

City Commission of Arkansas City Meeting Minutes

The Arkansas City Board of City Commissioners met in regular session at 5:30 p.m. Tuesday July 7, 2015, in the Commission Chambers at City Hall. Those present at roll call were Commissioners Brandon Every, Dan Jurkovich, Duane Oestmann and Jay Warren, and Mayor Chad Giles.

Also present at roll call were City Attorney Tamara Niles, City Clerk Lesley Shook, Public Information Officer Andrew Lawson, Public Works Director Eric Broce, Environmental Services Superintendent Rod Philo, Finance Director Kathy Cornwell, Police Chief Dan Ward, Police Captain Mark McCaslin and Fire Chief Bobby Wolfe.

Citizens in attendance included Kanyon Gingher, Mell Kuhn, Sheila Malone, Jennifer Ratcliff, Candace Stephens, Steven Walker and Traveler reporter Jeni Payne.

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

Consent Agenda

Motion by Commissioner Oestmann and seconded by Commissioner Jurkovich that the consent agenda be approved, and to include the following items:

1. Approval of June 16, 2015, regular meeting minutes as written.

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

Old Business

Mayor's Appointments

City Clerk Shook presented for discussion the Mayor's appointment to the South Central Kansas Medical Center Board of Trustees. Candidates for one seat included Mike Bergagnini, Joel Day, Mell Kuhn and Dr. Jerry Old.

Mayor Giles requested that the other commissioners advise him between Kuhn and Old. Commissioner Every said he had talked to Old, who had a lot of physician and hospice experience, but little managerial experience.

Every recommended Kuhn because he is an Arkansas City resident and Old is not. Commissioner Warren said many patients live outside the City and that should not be the sole criteria used. Commissioner Jurkovich also recommended Old for his experience and connections. Commissioner Oestmann said he agreed with Jurkovich.

Mayor Giles indicated he would like to nominate Old and Commissioner Warren moved to ratify the appointment. Commissioner Every seconded the motion. A voice vote was unanimous in favor of the motion.

Mayor Giles declared the motion passed.

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New Procedure for Study Sessions **Resolution No. 2015-07-2968**

City Clerk Shook presented for discussion a Resolution that would repeal Resolution No. 2011-05-2701 and set a new procedure for City Commission study sessions. City Attorney Niles summarized the changes, saying the current practice of regularly scheduled work sessions to discuss the upcoming agenda would be canceled and instead, study sessions only would be called as needed to discuss a specific topic, with no action to be taken.

Commissioner Jurkovich moved to repeal Resolution No. 2011-05-2701 and set a new procedure for City Commission study sessions. Commissioner Oestmann seconded the motion.

Mayor Giles asked Niles about a provision in the resolution that states it is the mayor who calls the study sessions. She said it could be changed to the city manager or a majority of the City Commission, but having it be one person eliminates the need for a public meeting to schedule the study session. He said he would not deny requests for study sessions, but was concerned a future mayor might. Commissioner Jurkovich pointed out a study session still could be requested and voted upon during a public meeting of the Governing Body.

A voice vote was unanimous in favor of the motion. Mayor Giles declared the resolution adopted and given Resolution No. 2015-07-2968.

New Business

Salvation Army Lease Agreement **Resolution No. 2015-07-2969**

City Clerk Shook presented for discussion a Resolution authorizing a lease agreement between the City of Arkansas City and the Salvation Army for office space at the Senior Citizens Center. Because the Salvation Army's building was sold, forcing its closure, and the Senior Center has available office space in the Ceramic Room, she said the City offered the room to the Salvation Army for the nominal fee of \$100 a month to pay utilities costs.

The Salvation Army will have unlimited use of the office and meeting rooms, as well as some storage space if the Senior Center does not require it. Because the organization already has moved in, it will pay \$100 immediately upon execution of the agreement, plus \$100 a month starting in August. This is a month-to-month lease that can be terminated by either party at any time with 30 days' notice.

Commissioner Warren wanted to know what will happen when the Senior Center needs the room for three months during tax season. Niles said there are other available rooms, but if the Senior Center decides the Ceramic Room is critical, the City could terminate the lease.

Commissioner Warren moved to authorize a lease agreement between the City of Arkansas City and the Salvation Army for office space at the Senior Citizens Center. Commissioner Every seconded the motion. Commissioner Warren said it was important to keep the Salvation Army in Arkansas City. A voice vote was unanimous in favor of the motion. Mayor Giles declared the resolution adopted and given Resolution No. 2015-07-2969.

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Skyline Road Improvement Project **Resolution No. 2015-07-2970**

City Clerk Shook presented for discussion a Resolution authorizing the City of Arkansas City to enter into a contract agreement with Andale Ready Mix Central, Inc. for the construction of the Skyline Road and 61st Road Improvement Project. Public Works Director Broce said the project had been in the works since 2008 and was part of the half-cent street sales tax proposal, which sunset in 2014 and generated a little more than \$3.8 million.

Broce said Skyline originally was only a mill and overlay project estimated at \$500,000. But with the expansion of Creekstone Farms Premium Beef LLC and other potential development at Goff Industrial Park, officials realized the road would need a full reconstruction due to increased truck traffic. In 2014, in cooperation with Creekstone, the City applied for an Economic Development Grant through the Kansas Department of Transportation. A grant of \$2.3 million was awarded for the project. The project originally was bid in March, but only one bid of \$3.8 million was received. The project was redesigned by ASM, extending the completion period to May 31, 2016, and \$40,000 was eliminated from the project to encourage more competitive bidding. This time, Andale Ready Mix offered a bid of \$2,899,914.15, which was less than both the original bid and the engineer's estimate.

The City was hoping only to spend \$300,000 on the project, as well as \$290,000 in associated project costs that is already spent or allocated. KDOT approved an extra \$300,000 for the project, for a total of \$2.6 million, with the City spending less than \$600,000 in street sales tax money on the reconstruction.

Commissioner Warren asked about the planned pedestrian walkways along Eighth Street from MeadowWalk Apartments to Goff Industrial Park Road. Broce mentioned the LED lighting (reduced from 65 fixtures to 49 to save money) and underground electric wiring in the industrial park, which will be about \$300,000. A regional detention facility for stormwater also is part of the project to accommodate incoming industries.

Commissioner Oestmann asked about the extent of the project. Broce explained that the City has a Memorandum of Understanding with Cowley County to exchange Skyline Road west of MeadowWalk Apartments for 61st Road to Goff Industrial Park Road, which will become a City street.

Commissioner Every asked for a breakdown of project costs, which Broce indicated was in the bid tabulation.

Commissioner Giles asked for more specifics about the City's share of the costs. Broce said the City Commission authorized up to \$269,000 in additional spending last year, including inspection and utilities relocation.

Commissioner Jurkovich asked if the road would be widened. Broce said it would be able to bear heavy traffic with 8 inches of pavement on 12 inches of base. Center turn lanes will be at Skyline Industries and Eighth Street.

Mayor Giles praised the work done to leverage the City's money into such a large project with state grant dollars.

Commissioner Jurkovich asked ASM representative Kurt Hersey what a simple mill and overlay would have cost, and he estimated about \$500,000 to \$600,000. Jurkovich said the City was getting more road for the same cost.

Commissioner Every asked about a matching requirement and wanted to know if the City could have spent less money on a smaller project. Broce said KDOT encourages up to a 30-percent local match, but this was 20 percent.

Mayor Giles moved to approve a contract agreement with Andale Ready Mix Central, Inc., not to exceed \$2,899,914.15, for the Skyline Road and 61st Road Project. Commissioner Warren seconded the motion.

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Mell Kuhn asked about the progress in repairing brick streets with the sales tax money. Broce said about \$125,000 had been spent on North Second Street and \$57,000 on East Maple Avenue. He said more projects were identified in the original proposal than there were sufficient funds to pay for through the sales tax, which generated \$3.877 million over five years, including some interest. Close to \$6.4 million in projects had been identified. After the Skyline project, about \$1,325,000 should be left, Broce said. The next project is a mill and overlay of Summit Street from Kansas to Walnut avenues, with the addition of concrete approaches from side streets, which is projected to cost around \$900,000 to \$1 million, excluding a new water line. The remaining money will be used for brick projects, but Broce said the Commission would have to prioritize the projects. Each new block is \$100,000 to \$125,000, he said, but the money could be stretched by patching many larger areas.

Mayor Giles observed that the Summit Street project will be a challenge to do because of the Last Run Car Show and Arkalalah. Broce said the new water line could be installed first, with the mill and overlay potentially being squeezed into the window between the two fall events.

A voice vote was unanimous in favor of the motion. Mayor Giles declared the resolution adopted and given Resolution No. 2015-07-2970.

Urban Area Boundary Lines **Resolution No. 2015-07-2971**

City Clerk Shook presented for discussion a Resolution approving the Urban Area Boundary lines for Arkansas City. Public Works Director Broce said the Kansas Department of Transportation had directed the City of Arkansas City, the City of Winfield and Cowley County to adopt new Urban Area Boundary maps based on the most recent U.S. Census data. KDOT will use them to generate a 10-year plan of where growth is expected to happen based on where traffic and trips into Arkansas City are originating. The Federal Highway Administration mandates it because it has separate funding for urban and rural streets, with the former receiving more money.

Broce said KDOT would adopt a map if the City did not, but it would not include Patterson Park Subdivision.

Commissioner Every asked when the deadline to do this was. Broce said it had needed to be done since last December. In response to a question from Commissioner Jurkovich, Broce said the Census included IXL and Parkerfield as part of the Arkansas City statistical area. Commissioner Every asked if the boundary maps would affect the City's LMI (low and moderate income) status, but Broce said it would not have any adverse effect.

Following discussion, Mayor Giles moved to approve the Urban Area Boundary lines for Arkansas City.

Commissioner Oestmann seconded the motion. Bolton Township resident Sheila Monroe asked how this could affect taxation in outlying areas. Broce said they would remain under county governance, but could have a better chance at KDOT funding with the urban designation. A voice vote resulted in four aye votes and one nay vote, with Commissioner Every dissenting. He said he would have liked to have known more about the item before voting. Mayor Giles declared the resolution adopted and given Resolution No. 2015-07-2971.

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Urban Functional Classification of Streets **Resolution No. 2015-07-2972**

City Clerk Shook presented for discussion a Resolution approving the Urban Functional Classification of Streets within Arkansas City. This action item was related to the two previous resolutions.

Public Works Director Broce said Madison Avenue and Summit Street were downgraded from Principal Arterials to Minor Arterials so they would not be subject to new federal highway standards regarding bridges and signage.

Additionally, the roads that will be affected by the Skyline Road and 61st Road Improvement Project were reclassified accordingly, with part of Eighth Street being deleted from the functional classification. Commissioner Jurkovich asked if this resolution could lead to more funding and Broce said it could, but added that KDOT would use the classifications to balance its dollars better between various cities according to traffic counts. He also said the classification would help the City to prioritize its road spending accordingly.

Mayor Giles moved to approve the Urban Functional Classification of Streets within Arkansas City. 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. 2015-07-2972.

SCADA Upgrades at Wastewater Treatment Plant **Resolution No. 2015-07-2973**

City Clerk Shook presented for discussion a Resolution authorizing the City to enter into a contract with R.E. Pedrotti Company, Inc. to upgrade the SCADA (Supervisory Control And Data Acquisition) system at the Wastewater Treatment Plant, for an amount not to exceed \$39,925.

Environmental Services Superintendent Philo said parts of the current system, which monitors things such as pump control and waste, had been obsolete since 2007. Mayor Giles asked if the purchase was budgeted for this year and Philo said it had. The plant only is staffed nine hours per weekday and four hours on the weekend, so the SCADA system helps to monitor its operations when staff is not on site. Alarms are set if problems occur.

Philo said no bids were let for the upgrades because Pedrotti provided the current software at the plant and switching to a new provider would mean a more expensive purchase of all-new software.

Commissioner Oestmann moved to enter into a contract with R.E. Pedrotti Company, Inc. to upgrade the SCADA system at the Wastewater Treatment Plant, for an amount not to exceed \$39,925. Commissioner Warren seconded the motion.

Commissioner Every asked whether this software could be used if the Wastewater Treatment Plant were to be upgraded in future years. Philo said it work with future upgrades and that the entire plant would not have to be replaced.

A voice vote was unanimous in favor of the motion. Mayor Giles declared the resolution adopted and given Resolution No. 2015-07-2973. Philo thanked the Commission for its support of his staff.

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Public Hearing for Creekstone Tax Exemption **Resolution No. 2015-07-2974**

City Clerk Shook presented for discussion a Resolution establishing a date and time of a public hearing to consider granting an Economic Development Tax Exemption to Creekstone. City Attorney Niles said the Commission had adopted a resolution in June 2014 stating it would consider an ad valorem tax exemption for Creekstone's recently completed expansion. The first step in that process is scheduling a public hearing to consider the advisability of such an exemption. Notice will be published in advance of the hearing.

Commissioner Jurkovich moved to schedule a public hearing to consider granting an Economic Development Tax Exemption to Creekstone during the Commission's next meeting on July 21, 2015. Commissioner Oestmann seconded the motion.

Commissioner Every asked Creekstone official Douglas Mackay if he had anything to say. Mackay said he just was there to show support for the Skyline Road project and appreciation for the possibility of the tax exemption.

A voice vote was unanimous in favor of the motion. Mayor Giles declared the resolution adopted and given Resolution No. 2015-07-2974.

Sunday Alcohol Sales Ordinance

City Clerk Shook presented for discussion an Ordinance authorizing Sunday Sales of Alcoholic Liquor and Cereal Malt Beverage in the Original Package within the City of Arkansas City and amending Municipal Code to so reflect.

City Attorney Niles said the ordinance was drafted at Mayor Giles' request for discussion, but no action was intended at this time because the commissioners had indicated at their prior meeting that the passage of such an ordinance should occur closer to a local election in case it is challenged by local petition and must go to a ballot.

Giles asked about holidays such as Memorial Day or Labor Day. Niles said that under the ordinance, sales would have to be allowed on those days. Only Easter Sunday, Christmas and Thanksgiving would be exempt.

Sheila Malone, manager of Helms Liquor, said local liquor store owners did not want to be open on Sundays because it would be hard to find reliable people to staff their stores and other stores they have talked to have not really seen a benefit from being open an additional day. Commissioners Every and Warren said they had heard the same from other owners. Mayor Giles said no one was forcing the stores to be open and questioned why the City had outlawed the practice. Mell Kuhn said Sunday sales were voted down in 2006 by the populace. Mayor Giles said he thought the time was right to consider bringing it up again, and if it is voted down again, so be it.

Commissioner Jurkovich related the findings of his research into the history of prohibition in Kansas, going back to 1881 when it became the first state to prohibit alcohol sales entirely, which lasted to 1948. He also discussed the anti-saloon efforts of Carry Nation, and the historical importance of Sunday to Christians and the Romans.

Commissioner Every moved to table the Sunday sales ordinance until 2017. Mayor Giles seconded the motion.

A roll call vote resulted in two aye votes and two nay votes, with Commissioners Jurkovich and Oestmann dissenting. Commissioner Oestmann said he didn't see the need for Sunday sales, while Commissioner Warren abstained from voting because he sells his homemade wine to local liquor stores. Mayor Giles declared the motion to table failed and said the matter was settled for now.

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Standard Contractual Provisions **Ordinance No. 2015-07-2974**

City Clerk Shook presented for discussion a first reading of an Ordinance providing for certain standard contractual provisions by the City of Arkansas City and amending municipal code to so reflect. City Attorney said the ordinance was for discussion, but she did not for any action to be taken on it at this meeting.

The City of Hays has a section of its Municipal Code that dictates certain contractual provisions are included as standard in all City contracts. These are provisions Niles has to negotiate every time the City of Arkansas City drafts a new contract, which takes a considerable amount of time to come to terms with the other parties.

Commissioner Every asked for an example of how this could work in Arkansas City. Niles said many parties try to limit their legal liability, but if this ordinance were adopted, Municipal Code would override those attempts.

Commissioner Oestmann asked if Hays had any problems with this. Niles said their city attorney has not had any.

Mell Kuhn asked about how liability insurance affects a company's liability. Niles said the contract can override that, but that she normally has to negotiate that provision. She also outlined other provisions of the ordinance.

Mayor Giles moved to table the ordinance until a second reading on July 21, 2015. Commissioner Oestmann seconded the motion. A voice vote was unanimous in favor of the motion.

Budget Presentations from Outside Agencies **Resolution No. 2015-07-2975**

City Clerk Shook presented for discussion scheduling a public meeting of the Governing Body to hear budget presentations from external agencies for the 2016 budget year.

Finance Director Cornwell said the presentations would be limited to 10 to 15 minutes.

Mayor Giles moved to schedule a public meeting of the Governing Body at noon Friday, July 10, 2015, to hear budget presentations. Commissioner Jurkovich seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Giles declared the resolution adopted and given Resolution No. 2015-07-2975.

Other Business

Fire Chief Wolfe said Arkansas City had no injuries or fires resulting from fireworks. Police Chief agreed that it was a quiet Fourth of July.

Commissioner Dan Jurkovich asked Public Works Director Broce to invite representatives of Burns & McDonnell to a future study session to present a recap of previous Water Treatment Plant studies for the benefit of Commissioners Every and Oestmann. Oestmann said he would appreciate a recap and Every said he would appreciate viewing information that led other commissioners to support the idea of a new Treatment Plant.

Public Works Director Broce said the Water Treatment Plant's high-service pump station had been struck by lightning on July 3, which forced the replacement of wiring. He said the plant would be shut down July 12 to replace the pump. A Sunday was picked because water usage would be lower and Broce said the standpipes would be full, so water service should not be disrupted during that day.

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Adjournment

Mayor Giles moved to adjourn. Commissioner Every seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Giles declared the meeting adjourned.

THE ARKANSAS CITY
BOARD OF CITY COMMISSIONERS

Chad Giles, Mayor

ATTEST:

Lesley Shook, City Clerk