

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, April 16, 2019**, in the Commission Room at City Hall, located at 118 W. Central Ave. in Ark City.

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

City employees present were City Manager **Nick Hernandez**, City Attorney **Tamara Niles**, City Clerk **Lesley Shook**, Public Information Officer **Andrew Lawson**, Finance Director **Kathy Cornwell**, Public Works Director **Mike Crandall**, Fire Chief **Bobby Wolfe** and Building Official **Mike Bellis**.

Citizens in attendance included **Jeff Bowman**, **Brandon Every**, **Ken Harader**, **Charrie Jenkins**, **Mell Kuhn** and Cowley CourierTraveler reporter **John Shelman**.

Andrew Paton, Dr. **Scott Rogers** and **Dotty Smith** represented the Planning Commission. Bottle Service was represented by **Matt Miers** and BG Consultants by office manager **Thaniel Monaco**.

Mayor Warren offered the opening prayer and led the pledge of allegiance.

Agenda Approval

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

Mayor Warren declared the agenda approved.

Awards and Proclamations

Mayor Warren issued proclamations that April 26 is **Arbor Day** and May 2 is a **Day of Prayer** in Arkansas City. No one was present to receive either proclamation.

Comments from the Audience

Ken Harader, 1313 N. First St., chastised the commissioners for their Burger King rezoning decision on April 2. Commissioner Gingher said the developer cannot proceed without a First Street exit.

Consent Agenda

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

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1. Approving the **April 2, 2019**, regular meeting minutes as written.
2. Ratifying Mayor Warren's appointment of **Cody Richardson** to the **Planning Commission** and **Board of Zoning Appeals**.

Mell Kuhn, 521 W. Kansas Ave., objected to not being reappointed to a full three-year term on the Planning Commission and Board of Zoning Appeals. Mayor Warren told Kuhn it was not personal – he just really wanted to have Richardson, who he has known for years, serve on those boards. He encouraged Kuhn to reapply for the next board vacancy, but Kuhn said he would not serve again.

Commissioner Welch seconded the motion. A voice vote resulted in three yea votes and one nay vote, with Commissioner Gingher dissenting. Mayor Warren declared the consent agenda approved.

Old Business

Carbon Monoxide Alarms/IFC Ordinance No. 2019-04-4485

City Clerk Shook presented for discussion a second reading of an ordinance modifying Municipal Code Part II, Chapter 14, concerning **carbon monoxide alarms**, as well as Chapter 34, adopting by reference the **2015 International Fire Code (IFC)**, amending that code and modifying Municipal Code to so reflect.

Building Official Bellis said the ordinance was changed, at the request of commissioners, to exempt privately owned homes upon change of occupancy and only require the installation of alarms in rentals. Current code already requires them on all new construction and significant remodels.

Chief Wolfe said he supported the changes and recommended passing the ordinance as written.

Dotty Smith, 408 South B St., asked some questions about the new requirements. Bellis clarified several issues for her. She said she will work with the landlords' association to ensure compliance.

Mayor Warren made a motion to approve the ordinance. Commissioner Oestmann seconded the motion. A roll call vote was unanimous in favor of the motion.

Mayor Warren declared the motion approved and given **Ordinance No. 2019-04-4485**.

Contractor Licensing/Exams Ordinance No. 2019-04-4486

City Clerk Shook presented for discussion a third reading of an ordinance modifying Municipal Code Part II, Chapter 14, concerning **contractor licensure, contractor examination** and the **Building Trades Board**, and modifying Municipal Code to so reflect.

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Building Official Bellis said the Building Trades Board in March approved the most recent version of this ordinance, with one slight change regarding alternate licensing and permitting provisions.

Commissioner Gingher asked about contractors with licenses from other jurisdictions. Bellis said he will double-check with that jurisdiction's code official to ensure competency prior to issuing a license, but they will not be limited on permits. Unlicensed individuals with a relevant degree or who otherwise demonstrate their competency to his satisfaction can only pull one permit per year.

Mayor Warren made a motion to approve the ordinance. Commissioner Welch seconded the motion. A roll call vote was unanimous in favor of the motion.

Mayor Warren declared the motion approved and given **Ordinance No. 2019-04-4486**.

New Business

Purchase of Two New Mowers **Resolution No. 2019-04-3245**

City Clerk Shook presented for discussion a resolution authorizing the City to purchase two 2019 Kubota F2690 72-inch mowers from Wichita Tractor Co., for an amount not to exceed **\$36,235.90**.

Public Works Director Crandall said one mower will be for the Street and Stormwater Division, to maintain the levee system, while the other will be for the Parks and Facilities Division.

Commissioner Welch asked if these were scheduled replacements. Crandall confirmed they were.

Brandon Every, 19 Pin Oak Drive, asked why Wichita Tractor was selected over another bidder located in Cowley County. Crandall said Wichita Tractor has provided a higher level of service.

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

Mayor Warren declared the resolution approved and given **Resolution No. 2019-04-3245**.

Tacolalah Beer/Liquor Garden **Ordinance No. 2019-04-4487**

City Clerk Shook presented for discussion a first reading of an ordinance exempting the application of K.S.A. 41-719(c) to allow the consumption of alcoholic liquor at a designated area of Wilson Park during Tacolalah on **Saturday, May 4, 2019**.

Public Information Officer Lawson showed a proposed boundary of the beer and margarita garden.

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He said this setup will be similar to the Arkalalah beer garden in Ben Givens Park, rather than the larger beer garden area used in the past for the Arkalalah concerts and PrairieFest at Wilson Park.

This is due in part to the unavailability of Cowley College Student Patrol that day due to college graduation ceremonies, forcing festival organizers to rely on volunteers instead to monitor the area.

Lawson and Matt Miers, with Bottle Service LLC, said Bottle Service is responsible for ensuring no one under 21 is served alcohol, using wristbands, while volunteers will monitor to make sure no alcohol leaves the fenced area. The proposed beer garden hours are from **4 to 10 p.m. May 4.**

Mayor Warren asked Miers about the selections that will be available. Miers said beer, wine and margaritas will be served. Mayor Warren said he would abstain from voting because he sells wine.

Commissioner Gingher emphasized that no one younger than 21 should be inside the beer garden, which she said occurred at Arkalalah despite the prohibition. Miers said he was unaware of any such issues, but assured her that every effort will be made at Tacolalah to keep it from happening.

Commissioner Oestmann made a motion to approve the ordinance. Commissioner Gingher seconded the motion. A roll call vote resulted in three yea votes, with Mayor Warren abstaining.

Vice Mayor Welch declared the motion approved and given **Ordinance No. 2019-04-4487.**

Consultant-Client Agreement **Resolution No. 2019-04-3246**

City Clerk Shook presented for discussion a resolution authorizing the City to enter into a Consultant-Client Agreement with BG Consultants, Inc., for an amount not to exceed **\$108,157.00.**

Public Works Director Crandall said a Request for Qualifications process was used to identify consulting applicants for the Wastewater Treatment Facility rehabilitation project. He said BG, the recommended consultant, will act as agent for the City throughout all seven phases of the project.

Commissioner Welch asked what made BG qualified. Crandall cited the company's past experience, expertise and references with similar projects. City Manager Hernandez said he has worked with BG before, is very familiar with its work and has heard only good things about the firm.

Thaniel Monaco said BG's 85 engineers have worked with Edgerton and Emporia on similar plants.

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

Mayor Warren declared the resolution approved and given **Resolution No. 2019-04-3246.**

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Compass Point Water Lines **Resolution No. 2019-04-3247**

City Clerk Shook presented for discussion a resolution authorizing the City to enter into a contract with K.E. Miller Engineering, P.A., of Wichita, for design and construction engineering services for the water line project to serve Compass Point Addition, for an amount not to exceed **\$6,600.00**.

City Manager Hernandez said there are four separate agreements because these initial design fees will be individually assessed to the properties, in full or in part, through the improvement district.

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

Mayor Warren declared the resolution approved and given **Resolution No. 2019-04-3247**.

Compass Point On-Site Sewer **Resolution No. 2019-04-3248**

City Clerk Shook presented for discussion a resolution authorizing the City to enter into a contract with K.E. Miller Engineering, P.A., for design and construction engineering services for the on-site sanitary sewer project to serve Compass Point Addition, for an amount not to exceed **\$11,500.00**.

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

Mayor Warren declared the resolution approved and given **Resolution No. 2019-04-3248**.

Compass Point Off-Site Sewer **Resolution No. 2019-04-3249**

City Clerk Shook presented for discussion a resolution authorizing the City to enter into a contract with K.E. Miller Engineering, P.A., for design and construction engineering services for the off-site sanitary sewer project to serve Compass Point Addition, for an amount not to exceed **\$8,400.00**.

City Manager Hernandez said off-site sewer will be split 50-50 between the City and the developer.

Commissioner Oestmann asked about the difference between on-site and off-site. Hernandez said it was determined by property lines. The off-site sewer will cross onto Ark City Industries property.

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

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Mayor Warren declared the resolution approved and given **Resolution No. 2019-04-3249**.

Compass Point Asphalt Roads **Resolution No. 2019-04-3250**

City Clerk Shook presented for discussion a resolution authorizing the City to enter into a contract with K.E. Miller Engineering, P.A., for design and construction engineering services for the asphalt roads project to serve Compass Point Addition, for an amount not to exceed **\$29,750.00**.

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

Mayor Warren declared the resolution approved and given **Resolution No. 2019-04-3250**.

Compass Point Water/Sewer Lines

City Clerk Shook presented for discussion the bid received by Mies Construction, of Wichita, to construct water and sewer lines (on-site and off-site) to serve Compass Point Addition, for an amount not to exceed **\$309,163.00**.

City Manager Hernandez said the engineer's estimate was **\$377,000**, so a significant savings was achieved from having Mies already present in Arkansas City, working on Lake View Estates.

Three total bids were received. Hernandez said Mies' bid was **\$82,750** for water lines, **\$96,967** for off-site sanitary sewer (with the City paying half) and **\$129,446** for on-site sanitary sewer lines.

Commissioner Oestmann made a motion to approve the bid. Commissioner Gingher seconded the motion. A voice vote was unanimous in favor. Mayor Warren declared the motion approved.

Compass Point Inspection Services **Resolution No. 2019-04-3251**

City Clerk Shook presented for discussion a resolution authorizing the City to enter into a contract with Smith & Oakes, Inc., of Arkansas City, to provide construction administration and inspection services for street improvements, on-site sanitary sewer, off-site sanitary sewer, and water lines serving Compass Point Addition, for an amount not to exceed **\$65,800.00**.

City Manager Hernandez said this will provide for 90 days of inspection and staking for the project.

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

Mayor Warren declared the resolution approved and given **Resolution No. 2019-04-3251**.

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City Manager Updates

City Manager Hernandez provided the commissioners with the following reminders and updates:

- The next quarterly Cowley County Service Alliance meeting will be from **6 to 8 p.m. April 18** at the Senior Citizens Center, 320 North A St. This event will feature a Cowley County Emergency Management presentation and ALICE training from Police Sgt. Jason Legleiter.
- The 2019 Outstanding Student Award banquet for the nine finalists will be at **6:30 p.m. April 22** at the Wright Room in Cowley College's Brown Center, located at 215 S. Second St.
- The Cowley County Health & Safety Fair will be from **9 a.m. to noon April 27** at the Agri-Business Building, located at 712 W. Washington Ave. City departments will participate.
- The Beautification and Tree Advisory Board is a co-sponsor and co-host for a brand-new event, "Monarchs & Milkweed," which will be from **1 to 3 p.m. April 28** at Burford Theatre. This event, which will feature a milkweed plant giveaway and several informative seminars, is being produced in cooperation with The Pollinator Project, a partnership that consists of the Board, the Cowley County Conservation District, Cowley County Farm Bureau, K-State Research and Extension, and the Chamber of Commerce. (This event also checks off several requirements of the Mayor's Monarch Pledge that the City Commission approved in 2018.)
- The next City Commission study session will be at **noon May 3** in the city manager's office at City Hall. Arkansas City Middle School students will present their recycling phone app.
- The inaugural Tacolalah Festival will be from **10 a.m. to 10 p.m. May 4** in Wilson Park.
- Hernandez said the City Commission study session currently scheduled for **noon May 17** conflicts with a previously scheduled SCKMC Board of Trustees work session at the same time. The Finance Department already has directed external agencies to be prepared to present their 2020 budget requests at a study session at **noon May 24**. He recommended rescheduling the May 17 study session to occur on May 24 instead. The commissioners were amenable to this solution. A resolution will be presented **May 7** to reschedule the meeting.

Other Business

Public Information Officer Lawson provided commissioners with a report on **Spring Cleanup Day**, which was April 6. This was the first success after bad weather scuttled the past two years' events.

He said 45 volunteers turned out to positively impact more than 17 properties in just 2 ½ hours.

Adjournment

Commissioner Gingher made a motion to adjourn the meeting. Mayor Warren seconded the motion. A voice vote was unanimous in favor of the motion.

Mayor Warren declared the meeting adjourned at **6:46 p.m.**

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THE CITY OF ARKANSAS CITY BOARD OF CITY COMMISSIONERS

Jay Warren, Mayor

ATTEST:

Lesley Shook, City Clerk

Prepared by:

Andrew Lawson, Public Information Officer