

**REGULAR COMMISSION MEETING MINUTES**  
**TUESDAY, JUNE 26, 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  
ARCHITECT/PLANNER DENNIS JACOBS  
ELECTRIC UTILITY DIRECTOR BERNIE CEVERA  
PUBLIC SERVICE SUPERINTENDENT DON MALES  
POLICE COMMANDER MIKE BROWN

- A. CALL TO ORDER** – Mayor Horn
- B. INVOCATION** – Rev. Virgil O. Horn, Jr., First Sardis Baptist Church
- C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- D. MINUTES**
1. Regular City Commission Meeting Minutes – Tuesday, June 12, 2007  
ACTION: Approved as presented
- E. APPROPRIATION ORDINANCE(s).**
1. 2007 Appropriation Ordinance No. AO-07-16 – \$ 3,652,376.10  
MOTION: Move to approve Appropriation Ordinance No. AO-07-16 in the total amount of \$3,652,376.10 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-07-17 (Hummel) – \$ 2,894.83  
MOTION: Move to approve Appropriation Ordinance No. AO-07-17 in the total amount of \$2,894.83 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.
- F. PUBLIC HEARING(s), SPECIAL PRESENTATION(s), & PROCLAMATION(s).**
1. Public Utility Regulatory Policy Act Public Hearing

- Electric Utility Director Bernie Cevera addressed the Commissioners stating the Public Utility Regulatory Policies Act of 1978 (PURPA), as amended by the Energy Policy Act of 2005, requires that municipally owned electric utilities with annual retail sales of over 500 million kilowatt hours consider implementing several new standards. Coffeyville's retail sales in 2004 exceeded 700 million kWh. There are three municipals in Kansas who fit in this category. Coffeyville is not required to adopt any standards; it must only consider adopting them and make a decision based on a record. The five standards that must be considered are:

1. Time-based meters and communications ("Smart" Metering).
2. Interconnection with distributed generators.
3. Net metering service.
4. Fuel diversity.
5. Fossil Fuel Generation Efficiency.

Bernard A. Cevera, Director of Electric Utilities, filed testimony stating the Smart Metering Standard would require the city to change its electric rate structure so the rate changes based on the time the electricity is used. If the City adopted the Smart Metering Standard and lowered its rates for sales of power during the off-peak periods, there would be a risk the revenues the City took in for these sales would not be enough to cover the costs of purchasing the power for these sales. This standard would be very expensive to implement. The City and its customers would have to purchase new meters and meter-reading and billing software and hardware so it could determine the customer's time of use and the rate for service at such time. These costs would be substantial and ultimately our customers would have to pay them through higher rates.

With regard to the Interconnection Standard, if we allow customers to interconnect with the Coffeyville electric system, and generate power to feed into our distribution system, the City could be in breach of its GRDA contract. In addition, allowing customers to feed power into our system raises very serious safety and reliability issues.

The Net Metering Standard would allow a customer who has installed its own generator(s) to serve some or all of its electric load, to put any of its excess generation onto the Coffeyville distribution system, and to be paid for generation (or have payments netted against what the customer would otherwise owe Coffeyville for electric service). As mentioned above, this could cause Coffeyville to be in breach of its contract with GRDA, which requires Coffeyville to purchase all of its electric requirements, except under limited circumstances) from GRDA. This standard also indicates the safety and reliability issues mentioned with regard to the Interconnection Standard. In addition, the Net Metering Standard could not be implemented without installing new types of meters and billing software.

Coffeyville's power supplier, GRDA, has some diversity in its fuel mix and is not dependent on one fuel source. It has a substantial amount of both coal-fired and hydroelectric generation. Coffeyville performs regular maintenance and testing of its generators to make sure they will be available to run when needed. It is the City's recommendation the Commission not adopt the standards at this time.

- Mayor Horn opened the Public Hearing.
- No comments were made; Mayor Horn closed the Public Hearing.

2. Coffeyville Area Chamber of Commerce Semi-Annual Report
  - Lisa Kuehn, Executive Director of the Coffeyville Area Chamber of Commerce, provided a review of the past six months of the Chamber. A primary goal has been to submit an application to become a Kansas Main Street City.

**G. OTHER BUSINESS**

1. Comments by the Public

**H. OLD BUSINESS**

1. Ordinance No. G-07-08 – Second Reading of an Ordinance to amend the Model Zoning Ordinance of the City of Coffeyville.
  - MOTION: Move that Ordinance No. G-07-08 be passed to Second Reading and approved for adoption.
  
  - ACTION: THE MOTION WAS MADE BY COMMISSIONER GONZALES AND SECONDED BY COMMISSIONER HUMMEL. ROLL CALL VOTE - ALL AYE.

**I. NEW BUSINESS**

1. Ordinance No. G-07-09 – First Reading of an Ordinance to adopt the 2002 Edition of the National Electrical Code.
  - Architect/Planner Dennis Jacobs addressed the Commission to address the adoption of the National Electrical, Plumbing, Residential and Mechanical Codes. Approving these ordinances would bring the City into compliance with the codes which have been adopted or referenced by the State of Kansas, Office of the State Fire Marshal.
  
  - MOTION: Move that Ordinance No. G-07-09 be approved for First Reading.
  
  - ACTION: THE MOTION WAS MADE BY MAYOR HORN AND SECONDED BY COMMISSIONER GONZALES. ROLL CALL VOTE – ALL AYE
2. Ordinance No. G-07-10 – First Reading of an Ordinance to adopt the 2000 Edition of the International Plumbing Code.
  - MOTION: Move that Ordinance No. G-07-10 be approved for First Reading.
  
  - ACTION: THE MOTION WAS MADE BY MAYOR HORN AND SECONDED BY COMMISSIONER GONZALES. ROLL CALL VOTE – ALL AYE
3. Ordinance No. G-07-11 – First Reading of an Ordinance to adopt the 2000 Edition of the International Residential Code for One- and Two-Family Dwellings.
  - MOTION: Move that Ordinance No. G-07-11 be approved for First Reading.
  
  - ACTION: THE MOTION WAS MADE BY MAYOR HORN AND SECONDED BY COMMISSIONER GONZALES. ROLL CALL VOTE – ALL AYE
4. Ordinance No. G-07-12 – First Reading of an Ordinance to adopt the 2000 Edition of the International Mechanical Code.
  - MOTION: Move that Ordinance No. G-07-12 be approved for First Reading.

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

5. Discussion and action to appoint three individuals to serve three-year terms on the Montgomery County Juvenile Corrections Advisory Board.

Applicants: Winifred Flowers, Gary Goldsberry, Melinda Miller, Frances Welsh

**MOTION: Move to appoint Winifred Flowers, Gary Goldsberry and Melinda Miller to new three-year terms on the Montgomery County Juvenile Corrections Advisory Board.**

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

6. Ordinance No. S-07-12 – First Reading of an Ordinance to rezone 1604 West Fourth Street.

- Architect/Planner Dennis Jacobs addressed the Commission stating Gary Swigart, Jr., has applied for rezoning at 1604 West Fourth Street from Neighborhood Shopping District to C-4, Service Commercial District for the purpose of expansion and renovation of his existing automotive repair business. The property was incorrectly zoned as C-2 at the time zoning was implemented in 1974. The use classifications list “auto repair” as an accepted use for C-4 classification only. The error was not brought to light until the application requested a building permit application for the expansion. The Planning Commission unanimously voted to recommend approval of the zoning request.

**MOTION: Move that Ordinance No.S-07-12 be approved for First Reading.**

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

7. Ordinance No. S-07-13 – First Reading of an Ordinance to rezone 1503 South Walnut Street.

- Architect/Planner Dennis Jacobs addressed the Commission stating Ed Schille has applied for rezoning at 1503 South Walnut from R-1, Single Family Residential, to R-2, Two Family Residential District, for the purposes of installing a single wide mobile home behind the existing residential structure. Mr. Schille stated he plans to live in the mobile home while fixing up the house to live in, and he plans to tear down the third structure on the property. A lengthy discussion ensued; Commissioner Jones stated there are already two homes on the property; Commissioner Gonzales was concerned about what would happen with the mobile home once Schille vacates it. Commissioner Hummel stated this does not meet the City’s master plan; Mayor Horn was concerned approval of this rezoning would set a precedence for future requests. Commissioner Hendryx asked about resizing the lots and if two lots would require two separate curb cuts. The Commission determined additional information was needed to determine if the lot could be replatted into two lots and would each lot require a curb cut.

**MOTION: Move that Ordinance No. S-07-13 be tabled.**

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

8. Ordinance No. S-07-10 – First Reading of an Ordinance to rezone 3403 West Eighth Street.
- Architect/Planner Dennis Jacobs addressed the Commission stating this is the zoning request which Commissioners returned to the Planning Commission “due to the entire Planning & Zoning Commission not being present at the meeting when the case was presented.” Following reconsideration, the Planning Commission voted not to recommend the rezoning. Commissioner Hummel asked if proper parliamentary procedure was followed by the Planning Commission when considering their vote. City Attorney Kritz stated if the question of proper parliamentary procedure were to go to court, a judge would not consider it a significant event. Mayor Horn apologized to the Planning Commission stating the City Commissioners should have tabled the item rather than send it back to them. Jacobs stated this request needs to be determined on the merits of the case; the applicant has met all of the criteria. Commissioner Jones asked to see a detailed drawing; she wants more information. Applicant Gerald Wehmeyer stated he wanted to finish the duplex that is there first and then proceed on others.

**MOTION:** Move that Ordinance No. S-07-10 be approved for First Reading.

**ACTION:** THE MOTION WAS MADE BY MAYOR HORN AND SECONDED BY COMMISSIONER HUMMEL. ROLL CALL VOTE – HENDRYX, HORN AND HUMMEL VOTED AYE; GONZALES AND JONES VOTED NO. MOTION FAILED.

9. Resolution No. R-07-77 – A Resolution to execute a three-year Veterans Memorial Stadium Suite Lease Agreement with Coffeyville Resources.
- City Manager Jeff Morris addressed the Commission stating Coffeyville Resources has requested a lease on Suite B, 4<sup>th</sup> Level, of Veterans Memorial Stadium. The lease will be structured much the same as an existing lease for the 5<sup>th</sup> floor north suite; with the amount being \$5,000 annually.

**MOTION:** Move that Resolution No. R-07-77 be approved for adoption.

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

10. Resolution No. R-07-78 – A Resolution to set the speed limit at 10 miles per hour in the 700 and 800 blocks of East Third Street.
- City Manager Jeff Morris addressed the Commission stating the Citizens Against Crime organization submitted a request to lower the speed limit to 10 miles per hour in the 700 and 800 block of East Third Street. There is an apartment complex located in the 600 and 700 blocks of East Third and Harmon Park is located in the 800 block. Currently a 10 mph zone is established in the 600 block only. Police and Engineering Departments have reviewed the request and recommend approval.

**MOTION:** Move that Resolution No. R-07-78 be approved for adoption.

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

11. Resolution No. R-07-79 – A Resolution to upgrade the City of Coffeyville E911 service to a tandem trunked system.

- Police Commander Mike Brown addressed the Commission stating the Coffeyville Police Department serves as the Public Safety Answering Point (PSAP) for the southern half of Montgomery County, Northern portion of Nowata County and a small area of Labette County. In this capacity, the Police Department receives 911 calls for emergency services from citizens within the city limits of Coffeyville as well as citizens residing outside the city limits. Cox Communications is in the process of offering phone service to the Coffeyville and South Coffeyville areas and must have a way to deliver 911 calls to the Coffeyville PSAP. We are currently configured with a direct trunk which has limitations. We currently have eight trunks into our PSAP and a total capacity of ten trunks. By adding two trunks for Cox Communication, the capacity would be maxed out. If another phone service provider began offering service in this area, we would be required to purchase an additional trunk cabinet. In addition, a direct trunk system just allows E911 calls to only come to our PSAP. In the event of an emergency or disaster that rendered the PSAP inoperable, the only option available for re-routing incoming 911 calls would be to have those calls re-routed to a 10-digit alternate number such as the Fire Department. If the calls had to be re-routed, the automatic numbering and automatic location information would not be available. Tandem trunked systems are the preferred configuration for PSAP's as they are flexible, scaleable and allow an unlimited number of phone service providers to route 911 calls to the PSAP at no additional cost. This system allows a PSAP to re-route E911 calls to another PSAP and still be able to get the pertinent number and location information. A tandem trunked system also puts the burden of adding other carriers onto AT&T. It is recommended the city consider establishing a hybrid system that will accommodate Cox and maintain the current configuration for existing 911 calls. This will allow us to spread the cost out until the 911 fund has funds available. AT&T will provide some of the equipment which takes 5 to 6 weeks to get. The City's share of this would be \$1,709.52, one-half of the cost of two trunk cards) and \$11,626, conversion to tandem trunked system using the existing tandem trunks established by Cox.

MOTION: Move that Resolution No. R-07-79 be approved for adoption.

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

12. Resolution No. R-07-80 – A Resolution to purchase an elliptical leg tank for the Public Service Department water truck from National Tank Outlet.

- Public Service Superintendent Don Males addressed the Commission stating the Public Service Department has a 1986 water truck with a steel tank. Over the years the tank has sprung leaks due to rusting of the tank. Generally the leaks have been able to be patched, but the rust has now progressed to the point there is not enough good steel on which to attach a patch. Quotes were requested and staff is requesting the purchase of a plastic tank from National Tank Outlet, the low bidder, for a 2,350 gallon tank at a cost of \$3,875.

MOTION: Move that Resolution No. R-07-80 be approved for adoption.

ACTION: THE MOTION WAS MADE BY COMMISSIONER HENDRYX AND

SECONDED BY COMMISSIONER JONES. ROLL CALL VOTE – ALL AYE

13. Comments from Commissioners or Staff

- Jeff Morris noted the County is requesting a person represent Coffeyville on the Montgomery County Jail Committee.
- Previously Commissioners had discussed a proposal to turn McKinley School into an apartment complex. The proposal included 200 hours of city labor along with city equipment be donated to the project; this has since been removed from the proposal.
- The gas bill for the Aquatic Center was close to \$5,000 plus \$4,300 for chemicals. This makes the use of the pool by the school district for an end of school party questionable. Following discussion, it was determined to contact the school regarding scheduling the pool party closer to beginning of swim season.

**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 p.m.

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

Prior to going into Executive Session the Commissioners reconvened.

MOTION: Move to rescind the appointment of Gary Goldsberry to the Montgomery County Juvenile Corrections Advisory Board and appoint Frances Welsh.

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

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

1. Fire Department – May reports
2. Planning Commission – Minutes of the May 1, 2007 meeting
3. Library Board – Minutes of the May 3, 2007, meeting
4. Correspondence from Cox Communication

TIME THE MEETING WAS RECONVENED: 10 P.M.

**L. ADJOURNMENT**

MOTION: Move to adjourn.

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

TIME THE MEETING WAS ADJOURNED: 10:45 P.M.

**REGULAR CITY COMMISSION MEETING MINUTES  
TUESDAY, JUNE 26, 2007**

The next meeting will be Tuesday, July 10, 2007, 6:30 p.m.

Date minutes were approved \_\_\_\_\_

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Cindy Price, City Clerk