

# 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. January 3, 2017, in the Commission Room at City Hall, 118 W. Central Ave., in Arkansas City.

Mayor Duane L. Oestmann called the meeting to order. Those also present at roll call were Commissioners Dan Jurkovich, Charles Tweedy III and Karen Welch. Commissioner Jay Warren was absent for a medical procedure.

City employees 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, Assistant Public Works Director Mike Crandall, Neighborhood Services Superintendent Richard Brown, City Planner Josh White, Finance Director Kathy Cornwell, Fire Chief Bobby Wolfe, Police Chief Dan Ward, Police Officer Cori Deill, Police Officer Ivan Velasquez and Public Service Officer Sky Chapman.

South Central Kansas Medical Center was represented by chief executive officer Virgil Watson and chief financial officer Holly Harper.

Citizens in attendance included Ken Harader, Dianna Ingram, Brett Von Martin, Cowley CourierTraveler reporter Cody Griesel and Ark City Daily Bytes reporter Jeni McGee.

Commissioner Jurkovich offered the opening prayer. Mayor Oestmann led the pledge of allegiance.

## **Agenda Approval**

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

## **Awards and Proclamations**

Police Chief Ward introduced the newest members of the department — Public Service Officer Sky Chapman, and Police Officers Cori Deill and Ivan Velasquez. Chapman will be handling all of the animal control duties.

Ward said Deill comes from a law enforcement community — her mother recently retired from an Idaho police department as a detective — and she used to work for the City (and later Cowley County) as a dispatcher.

Velasquez is a bilingual Arkansas City High School graduate who worked most recently as a corrections officer.

Officers Deill and Velasquez were sworn in by City Clerk Shook. Ward said both would start attending the Kansas Law Enforcement Training Center in just two weeks and Chapman will take the animal control class in March.

Chief Ward said he challenged his staff a year ago to figure out a way to return to full staffing. They review and revised their procedures, moved to quarterly hiring processes and developed a recruitment team to fix the issue.

As a result of these hires, the Arkansas City Police Department is fully staff for the first time since Ward arrived.

## **Recognition of Visitors**

SCKMC chief financial officer Holly Harper gave an overview of the 2016 statistics and financial information for the medical center. Census still is down 3 percent and surgeries 7 percent, but outpatients are up by 1 percent.

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Commissioner Tweedy asked if the new Geriatric Psych Unit would improve the daily census. Harper said it will.

She said she will show those numbers separately for the first six to 12 months the unit is operational. She projects 70-percent occupancy and a gross revenue increase of \$4.5 million in 2017 due to the new psych unit.

Commissioner Tweedy asked about average length of stay. Harper said they try to keep it around 12 to 15 days.

Commissioner Welch asked about referral sources. Harper listed nursing homes, physicians and veterans homes.

Harper said the hospital has improved its loss by \$55,000 year over year, and while sales tax receipts are down statewide, the taxes and the new unit are projected to generate enough revenue to push SCKMC into the black.

Additional factors are the full effect of Rural Health Clinic status for South Central Kansas Clinic, projected to save up to \$400,000; a slight reduction in contractuals due to the Clinical Documentation Improvement project; and \$281,250 in revenue from participation in the 340B pharmacy program through South Central Kansas Clinic.

Mayor Oestmann asked if there is any thought of expanding the extra hours at the clinic. Harper said it isn't yet at capacity, but it eventually might get there. Saturdays are not that busy, but the weeknights certainly are.

City Manager Hernandez pointed out Harper's balance sheet, dated November 30, 2016, showed greater available cash on hand than the City current has available in its General Fund. She countered that was just a snapshot and likely has changed since those numbers were recorded.

Commissioner Jurkovich asked if there was any threshold on the accounts payable that, once reached, would signal it is time for SCKMC to resume its \$25,000 monthly repayments to the City. Harper said she would want to get all of her accounts payable into the 30- to 60-day range before resuming those repayments to the City.

She said this was the best outlook for SCKMC in many years and thanked Quorum for its assistance in that regard.

## **Consent Agenda**

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

1. Approving the December 20, 2016, regular meeting minutes as written.

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

## **Old Business**

### **Unsafe/Dangerous Structures** **Resolution No. 2017-01-3070**

City Clerk Shook presented for discussion a resolution declaring structures located at 413 W. Madison Ave., 421 W. Madison Ave., 608 S. Fourth St., 614 S. Fourth St., 617 S. Fourth St., and 1419 S. Summit St. as unsafe and dangerous, and directing that they be repaired, shored or otherwise made safe — or alternatively, demolished.

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Neighborhood Services Superintendent said four of the houses — all except for 617 S. Fourth St. and 1419 S. Summit St. — are owned by Sue Bridges and the late John Bridges. The owners have no interest in improving the properties, but potentially are willing to deed them over to the City if they are condemned and demolished.

He showed pictures of all six structures and offered testimony regarding the various problems at each property.

Mayor Oestmann opened a public hearing on 614 S. Fourth St. No one spoke. He closed the public hearing.

Mayor Oestmann made a motion to declare 614 S. Fourth St. as unsafe and dangerous. Commissioner Jurkovich seconded the motion. A voice vote was unanimous in favor of the motion.

Commissioner Tweedy asked if the structure likely is beyond saving. Brown said that was his professional opinion.

City Manager Hernandez said all of the properties have liens for unpaid taxes and are likely to sell at sheriff's sale.

Mayor Oestmann opened a public hearing on 608 S. Fourth St. Brett Von Martin, 617 S. Fourth St., said he didn't think this particular property was beyond repair, but admitted the prior house had been abandoned for 30 years.

Brown said the ceiling is starting to sag and the floor joists are spongy. The foundation also is starting to crumble.

Martin also said 413 W. Madison Ave. was in pretty bad shape. Oestmann then closed the public hearing.

Mayor Oestmann made a motion to declare 608 S. Fourth St. as unsafe and dangerous. Commissioner Tweedy seconded the motion. A voice vote was unanimous in favor of the motion.

Mayor Oestmann opened a public hearing on 413 W. Madison Ave. No one spoke. He closed the public hearing.

Commissioner Welch made a motion to declare 413 W. Madison Ave. as unsafe and dangerous. Commissioner Tweedy seconded the motion. A voice vote was unanimous in favor of the motion.

Mayor Oestmann opened a public hearing on 421 W. Madison Ave. No one spoke. He closed the public hearing.

Mayor Oestmann made a motion to declare 421 W. Madison Ave. as unsafe and dangerous. Commissioner Jurkovich seconded the motion. A voice vote was unanimous in favor of the motion.

Mayor Oestmann opened a public hearing on 617 S. Fourth St. Brown said the house first came to his attention in June 2015 when the water was disconnected. The natural gas service also was turned off and never restored.

Last year, Brown and Combination Inspector Mike Bellis inspected the property. Martin told Brown at the time that he didn't have the money to make necessary repairs and thus had not contacted Brown as instructed.

Brown told Martin he could not live in a house without electricity, heat or water, or a leaking roof. He also said several neighbors had complained that Martin was throwing his feces out the back door of the residence.

Upon inspection, Brown said he and Bellis saw mold growing from the ceiling in various parts of the house. They also found the electricity had been restored without Brown's knowledge and against normal protocols. Brown said he has tried to work with Martin, who never has taken care of anything he has promised to do at the house.

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A licensed electrician and plumber inspected the house December 14, but refused to do any work on the residence until the mold is remediated, Brown said. There also was a dispute concerning removal of property.

Brown said Martin had signed a document, which Brown showed, that acknowledged the extent of mold growth and 75-percent dilapidation of the structure, and further agreed to remove belongings by December 30, 2016.

Brown showed the roof deterioration from four angles, as well as junk and debris in the back yard, an associated storage building with a failing roof, exposed homemade wiring, foundation erosion, and exposed floor joists.

Commissioner Welch asked if anyone had talked to Martin about mold remediation. Brown said he explained the hazards to his health. Commissioner Tweedy asked how much it might cost. Brown said it could range anywhere from \$1,000 to \$30,000 or \$40,000, but he thinks the entire roof and trusses will have to be removed.

Additionally, Brown said 90 percent of the building needs to be rewired and the plumbing must be replaced. An old, nonfunctional potbelly stove is the only potential source of heat in the structure, which is insufficient.

Hernandez said Martin had asked for an extension of time to remove his belongings and a chance to address the commissioners about his plan, timeline, and goals for restoring the property.

Martin said someone volunteered to offer supplies to fix the roof, but he denied many of Brown's allegations and said the building was structurally sound. Hernandez told him he needed a licensed roofer to do the work.

Martin also contested the plumber's estimated of \$2,500 needed to replace plumbing, said he had paid his electric bill and claimed he had a brand-new door ready to hang in the back, above the crumbling foundation.

He said the house had been re-plastered and re-sheetrocked, but later admitted that was done 10 years ago.

Mayor Oestmann said he wanted a detailed account of what Martin has done on the house and what he plans to do. Martin said he would hire contractors, pay property taxes and have mold remediated, but he needs time.

Mayor Oestmann asked if Martin had a job and he said he did not. Mayor Oestmann questioned how he would be able to pay for all of the needed work. Hernandez said Martin needed to have specific timelines and dates.

Commissioner Tweedy said the mold has to go, no matter how expensive it is. The nearest remediator is in Maize. Commissioner Jurkovich wondered if allowing expensive remediation would be doing Martin a disservice.

Mayor Oestmann closed the public hearing and made a motion to declare 617 S. Fourth St. as unsafe and dangerous, but grant two weeks for a mold report and allow the rest of the week to remove all personal property. Commissioner Welch seconded the motion. A voice vote was unanimous in favor of the motion.

Mayor Oestmann opened a public hearing on 1419 S. Summit St. No one spoke. He closed the public hearing.

Mayor Oestmann made a motion to declare 1419 S. Summit St. as unsafe and dangerous, and approve the resolution with the changes made regarding 617 S. Fourth St. Commissioner Jurkovich seconded the motion.

A voice vote was unanimous in favor of the motion. Mayor Oestmann declared the resolution approved and given Resolution No. 2017-01-3070.

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## New Business

### Rezoning 1401 S. Sixth St. Ordinance No. 2017-01-4427

City Clerk Shook presented for discussion a first reading of an ordinance authorizing the rezoning of 1401 S. Sixth St. from P (Public Use District) to R-3 (High-Density Residential District).

City Planner White referenced the prior passage by the commissioners of a resolution of support for the proposed low-income senior housing project east of Veterans Memorial Lake, just south of Taylor Avenue.

He said part of the approval process is to consider rezoning the property in question to allow that sort of use.

The surrounding area is primarily agricultural and single-family residential, with large tracts of land. White speculated the lack of further development was due to the area's former status as a floodplain prior to the levee.

He said staff recommended the rezoning because the development appears compatible with the area, albeit more dense. The neighborhood is primed for additional development, but just needs some investment.

Additionally, the project meets Comprehensive Plan goals and the City has no intention to develop the land. The Planning Commission voted unanimously on December 13, 2016, to recommend the rezoning.

Another point of support is the developer's intent to extend the paved walking trail and build public restrooms. Hernandez said this was a major advantage because the cost for the City just to extend sewer there was \$60,000.

Commissioner Tweedy asked if there were any concerns at the Planning Commission meeting. White said some area neighbors were concerned about the density of the development disturbing the rural character of the area.

Commissioner Jurkovich asked if there was any way to condense the site and push it east from the lake. City Manager Hernandez said the City could look at adjusting the setbacks during the site plan approval process.

Commissioner Tweedy asked what would happen years later if the rezoning is approved, but no development occurs. White said the commissioners always could rezone it back to Public Use District.

Dianna Ingram, 1308 S. Fourth St., asked about the floodplain status. Hernandez showed how the levee had removed that area from the floodplain, except some areas further south where a canal can back up if pumps fail.

Hernandez admitted that all bets are off if the levee fails, but that would affect many areas beyond just this one.

He explained to Ingram that the developer still has to apply for and receive tax credits from the federal government. Commissioner Tweedy said there is no guarantee that this project even will go forward.

Hernandez said he is trying to finalize a development agreement and will bring it to a later commission meeting.

Mayor Oestmann made a motion to approve the ordinance. Commissioner Jurkovich seconded the motion.

A roll call vote was unanimous in favor of the motion. Mayor Oestmann declared the ordinance approved and given Ordinance No. 2017-01-4427.

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## Zoning Regulations Ordinance No. 2017-01-4428

City Clerk Shook presented for discussion a first reading of an ordinance modifying Article 25 (Planning Commission, Board of Zoning Appeals, Zoning Administrator and Administrative Variances) of the Zoning Regulations, and amending Municipal Code to reflect those changes.

City Planner White said this was just a housekeeping effort to remove language duplicative of the general provisions for all City boards that were approved a few months prior. Most other changes are grammatical.

He said the Planning Commission voted unanimously on December 13, 2016, to recommend the modifications.

Commissioner Welch made a motion to approve the ordinance. Mayor Oestmann seconded the motion.

A roll call vote resulted in three aye votes and one nay vote, with Commissioner Jurkovich dissenting. Mayor Oestmann declared the ordinance approved and given Ordinance No. 2017-01-4428.

## Alcohol at Agri-Business Building

City Clerk Shook presented for discussion a first reading of an ordinance modifying Municipal Code Section 50-262, regarding consumption of alcoholic beverages at the Agri-Business Building, located at 712 W. Washington.

City Attorney Niles said the consumption still would be restricted within a fenced or secured area to those who are 21 or older, but those younger would be allowed inside the building, which they are forbidden to do now.

Niles said the ordinance requires obtaining a City permit, but waives a duplicate fee if one already has been paid.

Commissioner Jurkovich asked about other areas that have proved popular for alcohol consumption, such as the Chamber of Commerce breezeway and Wilson Park. City Manager Hernandez said both had been resolved, with the former having been sold to Ark City Arts and the latter approved by ordinance on an event-by-event basis.

Commissioner Jurkovich said he was more interested in repealing the existing Agri-Business Building ordinance altogether and just applying the same rules used everywhere else, since it seems to work well at Wilson Park.

Shook explained that private parties with only invited guests do not have to have a state liquor license, but they have to obtain one from the City. Only public events with uncontrolled access have to seek licenses from both.

Niles clarified that if only cereal malt beverage is being served, then a license only is needed from the City.

Shook said no one can furnish or sell alcohol without a liquor license from the State of Kansas. These rules are enforced by the police chief, who is in charge of approving security arrangements for these sorts of events.

Mayor Oestmann made a motion to disapprove the ordinance. The motion died for lack of a second.

The commissioners then directed staff to develop instead a citywide special events permitting process that treats all City facilities equally, and bring that proposal to a future meeting for discussion and possible approval.

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## **City Manager Updates**

City Manager Hernandez asked Fire Chief Wolfe and Police Chief Ward to address their telephone systems. He said the two public safety departments' telephone systems are malfunctioning, with one out of service entirely.

Wolfe said the fire-EMS department has not had telephone service for a week and a half. Hernandez said it is the same system that has been in place since the 1980s. Ward said his department is receiving intermittent calls.

He said the problems do not extend to 911 or 441-4444, which go to dispatch in Winfield, but the administrative phones all are affected. Hernandez said the City is looking at a Voice Over Internet Protocol (VOIP) system.

Ward said the new system still would be analog, but allow for the possibility of upgrading to digital in the future.

Hernandez said the price to get all of this replaced is about \$20,000. He said Information Technology Manager Matt Metzinger also is pricing a citywide conversion, because it could save up to \$2,000 a month on the City's AT&T telephone bill in the long run. But that is more of a long-term project because this is needed immediately.

Hernandez said as soon as he receives the final bid, he will forward all three bids to the commissioners and tell them which one he has selected. He asked for the extra spending authority necessary to complete the purchase.

Commissioner Tweedy asked if the police and fire phones tie in to City Hall. Hernandez said there is a line from City Hall to the police department, but then an independent system (which needs replaced) picks up over there.

After that, the police system feeds the fire-EMS system via a direct fiber line. He said the new phones will allow the ability to set up a redundant internet connection in the event of a service failure on the main cable line.

Hernandez said Metzinger is unwilling to turn off the police system and reboot it for fear that it could take down that entire system, as well. Ward said the telephone company is unwilling to provide support or maintenance.

Mayor Oestmann made a motion to authorize Hernandez to spend up to \$20,000 to purchase a new telephone system for the fire-EMS and police departments. Commissioner Welch seconded the motion.

A voice vote was unanimous in favor of the motion. Mayor Oestmann declared the motion approved.

Mayor Oestmann asked about the possibility of a citywide conversion. Hernandez said whomever is selected for this urgent project also probably will end up supplying that system, as well, so the phones can talk to each other.

Commissioner Tweedy asked about the timeframe for delivery. Ward said it could take up to a month more, but Hernandez said that was mainly for making the changes needed to achieve the \$2,000-per-month savings.

He estimated work could proceed on these new systems within a week or two, depending on the arrival of parts.

## **Adjournment**

Commissioner Tweedy moved to adjourn the meeting. Commissioner Jurkovich seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Oestmann declared the meeting adjourned at 7:26 p.m.

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THE ARKANSAS CITY  
BOARD OF CITY COMMISSIONERS

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Duane L. Oestmann, Mayor

ATTEST:

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Lesley Shook, City Clerk

Prepared by:

\_\_\_\_\_  
Andrew Lawson, Public Information Officer