

City Commission of Arkansas City - Regular Meeting Minutes

The Arkansas City Board of City Commissioners met in regular session at **5:30 p.m. Tuesday, October 16, 2018**, in the Commission Room at City Hall, located at 118 W. Central Ave. in Ark City.

Mayor **Dan Jurkovich** called the meeting to order. Commissioners also present at roll call were Commissioners **Kanyon Gingher, Duane L. Oestmann, Jay Warren** and **Karen Welch**.

City employees present at the meeting were City Manager **Nick Hernandez**, City Clerk **Lesley Shook**, Public Information Officer **Andrew Lawson**, Finance Director **Kathy Cornwell**, Public Works Director **Mike Crandall**, Fire Chief **Bobby Wolfe**, Police Chief **Dan Ward**, Human Resources Manager **Marla McFarland** and Principal Planner **Josh White**.

Citizens in attendance included **Brandon Every, Jancie Harader, Ken Harader, Phillip Harader, Vicki Jackson, Mell Kuhn, Sheila Malone, Gareth McGee**, Ark City Daily Bytes reporter **Jeni McGee** and Cowley CourierTraveler reporter **John Shelman**.

Commissioner Warren offered the opening prayer. Mayor Jurkovich led the pledge of allegiance.

Agenda Approval

Commissioner Oestmann made a motion to approve the agenda as presented. Commissioner Welch seconded the motion. A voice vote was unanimous in favor of the motion.

A voice vote was unanimous in favor of the motion. Mayor Jurkovich declared the agenda approved and approved.

Comments from the Audience

Jancie Harader, 10970 272nd Road, addressed the commissioners regarding rumors of City interest in purchasing at auction the “Avocado Beach” property along the Arkansas River. She said she represented a group of people in attendance who have worked to develop it as a recreational area.

Harader said they are forming a corporation, with each member buying shares, in order to raise the funds to purchase the property at auction and she asked that the City not pursue purchasing it. She said the Avocado Beach corporation’s goals are the same as the City’s – to keep the property locally owned, well maintained, clean, free of crime and open to members for recreational purposes.

Brandon Every, 19 Pin Oak Drive, and **Sheila Malone**, 3501 E. State Line Road, also addressed the commission about their concerns about Avocado Beach and the possibility of the City’s buying it.

Mayor Jurkovich thanked all three for their comments, but said there was no action item for this property on the agenda for this meeting and thus the commissioners would not be discussing it.

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Consent Agenda

Commissioner Gingher asked for a clarification to be made in the **October 2, 2018**, regular meeting minutes regarding City Manager Hernandez's response to Brian Sanderholm's comments.

Commissioner Warren made a motion to approve the consent agenda, including the following:

1. Approving the **October 2, 2018**, regular meeting minutes as amended.

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

Mayor Jurkovich declared the consent agenda approved as amended.

New Business

Creekstone Resolution of Support Resolution No. 2018-10-3211

City Clerk Shook presented for discussion a resolution of support for **Creekstone Farms Premium Beef LLC**, regarding the proposed issuance by the City of an Economic Development Property Tax Exemption, pursuant to the provisions of Section 13, Article 11 of the Kansas Constitution, for the costs of constructing and equipping of a new facility located at 604 Goff Industrial Park Road.

City Manager Hernandez said that in the past, such exemptions usually have been accomplished through Industrial Revenue Bonds (IRBs), but since Creekstone is wholly owned by its new parent corporation, he instead recommends this property tax exemption, which is less costly than IRBs.

In lieu of the property taxes on the new facility, Creekstone instead would pay \$30,000 annually for 10 years toward the development of the Wilson Park Master Plan. Hernandez said only the building itself will be exempted, as machinery and equipment already are tax-exempt in Kansas.

Mayor Jurkovich thanked Creekstone representatives in attendance for the \$35 million expansion and made a motion to approve the resolution. Commissioner Warren seconded the motion.

A voice vote was unanimous in favor of the motion. Mayor Jurkovich declared the resolution approved and given **Resolution No. 2018-10-3211**.

Westar Energy Right-of-Way Resolution No. 2018-10-3212

City Clerk Shook presented for discussion a resolution authorizing the City to execute a Grant of Right-of-Way agreement and Relocation of Water Line agreement with **Westar Energy, Inc.**

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City Manager Hernandez said these agreements have been in development for about a year and a half. Westar will be replacing its transmission line from the Paris Park substation to ADM Milling.

Hernandez said the City already owns all of the right-of-way that Westar needs. In exchange, Westar has pledged **\$537,395** toward the extension of the hike-bike trail along the Mill Canal. The company also is paying the complete cost of engineering inspection fees for water line relocation.

Hernandez said the pledged funds from Westar and Cowley College will be sufficient to complete the hike-bike trail extension, with only minimal City property tax funds being used on the project.

Commissioner Welch asked if the project would include a pedestrian bridge over South Summit Street. Hernandez said the City has applied for a Transportation Alternatives grant from the Kansas Department of Transportation that would use the pledged funds as local matching funds.

Commissioner Warren made a motion to approve the resolution. Commissioner Oestmann seconded the motion. A voice vote was unanimous in favor of the motion.

Mayor Jurkovich declared the resolution approved and given **Resolution No. 2018-10-3212**.

Westar Water Line Relocation **Resolution No. 2018-10-3213**

City Clerk Shook presented for discussion a resolution authorizing the City to enter into a contract with Smith & Oakes, Inc. to provide engineering design, construction administration, staking and inspection services for the Westar/KanPak water line relocation project, for an amount not to exceed **\$120,800.00**.

City Manager Hernandez said this agreement authorizes Smith & Oakes to begin design immediately because Westar is ready to get its project started. The City will be reimbursed in full.

Commissioner Oestmann made a motion to approve the resolution. Commissioner Welch seconded the motion. A voice vote was unanimous in favor of the motion.

Mayor Jurkovich declared the resolution approved and given **Resolution No. 2018-10-3213**.

Zoning and Subdivision Regulations

City Clerk Shook presented for discussion a first reading of an ordinance amending **Zoning Regulations** Article 2 (Definitions), Article 6 (Residential-Zoned Districts), Article 9 (Commercial-Zoned Districts) and Article 22 (Off-Street Parking), as well as **Subdivision Regulations** Article 11 (Lot Splits), and incorporating such regulations by reference in Arkansas City Municipal Code.

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Principal Planner White said the proposed amendments include the following changes:

- The Subdivision Regulations will be amended to define better when a lot split is required.
- Residential zoning language has been altered to add new definitions and alter some others.
- The Off-Street Parking regulations were altered to only reference current Americans with Disabilities Act standards, rather than replicating those standards in the Zoning Regulations.
- Finally, staff proposes in the Design Standards to require commercial developers to install or replace sidewalks as part of any project that alters more than 50 percent of their property.

White said the Planning Commission unanimously recommended the changes on **September 11**.

Commissioner Warren requested the ordinance be brought back for a second reading **November 6**.

City Manager Updates

City Manager Hernandez said the presentation of the 2017 and 2018 Joe B. Avery Community Spirit Awards would be at **6 p.m. October 23** in the Wright Room at Cowley College. Immediately following, at **7:30 p.m.**, “The Greatest Showman” will be shown for free at the Wilson Park rotunda.

Hernandez also reminded commissioners that the 87th Arkalalah Festival will be **October 23-27** and trick-or-treating is on **October 31**, with Trunk or Treat at the Rec Center from **5:30 to 7:30 p.m.**

Hernandez said the City has been notified by the Kansas Department of Transportation that the closure and replacement of the West Madison Avenue bridge on U.S. 166 will commence no later than **January 7, 2019**. The project is expected to last for at least a year and a half, Hernandez said.

The official detour route is on U.S. 77 to Winfield, then west on U.S. 160 back to Interstate 35 and U.S. 81, and back south to U.S. 166. But Hernandez said the Fire-EMS Department, which services southeastern Sumner County, will be using local detours on Lovers Lane and Geuda Springs Road.

Hernandez said construction on Lake View Estates could begin as soon as **February 2019** at Veterans Memorial Lake, while the Compass Point developer is interested in building 10 units as soon as possible now that the City has received a **\$400,000** Moderate Income Housing grant.

Other Business

Commissioner Gingher made a motion to recess into a **15-minute executive session** for consultation the preliminary discussion of the acquisition of real property to discuss potential land procurement in south Arkansas City with City Manager Hernandez.

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

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The executive session began at **6:15 p.m.** and ended at **6:30 p.m.** Afterward, the commissioners reconvened briefly in the commission room. No action was taken following the executive session.

Hernandez reminded commissioners that City Hall will close early at **noon October 26** for Arkalalah festivities. He then asked them to approve a shore cleanup of Veterans Memorial Lake.

Commissioner Warren made a motion to authorize Hernandez to spend up to **\$20,000** for the proposed shoreline cleanup and brush removal. Mayor Jurkovich seconded the motion.

A voice vote was unanimous in favor of the motion. Mayor Jurkovich declared the motion approved.

Mell Kuhn asked if the Creekstone PILOT money could be used for City projects other than Wilson Park. Hernandez said that is up to the commissioners, but Creekstone wants to fund Wilson Park.

Adjournment

Commissioner Welch made a motion to adjourn the meeting. Commissioner Oestmann seconded the motion. A voice vote was unanimous in favor of the motion.

Mayor Jurkovich declared the meeting adjourned at **6:34 p.m.**

**THE CITY OF ARKANSAS CITY
BOARD OF CITY COMMISSIONERS**

Dan Jurkovich, Mayor

ATTEST:

Lesley Shook, City Clerk

Prepared by:

Andrew Lawson, Public Information Officer