on the general obligation sales tax refunding bonds, they were reduced from \$2.5 million to \$2,235,000. This will require amending the ordinance for the sale of the bonds. Due to the bond issue being scheduled to close on October 22, 2008, the ordinance must be passed in one reading. In order to pass an ordinance with one reading, a resolution must be adopted

**REGULAR COMMISSION MEETING MINUTES
TUESDAY, OCTOBER 14, 2008**

4

declaring a city emergency. The bonds are being refunded or refinanced, which is saving \$248,000 over six years. A rule of thumb is if you can get more than 2% savings, it is worth the trouble and cost to refinance. This refunding is saving 6.39%. The City's bond rating is an "A."

MOTION: Move to declare a public emergency relating to a reduction in the total principal amount of Series 2008 General Obligation Sales Tax Refunding Bonds and to amend ordinance No. S-08-14.

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

Ordinance No. S-08-15 – An Ordinance Amending Ordinance No. S-08-14 which authorized the issuance and delivery of General Obligation Sales Tax Refunding bonds.

MOTION: Move to approve Ordinance No. S-08-15 for adoption.

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

Resolution No. R-08-130 – A Resolution prescribing the form and details of and authorizing the sale and delivery of \$2,235,000 General Obligation Sales Tax Refunding Bonds, Series 2008, of the City of Coffeyville.

MOTION: Move that Resolution No. R-08-130 be approved for adoption.

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

7. Resolution No. R-08-137 – A Resolution to execute an agreement with SEGA, Inc., for plant assessment services for the Electric Utility. NO ACTION
8. Comments from Commissioners and Staff
 - City Manager Jeff Morris stated a special work session would be held next week to provide information on the SEGA agreement for plant assessment services and also review the Electric Utility budget.
 - Max Williams, chairman of the Planning Commission, reviewed the upcoming rezoning case which will come before the Commission at the October 28 meeting. The Planning Commission approved on a 3-1 vote to recommend rezoning an area on West First Street to allow an Animal Shelter to be built.
 - A public meeting with the Comp Plan Consultants will take place on Thursday, October 30, 6:30 p.m., at Community Elementary.
9. Comments from the Public

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 9:15 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: 9:15 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 – Monthly Sales Tax Report
2. Police Department – Monthly Report
3. Montgomery County Action Council – Monthly Report
4. Building Inspection Report

L. ADJOURNMENT

MOTION: Move to adjourn.

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

TIME THE MEETING WAS ADJOURNED: 9:30 p.m.

10/22/08
Date minutes were approved

Cindy Price
Cindy Price, City Clerk

