

City Commission of Arkansas City Meeting Minutes

The Arkansas City Board of City Commissioners met in regular session at 5:30 p.m. Tuesday, September 1, 2015, in the Commission Room at City Hall, 118 W. Central Ave., in Arkansas City.

Those present at roll call were Commissioners Brandon Every, Dan Jurkovich and Jay Warren, and Vice Mayor Duane Oestmann. Mayor Chad Giles was absent.

Also present at roll call were City Manager Nick Hernandez, City Attorney Tamara Niles, Public Information Officer Andrew Lawson, City Clerk Lesley Shook, Public Works Director Eric Broce, City Planner Josh White, Finance Director Kathy Cornwell, Fire Chief Bobby Wolfe and Police Chief Dan Ward.

Citizens in attendance included Jacob Bogner, Cindy Current, Michelle Dykes, Kanyon Gingher, Mell Kuhn, Tim Marr, Gareth McGee, Candace Stephens, Steven Walker and Traveler reporter Jeni Payne.

Visitors included Jeff Best, director of landscape architecture for LK Architecture in Wichita.

Pastor Mark Fry offered the opening prayer. Vice Mayor Oestmann led the pledge of allegiance.

Agenda Additions/Deletions and Approval

Vice Mayor Oestmann moved to amend the agenda by moving Item 3a under the Consent Agenda to New Business as Action Item 1, with the other action items sliding down one spot in the order. Commissioner Jurkovich seconded the motion. A voice vote was unanimous in favor of the motion. Vice Mayor Oestmann declared the agenda amended.

Commissioner Jurkovich moved to approve the agenda as amended. Commissioner Warren seconded the motion. A voice vote was unanimous in favor of the motion. Vice Mayor Oestmann declared the agenda approved.

Recognition of Visitors

Mell Kuhn, owner of Kuhn Mechanical, spoke to the Commission about the events of the prior meeting on Aug. 18, relating to the process of awarding bids and design-build contracts. He explained why his original quote of \$8,000 for replacing the failed roof on the digester at the Wastewater Treatment Facility was no longer valid.

Kuhn also said he could have had a much lower bid for the repairs to the primary clarifier at the Water Treatment Facility and that he still was interested in performing the work. Vice Mayor Oestmann told Kuhn that the City Commission had instructed staff to seek more bids for the work. Kuhn and Commissioner Every said they wanted to know more about the bidding process. City Manager Hernandez explained how the design-build process works. Public Works Director Broce said the contracts were not for bids, but for qualification-based professional services proposals. Commissioner Jurkovich said he saw no problem with soliciting bids for professional services. Broce said the fee-based process was not legal in other states, although it is in Kansas.

Broce said that as a result of the last meeting, the Public Works Department has gone back to the drawing board. The projects will be rebid with itemized bid forms, bond and insurance requirements, and specifications. He estimated the bid packages would be advertised within two to three weeks and apologized for any confusion.

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Consent Agenda

Commissioner Jurkovich made a motion to approve the consent agenda, to include the following items:

1. Approving the August 18, 2015, regular meeting minutes as written.
2. Approving the placement of a memorial stone bench at Ben Givens Center City Park.
3. Ratifying Mayor Giles' reappointment of Liz Shephard to the Convention and Tourism Committee.
4. Approving Resolution No. 2015-09-2988, authorizing a public meeting of the Governing Body to attend a Public Building Commission meeting at 5 p.m. September 15, 2015, in the Commission Room at City Hall.

Commissioner Warren seconded the motion. A voice vote was unanimous in favor of the motion.

Vice Mayor Oestmann declared the consent agenda approved.

New Business

Mayor Giles' Appointments

City Clerk Shook presented for discussion Mayor Giles' appointments of Gareth McGee to the Arkansas City Public Library Board of Trustees and Larry Gilmore to the Retired Citizens Advisory Board.

Vice Mayor Oestmann stated that the library board had requested Leslie Patterson and Mariah Sefel to fill the two vacancies that opened when Fred Bunting and Ed Gilliland resigned recently. He asked McGee if he wanted to speak. McGee said he was honored and would monitor the spending of tax dollars closely.

Commissioner Every asked if the City Commission could appoint McGee and leave the other vacancy open until Mayor Giles nominated a person to fill that spot.

Vice Mayor Oestmann asked McGee if he thought he would have a conflict of interest serving on the board where technology matters are concerned.

McGee, who is the owner of 31st Century Techsupport, said he had talked to Mayor Giles about it and both men agreed he would have to recuse himself from anything having to do with technology bids.

Vice Mayor Oestmann moved to table both appointments until a later meeting so Mayor Giles could be present, but the motion died for lack of a second.

Commissioner Warren moved to appoint McGee and Patterson to the library board, and Gilmore to the Retired Citizens Advisory Board. Vice Mayor Oestmann seconded the motion. A voice vote resulted in two aye votes and two nay votes, with Commissioners Every and Jurkovich dissenting.

Vice Mayor Oestmann declared the motion failed.

Commissioner Jurkovich moved to appoint McGee to the library board and Gilmore to the retired citizens board. Commissioner Every seconded the motion. A voice vote was unanimous in favor of the motion.

Vice Mayor Oestmann declared the motion approved.

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Special Meeting on Water Treatment Plant **Resolution No. 2015-09-2989**

City Clerk Shook presented for discussion a Resolution setting a public meeting of the Governing Body at 12 p.m. Friday, September 11, 2015, in the Commission Room at City Hall to discuss the new Water Treatment Facility.

Commissioner Jurkovich moved to schedule the meeting. Commissioner Warren seconded the motion.

Public Works Director Broce outlined the presentations that would be included in the meeting. They are a presentation from Ranson Financial Consultants on the Community Development Block Grant process, a presentation from City staff on the history of the new plant design process and a presentation by Burns & McDonnell on the changes that have been made to reduce the plant's cost, as well as water rights expansion.

A voice vote was unanimous in favor of the motion.

Vice Mayor Oestmann declared the resolution adopted and given Resolution No. 2015-09-2989.

Vacation of Central Avenue **Ordinance No. 2015-09-4391**

City Clerk Shook presented for discussion an Ordinance authorizing the vacating of that portion of Central Avenue lying between 10th and 11th streets.

City Planner White said the street never had been developed and an adjacent property owner, Tim Marr, had requested that it be vacated so he could take over half of the right-of-way. White said that would be acceptable as long as the City could retain an easement to access a sewer line.

The Planning Commission met August 11 and voted to recommend the vacation to the City Commission.

Commissioner Warren asked if there was any public opposition. White said there was none.

Commissioner Jurkovich asked about the plans for the property. Marr said he wanted to erect a fence there. He asked about the cost for having the property surveyed, and if the City Commission could do anything to compel the other property owner to pay for half of the survey, or if a survey even would be required. City Attorney Niles said there was nothing the City could do to affect the process of division.

Commissioner Warren moved to approve the vacation. Commissioner Every seconded the motion. A voice vote was unanimous in favor of the motion.

Vice Mayor Oestmann declared the ordinance adopted and given Ordinance No. 2015-09-4391.

Rezone of 723 W. Madison Ave. **Ordinance No. 2015-09-4392**

City Clerk Shook presented for discussion an Ordinance authorizing the rezoning of 723 W. Madison Ave. from a Restricted Commercial District (C-2) to a General Commercial District (C-3).

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City Planner White said the building used to be a motor vehicle body shop that had fallen into disuse and thus lost its nonconforming status. Owner Jacob Bogner wants to restart the business and the rezone is the first step.

White said the new zoning was compatible with the neighborhood's current zoning and the future land use plan.

The building is underutilized and the rezoning would bring it back into a constructive use, White said.

The Planning Commission met August 11 and voted to recommend the rezoning to the City Commission.

Bogner said his experience with City staff largely had been positive and that he was working through all of the requirements, including the installation of a fire suppression system in the paint booth.

Fire Chief Wolfe commended Bogner for taking the initiative to install such a system on his own, but the one he had purchased was not in compliance with state regulations. Bogner said he is working to obtain a new system.

Commissioner Warren moved to approve the rezone. Commissioner Every seconded the motion. A voice vote was unanimous in favor of the motion.

Vice Mayor Oestmann declared the ordinance adopted and given Ordinance No. 2015-09-4392.

Conditional Use Permit for Body Shop **Ordinance No. 2015-09-4393**

City Clerk Shook presented for discussion an Ordinance authorizing a conditional use permit for a motor vehicle body shop in a C-3 General Commercial District for 723 W. Madison Ave.

City Planner White said this was the second part of the process to bring the body shop into compliance.

The Planning Commission met August 11 and voted to recommend the conditional use to the City Commission.

White said the Planning Commission had several requirements for the permit to remain effective, including storing all materials inside, building a pad and enclosure for the dumpster, not storing any vehicles outside for a long period of time, parking off South Seventh Street, proper disposal of hazardous waste and installation of the proper code-compliant fire suppression system within one calendar year.

Bogner said he thought a year would be enough time and that he understood the permit would lapse after a year if the dry chemical fire suppression system is not in place by then.

Commissioner Every asked about the dumpster requirement. Bogner said he didn't have a problem with it for his business, but he wondered about other businesses that are not required to do so. White said these issues usually are addressed only when a property is redeveloped or its use changes substantially.

Vice Mayor Oestmann moved to approve the rezone. Commissioner Warren seconded the motion. A voice vote was unanimous in favor of the motion.

Vice Mayor Oestmann declared the ordinance adopted and given Ordinance No. 2015-09-4393.

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Grant for Wilson Park Master Plan Resolution No. 2015-09-2990

City Clerk Shook presented for discussion a Resolution to accept a grant for \$33,500 from the V.J. Wilkins Memorial Foundation and approve a master planning agreement with LK Architecture for an amount not to exceed \$33,500.

City Manager Hernandez said the agreement grew out of a discussion about improvements to the Wilson Park Rotunda and citizen concerns about what would be done with the former hospital property north of the park.

He said a steering committee of citizens would be formed to direct the process and begin to consider ideas.

Vice Mayor Oestmann asked if the Wilkins Foundation would have representation on the committee. Hernandez said he would contact Foundation members Otis Morrow and Karen Zeller.

Commissioner Every asked about the history of the discussions related to the master plan agreement and the composition of the committee. Hernandez mentioned a few individuals and said he would try to have representation from several different constituencies in Arkansas City, with larger public input to follow.

Steven Walker said that while the Beautification Advisory Board discussed the master plan process, nothing was mentioned about a possible cultural events center or new library. Hernandez said he discussed the matter with the board only as a courtesy and that he didn't get into details because he didn't need board approval.

Walker also objected to the possible closure of Birch Avenue between First and Second streets. Hernandez said that was one possible idea, but nothing will be decided until the master plan process has been completed.

Commissioner Every said he had visited with Morrow about the Foundation's focus on the Burford Theatre renovation and was concerned its funds would be tied up with that project. He said he was concerned about developing a master plan and not being able to afford its recommendations down the road. Hernandez said he was working with private investors to fund potential improvements to the park, but added they wanted to wait to invest until the master plan is completed. Commissioner Every said he also was concerned about the cost of upkeep for facilities recommended by the master plan. Hernandez said cost evaluation is part of the process.

Candace Stephens urged that community input be a large part of the master planning process and reminded commissioners that the park primarily is for the city's youths. She would like to see things for them to do.

Commissioner Jurkovich asked LK Architecture's Jeff Best how they would gather community input. He said that could be done with open house-style activities and through electronic means such as Facebook.

Hernandez said KanPak and Golden State Foods were interested in paying for a splash park component, but were waiting for the completion of the master plan to see how that contribution would fit in.

Vice Mayor Oestmann said the time is right to start looking at ideas for the property and Best agreed with him.

Commissioner Jurkovich moved to accept the grant and approve the master plan agreement. Commissioner Warren seconded the motion. A voice vote resulted in three aye votes and one nay vote, with Commissioner Every dissenting. Vice Mayor Oestmann declared the resolution adopted and given Resolution No. 2015-09-2990.

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City Manager Updates

City Manager Hernandez said National Night Out would be October 5-6 and the City Commission meeting scheduled for October 5 would be short or even canceled. He also explained the creation of a citizen committee, led by Kanyon Gingher, to examine how to pay for improvements to the Agri-Business Building.

Other Business

Commissioner Every brought up a dead opossum that had been lying in West Central Avenue for at least three days. He wanted to know more about the animal control process and suggested the current procedures were not working. Police Chief Ward said the police department depends on help from the public to report dead animals so animal control can be dispatched to remove them.

Commissioner Every also presented a spreadsheet with water rate calculations he had compiled in order to evaluate the proposed new water treatment facility. He said there were discrepancies between his numbers and those presented at a prior meeting by City staff. He said his spreadsheet indicates that there will be very little, if any, money left over after annual principal and interest payments are made on the new plant to address other problems with water infrastructure, such as well rehabilitation and replacing water lines. City Manager Hernandez said he and Finance Director Cornwell would have to analyze the new spreadsheet in more detail.

Adjournment

Commissioner Warren moved to adjourn. Commissioner Jurkovich seconded the motion. A voice vote was unanimous in favor of the motion. Vice Mayor Oestmann declared the meeting adjourned at 7:09 p.m.

THE ARKANSAS CITY
BOARD OF CITY COMMISSIONERS

Chad Giles, Mayor

ATTEST:

Lesley Shook, City Clerk