

City Commission of Arkansas City Meeting Minutes

The Arkansas City Board of City Commissioners met in regular session at 5:30 p.m. Tuesday, May 17, 2016, in the Commission Room at City Hall, 118 W. Central Ave., in Arkansas City.

Mayor Duane L. Oestmann called the meeting to order. Those also present at roll call were Commissioner Chad Giles, Commissioner Dan Jurkovich, Commissioner Charles Tweedy III and Commissioner Jay Warren.

City employees present at roll call were City Manager Nick Hernandez, City Attorney Tamara Niles, Public Information Officer Andrew Lawson, City Clerk Lesley Shook, Finance Director Kathy Cornwell, Public Works Director Eric Broce, Assistant Public Works Director Mike Crandall, Fire Chief Bobby Wolfe, EMS Director Jeri Smith, Police Chief Dan Ward, ACPD Lt. Eric Burr, Detective Lt. Jim Holloway, Sgt. Eric Mata and Sgt. Kevyn Ternes.

The Optimists of Arkansas City were represented by club president Tommy Aguinaga, Bob Frazee, Gary Hale, Andrew Lawson and Commissioner Warren. Also attending the meeting in support of Sgt. Mata was Joy Fry.

Citizens in attendance included Albert Brown, Ken Harader, Traveler reporter Cody Griesel, Daily Bytes reporter Jeni McGee, Arkansas City Middle School instructor and advisor Aaron O'Donnell, Cowley College sophomore Madeline Pegorsch, and Arkansas City Middle School seventh-graders Jasmine Wilson and Corbin Wise.

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

Agenda Changes and Approval

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

Recognition of Visitors

South Central Kansas Medical Center was scheduled to give its monthly report at this meeting.

No representatives were in attendance, however. In response to a question from Commissioner Giles, Public Information Officer Lawson confirmed he left a message for Clayton Pappan regarding the upcoming meeting.

Awards and Proclamations

Mayor Oestmann recognized and congratulated Madeline Pegorsch for being named as Arkansas City's Outstanding Student Award winner for 2015-16. Pegorsch, a Winfield native who works part-time through The Arnold Group as a typist for the Arkansas City Police Department, received a \$1,000 scholarship.

Tommy Aguinaga read a statement about the Optimists, what they do in the community and why they give out an award every year for the Law Enforcement Officer of the Year. Lt. Burr read part of his nomination that ultimately resulted in Mata's selection for the 2016 award. Joy Fry read her emotional letter that was included in Lt. Burr's nomination, regarding how Sgt. Mata has impacted her life and the lives of her great-grandchildren.

Aguinaga and Mayor Oestmann then presented Sgt. Mata with the Optimists' 2016 Officer of the Year award.

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Sgt. Mata said it was difficult for him to accept the award when there are so many other deserving officers.

Mayor Oestmann read a proclamation recognizing May 15-21, 2016, as National Law Enforcement Week, and May 15 as Peace Officers Memorial Day, in Arkansas City. Chief Ward, Lt. Burr, Lt. Holloway, Sgt. Mata, and Sgt. Ternes came to the front to accept the proclamation and to be recognized.

Mayor Oestmann read a proclamation recognizing May 15-21, 2016, as National EMS Week in Arkansas City. EMS Director Smith came to the front to accept the proclamation and to be recognized. She thanked everyone.

City Manager Hernandez also recognized Smith for serving on the Kansas Board of Emergency Medical Services, being recognized on the floor of the Kansas House of Representatives and writing several chapters in a textbook.

Mayor Oestmann recognized Jasmine Wilson and Corbin Wise for their participation in City Hall Day on May 10-11. He thanked them for their honest essays about what they would do if they were city manager for a day.

Hernandez talked about what the seventh-graders did during their visits. Aaron O'Donnell also was recognized.

Audience Comments

Although there were no comments from anyone at this particular meeting, Mayor Oestmann explained that he wanted any comments for items that are not on the agenda to be made at this time during future meetings.

Future speakers will be limited to three minutes and debate between parties in the audience will not be allowed.

Consent Agenda

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

1. Approving the May 3, 2016, regular meeting minutes as written.
2. Authorizing Mayor Oestmann to sign the annual statement of assurance from the Kansas Department of Wildlife, Parks, and Tourism on continuing use of recreational facilities funded by the Land and Water Conservation Fund.
3. Ratifying Mayor Oestmann's appointment of Chris Dancy to the Retired Citizens Advisory Council.
4. Ratifying Mayor Oestmann's reappointments of Jack Givens and Glen Morrison to the Retired Citizens Advisory Council.

Commissioner Warren asked City Manager Hernandez to explain the second item. Hernandez said it was a housekeeping item because each of the parks and facilities had received federal funding sometime in the past.

Any time those areas are changed or improved, there must be communication and sometimes approval from the federal government. Hernandez said he thought it sometimes could be too broad for the small amount of money that is awarded. Mayor Oestmann asked if it could help with funding for trails. Hernandez said it could.

Commissioner Jurkovich seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Oestmann declared the consent agenda approved.

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Old Business

Clearwell Backwash Pump Resolution No. 2016-05-3033

City Clerk Shook presented for discussion a resolution authorizing the City to contract with JCI to replace the clearwell backwash pump at the Water Treatment Facility, for an amount not to exceed \$42,104.00.

Public Works Director Broce apologized for missing the prior meeting. He said he had researched the possibility of obtaining a refurbished backwash pump. JCI emailed him May 9 to say the pumps are usually worn beyond repair when changed out and there were no available pumps that were eligible for refurbishment at this time.

But he also said there could be a market for the pump staff proposed to purchase. Alternatively, with some modifications to the impellers and retrofitting, it could be turned into a backup stormwater pump for the City.

Broce said the pumps have to be custom-designed for the function they are going to perform, limiting any reuse.

Commissioner Warren asked what a retrofit might cost. Broce said it likely would be around \$5,000 to \$7,000.

Broce said, in response to a question from Commissioner Warren, that the stormwater pumps are not used very frequently, only when the levee gates have to be closed due to high water in the Arkansas or Walnut rivers.

However, the backwash pump at the Water Treatment Facility is used almost every other day, Broce said.

Commissioner Tweedy asked if JCI's bid included installation. Broce said it did. Commissioner Giles asked where the company is located. Broce said it is a national company with a local office in Wichita.

Commissioner Giles said there was a local vendor, Kuhn Mechanical, whose bid on the pump was less than \$2,400 higher than JCI's. He asked if there was any reason why the bid wouldn't be awarded to a local bidder.

Broce said staff recommended the lowest bid possible, given that the pump only will be needed for the next two years, in order to save as many dollars as possible.

Commissioner Tweedy asked if there was a big difference between the two different types of pumps. Broce said yes. Commissioner Giles asked if there was a big difference between JCI's pump and Kuhn's pump.

Broce said that if the City were keeping the current plant, he would recommend the pump provided by Fluid Mechanical, which is the same pump used at the plant for the last 13 years. He said he had no previous experience with the pumps offered by either Kuhn or JCI, but he had asked JCI for a five-year warranty on it.

Commissioner Giles asked Broce if he had asked Kuhn if Kuhn would offer a five-year warranty. Broce said staff had not pursued that line of inquiry because Kuhn was not the lowest bidder.

Commissioner Jurkovich admitted that at the last meeting, the commissioners present wanted to see if there was any way possible to save on the pump's costs because the current plant will be decommissioned by 2018.

But he said Commissioner Giles' point was valid and thought that if the difference between two bidders was less than 10 percent and the local bidder was the higher of the two, normally the City should try to buy locally.

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Broce said that if staff was looking for a long-term solution, they would have submitted a scoring sheet and probably made a recommendation for a higher-quality, more expensive pump, neither of which Kuhn offered.

Mayor Oestmann asked if Kuhn would offer the same warranty as JCI. City Manager Hernandez asked if the commissioners wanted to have a local bid preference, because if so, he said the City needed to advertise that.

Commissioner Giles said it doesn't need to be set in stone when it's just common sense. Commissioner Tweedy said he thought the City did have a local bid preference. Hernandez and Broce said the City did not.

City Attorney Niles said the City used to have such a policy, but did not anymore. Commissioner Giles asked if the City even needed something written down. Niles said lawsuits have been filed, even by her, in such matters.

Commissioner Giles said he wanted to award the pump contract to Kuhn. Broce said there already is sort of a preference for local bidders because they don't have the mobilization costs of out-of-town bidders.

Hernandez said staff always will recommend the lowest bidder unless there is something in particular that drives them toward a higher-bidding local company. But he said the commissioners are free to do vote as they like.

Commissioner Giles made a motion to award the clearwell backwash pump contract to Kuhn Mechanical, for an amount not exceed \$44,500.00. Commissioner Tweedy seconded the motion.

Commissioner Jurkovich asked about the ramifications of not replacing the current pump. Broce said there is a very high chance the City would not be in the water business anymore in the next two years if it does nothing.

The pump takes six to eight weeks to manufacture, he said, and the current pump already is springing leaks.

Niles recommended the commissioners determine that Kuhn is the best and lowest bidder because its physical proximity to the City means it can respond more quickly to any concerns that might arise in the future.

She also said she assumed Commissioner Giles' motion was contingent on Kuhn's offering a five-year warranty.

Commissioner Giles made a motion to approve the resolution as amended, awarding the contract to Kuhn Mechanical contingent on Kuhn's offering a five-year warranty. Commissioner Tweedy seconded the motion.

Broce said unlike the second New Business item, this was bid through an informal process, not a formal one.

A voice vote resulted in four aye votes and one nay vote, with Commissioner Jurkovich dissenting. Mayor Oestmann declared the motion approved and given Resolution No. 2016-05-3033.

New Business

Rescheduling Strategic Planning Retreat **Resolution No. 2016-05-3034**

City Clerk Shook presented for discussion a resolution changing a public meeting of the City Commission, previously set for 9 a.m. June 10, to another day to be determined by the commissioners for the purpose of a strategic planning retreat to discuss the 2017 budget.

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City Manager Hernandez asked the commissioners to find a day that worked for all of them. June 10 did not.

He said he would like to have the meeting as soon as feasible to avoid delaying the budgeting process too much.

Hernandez said that if the SCKMC Sales Tax failed the next week, it could be a very long planning meeting.

Mayor Oestmann made a motion to approve the resolution, with the meeting commencing at 12:30 p.m. June 5 at Commissioner Warren's cabin. Commissioner Tweedy seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Oestmann declared the motion approved and given Resolution No. 2016-05-3034.

WWTP Blower/Control System Improvements **Resolution No. 2016-05-3035**

City Clerk Shook presented for discussion a resolution authorizing the City to enter into a contract agreement with Walters-Morgan Construction, Inc., of Manhattan, for Wastewater Treatment Facility blower and control system improvements, for an amount not to exceed \$81,500.00.

Public Works Director Broce said he received a memorandum from Environmental Services Superintendent Rod Philo on July 30, 2015, regarding the need to replace the blower and digester roof to comply better with requirements established by the Kansas Department of Health and Environment, a need going back to 2013.

A previous design-build project was rejected last year by the commissioners, with each piece of the project since having been broken up into smaller, competitive bids. This piece was the first advertised on the new website.

Broce said he was a little disappointed that no more than two companies bid, and also that BRB Contractors — which had the lowest bid for the overall design-build contract, but was not awarded the bid in 2015 — didn't bid.

City Manager Hernandez informed the commissioners that there was interest from a third party, but that company did not follow the formal bid document or meet all of its contract requirements, like the other two did.

Broce said the third bid was automatically discarded and was not read aloud at the bid opening because it did not meet requirements. This particular bid also included an addendum, making filling it out more imperative.

Commissioner Tweedy said this was an entirely different situation because it was a very clear, formal bid process.

Commissioner Jurkovich asked why something was crossed out on Walters-Morgan's bid sheet. Broce said that was due to the addendum, which included cost-saving changes developed at the mandatory pre-bid conference.

Commissioner Tweedy asked for the life expectancy on blower and control system improvements. Broce said probably 15 to 20 years. That life will be extended considerably with the help of variable-frequency drives. He said he hoped this and future plant improvements will be compatible with the plant rehabilitation in 2017-18.

Commissioner Warren made a motion to approve the resolution. Commissioner Jurkovich seconded the motion.

A voice vote was unanimous in favor of the motion. Mayor Oestmann declared the motion approved and given Resolution No. 2016-05-3035. Commissioner Jurkovich said he appreciated all of staff's efforts to save money.

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City Manager Updates

City Manager Hernandez said the outdoor summer movies had been well attended, but the indoor ones had not, mainly because of rainy or severe weather. That week's movies were "Ferris Bueller's Day Off" and "Three Amigos." He mentioned that City Attorney Niles' judicial campaign was providing free ice cream that week.

Hernandez also encouraged everyone to attend PrairieFest on June 3 and said he hoped for good weather.

Other Business

Commissioner Tweedy asked if there were any updates on ACPD Capt. Mark McCaslin's condition. City Manager Hernandez said McCaslin was in a rehabilitation hospital in Wichita. No cause has been found for his symptoms, which still were present, but they were working to build up his strength again.

Mayor Oestmann asked if the commissioners could send a card to McCaslin. Hernandez suggested also sending one to another employee who has been diagnosed with terminal cancer and likely will not return to work.

Adjournment

Commissioner Tweedy moved to adjourn the meeting. Mayor Oestmann seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Oestmann declared the meeting adjourned at 6:46 p.m.

THE ARKANSAS CITY
BOARD OF CITY COMMISSIONERS

Duane L. Oestmann, Mayor

ATTEST:

Lesley Shook, City Clerk

Prepared by:

Andrew Lawson, Public Information Officer