

City Commission of Arkansas City Meeting Minutes

The Arkansas City Board of City Commissioners met in regular session at 5:30 p.m. Tuesday, December 1, 2015, 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, Environmental Services Superintendent Rod Philo, Neighborhood Services Superintendent Richard Brown, City Planner Josh White, Police Chief Dan Ward and ACPD Lt. Luke Larson.

Citizens in attendance included Cindy Current, Allen Fisk, Mary Lou Fisk, Rachel Hanna, Ken Harader, Bert Wilson and Traveler reporter Cody Griesel.

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

Recognition of Visitors

Bert Wilson, 1407 E. Madison Ave., commended the City for attempting to save money during the upcoming Finance Department remodel by using City and Kansas Department of Corrections labor on the project.

But he asked how that labor was compatible with City codes that require a licensed general contractor for such projects. City Manager Hernandez said a general contractor will be selected for the project once construction plans are completed. He said City and KDOC laborers will work on selected portions of the remodel under that general contractor's direction. Neighborhood Services Superintendent Brown said that would satisfy the codes.

Commissioner Jurkovich asked if Wilson could do the same thing on his own property, with a general contractor overseeing his employees' work. Brown agreed that he could, but the general contractor would be held liable.

Ken Harader, 1313 N. First St., asked about more items relating to the new Family Dollar store under construction at 1313 N. Summit St. He said cedar planking was being erected around the dumpster enclosure and asked why it wasn't a masonry wall as well. Public Works Director Broce said the plans only called for a wooden picket fence because it is behind the west masonry wall and should be obstructed from Harader's view.

Harader also asked about the mismatched color of steel behind the store's front façade that faces east toward Summit Street. Harader said he could see the difference from his home. Broce said it's possible the contractor intends to repaint some of the metal before the project is completed, but even if that doesn't happen, there is no way for the City to regulate the color of the structural steel. Brown said he would ask the contractor about it.

Broce also provided an update on the required masonry wall, which will be made of cast-in-place concrete, and outlined the Arkansas City Police Department's plans for a minor traffic study on First Street with a radar sign.

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Consent Agenda

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

1. Approving the November 17, 2015, regular meeting minutes as written.

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

Old Business

Engine Braking Ordinance **Ordinance No. 2015-12-4397**

City Clerk Shook presented for discussion a second reading of an ordinance modifying Municipal Code Section 42-22 to prohibit engine braking in the City limits and amending City of Arkansas City Municipal Code to so reflect.

City Manager Hernandez and Police Chief Ward said they had not heard any questions or complaints regarding the proposed ordinance. Commissioner Warren asked if this sort of ordinance was common in larger cities and Ward said it was. Commissioner Jurkovich asked how enforceable the ordinance is. Ward and City Attorney Niles said the main goal would be to achieve compliance. Hernandez said enforcement could be targeted.

Commissioner Every asked for the proper route for trucks carrying wind turbines and rotors for the wind farm in northern Oklahoma. Hernandez explained the proper route. Ward said this was the first he'd heard of the issue.

Mayor Giles moved to approve the ordinance. Commissioner Every seconded the motion. A roll call vote was unanimous in favor. Mayor Giles declared the ordinance adopted and given Ordinance No. 2015-12-4397.

New Business

Public Hearing to Amend Budget **Resolution 2015-12-3006**

City Clerk Shook presented for discussion a resolution approving a notice of budget hearing for publication and setting the date for a public hearing at 5:30 p.m. December 15, 2015, to amend the 2015 City budget.

Finance Director Cornwell said most of the amendments are due to timing issues, but some Capital Improvement District funds that have to be passed through were not even envisioned when the budget originally was passed.

Commissioner Warren asked about the next step in the process. Cornwell said a public hearing will be held during the next meeting and then the Commission can vote on whether to amend the budget.

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. 2015-12-3006.

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Rezoning 1125 W. Skyline Road **Ordinance No. 2015-12-4398**

City Clerk Shook presented for discussion a first reading of an ordinance rezoning 1125 W. Skyline Road from R-3 (high-density residential district) to C-2 (restricted commercial district).

City Planner White said the rezoning was the first step in the process requested by Joe and Rachel Hanna in order that they might build a self-storage facility on the property. He said staff decided to recommend the rezoning because the property had been vacant for 14 years and the use could be argued to be compatible with the adjacent apartment complex to the east, even though C-2 zoning does not match the City's future land-use map.

The Planning Commission met November 10, held a hearing and ultimately voted to recommend the rezoning.

City Manager Hernandez asked if any consideration was given to what other complementary commercial uses might be. White said that was discussed by the Planning Commission. Hernandez said this would be the second or third change to the future land-use map and asked if the Planning Commission should look at it again. White said the other rezones fit the map and this was the first case that diverged from it significantly.

Hernandez asked about additional stipulations regarding landscaping, fencing and architectural style. White said they were required conditions of the conditional-use permit. Commissioner Jurkovich asked why this case was an outlier. White said it was due to the length of vacancy. Commissioner Every agreed it was worth filling the lot.

Hernandez observed that storage units do not require much infrastructure and thus are not as permanent as other forms of construction. That means future residential development could occur on the site at minimal cost.

Commissioner Every moved to approve the ordinance. Commissioner Warren seconded the motion. A roll call vote resulted in four aye votes and one nay vote, with Commissioner Jurkovich dissenting because the rezoning does not align with the future land-use map the City Commission adopted in 2014 with the Comprehensive Plan.

Mayor Giles declared the ordinance adopted and given Ordinance No. 2015-12-4398.

Self-Storage Facility Conditional-Use Permit

City Clerk Shook presented for discussion a first reading of an ordinance approving a conditional-use permit for a self-storage facility in a C-2 restricted commercial district at 1125 W. Skyline Road.

City Planner White said the conditional-use permit would allow the storage units to be built in the new zoning and outlined the site plan review requirements. Staff and the Planning Commission recommended the permit.

One condition, a prohibition on doors facing either Skyline Road or MeadowWalk Apartments, was objected to by Mayor Giles for reasons of public safety. He asked Rachel Hanna if that condition would constitute a hardship for her and she said that it would. Mayor Giles asked if the Planning Commission could rework that condition.

White said he could include it as part of recommended revisions to the subdivision regulations to be discussed at the December 8 Planning Commission meeting. Mayor Giles then moved to table the ordinance and send the recommendation back to the Planning Commission. Commissioner Warren seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Giles declared the ordinance tabled.

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Purchase of Police Interceptors **Resolution 2015-12-3007**

City Clerk Shook presented for discussion a resolution approving the purchase of three pursuit-rated 2016 Ford Police Utility Interceptors from Reedy Ford, for an amount not to exceed \$42,358.00 from the 2016 City budget.

Police Chief Ward outlined the many reasons he recommended selecting these vehicles, mainly including officer comfort and safety. Ward said the vehicles would take several weeks to order and be outfitted, so although they will be paid for from the 2016 budget, he wanted to authorize purchasing them now in order to start the process.

Commissioner Warren asked if the vehicles would hold their value better than cars. Ward said they would and that even though the vehicles are more expensive up front, they actually would be cheaper than cars once trade-in value is factored into the equation. He also said the SUVs get just as good of gas mileage as cars, if not better, but emphasized that all police vehicles get fairly poor mileage because they spend so much time idling.

Zeller Motors and Don Hattan Chevrolet also submitted bids, but Ward said he preferred to stay local because it would lead to less downtime and manpower shortages due to regular maintenance and service. Plus, the Ford package comes with the all-wheel drive option as a standard feature, which also helps with officer safety.

Ward said most of the equipment from the current Tahoes wouldn't fit the new Tahoes at all, so new equipment would have to be purchased regardless of which vehicle was selected. Commissioner Every asked if Ward could make these vehicles last for four years, but Ward said that decision has to be based on downtime for repairs.

Commissioners Oestmann and Warren both thanked Ward for the quality of his presentation, as did Commissioner Every, and for the opportunity to experience entering and exiting each of the vehicles themselves.

Commissioner Oestmann moved to approve the resolution. Mayor Giles seconded the motion. A voice vote was unanimous in favor. Mayor Giles declared the resolution adopted and given Resolution No. 2015-12-3007.

Purchase of Cargo Box Van **Resolution 2015-12-3008**

City Clerk Shook presented for discussion a resolution approving the purchase of a 2016 Dodge Ram 1-ton pickup truck from Zeller Motor Company with an installed cargo box van from Brown Cargo Van, of Lawrence, for a total amount not to exceed \$34,895.00.

Public Works Director Broce said the City had increased from 270,000 pounds of recycling a year ago to more than 500,000 pounds this year, thanks to the new recycling trailers, and the commercial pickups that were done with a box truck that burned and was totaled last month. It already was scheduled to be replaced in 2015.

Four bids were received, and Broce said Zeller would provide good local service. He also said there would be no trade-in value on the current truck. Mayor Giles asked if there had been an insurance claim, but Finance Director Cornwell said it only had liability insurance.

Commissioner Every moved to approve the resolution. Commissioner Warren seconded the motion. A voice vote was unanimous in favor. Mayor Giles declared the resolution adopted and given Resolution No. 2015-12-3008.

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Purchase of Utility Beds/Cranes **Resolution 2015-12-3009**

City Clerk Shook presented for discussion a resolution approving the purchase of two 2016 Dodge Ram 1-ton pickup trucks from Zeller Motor Company, and utility beds and cranes from Midwest Truck Equipment, of Wichita, for a total amount not to exceed \$99,858.00.

Public Works Director Broce and Environmental Services Superintendent Philo said the cranes would allow the City not to have to replace an obsolete boom truck. Philo said this comprehensive bid differed from past bids that would have kept the trucks and utility beds/cranes separate.

Commissioner Every asked if Philo could make do with just one new truck, but Philo said the trucks would be used by different divisions. He also said the cranes could be used in concert to lift extremely heavy objects.

Commissioner Jurkovich asked if the price would be affected by purchasing only one crane. City Manager Hernandez said two trucks were needed, with possibly only one crane. But he recommended purchasing both because they would be utilized sufficiently to support the cost of two cranes.

Commissioner Oestmann moved to approve the resolution. Mayor Giles 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. 2015-12-3009.

City Manager Updates

City Manager Hernandez said Skyline Road was progressing well and possibly might be open in time for Christmas. He said outer panels on the clearwell would start going up in the next few weeks.

Hernandez also previewed the Beautification and Tree Advisory Board meeting on December 3, and said the board would discuss a process for park adoption. He also suggested that commissioners attend a reception December 2 for 30-year employee Donnie Evans and the City Christmas party on December 4.

Hernandez said he would be out of town the next three days for a Kansas Association of City-County Management meeting and also would be using several vacation days the week after that.

Other Business

Commissioner Every asked if a process had been developed yet for selecting bidders and when to go out for bids, based on the projected cost of a project. City Manager Hernandez said staff still was working on it.

Adjournment

Commissioner Jurkovich moved to adjourn. Commissioner Warren seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Giles declared the meeting adjourned at 6:58 p.m.

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THE ARKANSAS CITY
BOARD OF CITY COMMISSIONERS

Chad Giles, Mayor

ATTEST:

Lesley Shook, City Clerk