

# City Commission of Arkansas City Meeting Minutes

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The Arkansas City Board of City Commissioners met in regular session at 5:30 p.m. Tuesday, November 17, 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, Duane Oestmann and Jay Warren. Commissioner Dan Jurkovich was absent.

Also present at roll call were City Manager Nick Hernandez, City Attorney Tamara Niles, Public Information Officer Andrew Lawson, City Clerk Lesley Shook, Public Works Director Eric Broce, Police Chief Dan Ward, Fire Chief Bobby Wolfe, and Parks and Facilities Director Tony Tapia.

Citizens in attendance included Cindy Current, Michelle Dykes, Ken Harader and Traveler reporter Jeni McGee.

Also in attendance was Parkerfield Mayor Mike Bergagnini.

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.

## **Recognition of Visitors**

Ken Harader, 1313 N. First St., came to the meeting to follow up on his prior request that the City Commission consider reducing First Street to a one-way street from Kansas Avenue to at least Linden Avenue in order to alleviate expected traffic issues due to the upcoming opening of a new Family Dollar store at 1313 N. Summit St.

Public Works Director Broce said he had concerns about the idea, whether it is made one-way north or one-way south, and that he didn't have relevant accident data to back up the proposal. He suggested trying to eliminate parking on one side of the street first before trying to alter the traffic flow to prevent an anticipated problem.

Broce and City Manager Hernandez said they would prefer to see a petition from residents of the affected neighborhood before making a recommendation to change the traffic flow. Harader said he would gather one.

Harader also reported that Family Dollar was constructing a pressure-treated wooden privacy fence at the rear of its property along First Street, rather than the 6- to 8-foot decorative masonry wall that was dictated by the Board of Zoning Appeals as a requirement of a conditional-use permit that it issued for the property April 13.

Broce said the Public Works Department would double-check the approved plans and hold the store to them.

## **Awards and Proclamations**

Mayor Giles read a proclamation that November is National Adoption Month in Arkansas City and National Adoption Day would be observed November 21.

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## **Consent Agenda**

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

1. Approving the November 3, 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.

## **New Business**

### **Engine Braking Ordinance**

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

City Manager Hernandez said a citizen had requested a sign prohibiting engine braking by tractor-trailers on the south portion of the U.S. 77 bypass, so City Attorney Niles amended the current disturbing the peace ordinance.

Commissioner Oestmann asked if the current ordinance could be used to punish people with hot rods and dragsters. Niles said there is a specific ordinance against drag racing.

She added that the ordinance prohibiting disturbing the peace could be used to issue a citation in a neighborhood in the event of an example Oestmann gave, but the law has a subjective component and police usually address those issues with a verbal request to stop the noisy behavior, before issuing a citation after further offenses.

Police Chief Ward said most citizens would comply with the signage. Other violators could be cited if an officer observed the use of engine braking, he said.

Commissioner Warren moved to table the ordinance until a second reading Dec. 1. Mayor Giles seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Giles declared the motion approved.

### **SCKMC Board of Trustees**

City Clerk Shook presented for discussion four candidates for one vacancy on the South Central Kansas Medical Center Board of Trustees. The seat was vacated recently by the resignation of Slade Griffiths.

Mayor Giles said Joel Day had removed his name consideration, leaving Mike Bergagnini, Mell Kuhn and Mark Paton as the three remaining candidates. He asked the other commissioners to express their preferences.

Commissioners Oestmann and Warren said they supported Paton because of his financial experience as a small business owner and his vast experience on other boards, including the City Commission and Cowley College.

Commissioner Every said he supported Bergagnini because it would provide Parkerfield with some representation on the board and Bergagnini was the only candidate had who attended the meeting.

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Commissioner Oestmann moved to recommend appointing Paton to the seat. Commissioner Warren seconded the motion. A voice vote resulted in three aye votes and one nay vote, with Commissioner Every dissenting.

Mayor Giles declared the motion approved and thanked Bergagnini for coming to the meeting.

## **Finance Department Remodel**

City Manager Hernandez asked for approval for the City Hall remodeling project that was presented at the November 13 study session. The scope of the project is to renovate the Finance Department and Utility Billing Office, add a public restroom on the main floor, and possibly redo the flooring in the first-floor hallways.

Commissioner Every said he didn't think the remodel was a good use of money, given the recent discussion about the cost of installing new park equipment in Catalpa Park.

Mayor Giles moved to approve the main-floor remodel, excluding the Commission Room, City Clerk's Office and City Manager's Office, for an amount not to exceed \$50,000. Commissioner Oestmann seconded the motion.

A voice vote resulted in three aye votes and one nay vote, with Commissioner Every dissenting. Mayor Giles declared the motion approved.

## **City Manager Updates**

City Manager Hernandez said the walls for the new clearwell would start going up later that week, weather permitting. Public Works Director Broce said the contractor only asked for 10 additional days by change order.

Hernandez and Broce said the Kansas Gas Service curb work on West Madison Avenue would be addressed.

Mayor Giles asked how the Skyline Road reconstruction project was going. Broce praised Andale Ready Mix for its work so far and said he was thoroughly impressed. Hernandez said the work was some of the best he'd seen.

Broce said Andale estimates it can finish Skyline before Christmas, which Hernandez said was ahead of schedule.

Commissioner Oestmann asked about the progress of repairs at the Wastewater Treatment Facility. Broce said that project has been on the back burner while the Public Works Department tackled other projects. He said he and Environmental Services Superintendent Rod Philo have discussed waiting for a more comprehensive project.

## **Other Business**

Commissioner Every asked if the City was going to formalize its procedure for the adoption of parks in light of the discussion at the November 13 study session. City Manager Hernandez said it would be discussed at the next meeting of the City Beautification and Tree Advisory Board at noon December 3 in his office at City Hall.

Hernandez also said he had a good discussion with Allen Fisk earlier that week, and both men were excited to move forward on a plan for citizens to take care of and improve Catalpa Park.

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Commissioner Every asked a follow-up question about the bidding process for electrical services for the new backup generator. Hernandez and Public Works Director Broce explained that the prior quoted price simply was an installation estimate, not a bid, and the work would be let for bids once the generator arrived at City Hall.

Hernandez added that Assistant Public Works Director Mike Crandall was working on a more in-depth manual for purchasing and bidding. He said it would be presented to the commission at a later date. Mayor Giles asked what the current process was. Hernandez and Broce said the process would be spelled out by dollar amounts.

At Mayor Giles' request, City Attorney Niles said she would research what state law had to say on the matter.

## **Adjournment**

Commissioner Warren moved to adjourn. Commissioner Oestmann seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Giles declared the meeting adjourned at 6:32 p.m.

THE ARKANSAS CITY  
BOARD OF CITY COMMISSIONERS

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Chad Giles, Mayor

ATTEST:

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Lesley Shook, City Clerk