

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 19, 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, Neighborhood Services Superintendent Richard Brown, City Planner Josh White, Human Resources Manager Marla McFarland, Police Chief Dan Ward and Police Officer Ted Shinneman.

Citizens in attendance included Albert Brown, Ken Harader, Sam Hunt, Charles Tweedy III and Traveler reporter Jeni McGee.

Pastor Mark Fry 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

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 admitted that the variances approved last October by the Board of Zoning Appeals did not prohibit a lighted sign on the north side of the new store building.

Harader also informed commissioners that he had protested his property taxes with the Cowley County Appraiser's Office and learned that his appraised valuation had decreased by \$10,000 as a result of the new store's construction. He said a neighbor had seen an even bigger drop in his property values.

Finally, Harader asked if it was too late to ask Family Dollar to paint one of its wooden gates that attaches to the west masonry wall and enclose its dumpster on the north side, which is visible to people driving south on First.

Neighborhood Services Superintendent Brown said he already signed off on the store's occupancy permit, so Mayor Giles asked City Planner White to request that Family Dollar consider painting the gate instead of treating it. White also checked the store plans and determined the dumpster was supposed to be enclosed on all sides.

Awards and Proclamations

Chief Ward gave a short presentation regarding Veterans of Foreign Wars Post 1254's Officer of the Year award. The commissioners recognized Officer Shinneman for being named the VFW Officer of the Year for 2015.

Consent Agenda

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

1. Approving the January 5, 2016, regular meeting minutes as written.

City Commission of Arkansas City Meeting Minutes

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

Old Business

Zoning and Subdivision Regulations Ordinance No. 2016-01-4404

City Clerk Shook presented for discussion a second 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 offered to answer any additional questions commissioners might have. Commissioner Oestmann asked White if he had heard any comments from citizens about the changes, but White had not.

City Manager Hernandez said he also had not heard anything. Commissioner Jurkovich asked about garage sales signs. White said leaving those up indefinitely already was illegal. Commissioner Warren asked about three-sided marquees. White said they shouldn't be an issue if he focuses on the overall footprint of the sign.

Commissioner Warren admitted there were a lot of regulations, but emphasized that the Planning Commission always can make amendments in the future. White said that board always has a public comment period.

Commissioner Jurkovich thought most of the changes were to clarify and not to make things more restrictive, other than some of the sign regulations. He said the laws were necessary to prevent a situation such as Ken Harader's, and if everyone had built to the regulations, the city might look a little nicer.

City Manager Hernandez said it was a tough balance between citizens who don't want any regulations at all and others who want to have a say in what their neighbors do because of how it affects their own properties.

Commissioner Every said he appreciated all of the information, but he still thinks many of the regulations are not harmonious with the character of Arkansas City. He said he discussed the regulations with Planning Commission chair Scott Rogers and asked if the City Commission could have a future study session to go over the regulations in more detail. Commissioner Warren suggested he bring his concerns to the Planning Commission instead.

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

A roll call vote resulted in four aye votes and one nay vote, with Commissioner Every dissenting. Mayor Giles declared the ordinance adopted and given Ordinance No. 2016-01-4404.

New Business

Amending Cafeteria Plan Resolution No. 2016-01-3014

City Clerk Shook presented for discussion a resolution amending the City of Arkansas City Cafeteria Plan, effective with the 2016 plan year, reflecting changes in benefits administration.

City Commission of Arkansas City Meeting Minutes

Human Resources Manager McFarland explained how keeping the Cafeteria Plan updated and correct is a requirement of the Internal Revenue Service Section 125 code governing pre-taxing of employee benefits. She said it was mainly a housekeeping item to reflect a new grace period for the dependent care and flexible spending accounts, as well as change from post-tax to pre-tax for various supplemental health benefit plans.

Commissioner Every asked if the item needed to be approved that night. McFarland said the changes were made during open enrollment and took effect January 1. She added that Hinkle Law Firm prepared the item.

Commissioner Warren asked when employees can make changes to their plan. McFarland said that could occur either during open enrollment or at other times of the year based on a qualifying event.

Mayor Giles moved to approve the resolution. Commissioner Every seconded the motion.

A voice vote was unanimous in favor of the motion. Mayor Giles declared the resolution adopted and given Resolution No. 2016-01-3014.

Protected Health Information **Resolution No. 2016-01-3015**

City Clerk Shook presented for discussion a resolution amending the City of Arkansas City Cafeteria Plan, effective February 1, 2016, to reflect the list of authorized employees who are permitted to use and have access to Protected Health Information (PHI).

Human Resources Manager McFarland said the City has a HIPAA plan document because it is self-insured. She said she and Administrative Assistant Katie McCubbin do not receive detailed health information, but they may occasionally view the names of employees who have had medical treatment. They are the only two who can.

McFarland said the only change was updating McCubbin's job title from Accounts Payable/Payroll Clerk.

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

A voice vote was unanimous in favor of the motion. Mayor Giles declared the resolution adopted and given Resolution No. 2016-01-3015.

Federal Grant for Sensus Phase 3 **Resolution No. 2016-01-3016**

City Clerk Shook presented for discussion a resolution authorizing the City to apply for a federal grant to partially fund Phase 3 of a master project agreement with HD Supply Waterworks to procure, install and implement the Sensus FlexNet Metering System, for an amount not to exceed \$600,000.

Public Works Director Broce said staff learned of the grant opportunity in November 2015 and thought it was worth making an attempt to be awarded up to \$300,000 to offset the final phase of water meter installation.

He said Public Information Officer Lawson had been working hard to put together the grant application, which was due the day following this meeting. Renewed approval of the project is one of the grant requirements.

City Commission of Arkansas City Meeting Minutes

Commissioner Every asked if the City had been awarded a Community Development Block Grant that it had applied for last fall. City Manager Hernandez said he was informed the prior week that the City had not been awarded that grant. He said staff would keep applying because you earn “points” for previous applications.

Commissioner Every asked about federal requirements if the grant is awarded. City Manager Hernandez said a single audit would be required, at a cost of several thousand dollars.

Mayor Giles moved to approve the resolution. Commissioner Warren seconded the motion.

A voice vote was unanimous in favor of the motion. Mayor Giles declared the resolution adopted and given Resolution No. 2016-01-3016.

KDOT Project Programming Request

City Clerk Shook presented for discussion a resolution authorizing City Manager Hernandez to execute and submit a “Project Programming Request” Form 1302 to the Kansas Department of Transportation’s (KDOT) Bureau of Local Projects, accepting an award of KDOT funds for a resurfacing project, to include U.S. 77 from the Arkansas River bridge north to the U.S. 77-U.S. 166 intersection, as part of the 2017 KLINK Resurfacing Program.

Public Works Director Broce said the City would have to spend up to \$450,000 to achieve the matching funds of \$300,000 for the resurfacing project, which would not be until the 2017 fiscal year. Commissioner Jurkovich asked if this project was targeted for street sales tax money, but City Manager Hernandez said it was not. He thought the City likely would use special highway funds or federal exchange dollars to finance its part of the work.

Broce said the time probably is right to do a resurfacing project because asphalt and oil prices are so low. He also said he would like to redo the U.S. 77-U.S. 166 intersection as a concrete intersection, if things work out.

Commissioner Jurkovich asked if accepting the funds and not pursuing the project would lead to a penalty. Broce said it likely would affect future applications for funds negatively. Commissioner Every said he was concerned about tying up so much money for a short section of highway that is also the state’s responsibility.

Mayor Giles asked about striping in the city, especially on Summit Street. Broce said he had hoped to have the Summit improvement project from Walnut to Kansas avenues out to bid much earlier, which would have addressed most of the issues. He said the last striping project cost about \$75,000 and proposed another one.

City Manager Hernandez discussed how all of the City’s road funding comes from the state, which is cutting funds; federal exchange dollars and special highway funds, which don’t go very far; and property taxes. He said he would like to find a way to generate sustainable, dedicated funding for street repairs and improvements.

Commissioner Warren asked about the potential for a roundabout at the U.S. 77 and U.S. 166 intersection. Broce said it was looked at as a possibility if the bypass ever is extended around to West Madison Avenue and Eighth Street, but the latest word on that project from KDOT is that it won’t happen any sooner than 2021.

Commissioner Every asked if the item needed to be passed that night. Broce said he has about a month to submit the application form. Mayor Giles moved to table the resolution until the next meeting. Commissioner Warren seconded the motion. A voice vote was unanimous in favor of the motion.

City Commission of Arkansas City Meeting Minutes

City Manager Updates

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

Mayor Giles asked if they should have a special study session to discuss the policy in more depth. Hernandez said staff mainly was looking for some direction from the commission. Commissioner Every said he would prefer having a study session at night. The commissioners asked for a resolution to be placed on the next agenda to schedule a study session at 7 p.m. February 9 at the Hogan building.

Hernandez said he would be gone all of the last week in January on vacation. He is taking a cruise with his family to Mexico. He said City Attorney Niles will be acting city manager while he is gone.

Adjournment

Commissioner Every 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 6:52 p.m.

THE ARKANSAS CITY
BOARD OF CITY COMMISSIONERS

Chad Giles, Mayor

ATTEST:

Lesley Shook, City Clerk