

City Commission of Arkansas City Meeting Minutes

The Arkansas City Board of City Commissioners met in regular session at 5:30 p.m. February 7, 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 Commissioner Dan Jurkovich, Commissioner Charles Tweedy III, Commissioner Jay Warren and Commissioner Karen Welch.

City employees present at the meeting 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, Public Services Superintendent Randy Jacobs, City Planner Josh White, Fire Chief Bobby Wolfe, Police Chief Dan Ward and ACPD Capt. Mark McCaslin.

South Central Kansas Medical Center was represented by chief financial officer Holly Harper. The Arkansas City Historic Preservation Board was represented by chair Kevin Cox and Jean Snell.

Citizens in attendance included Dennis Call, Mylissa Call, Curtis Eaton, Kanyon Gingher, Ken Harader, Brett Von Martin, Gareth McGee, Steven Walker, Cowley CourierTraveler reporter Cody Griesel and Ark City Daily Bytes reporter Jeni McGee.

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

Agenda Approval

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

Recognition of Visitors

South Central Kansas Medical Center chief financial officer Holly Harper said 2016's average daily census declined 5 percent from 2015 and surgeries were down 7 percent over the same time period.

Commissioner Warren asked Harper to explain what goes into average daily census. She explained that observation patients and outpatients generally are not included in those figures, only traditional inpatients.

Outpatients were up slightly, about 1 percent, over 2015. Emergency department visits were about the same.

Deductions increased in 2016 by \$1.5 million over 2015, while gross revenue was up \$1.77 million. Harper explained how much of the purchased services (\$515,200) moved into the salaries and benefits "bucket."

Professional fees increased by \$891,633 due to the change in emergency department providers.

That contributed to an increase of \$869,850 in total operating expenses, but thanks to higher sales tax revenues in 2016, the net loss for SCKMC only rose by \$41,961, to \$1.88 million.

Harper said cash on hand at the end of 2016 was nearly double what it was the prior year, although still not high enough. Accounts receivable were down \$37,351, while South Central Kansas Clinic nearly doubled what it owes.

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Accounts payable have declined \$114,000. The amount due to the City increased by \$954,968 to \$1.155 million.

Harper showed how Medicare and Medicaid declined as revenue sources in 2016, while private pay held steady.

In 2016, Harper was able to shrink the “121 days or more past due” bucket in accounts payable from \$531,347 to just \$54,639. The 91-120 days bucket also is down slightly. Nearly half of the payables are current now.

Mayor Oestmann said the accounts payable looked better than they had, but Harper said they’re still too high.

Harper said the Geriatric Psych Unit opened January 1 and had 237 patient days that month. She said the goal is to average 260 per month, but 237 was really good considering it was just the first month of the program.

The average daily census has been running about 7.65 and the goal is to average 8.4, numbers that could almost double the “normal” average daily census for the hospital given what those rates have been running recently.

Commissioner Welch asked about sources for referrals. Harper said the Veterans Administration was a big one, but there has been a good flow from local nursing homes such as Alderbrook Village and Presbyterian Manor.

Harper said SCKMC chief executive officer Virgil Watson could not be at the meeting because he was on his way to Topeka to testify February 8 in favor of KanCare expansion in Kansas. She said it could add \$1.7 million to the bottom-line revenues (actual income) for SCKMC and \$3.5 million to the area, including Wellington’s hospital.

Commissioner Warren asked if it was a state or national problem. Harper said that right now, it is a state problem.

In addition to the Geriatric Psych Unit, Harper said SCKC is starting to receive Rural Health Clinic reimbursement dollars and thus beginning to repay SCKMC, which will in turn help to reduce the accounts payable even further.

She also reported the February bond payment was made to the City the previous day, and the 340B pharmacy program will start April 1 at the downtown clinic and two area pharmacies.

Comments from the Audience

Mylissa Call, 801 South D St., came to complain about a notice that had been posted on two of her vehicles during the weekend. The notice from the Arkansas City Police Department indicated they were derelict vehicles.

The vehicles were tagged and insured, and she said she felt there was no reason for them to be impounded or towed. She talked about some passages in the 2017 Standard Traffic Ordinance that concern disabled vehicles.

She also quoted a section of Municipal Code that deals with disabled vehicles. Call argued her vehicles did not fit the definition of disabled in either statute and many other vehicles in the neighborhood also had the notices.

Call and her husband travel all of the time, so the vehicles often are left parked for months at a time. They are business vehicles that are used occasionally. Call said she has no driveway and doesn’t want to park in the yard.

Commissioner Warren asked if the interpretation of having to move the vehicle after 48 hours was correct. City Attorney Niles said there are two different ordinances in play here. One restricts parking for more than 48 hours.

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The junk vehicles ordinance is different than the ordinance and state law that prevent long-term parking in the right-of-way, which includes City streets. Call said there had been no complaints about the two vehicles.

Commissioner Welch said these sorts of things usually are complaint-driven. Since this is a state law, she asked Call if there was some exception to state law that she thought she should receive. Call said she wasn't seeking an exception, but she thinks Ark City should join some other communities that have chosen not to enforce it.

Commissioner Welch asked Call what she thought the City should do. Call said it should stop at trailers and RVs.

Mayor Oestmann called on Police Chief Ward, who said the removal of trailers and RVs in the streets is a blight issue that also is aimed at reducing crimes such as burglary and vandalism in residential neighborhoods.

That effort was a huge success, he said, with nearly total compliance, and not a single citation had to be issued.

The next step was to address broken-down vehicles or those that have been there for a very long time. He said he didn't want to go after vehicles that have been there for just 48 hours. He wanted vehicles marked and owners contacted as a way to initiate conversations. No citations have been issued and no vehicles were towed.

As with trailers and RVs, Ward said, ACPD is seeking 100-percent voluntary compliance with the ordinances.

Mayor Oestmann asked if there was an exception for Call's business trucks. Ward said they have to be moved on a regular basis and the vehicles were not movable when the officer came by. One since has been moved.

City Manager Hernandez said the types of vehicles he discussed with Chief Ward were ones that obviously have not been moved in quite some time. He talked about the kinds of visual indicators that officers tend to look for.

Hernandez and Ward said there definitely have been citizen complaints about these vehicles. Commissioner Warren said he was struggling with this case, but Ward said he cannot make exceptions to the law for anyone.

Mayor Oestmann asked if Call now was clear on what it would take to avoid any future issues. She said she was.

Hernandez promised the City will work with people. Ward said he has had lots of positive feedback on this effort.

Mayor Oestmann called on Brett Martin, 617 S. Fourth St. Martin said a mold remediator sent off samples for testing and was going to submit a preliminary report to Neighborhood Services Superintendent Richard Brown.

Martin also said he is working with Kent Hinson to be his general contractor, but he has not yet pulled a permit.

Hernandez and Mayor Oestmann instructed Martin to submit the report to Brown immediately, as previously ordered. They also said he needs to obtain proper permits immediately, which should have been done already.

Hernandez said that would extend the clock by an additional 60 days. He said the City would work with Martin.

Consent Agenda

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

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1. Approving the January 17, 2017, regular meeting and January 26, 2017, special meeting minutes as written.
2. Ratifying Mayor Oestmann's appointments of Sue Lancaster, Tammy Lanman-Henderson and Chris Tackett to the Outstanding Young Student Award Committee.
3. Ratifying Mayor Oestmann's appointments of Arty Hicks, Carlla Pike, Liz Shepherd, Shawn Silliman, Dena Ward, and Sara Williams to the Convention and Visitors Bureau Board of Directors.
4. Approving a temporary cereal malt beverage license for February 18, 2017, at the Agri-Business Building, 715 W. Washington Ave., for Brittany Dunlap.

Commissioner Warren asked if the CMB license was for the MMA event. City Manager Hernandez and City Clerk Shook said Dunlap was obtaining the license as an individual, not as part of her business, Britt's Sports Bar & Grill.

Police Chief Ward said the event organizer was working with Cowley College to provide security and two of his officers had been hired, as well. ACPD Capt. McCaslin was attending a meeting that day to discuss the security.

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

New Business

Historic Preservation Fund Grant Resolution No. 2017-02-3074

City Clerk Shook presented for discussion a resolution authorizing the City to file an application for a Historic Preservation Fund Grant administered by the National Park Service for a historic survey of the Downtown Commercial District, pledging matching funds and in-kind services for said grant, and authorizing Mayor Oestmann and City Manager Hernandez to execute any and all documents necessary to apply for and accept the grant.

City Planner White said the last downtown survey was in 1983. Since then, some buildings have been torn down and others have become newly eligible for possible inclusion on the National Register of Historic Places.

This grant would make possible the work needed to make sure the district is up to date. It has the full support of the Historic Preservation Board, which recommended applying for the grant and is willing to provide in-kind labor.

This project is informational only and will not by itself add or subtract any properties from the district, White said.

He showed a map of the current district that also highlighted what other properties might be worth surveying, at about \$100 per property. There will no net cost to the City, since the consultant's costs will be reimbursed.

Board member Jean Snell said the project could help with assessing downtown living spaces for rehabilitation.

City Manager Hernandez said it is very important to do things such as this so the City does not lose its Certified Local Government status with the State Historic Preservation Office, which allows for more local discretion.

Mayor Oestmann made a motion to approve the resolution. Commissioner Warren seconded the motion.

A roll call vote resulted in four aye votes and one nay vote, with Commissioner Jurkovich dissenting. Mayor Oestmann declared the resolution approved and given Resolution No. 2017-02-3074.

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Illegal Registration Ordinance

City Clerk Shook presented for discussion a first reading of an ordinance modifying Municipal Code Section 58-24, regarding illegal registration and illegal out-of-state tags.

City Attorney Niles said the proposed ordinance is based on existing state law and does not create any new laws, but it more clearly defines what is and isn't allowed under Kansas law, and makes the law clearer to understand.

Niles explained some of the exceptions to the law and under what circumstances they might be allowed. She said violations of the law, with people registering in Newkirk, appear to be a very large problem in Arkansas City.

This ordinance is the first step in a public information campaign to make citizens aware of the law and encourage voluntary compliance before enforcement is stepped up by the police department.

Commissioners Warren and Tweedy asked how this will be enforced. Niles said there already is a long list because ACPD officers see when Oklahoma-tagged vehicles are parked overnight in Arkansas City regularly.

Commissioner Warren asked how much registration money comes back to the City. City Manager Hernandez said not very much. Niles said it is a tax evasion issue and registering correctly simply is the right thing to do.

Commissioner Warren asked if this should be approached more on a countywide level. Niles said it is state law.

Chief Ward said many citizens have complained to him about abuse of the loophole that allows Arkansas City residents to register their vehicles in Oklahoma with Arkansas City or other Kansas addresses.

He said his attempts to work with the Oklahoma Division of Motor Vehicles and the state's legal counsel to address these tax evasion issues have been unsuccessful so far. This is an attempt to address the issue locally.

Ward said he is not used to this problem, but it is a major issue all along the southern border of Kansas. Some border cities charge people criminally for tax evasion, but he said that would be over the top for Arkansas City.

Ward said he doesn't care if citations are treated as an equipment issue and, if it is fixed, the charges could be dismissed. This is not about generating revenue, he said. It's about fairness and spurring voluntary compliance.

City Manager Hernandez related a story about a neighbor of his who became fed up with another neighbor violating the law, so that person ended up obtaining Oklahoma tags, too. This ordinance only affects law-breakers.

Commissioner Warren said he doesn't want to see Oklahoma-tagged vehicles pulled over automatically. Ward said there has to be probable cause, such as a traffic violation, in order to initiate the traffic stop in the first place.

Commissioner Tweedy asked if this would address trailers and boats. Niles said motor vehicles are the priority. Commissioner Warren said there are 22,900 tagged vehicles, including trailers and RVs, in the Arkansas City area.

Commissioner Jurkovich asked if passing the ordinance was necessary to enforce the law. Niles said it was not, but the current ordinance is confusing to both citizens and police officers.

Mayor Oestmann and Niles suggested taking no action on the ordinance, with a second reading to be held Feb. 21.

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New Sanitation Trucks **Resolution No. 2017-02-3075**

City Clerk Shook presented for discussion a resolution authorizing the purchase of two new sanitation trucks from Downing Sales & Service, Inc., of Phillipsburg, Missouri, for an amount not to exceed \$347,205.00.

Public Works Director Broce gave a brief presentation to the commissioners about his department's sanitation goals, which include providing better customer service, developing more efficient routes, increasing community participation in recycling and ultimately providing a cleaner environment. He said the financial situation with South Central Kansas Medical Center in 2016 represented a minor setback in achieving these goals until this year.

To accomplish these goals, Broce said, the Public Services Division will need to transition to four-day residential trash service, which will alleviate confusion during weeks with holidays and free up one day a week for various tasks such as special pickups, recycling drop-off, and commercial recycling.

Additionally, Broce and City Manager Hernandez said, the implementation of onboard GPS units in all of the sanitation trucks will help to make routes more efficient and better document when residential poly-carts haven't been put out. It will assist inexperienced drivers with following the route, which increases cross-training.

Going to a four-day schedule also would reduce advertising costs and cut down on overtime pay, because the current Saturday recycling drop-off point on West Madison Avenue could be moved to Friday. He said total recycled materials collected have increased from 36 tons in 2013 to 305 tons in 2016.

Finally, the purchase of the new trucks and transitioning to four days a week could make possible the launch of a pilot curbside recycling program in selected neighborhoods later this year, with a full-scale volunteer curbside recycling program feasible as soon as 2018 or 2019, if the pilot program demand seems to justify going citywide.

Commissioner Welch said many people do not recycle because their old trash cans were picked up when the new poly-carts were rolled out. Broce said there is a surplus of smaller 64-gallon containers, which proved much less popular than the larger size, available to be modified with new lids and serve as dedicated recycling containers.

Other benefits of the planned changes include improved customer service, better workflow for new service orders and special pickups, and a routine day such as Friday dedicated to sanitation truck fleet maintenance.

Broce said holiday notifications would be much simpler and Hernandez said there could be magnets or mailings showing when the routes shift left or right by one day. The four-day route basically parallels the holiday routes.

Broce showed the GPS-tracked routes for each of the five days of service, pointing out some of the inefficiencies staff has identified. He also said some commercial trucks occasionally jump in and pick up residential trash, but with the proposed purchases, a truck would be able to be dedicated to five-day commercial trash service only.

Commissioner Tweedy asked how often the two recycling trailers are dumped because most of the complaints he hears is that they are full much of the time. Broce said they are emptied three times a week and Public Services Superintendent Jacobs said it takes 1 1/2 staff about an hour and a half to complete that effort each day. Increasing recycling participation by just a little could make it a break-even or profitable proposition, Broce said.

Assistant Public Works Director Crandall described the bidding process and outlined the capacities of the trucks.

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He said the current truck to be replaced is 14 years old and has 101,323 miles. It would be traded in for \$10,000 value. Another active truck will be downgraded to backup status if both new trucks are purchased, Crandall said.

He said one of the trucks was in the budget last year, but staff held off on the purchase due to the SCKMC issues.

A new Pak-Mor 25-yard tandem-axle truck will join the regular residential fleet, while a 20-yard single-axle truck will be used for commercial pickups downtown because it is easier and safer to maneuver through city alleys.

Mayor Oestmann asked if the single-axle will allow for daily commercial pickup. Hernandez said it varies by location — some businesses are picked up once a week, some three times a week and some five times a week.

Commission Warren asked how these purchases could affect the future acquisition of a “one-armed bandit” truck. Crandall said they would have little effect because at least one more truck will need replacement by then.

Commissioner Tweedy asked if there were any local companies willing to sell the City a used truck or two.

Crandall said he did not know of any, and they would be at a higher risk of suffering mechanical breakdowns.

Hernandez and Jacobs said the trade-in truck has broken down at least 10 times and has numerous problems.

Hernandez said the ultimate goal is for the entire residential fleet to be one-arm bandits, with a tipper used for commercial pickups, but reaching that goal will take a substantial up-front capital investment that will take time.

Commissioner Warren indicated he was ready to purchase a one-arm bandit and begin curbside recycling. He said increased recycling could pay for the cost of a one-arm bandit quickly in reduced tipping fees.

Hernandez said that for that to happen, curbside recycling would have to become mandatory or include an extra fee for those who use it, in order to recollect the costs, because only a few individuals recycle enough materials.

Commissioner Tweedy asked what happens if someone discards an item that is not recyclable in one of the trailers. Jacobs said his crews usually just remove the items. Sorting also is done at the county recycling center.

Mayor Oestmann asked if the division was short two sanitation trucks now. Jacobs said it would be if they went to the four-day residential pickup schedule.

Commissioner Tweedy asked how soon that could be implemented. Jacobs said the trucks will be delivered in the next 165 to 210 days, so it might not be until the end of this year.

Hernandez said staff still is considering purchasing any additional trailer, but has to consider employee costs.

Commissioner Warren asked where the money could come from. Hernandez said the trucks will be purchased out of the Sanitation Fund, which has more than \$1 million in expendable cash available and budgeted.

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

A voice vote was unanimous in favor of the motion. Mayor Oestmann declared the resolution approved and given Resolution No. 2017-02-3075.

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New Police Utility Interceptors **Resolution No. 2017-02-3076**

City Clerk Shook presented for discussion a resolution authorizing the purchase of two 2017 Fore Police Pursuit-rated Utility Interceptors from Reedy Ford, for an amount not to exceed \$58,452.00.

Police Chief Ward said these vehicles will replace two Ford sedans that don't work well as patrol vehicles, so those will become School Resource Officer (SRO) vehicles that also will serve as backup patrol vehicles.

Also, the current SRO vehicles — a 2006 Dodge Charger and a 2008 Ford Crown Victoria — will be traded in.

Mayor Oestmann asked how these SUVs compare to those purchased last year. Ward said the prices are comparable, but while these are a little more pricy, all of the police package work will be done at the factory.

That means that once they are delivered with lights and sirens, they will be ready to go into service much more quickly. Last year, the outfitting of new vehicles could take patrol cars out of service for a month or two.

Computers, radios and in-car cameras are the only items that will have to be added after delivery. Ward said he is trying to expand the patrol fleet in order to have more backup vehicles available since ACPD is fully staffed.

Commissioner Tweedy made a motion to approve the resolution. Commissioner Welch seconded the motion.

A voice vote was unanimous in favor of the motion. Mayor Oestmann declared the resolution approved and given Resolution No. 2017-02-3076.

Capital Improvement Planning Committee **Resolution No. 2017-02-3077**

City Clerk Shook presented for discussion a resolution creating the 2017 Capital Improvement Planning Committee.

Assistant Public Works Director Crandall explained the purpose of the CIP Committee, which is to receive citizen input on capital projects. He said elements of this pilot program were borrowed from Augusta and Garden City.

Commissioner Tweedy asked if this would be an ongoing program. Crandall said it would be repeated each year.

Commissioner Tweedy asked if the appointees would serve for multiple years. City Manager Hernandez said new members would be appointed every year so there will not be a huge time commitment for the citizen volunteers.

Commissioner Warren said he thinks each of the 14 applicants is qualified and it will be hard to whittle them down to just five to seven individuals. Hernandez said it would be hard to manage or schedule that many people.

Commissioner Tweedy suggested drawing names out of a hat, but Hernandez suggested choosing people who loosely represent the demographics of Arkansas City, including gender, race and occupational background. Mayor Oestmann said he would like to pick no more than seven members from among the 14 applicants.

Commissioner Warren made a motion to approve the resolution. Commissioner Tweedy seconded the motion.

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A voice vote was unanimous in favor of the motion. Mayor Oestmann declared the resolution approved and given Resolution No. 2017-02-3077.

Commissioner Tweedy made a motion to table any appointments to the newly formed CIP Committee by the mayor until the City Commission meeting on February 21. Mayor Oestmann seconded the motion.

A voice vote was unanimous in favor of the motion. Mayor Oestmann declared the CIP appointments tabled.

City Manager Updates

City Manager Hernandez said he is trying to develop an idea of how many unsafe and poor housing conditions exist in Cowley County. This information will be critical when applying for housing and rehabilitation grants.

Commissioner Tweedy asked if there is a bill before the Kansas Legislature to speed up the process. Hernandez said there is a bill — a version of which was vetoed last year by the governor — that would allow cities to obtain abandoned houses more quickly. This would allow some structures to be saved rather than dilapidating away.

He also wants to schedule a tour of the new Water Treatment Facility, currently under construction, within the next week or two. This event, which would be open to the media, will be very dependent on the weather.

Commissioner Jurkovich suggested scheduling the plant tour during the lunch hour on an upcoming Friday.

He then asked about the ongoing work by Northern Pipeline on behalf of Kansas Gas Service, and what the City could do about the problems that have occurred near Midwest Electric and Rakie's.

Hernandez said the City has contacted Kansas Gas Service and that particular area will be repaired within two weeks. He said the City's right-of-way permit has some teeth in it, but it relies on their pulling permits first.

Commissioner Warren asked City Attorney Niles if the City could insist on selecting the contractor to complete the repair work to alleys, streets and other forms of public right-of-way, ensuring the work is done correctly.

Hernandez said the City has the power to do that now, but then it would have to administrate all of the work. He suggested having Niles reviewing the current ordinance and enforcing those provisions first.

Hernandez also said Hallmark Keepsake Ornaments had visited earlier that day to measure and photograph the fire-EMS department's 1934 Buick fire engine, to prepare for a 2018 holiday ornament in the Fire Brigade series.

Other Business

Mayor Oestmann made a motion to recess to a 15-minute executive session to discuss matters of non-elected personnel, to include City Manager Hernandez, City Attorney Niles and Public Works Director Broce.

Commissioner Tweedy seconded the motion. A voice vote was unanimous in favor of the motion.

The executive session began at 8 p.m. and ended at 8:15 p.m.

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Adjournment

Commissioner Welch moved to adjourn the meeting. Commissioner Warren seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Oestmann declared the meeting adjourned at 8:16 p.m.

THE ARKANSAS CITY
BOARD OF CITY COMMISSIONERS

Duane L. Oestmann, Mayor

ATTEST:

Lesley Shook, City Clerk

Prepared by:

Andrew Lawson, Public Information Officer