

City Commission of Arkansas City Meeting Minutes

The Arkansas City Board of City Commissioners met in regular session at 5:30 p.m. Tuesday, February 16, 2016, in the Commission Room at City Hall, 118 W. Central Ave., in Arkansas City.

Those present at roll call were Mayor Chad Giles, Commissioner Brandon Every, Commissioner Dan Jurkovich, Commissioner Duane Oestmann and Commissioner 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, Police Chief Dan Ward and ACPD Lt. Luke Larson.

ASM Engineering Consultants, LLC was represented by Kirk Hersey and Ryan McCune.

Citizens in attendance included Albert Brown, Michelle Dykes, Kanyon Gingham, Ken Harader, Mell Kuhn, Gareth McGee, Dustin Schuetz, E.W. Shelton, Steven Walker, and Traveler reporters Cody Griesel and Jeni McGee.

Pastor Mark Fry offered the opening prayer. Mayor Giles led the pledge of allegiance.

Agenda Additions/Deletions and Approval

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

Consent Agenda

Mayor Giles made a motion to approve the consent agenda as presented, including the following items:

1. Approving the February 2, 2016, regular meeting minutes as written.
2. Approving the appointment of City Attorney Niles to the vacant City of Arkansas City position on the Cowley County Juvenile Corrections Advisory Board.

Commissioner Every asked Niles to explain the nature of her service on the board. She said she was interested in contributing to how the juvenile justice system is changed in the next few years, especially concerning the issue of removal of juvenile offenders from the home. Chief Ward said the board has a total of 12 members.

Niles said that if she is elected as a district court judge in August or November, she could transition to sitting on that board as a judge, but the City still would have to fill its position on the board that she would be vacating.

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

New Business

Goff Industrial Park Road Repairs **Resolution No. 2016-02-3020**

City Clerk Shook presented for discussion a resolution authorizing the City to enter into a contract agreement with Andale Ready Mix Central, Inc. for Goff Industrial Park Road repairs, for an amount not to exceed \$67,000.

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Public Works Director Broce said he had been contacted by the Kansas Department of Transportation (KDOT) regarding a City Connecting Links project completed in 2009-10 on Madison Avenue. KDOT said the City never had requested reimbursement for that project's costs and it owed the City an unexpected amount of \$144,628.

He wants to use the money for some much-needed repairs, primarily to the failing concrete panels on Goff Industrial Park Road in front of Creekstone Farms Premium Beef. Three bidders were solicited, with one declining to bid at the last minute. Andale was the low bidder and Wells Construction was the high bidder.

Approximately 34 panels, or 6,000 square feet of concrete, will be replaced and the base beneath the panels will be replaced with rock. Commissioner Oestmann asked by the road had deteriorated so badly. Broce said the panels were poured directly on a weaker clay base. He thought the contractor might have "pulled a fast one."

He said City street crews also will be more diligent about sealing cracks and preserving the life of the concrete.

Commissioner Every asked if the KDOT reimbursement funds could be used somewhere else. City Manager Hernandez said they were not exclusive to road projects. Commissioner Jurkovich asked how the money fell through the cracks. Broce attributed it to a high level of administrative turnover in the City from 2009 to 2011.

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

A voice vote resulted in four aye votes and one nay vote, with Commissioner Every dissenting. Mayor Giles declared the resolution adopted and given Resolution No. 2016-02-3020.

Skyline/61st Roads Change Order **Resolution No. 2016-02-3021**

City Clerk Shook presented for discussion a resolution authorizing the City to enter into a change order agreement with Andale Ready Mix Central, Inc. regarding the Skyline Road and 61st Road improvements, for an amount not to exceed \$44,249.14. That amount represents 1.5 percent of the total project costs.

Public Works Director Broce said some of the changes were decisions made in the field due to unexpected construction conditions. Others were elective changes that would be nice to have in order to have a complete project, but they were left out of the original project scope in order to reduce project costs. Now that the project is coming in under budget, he would like to add them back into the project.

Those changes include grounding rods for the street lights to protect the LED heads, which are \$5,000 to \$6,000 apiece, from lightning strikes. Broce said the rods are cheap insurance. While that change already has been made, other changes such as crosswalks, new striping and installing new traffic signs are yet to be completed.

Extra dirt from the site also was transported to the site of the new Water Treatment Facility, Broce said.

ASM representative Kirk Hersey said the costs of painting new crosswalks and striping was so high because it was mostly hand work. He said that while the changes were not necessary, they would increase public safety.

Commissioner Every moved to approve the resolution, excluding items 5 (signing) and 6 (pavement marking), for an amount not to exceed \$25,327. Commissioner Jurkovich seconded the motion.

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Commissioner Warren asked if items 5 and 6 were absolutely necessary. Broce said some of the signs could be made in house, but the striping would look a little odd and there would be no crosswalks for pedestrian traffic.

Commissioner Warren asked if the City could be held liable for not having any crosswalks. Broce said it could not and many brick streets do not have them, but it would look better and be safer for foot traffic in the area.

J.W. Shelton criticized City officials for not including all of the items in the original project scope in the first place. Mayor Giles said change orders happen on projects because unforeseen items occur once construction begins.

Commissioner Oestmann asked if the KDOT reimbursement money could be used for the change order items. Broce said it could, but the City had strived to keep this particular project funded only by street sales tax funds.

A voice vote resulted in two aye votes and three nay votes, with Mayor Giles, Commissioner Oestmann and Commissioner Warren dissenting. Mayor Giles declared the motion failed.

Mayor Giles moved to approve the resolution as written. Commissioner Oestmann seconded the motion.

A voice vote resulted in three aye votes and two nay votes, with Commissioners Every and Jurkovich dissenting.

Mayor Giles declared the resolution adopted and given Resolution No. 2016-02-3021.

Demolition of 606 S. Summit St. **Resolution No. 2016-02-3022**

City Clerk Shook presented for discussion a resolution authorizing the City to enter into a contract agreement with Bradburn Wrecking Company for the demolition of 606 S. Summit St., for an amount not to exceed \$78,080.

Neighborhood Services Superintendent Brown said six bidders expressed interest in the demolition project after the City Commission declared the structure as dangerous during a hearing last December, but only three bid.

Brown said he had worked with both Bradburn and HD Mills in the past with other cities. Mayor Giles asked about the bids from the previous time this demolition was bid. Brown said they were in the range of \$78,000.

Commissioner Warren asked from where the money for this project would come. City Manager Hernandez said the 2016 demolition budget of \$25,000 had been expended already and the 2015 budget of \$75,000, intended for this project, had gone back into the general fund at the end of last year. He suggested using sanitation funds.

Brown said three other dangerous structures already had been demolished with the \$25,000. A fourth demolition due to a structure fire should be reimbursed by insurance. Hernandez said the owner of a property on East Adams Avenue that had to be demolished last October also still needs to reimburse the City for its costs.

Commissioner Every said he didn't think the building was in imminent danger of falling down and asked if it could be boarded up. Brown said that had been done before, but people keep removing the boards and entering the building. Every asked if police could patrol the area more. Brown said he is worried about collapse.

Commissioner Warren asked if the City could be liable for any injury or damage if the building collapses. City Attorney Niles said the property owner would be liable and the City is immune from liability.

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Hernandez said there hadn't been any major issues with the elevator in 16 months and suggested putting it off.

Commissioner Oestmann moved to approve the resolution, contingent on the postponement until 2017 of a planned elevator control box remodel at City Hall that was to cost \$92,000. Mayor Giles seconded the motion.

A voice vote resulted in three aye votes and two nay votes, with Commissioners Every and Jurkovich dissenting.

Mayor Giles declared the resolution adopted and given Resolution No. 2016-02-3022.

Vacation of Buchanan Avenue **Ordinance No. 2016-02-4405**

City Clerk Shook presented for discussion a first reading of an ordinance vacating Buchanan Avenue from the east line of Summit Street to the east line of A Street, together with the alley in Block 2 of South Park Addition, with the retention of a City easement for utilities. The vacation was recommended Feb. 9 by the Planning Commission.

City Planner White said Cowley College, which owns all of the surrounding property, requested the vacation in order to clean up the property lines in the area as part of its 30-year master plan to expand athletic facilities.

White said that as long as the utility easement is retained, there are no other issues with any utilities in the area.

Commissioner Warren asked about the college's plans for the area. White said they have no immediate plans to do anything with the road, but he speculated that the long-term plan is to build more facilities to the south of it.

City Manager Hernandez said there are no City plans for growth in that area, other than the college property.

Commissioner Jurkovich moved to approve the ordinance on first reading. Commissioner Every seconded the motion. A roll call vote was unanimous in favor of the motion.

Mayor Giles declared the ordinance adopted and given Ordinance No. 2016-02-4405.

Hotel Guest Registry Production **Ordinance No. 2016-02-4406**

City Clerk Shook presented for discussion a first reading of an ordinance modifying Municipal Code Section 18-77, regarding production of hotel guest registries.

City Attorney Niles said current Municipal Code requires hotels to maintain a guest registry and produce it to police officers upon request. She said this is a violation of the Constitutional protection against unreasonable search and seizure, and cannot be enforced. Officers would have to seek a search warrant first for the registries.

Commissioner Every moved to approve the ordinance on first reading. Commissioner Jurkovich seconded the motion. A roll call vote was unanimous in favor of the motion.

Mayor Giles declared the ordinance adopted and given Ordinance No. 2016-02-4406.

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Self-Storage Unit Doorways **Ordinance No. 2016-02-4407**

City Clerk Shook presented for discussion a first reading of an ordinance amending Subdivision Regulations Article 13, repealing existing laws of the City and incorporating such regulations by reference pursuant to state statutes.

City Planner White said the Planning Commission on February 9 had voted unanimously to recommend language suggested on January 5 in a motion by the City Commission to allow self-storage unit doorways to face either adjacent residential property or City rights-of-way, as long as appropriate screening is in place to shield them.

If there is no screening, the doors cannot face either of those areas, as the current Subdivision Regulations read.

Mayor Giles said the process was not fun and took time, but it worked as intended. He thanked the Planning Commission for listening to the City Commission's feedback and fixing the problem.

Commissioner Oestmann moved to approve the ordinance on first reading. Mayor Giles seconded the motion. A roll call vote was unanimous in favor of the motion.

Mayor Giles declared the ordinance adopted and given Ordinance No. 2016-02-4407.

City Manager Updates

City Manager Hernandez said Spring Hill Golf Course had sent its annual report and a check for \$5 to pay five years of back rent for the facility. He said they would be asking for more money in their 2017 budget request.

He also called the City Commission's attention to City board vacancies and some applications that had come in.

Hernandez said there would be an hour of recess before the joint meeting with the South Central Kansas Medical Center Board of Trustees would begin. He said he had allowed two hours to complete this meeting.

Commissioner Every asked about the current arrangement with the golf course. Hernandez said the City owns the facility, leases it to the course to operate and manage for \$1 a year, and provides it with free water.

Other Business

Commissioner Every asked if a citizen has the right to shoot an animal within the City limits. Chief Ward said that is only legal if someone's life is in immediate danger. He said it still is better to call the police, though.

Otherwise, Ward said, it is unlawful to discharge a firearm within the City limits.

Commissioner Every also asked about the recent spate of burglaries in Bolton Township and noted he had seen some Arkansas City Police Department patrol cars in the IXL neighborhood recently. Chief Ward said ACPD occasionally assists in the county, but in this case, officers were in the area for follow-up investigation regarding people who had lived in the area and were suspects in recent burglaries. He updated the City Commission on the efforts of ACPD's Burglary Task Force, and the progress made so far in arrests and recovered property.

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Adjournment

Mayor Giles moved to adjourn the meeting until 7:30 p.m. Commissioner Oestmann seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Giles declared the meeting adjourned at 6:35 p.m.

THE ARKANSAS CITY
BOARD OF CITY COMMISSIONERS

Chad Giles, Mayor

ATTEST:

Lesley Shook, City Clerk

Prepared by:

Andrew Lawson, Public Information Officer