

City Commission of Arkansas City Meeting Minutes

The Arkansas City Board of City Commissioners met in regular session at 5:30 p.m. Tuesday, July 5, 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 Commissioners Charles Tweedy III, Jay Warren and Karen Welch. Commissioner Dan Jurkovich was absent from the meeting.

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 and City Planner Josh White.

Citizens in attendance included Albert Brown, Terrie Crandall, Ken Harader and Daily Bytes reporter Jeni McGee.

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

Agenda Changes and Approval

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

Consent Agenda

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

1. Approving the June 21, 2016, regular meeting minutes as written.
2. Approving Resolution No. 2016-07-3037, authorizing the City to accept a grant from the Federal Aviation Administration for the rehabilitation of Runway 13/31 and connecting taxiways at Strother Field Airport.
3. Approving a Certificate of Special Assessment for dangerous structure demolitions and directing City staff to file it with the Cowley County Clerk's Office for inclusion on the 2016 property tax rolls.

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

New Business

Designating Official City Newspaper

City Clerk Shook presented for discussion the official City newspaper for the publication of legal notices.

City Manager Hernandez said the newly formed Winfield Publishing Co. newspaper, The Cowley CourierTraveler, needed to be designated the City's new official newspaper because The Arkansas City Traveler no longer exists.

Commissioner Tweedy made a motion to designate The Cowley CourierTraveler as the City's official newspaper.

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

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Union Pacific Property Acquisition **Resolution No. 2016-07-3038**

City Clerk Shook presented for discussion a resolution authorizing an agreement with Union Pacific Railroad Company for the purchase of 7.24 acres south of Madison Avenue, for an amount not to exceed \$30,000.00.

City Manager Hernandez said staff had been negotiating the purchase for more than two years, starting with determining the legal description and boundaries of the property, which is needed both for a waste line from the new Water Treatment Facility to the Wastewater Treatment Facility and to extend the hike-bike trail north.

He said City Attorney Niles had been part of extensive negotiations with multiple parties to secure the purchase.

Hernandez said the City has been mowing the property for as long as he can remember. Mayor Oestmann asked if the property include a nearby salvage yard. Commissioner Welch said she thought the yard was behind it.

Mayor Oestmann asked if there would be any problems involving hazardous materials. Hernandez said the City mostly would be using the property nearest to the Mill Canal and the waste line would be laid near an existing 12-inch water line. He said no Phase 1 or Phase 2 environmental studies had been conducted.

Public Works Director Broce said such a study could cost several thousand dollars, but staff didn't think it was necessary because nothing has been leaching out into the canal. Any cleanup would be on the junkyard owner.

Commissioner Warren asked how pure reverse osmosis water could be delivered to KanPak in the future if the company requested it. Broce said a 4-inch line would be bored and sleeved through the larger 12-inch line.

Commissioner Warren asked if the hike-bike trail would have to be built up. Broce said it would a little.

Mayor Oestmann asked if any additional land would have to be purchased on the east side of Summit Street.

Broce said the City would need to secure drilling permits from BNSF Railroad and the Kansas Department of Transportation, but the rest of the pipeline should be on either City-owned right-of-way or BNSF property.

Commissioner Warren made a motion to authorize the resolution. Commissioner Welch seconded the motion.

A voice vote was unanimous in favor of the motion. Mayor Oestmann declared the motion approved and given Resolution No. 2016-07-3038.

Combining Planning Commission **and Board of Zoning Appeals**

City Clerk Shook presented for discussion a first review of a recommendation from the Arkansas City Planning Commission to modify Article 25 of the Zoning Regulations to combine the Board of Zoning Appeals and the Planning Commission, and amending Municipal Code to so reflect.

City Planner White the item originally was brought up at the May 13 study session and discussed June 7. The idea is to combine the two boards in order to reduce the number of vacant seats and increase expertise.

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He said the Planning Commission met June 28 and approved the proposed changes. Despite that recommendation, he said, there still were some nagging issues for staff to hammer out after that meeting.

One of them was what to do with the two members of the Planning Commission who live outside of the City limits. Because there is no extraterritorial zoning, White said he and City Attorney Niles thought it would be most appropriate for them not to serve on the Board of Zoning Appeals in any capacity.

White said he had researched several other cities in the state that have been doing this since the 1970s, including Sterling. Almost all of the cities he contacted said it was working well for them.

White said an added benefit of combination is that the new zoning board might take more ownership of the zoning and subdivision regulations, and be less likely to grant variances, because its members drafted them.

Commissioner Warren asked about the extraterritorial members. White said they only would be required on the Board of Zoning Appeals if Arkansas City ever adopted extraterritorial zoning, which he said seemed unlikely.

Mayor Oestmann asked about the current seven members of the Planning Commission. White said staff would propose moving two members of the Board of Zoning Appeals to the vacancies if the changes are approved.

Commissioner Tweedy asked if there was anything in the proposed changes to exclude the extraterritorial members from serving as officers because they cannot be part of the zoning board. City Attorney Niles said she was not aware of anything specific, but noted they must recuse themselves from the latter's activities.

White said the idea was to form two independent boards with mostly overlapping membership, so each board could have its own set of officers. Staff will look at spelling that out better in the next draft of the changes.

Commissioner Tweedy said he would prefer to send it back to the Planning Commission and let its members review the changes that had been made since the June 28 meeting. Niles said she also had not reviewed it yet.

Commissioner Tweedy asked if the changes had to be approved that night. City Manager Hernandez said no.

Mayor Oestmann made a motion to postpone any action regarding the proposed changes until the Planning Commission could review them again at its regular July meeting. Commissioner Warren seconded the motion.

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

City Manager Updates

City Manager Hernandez said staff discussed with MKEC the possibility of a scope of services proposal for the traffic study requested by the City Commission at its June 21 meeting, but MKEC had decided not to pursue it.

Another engineering firm, TranSystems, since has been contacted and the City is working toward a new proposal.

Broce said he hoped to have something by the next meeting, but the cost could exceed his estimate of \$5,000, depending on the final scope of the traffic study. But the project could be broken up into several phases, he said. Commissioner Warren said the most important issue to solve is the current problem behind Family Dollar.

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Hernandez said staff was looking for direction on whether to proceed with chip sealing or an alternate project.

Broce showed a map of the areas that would have chip sealing if the City proceeds in that direction. They have not been resurfaced since 2007. Most of them are in northwest Arkansas City, clustered around Kansas Avenue.

He said the City budgets around \$175,000 annually for chip sealing. Equipment and supplies would have to be ordered that week in order to proceed, he cautioned.

Commissioner Warren asked if these were the oldest streets in need of repair. Broce said the streets that originally were targeted in the Brad Meek Addition date to 2005 or 2006. Those are being postponed until next year, after the water line replacement projects in the area are completed. Thus, this new area was identified.

Alternatively, he said, the \$175,000 budgeted for chip sealing could be applied toward the cost of a new mill and overlay on West Radio Lane, estimated around \$300,000. Broce said that roadway surface dates back to 2001.

He said there could be a potential cost savings on mobilization if the same contractor on the Summit Street project ends up winning a Radio Lane bid. Additional funding for the project could come from \$450,000 available in banked federal exchange dollars, but those also might be needed for 15th Street repairs.

Commissioner Tweedy asked about 15th Street north of Radio Lane. Broce said he was estimating a cost of \$450,000 for that project. He estimates around \$200,000 to \$300,000 will remain in street sales tax funds for that project, but he won't know for sure how much until the Summit Street project is bid.

Commissioner Warren asked how much it will cost to replace the 15th Street bridge. Hernandez and Broce said they thought it would be \$250,000 to \$300,000, depending on how elaborate the design is. Broce said he also is looking at some 80-percent grants with 20-percent matches for that bridge, as well as one in Crestwood.

Commissioner Tweedy asked how soon the 15th Street project could begin. Broce said Summit Street needed to get under way first. Then he could look at either a traditional mill and overlay or Andale's patented super slurry.

Broce said the advantages of the latter option are saving on cost and reducing the time the road is closed.

Mayor Oestmann asked if Radio Lane was the oldest road. Broce said it was tied with East Madison Avenue.

Commissioner Warren asked about the water line projects. Broce said bids could be opened in September.

Broce said once the street sales tax funds are gone, there will have to be a larger conversation about how to fund needed street improvements in the absence of dedicated funding. He will continue seeking grants, too.

Hernandez said it will be difficult to look at another sales tax as long as there is one for South Central Kansas Medical Center. Mayor Oestmann agreed. Broce said they also could look at transferring franchise fees.

Commissioner Warren said they will have to focus on the streets with the heaviest traffic, and work back from there. Mayor Oestmann said he thinks Radio Lane is the most heavily trafficked. Broce said it's the most visible.

Hernandez said chip sealing and resurfacing Radio Lane were mutually exclusive, in response to a comment from Commissioner Warren. The commissioners reached a consensus that Radio Lane was the project to choose.

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Hernandez said if the bids come in too high for Radio Lane, the City can double up on chip sealing next year. In the meantime, the Radio Lane project will allow workers to focus more on potholes, crack sealing and training.

Hernandez then gave an update on the budget process, which is ongoing at this time. He said the budget hearing must be held by August 4, and it has to be approved and certified by August 25.

Mayor Oestmann asked if there would be a work session to hear external agency budget presentations. July 26 was identified as one possibility. Hernandez said he would consult staff calendars and get back to him.

Other Business

City Manager Hernandez proposed holding “community conversations” meetings, perhaps at Steamy Joe or Daisy Mae’s, to inform the public of upcoming projects and answer any questions citizens might have. These would be informal meetings held on a semi-regular basis. The format could be pretty open-ended.

Commissioner Tweedy asked if this was similar to the “community concerns” meetings held in Colby. Mayor Oestmann said it would be similar, but more informal and more accessible.

Public Information Officer Lawson talked about the Citizen Request Tracker that is in the works. Commissioner Warren asked for City website traffic statistics. PIO Lawson said he would get those for him.

Adjournment

Commissioner Tweedy moved to adjourn the meeting. Commissioner Warren seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Oestmann declared the meeting adjourned at 6:36 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