

**REGULAR COMMISSION MEETING MINUTES**  
**TUESDAY, MAY 22, 2007**  
**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 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 WORKS DIRECTOR CHUCK SHIVELY  
ENGINEERING SUPERINTENDENT SCOTT MASSMAN  
ELECTRIC UTILITY DIRECTOR BERNIE CEVERA  
PLANNER/ARCHITECT DENNIS JACOBS  
PUBLIC SERVICE SUPERINTENDENT DON MALES

- A. CALL TO ORDER** – Mayor Horn
- B. INVOCATION** – Rev. Jim Crandall, First Assembly of God Church
- C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- D. MINUTES**
1. Regular City Commission Meeting Minutes – Tuesday, May 8, 2007  
ACTION: Approved as presented
- E. APPROPRIATION ORDINANCE(s).**
1. 2007 Appropriation Ordinance No. AO-07-13 – \$ 4,222,375.71  
MOTION: Move to approve Appropriation Ordinance No. AO-07-13 in the total amount of \$4,222,375.71 for adoption.  
  
ACTION: THE MOTION WAS MADE BY COMMISSIONER GONZALES AND SECONDED BY COMMISSIONER HUMMEL. ROLL CALL VOTE - ALL AYE.
2. 2007 Appropriation Ordinance No. AO-07-14 – \$ 2,148.56  
MOTION: Move to approve Appropriation Ordinance No. AO-07-14 in the total amount of \$2,148.56 for adoption.  
  
ACTION: THE MOTION WAS MADE BY COMMISSIONER GONZALES AND SECONDED BY MAYOR HORN. ROLL CALL VOTE - ALL AYE EXCEPT COMMISSIONER HUMMEL WHO ABSTAINED.

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

1. Proclamation to declare May 26, 2007, as Poppy Day in Coffeyville.
  - Mayor Horn read and presented the Poppy Day proclamation to Laura VanTieghen representing the American Legion Auxiliary.
2. Representatives from RWD #6, Charlie Hayes and Bob Roberts
  - Charlie Hayes and Bob Roberts, representing Rural Water District #6, stated the Water District is willing to help financially with getting water to Wal-Mart. They are requesting their water meter be moved to the east side of the Verdigris River. City staff has been in contact with the RWD regarding this matter.

**G. OTHER BUSINESS**

1. Comments by the Public
  - Peggy Miller, 410 West 14<sup>th</sup> Street, addressed the Commission with a concern about theft of memorial flowers from Fairview Cemetery.

**H. OLD BUSINESS**

1. Ordinance No. G-07-06 – Second Reading of an Ordinance to amend Chapter 7 (Building Code) of the Code of Ordinances.
  - MOTION: Move that Ordinance No. G-07-06 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.
2. Ordinance No. G-07-07 – Second Reading of an Ordinance to amend Chapter 12 (Fire Code) of the Code of Ordinances.
  - MOTION: Move that Ordinance No. G-07-07 be passed to Second Reading and approved for adoption.
  - ACTION: THE MOTION WAS MADE BY COMMISSIONER HUMMEL AND SECONDED BY COMMISSIONER JONES. ROLL CALL VOTE – ALL AYE.
3. Ordinance No. S-07-08 – Second Reading of an Ordinance to grant a franchise ordinance to Southwestern Bell Telephone to provide local exchange service within the City of Coffeyville.
  - MOTION: Move that Ordinance No. S-07-08 be passed to Second Reading and approved for adoption.
  - ACTION: THE MOTION WAS MADE BY COMMISSIONER HENDRYX AND SECONDED BY COMMISSIONER GONZALES. ROLL CALL VOTE – ALL AYE.
4. Ordinance No. S-07-09 – Second Reading of an Ordinance to grant a franchise ordinance to AT&T Communications to provide local exchange service within the City of Coffeyville.
  - MOTION: Move that Ordinance No. S-07-09 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.

**I. NEW BUSINESS**

1. Ordinance No. S-07-11 – First Reading of an Ordinance to provide for the acquisition of an interest in certain real property situated in the City of Coffeyville.
  - City Attorney Paul Kritz addressed the Commission stating this is the next step in the Eminent Domain process to obtain necessary land for the 8<sup>th</sup> to 11<sup>th</sup> Street Cline Road project.

MOTION: Move that Ordinance No. S-07-11 be approved for First Reading.

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

2. Resolution No. R-07-64 – A Resolution to approve a grant offer with the Federal Aviation Administration for construction of a PAPI system on Runway 17-35 and to award the contract for this project to Strukel Electric.
  - Engineering Superintendent Scott Massman addressed the Commission stating the City has received a grant with the Federal Aviation Administration for the installation of a 4-box precision approach pathway indicator system (PAPI). The low bidder for the project was Strukel Electric for the amount of \$83,510. The grant offers up to \$98,596 for this project which is a 95/5 match. Staff recommends approving the grant in the total amount of \$98,596 and awarding the project to Strukel in the amount of \$83,510.

MOTION: Move that Resolution No. R-07-64 for adoption.

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

3. Resolution No. R-07-65 – A Resolution to authorize a curb cut variance for 2302 Prairie Lane.
  - Engineering Superintendent Scott Massman addressed the Commission stating a request was received from David George for a curb cut variance for property located at 2302 Prairie Lane. According to City ordinances, the maximum allowed driveway width at the property line is 20 feet; the requested construction proposes a width of approximately 32 feet at the property line to serve a three-car garage. Staff recommended the curb cut variance be allowed.

MOTION: Move that Resolution No. R-07-65 for adoption.

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

4. Resolution No. R-07-66 – A Resolution to authorize an agreement with the Coffeyville Municipal Band for the 2007 Concert Season.
  - City Clerk Cindy Price addressed the Commission stating the City Band has an annual contract with the City in the amount of \$4,000. This is the 111<sup>th</sup> year for the band to be in existence. They are planning ten concerts, the first on Memorial Day and ending on August 4. Six of those concerts will be at the Memorial Hall lot.

**MOTION:** Move that Resolution No. R-07-66 for adoption.

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

5. Ordinance No. S-07-10 – First Reading of an Ordinance to rezone 3403 West Eighth Street from R (Single Family Residential) to R-4 (Multiple Family Residential).

- Planner/Architect Dennis Jacobs addressed the Commission stating Gerald and Carol Wehmeyer are requesting to rezone 3403 West Eighth Street from Single Family Residential District to Multiple Family Residential District for the remodeling construction of the existing two family residential unit and new construction of additional duplex units. Their plan is to remodel an existing duplex and once it is filled to construct a second duplex up to a total of six. The Planning Commission recommended approval of the request. According to the City's comprehensive master plan either commercial or compact residential will fit in that area.
- A petition was presented with 349 names who are against the rezoning.
- Grady Young representing the petitioners, stated the high traffic count already in this area would increase with duplexes, there was no fencing required and there was a concern about what may be placed on that property in the future if it were rezoned.
- Carol Wehmeyer, applicant, addressed the Commission stating she and her husband have talked to all the City Departments regarding their project, the property is currently a duplex, and they have a long range plan for the property to develop additional duplexes with the same design and style.
- Thomas Ingram, 3303 West Eighth, stated his wife owns property adjacent to the property under consideration and he is concerned about the slope and drainage problems to her property if the project is built.
- Carol Grace, 606 Cheyenne, stated she has owned a property management company, and multiple family units cause more crime no matter what the rental price.
- Cheryl White, 606 Cheyenne, stated she may not have purchased her property on Cheyenne if she had known about the duplexes.
- City Attorney Paul Kritz informed the Commissioners they had three options: 1) return the rezoning case to Planning & Zoning along with specific reasoning for doing so; 2) approve the request or 3) deny the request. He stated the petition presented was verified that it was signed by at least 20% of the property owners notified of the rezoning case. Four out of the five Commissioners must approve the rezoning.

**MOTION:** Move to return ZC2007-03 to the Planning & Zoning Commission for further consideration due to the entire P&Z Commission not being present at the meeting when the case was presented.

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

6. Resolution No. R-07-67 – A Resolution to execute an Engineering Services Agreement with Lutz, Daily & Brain, for the Electric Utility System.

- Electric Utility Director Bernie Cevera addressed the Commission stating the engineering firm of Lutz, Daily & Brain has developed much of the generation and

distribution system serving the City of Coffeyville and have recently assisted the City in developing the Electric System Master Plan. In anticipation of additional services that may be required from time to time, it will be advantageous to have a contract for engineering services in place.

**MOTION:** Move that Resolution No. R-07-67 for adoption.

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

7. Resolution No. R-07-68 – A Resolution authorizing Lutz, Daily & Brain to provide the City with a letter certifying the projected Debt Service Coverage ratio for additional revenue bonds.

■ Electric Utility Director Bernie Cevera addressed the Commission stating the City is required to have an Engineers Report certifying the projected debt service coverage ratio for the recommended additional revenue bonds per the 2004 bond resolution section of the resolution. Rates and system conditions are also to be reported as per the bond resolution. Since Lutz, Daily & Brain has assisted the City with the Electric System Master Plan, Revenue Requirements Study and the Cost of Service Study, they are best positioned to perform the Engineers Report obligation for the City. Their stop work limit is \$26,000 for this work.

**MOTION:** Move that Resolution No. R-07-68 for adoption.

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

8. Resolution No. R-07-69 – A Resolution to approve a withdraw from the Aggregate Facility Study with the Southwest Power Pool.

■ Electric Utility Director Bernie Cevera addressed the Commission stating preliminary results of the SPP System Impact Study indicate there is no additional long-term transmission available to deliver GRDA supplies to Coffeyville without significant transmission system upgrades. The study results in direct assignments of \$17,493,500 in required transmission upgrade charges to Coffeyville. Recommendations are 1) Coffeyville immediately meet with GRDA to review and discuss SPP's identified transmission system upgrades on the GRDA system; 2) Coffeyville should meet with AEP to review and discuss the identified transmission system upgrades on the AEP system; 3) Coffeyville evaluate the potential benefits of operating local generation to reduce future GRDA purchases compared to the value of potential sales of all or part of Coffeyville's local generating capacity to GRDA or other third parties; 4) Meet with SPP staff to discuss the impacts of a reduction in the available capacity from Coffeyville's local generation to achieve base plan funding for a portion of the transmission system upgrades directly assigned to Coffeyville.

**MOTION:** Move that Resolution No. R-07-69 for adoption.

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

9. Resolution No. R-07-70 – A Resolution to issue a purchase order to Terex Utilities for a hydraulic rotating digger derrick truck for the Electric Utility Department.

■ Electric Utility Director Bernie Cevera addressed the Commission stating the digger derrick 1993 Chevrolet is currently requiring a lot of maintenance. Bids were sent out with two returned. Staff recommends going with Terex Utilities at a cost of \$176,698.00.

**MOTION:** Move that Resolution No. R-07-70 for adoption.

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

10. Resolution No. R-07-71 – A Resolution to issue a purchase order to the Kansas Department of Transportation for two used dump trucks with snow plows and chippers for the Public Service Department.

■ Public Works Director Chuck Shively addressed the Commission stating the Kansas Department of Transportation has a program to sell their surplus equipment to Kansas cities and counties. Earlier this year City staff looked at two dump trucks with snow plows and chippers located at the Chanute KDOT office. It was requested the two trucks be tentatively put on hold for the City with the City being notified when they were to be placed for sale. The normal cost of these would be \$12,000 each, however, if both were purchased, the cost would be \$9,600 each. A Public Service mechanic looked the trucks over and indicated they appear to be in good mechanical condition and the engines had good power. Each truck has a stainless steel chipper in back which is larger than the chippers we currently have and a hydraulically operated snowplow on front.

**MOTION:** Move that Resolution No. R-07-71 for adoption.

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

11. Resolution No. R-07-72 – A Resolution to execute an Engineering Services Agreement with Allgeier, Martin and Associates for a traffic study.

■ Public Works Director Chuck Shively addressed the Commission stating the City has been participating in discussions for several months with the Federal Railroad Administration, the Kansas Department of Transportation, the Union Pacific Railroad and the Watco/SEK/SKO Railroad to improve the railroad crossing situation on South Walnut. A list of improvements has been proposed with Phase 1 appearing to be feasible. This phase would move all switching operations for the Bartlett Mill from their location east of the mill to a location west of the mill. By moving this switching, two sets of tracks would be eliminated which currently cross Walnut Street and would

eliminate approximately 20 train movements across Walnut Street each day. To do this, Elm Street and Maple Street would need to be permanently closed at the railroad crossings and Watco has requested a commitment from the City to vacate those crossings. The City requested a proposal from Allgeier, Martin and Associates to perform an engineering traffic study to determine the current traffic flow at each of the rail crossings being considered for closure, and the effect each closure would have on traffic flow, emergency services access and the public in general. The proposal is divided into phases with the total cost \$32,000 for the study. With Commission approval, Allgeier, Martin & Associates would be directed to proceed with the Elm and Maple Street studies with the cost being \$7,000. Commissioners agreed to fund the first two studies, however, they propose that no crossings be closed until other crossings in the City are fixed.

**MOTION:** Move that Resolution No. R-07-72 for adoption.

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

12. Comments from Commissioners or Staff

- Cindy Price informed Commission a contract had been signed with Mike Twitchell to mow and bale the property around the Wastewater Treatment Plant. Twitchell signed a three year contract for \$100 per year and he will fertilize as needed and apply weed killer.
- Jeff Morris reported three linemen from the City went to Greensburg in response to a mutual aid request.
- Jeff Morris passed out the Beech Street study done at the request of Coffeyville Community College.
- Commissioners requested a recommendation on donation to the City of Greensburg be presented to them at the next meeting.
- Property at 126-128 West Ninth Street was discussed. This property has been placarded unsafe to enter by the Inspections Department. The current owners of the property have offered to pay the back taxes on the property if they could give it to the City. The future of this property will be discussed at upcoming meetings.

**J. EXECUTIVE SESSION(s)**

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

**MOTION:** Move to adjourn to Executive Session for discussion of non-elected personnel and consultation with an attorney on matters that would be deemed privileged in attorney-client relationship to convene on or before 11:10 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: 10:50 p.m.

**K. GENERAL STAFF, COMMITTEE & BOARD REPORTS AND MINUTES**

1. Fire Department -- monthly report
2. Inspections Department -- Building permit and monthly report
3. Coffeyville Public Library- March Minutes

**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: 10:50 P.M.

The next meeting will be Tuesday, June 12, 2007, 6:30 p.m.

Date minutes were approved June 12, 2007  
Cindy Price  
Cindy Price, City Clerk

