

**REGULAR COMMISSION MEETING MINUTES**  
**TUESDAY, JULY 24, 2007**  
**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  
ELECTRIC UTILITY DIRECTOR BERNIE CEVERA  
PUBLIC WORKS DIRECTOR CHUCH SHIVELY  
ENGINEERING SUPERINTENDENT SCOTT MASSMAN

**A. CALL TO ORDER** – Mayor Horn

**B. INVOCATION** – Rev. Virgil O. Horn, First Sardis Baptist Church

**C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

**D. MINUTES**

1. Regular City Commission Meeting Minutes – Tuesday, June 26, 2007

ACTION: Approved as presented

2. Regular City Commission Meeting Minutes – Tuesday, July 10, 2007

ACTION: Approved as presented

**E. APPROPRIATION ORDINANCE(s).**

1. 2007 Appropriation Ordinance No. AO-07-19 – \$ 4,159,483.47

MOTION: Move to approve Appropriation Ordinance No. AO-07-19 in the total amount of \$4,159,483.47 for adoption.

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

2. 2007 Appropriation Ordinance No. AO-07-20 (Hummel) – \$ 1,092.23

MOTION: Move to approve Appropriation Ordinance No. AO-07-20 in the total amount of \$1,092.23 for adoption.

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

3. 2007 Appropriation Ordinance No. AO-07-21 (Flood) – \$ 152,339.54  
MOTION: Move to approve Appropriation Ordinance No. AO-07-21 in the total amount of \$152,339.54 for adoption.

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

4. 2007 Appropriation Ordinance No. AO-07-22 (Hummel, Flood) – \$ 74.28  
MOTION: Move to approve Appropriation Ordinance No. AO-07-22 in the total amount of \$74.28 for adoption.

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

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

1. Public Hearing on Taxi Cab Permit for Ecentia Group dba I-Cab Taxi

- City Clerk Cindy Price addressed the Commission stating the procedure for a taxi cab license is established by Ordinance and licenses are issued for a vehicle and not for the business. At the previous meeting, a public hearing date was set and all holders of current license were notified. According to the ordinance, the Ecentia Group meets all criteria needed to be issued a license.
- Mayor Horn opened the Public Hearing.
- Mayor Horn closed the Public Hearing.

MOTION: Move to approve a taxi cab permit for Ecentia Group dba I-Cab Taxi.

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

2. Communication from Coffeyville Resources

- Jack Lipinski, CEO of Coffeyville Resources, provided an update on the refinery following the recent flood and oil spill. He indicated the refinery clean up is proceeding well and final details are being released concerning the buy-out offer to those whose residences were affected by the oil.

**G. OTHER BUSINESS**

1. Comments from Public

**H. OLD BUSINESS**

**I. NEW BUSINESS**

1. Resolution No. R-07-82 – A Resolution to determine not to adopt certain standards promulgated by the Public Utility Regulatory Policies Act.

- City Manager Jeff Morris stated a public hearing on the Public Utility Regulatory Policies Act (PURPA) was held during the July 10 meeting at which time staff recommended the Commission not adopt the standards recommended by PURPA. Electric Utility Director Bernie Cevera verified to Commissioners the standards could be adopted at some point in the future if deemed necessary.

**MOTION:** Move to approve Resolution No. R-07-82 for adoption.

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

2. Resolution No. R-07-81 – A Resolution to execute change order No. 1 (Final) in the sum of \$10,367.41 reduction in the contract price for CDBG Sanitary Sewer Improvements.

- Public Works Director Chuck Shively addressed the Commission stating construction of the sewer replacement project has been completed. Funding was partially provided by CDBG Grant No. 05-PF-525. As previously stated, this project had many unknowns such as location of manholes, pipe locations and condition, number of service lines connections and their locations. When the project was originally bid it was mostly pipe bursting, however, due to Hurricane Katrina, the per foot cost for pipe bursting had more than doubled. Therefore, the project was re-designed to utilize mostly cured-in-place pipe lining. Since there were so many unknowns with this project, it was awarded based on unit prices bid times the estimated quantities to be replaced. The final project cost shows a change order reduction of \$10,367.41.

**MOTION:** Move to approve Resolution No. R-07-81 for adoption.

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

3. Resolution No. R-07-83 – A Resolution to authorize the execution of an agreement with Coffeyville Community College for traffic safety improvements in the 900 and 1000 block of Beech Street.

- City Manager Jeff Morris addressed the Commission stating that after it was determined the Commissioners were not interested in closing Beech Street near the College, the City and CCC met to discuss a compromise solution. The following safety improvements will be made on Beech in the 900 and 1000 blocks with the college paying one-half of the cost estimated to be \$4,572: speed bumps at three designated crosswalks; reduction of the speed limit to 20 miles per hour and related signage.

**MOTION:** Move to approve Resolution No. R-07-83 for adoption.

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

4. Resolution No. R-07-84 – A Resolution to approve a development agreement with Wal-Mart for a Wal-Mart SuperCenter.

- City Attorney Paul Kritz addressed the Commission stating a Development Agreement has been drawn up for the proposed construction of a Wal-Mart SuperCenter of approximately 151,765 square feet east of Coffeyville. The City will be responsible for 95% of the cost of public improvements to include water, sewer, electric and improvements to CR 5300. According to Alan Pugh from Wal-Mart's engineering firm CEI, the project has been slightly delayed while waiting to get all right-of-way issues worked out with the Kansas Department of Transportation.

MOTION: Move to approve Resolution No. R-07-84 for adoption.

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

5. Resolution No. R-07-85 – A Resolution to approve a Power Purchase and Supply Agreement with Grand River Dam Authority.

MOTION: Move to adjourn to Executive Session for consultation with an attorney on matters that would be deemed privileged in attorney-client relationship to convene on or before 8:00 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: 8:00 p.m.

MOTION: Move to extend the Executive Session for consultation with an attorney on matters that would be deemed privileged in attorney-client relationship to convene on or before 8:15 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: 8:15 p.m.

- Electric Utility Director Bernie Cevera addressed the Commission stating the City began purchasing firm power and energy from GRDA for resale to the Farmland Nitrogen Plant; the contract was extended for five years to end on December 31, 2007. As part of the Electric System Master Plan, a Demand and Energy Forecast was prepared with one forecast for the native load and the other for Coffeyville Resources. Requests for proposals were sent out in October, 2006; six firms responded and four submitted proposals. The four who submitted proposals did not include GRDA as they already had a proposal before the City. This was determined to be the best proposal for the City. City staff working with the GRDA Customer Group helped form a Generators Group to focus on creating benefits to the municipalities that have generation. The GRDA contract has been modified to make it more favorable to the City, and it is recommended the Commission proceed with the approval of the

proposed contract. The result of this contract will be reliable low cost energy, and a decrease in the electric rate to customers over the course of the year.

MOTION: Move to approve Resolution No. R-07-85 for adoption.

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

6. Comments from Commissioners or Staff

- A Main Street Celebration is scheduled for August 9, 2007, at 5:30 p.m. at Lannings.
- The City has been approached about selling the Memorial Hall lot for commercial development. The Lions Club is currently in the middle of the construction of a gazebo and other park improvements on that lot as per an agreement with the City. A lengthy discussion followed concerning the commitment and financial contributions the Lions Club members have made for this project and their reasons for wanting to utilize the Memorial Hall Lot. A meeting will be set up with members of the Lions Club and to discuss the gazebo project.

**J. EXECUTIVE SESSION(s)**

1. Non-elected personnel
2. Consultation with an attorney on matters that would be deemed privileged in attorney-client relationship.

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

MOTION: Move to adjourn to Executive Session for discussion of non-elected personnel to reconvene on or before 10:45 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: 10:45 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. Inspections Department – July Building Permit Report
2. Library Minutes – June 12, 2007
3. Communication from ADSAP

**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: 10:30 P.M.

The next meeting will be Tuesday, June 26, 2007, 6:30 p.m.