

City Commission of Arkansas City Meeting Minutes

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

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

Also 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, Neighborhood Services Superintendent Richard Brown, City Planner Josh White, Fire Chief Bobby Wolfe and Police Chief Dan Ward.

South Central Kansas Medical Center officials in attendance were CEO Virgil Watson, Marketing Director Clayton Pappan, and Director of Hospital Quality and Risk Management Jane Campbell.

Arkansas City Planning Commission members in attendance were chair Dr. Scott Rogers and Charles Tweedy III.

Citizens in attendance included Cindy Current, Michelle Dykes, Allen Fisk, Mary Lou Fisk, Kanyon Gingher, Ken Harader, Mell Kuhn, Randall Ryel and Traveler reporter Jeni McGee.

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

Agenda Additions/Deletions and Approval

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

Recognition of Visitors

SCKMC Director of Hospital Quality and Risk Management Jane Campbell gave a presentation to the Commission on the medical center's annual report on hospital-acquired conditions and infections. She explained how SCKMC is disadvantaged from the program, which exempts critical-access and veterans hospitals, but is slanted against small rural hospitals that take on very sick patients rather than sending them elsewhere, such as SCKMC.

Additionally, part of SCKMC's score, although very good, is thrown out because it does not match the predicted value by the Centers for Medicare and Medicaid Services. As a result, SCKMC has received a failing score in each of the past two years despite having very good results, and it falls into the 25 percent of hospitals that are forced to fail on the report and thus suffer a Medicare/Medicaid penalty of around \$40,000.

Michelle Dykes, 423 N. Fourth St., asked for clarification on the neighborhood services superintendent's power to enter abandoned structures and determine if they are dangerous. City Attorney Niles said he has authority to enter abandoned structures, but City staff cannot enter an occupied house that just happens to have an open door without permission, unless there is an immediate emergency that is apparent.

Commissioner Oestmann asked if he can enter when someone is working on the house. Neighborhood Services Superintendent Brown said he can ask permission to go in, but if he is denied, he cannot enter without an administration search warrant through district court. City Attorney Niles gave an example of one such instance. Mayor Giles asked about a recent issue involving contractors. City Manager Hernandez promised to look into it.

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Randall Ryel, owner of Steamy Joe, 216 W. Central Ave., recapped the history of his business interactions with the Public Works Department and Fire-EMS Department, including the resolution to a code requirement that he have a fire-sprinkler system on the second floor of the coffee shop. He thanked the City for compromising to allow a residential system instead of a commercial one, which will save him thousands of dollars.

However, he asked if the City would pay to replace his water meter and service line from the main to the meter in order to increase the water flow to 60 gallons per minute, which is a requirement of the sprinkler code. He said paying to replace those items himself would be a significant financial burden on top of the sprinkler system itself. City Manager Hernandez said he and Public Works Director Broce would authorize the meter replacement.

Mayor Chad Giles asked about Ryel's communications with the City early in the process. He also asked Broce about the meter flow and Broce said the meter probably needed to be upgraded. He said the line from the main to the meter is City responsibility, but the City could waive the fee associated with installing a new meter.

Commissioner Oestmann asked Ryel if he had considered closing off the second floor entirely, but Ryel said having that space available was crucial to his business success, especially during the lunch hour. Broce pointed out that this was the first time he was aware of that the City had allowed a business to open and begin to generate profits without meeting all of the initial code requirements, which was done to help a new business.

Consent Agenda

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

1. Approving the December 15, 2015, regular meeting minutes as written.
2. Approving Resolution No. 2016-01-3013, authorizing City Manager Nickolaus J. Hernandez, Finance Director Kathleen A. Cornwell and City Treasurer Jennifer C. Waggoner to act as authorize signers on City accounts.

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

Old Business

Subdivision Regulations Amendment

City Clerk Shook presented for discussion a motion to request that the Arkansas City Planning Commission consider an amendment to Subdivision Regulations Article 13, regarding doorways in mini-warehouse facilities.

City Attorney Niles said the proposed amendment is an attempt to resolve the City Commission's concerns about allowing self-storage unit doors to face public rights-of-way or adjacent residential properties. The amendment would allow that as long as there is some kind of screening in place to obstruct the view.

Mayor Giles asked what would happen if the Planning Commission does not take up the amendment. Niles said the City Commission could override that decision because it is the body that adopts the Subdivision Regulations.

Dr. Scott Rogers said he did not anticipate any issues with approving the amendment in February.

Mayor Giles made a motion to request that the Planning Commission consider the proposed amendment at its next meeting. Commissioner Warren seconded the motion. A voice vote was unanimous in favor of the motion.

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New Business

Private Security Officers Ordinance No. 2016-01-4403

City Clerk Shook presented for discussion a first reading of an ordinance modifying Municipal Code Section 18-27 regarding private security officers.

City Attorney Niles said the modification was necessary because a recent state law says cities cannot regulate the carrying of firearms, thus a provision prohibiting security officers from carrying needed to be eliminated.

Commissioner Jurkovich moved to approve the ordinance. Commissioner Oestmann seconded the motion.

A roll call vote was unanimous in favor of the motion. Mayor Giles declared the ordinance adopted and given Ordinance No. 2016-01-4403.

Zoning and Subdivision Regulations

City Clerk Shook presented for discussion a first reading of an ordinance amending Zoning Regulations, including Article 20 (Supplemental district regulations regarding accessory uses, fences and home occupation signage), Article 27 (Signs), and Articles 7, 8, 10 and 18, regarding sign regulations, as well as Subdivision Regulations Article 13, regarding site plan reviews for the City; repealing existing laws of the City; and incorporating such regulations by reference.

City Planner White gave a detailed overview of the proposed changes to the regulations, which were approved December 8, 2015, by the Planning Commission. The original regulations were adopted in May 2014. He said this was part of the normal process of revising rules to match practices or correct things that aren't working.

Many of the changes are for clarification or to correct items that conflict with each other. Most of the changes are to the City's sign regulations. They are in response to a recent U.S. Supreme Court decision that prohibits regulating signs based on their content, rather than their size and other physical characteristics, and a new Kansas law altering the regulation of political signs. The sign regulations also were consolidated into one section.

Commissioner Every asked about properties with nonconforming garages and other accessory structures. White said most lot sizes in town would accommodate small buildings, but added that many cases were grandfathered.

City Attorney Niles clarified that much of the code included in the packet is current code, not suggested modifications. Only the areas that were struck through or italicized represent changes to municipal code.

Commissioner Every asked about whether his large campaign signs would be allowed under the new regulations. White said they only would be allowed in certain zoning districts, but not in residential areas as in the past.

Commissioner Oestmann asked about limitations for electronic message centers in or near residential districts. White said a time limit is being added based on a previous case involving such a sign at a local church.

Commissioner Every asked about the definition of a countryside district. White said it was intended mainly to classify residential properties that currently are outside of the City limits and not those in town. Commissioner Every asked about the origin of that district, as well as other content in the zoning and subdivision regulations.

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White and Dr. Scott Rogers explained that much of the content came from a variety of sources, such as input from sign companies and the consultant who assisted with the comprehensive planning process, as well as prior regulations that were on the books. Rogers said the regulations serve the purpose of having a plan in place before development happens, but emphasized that they always can be amended if there is a need in the future.

Mayor Giles asked why the source of the material matters. Commissioner Every said he did not think it was harmonious with what exists currently in Arkansas City. He stated that there are too many regulations for things such as signs. White said the City had to cover all of the possibilities and anticipate what might develop later.

Commissioner Oestmann said he agreed with Rogers that it is difficult to predict the future, but some effort must be made to anticipate and regulate future development.

Commissioner Every asked White why the zoning administrator was given site review powers and who that person was. White said he functions as the zoning administrator and that he always has had those powers. The regulations are being amended to match current practice. He also said that people always have the option of appealing his decisions, which are based on code, to the Board of Zoning Appeals or Planning Commission.

Commissioner Every said there is good content in the regulations, but thinks the sheer number is overwhelming.

Commissioner Oestmann moved to table the ordinance until the second meeting in January. Commissioner Jurkovich seconded the motion. A voice vote was unanimous in favor of the motion.

Recognition of Visitors (Continued)

Ken Harader, 1313 N. First St., addressed the commissioners about the concessions made to Family Dollar for lighted signs on its new location at 1313 N. Summit St. He contended that the variances approved last October by the Board of Zoning Appeals (some of which would not be necessary under the proposed new sign regulations) did not allow for a lighted sign on the north side of the new store building.

City Planner White said whether the sign is lighted was not a condition of the variance. Commissioners Every and Jurkovich asked him to check the board's minutes. White said he would, but cautioned that the minutes had not been approved yet because the board has not met again since its October meeting.

Harader also asked about the progress on no-parking signs on the east side of First Street, north of Family Dollar, to deter tractor-trailers from parking behind Family Dollar and Arby's. Public Works Director Broce said his department would get to work on the signs. Mayor Giles asked Harader to call the police in the future about it.

City Manager Updates

City Hernandez presented the proposed purchasing policy and procedures manual for discussion.

Commissioner Oestmann asked for clarification on the changes to when City Commission approval is required for more expensive purchases and what the cutoff spending limit is. Commissioner Jurkovich asked for an explanation of the workflow process. Commissioner Every said he thought the document needed more input from the City Commission. He also asked why architectural and engineering services were treated differently than other purchases. Hernandez explained that they were trying to bring it more into line with legal practice in most other states. Mayor Giles asked for the policy to be placed on a future meeting agenda.

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Hernandez also said progress on the new clearwell had stalled due to the colder weather. Public Works Director Broce said the company will re-evaluate after January 28. Commissioner Every asked about a pothole in the adjacent alley. Broce said it was created due to tying into the existing sewer and it would be patched up.

Adjournment

Mayor Giles moved to adjourn the meeting. Commissioner Every seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Giles declared the meeting adjourned at 7:34 p.m.

THE ARKANSAS CITY
BOARD OF CITY COMMISSIONERS

Chad Giles, Mayor

ATTEST:

Lesley Shook, City Clerk