

# 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. February 21, 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, Neighborhood Services Superintendent Richard Brown, Fire Chief Bobby Wolfe, Police Chief Dan Ward and ACPD Capt. Mark McCaslin.

The Spring Hill Golf & Recreation Association was represented by treasurer Dale Kuhn. Burns & McDonnell Engineering Company, Inc. officials in attendance were Brian Meier and hydrogeologist Daniel Clement. Cowley College was represented by President Dennis Rittle and Cowley College Board of Trustees chair Bob Juden.

Citizens in attendance included Kanyon Gingher, Ken Harader, Richard Humphrey, Sandy Randel, Dotty Smith, Roger Sparks, 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**

Mayor Oestmann asked to remove and table for further consideration the second item under Old Business, a second reading of an ordinance modifying Municipal Code regarding illegal registration and out-of-state tags.

City Manager Hernandez asked for a 10-minute executive session to discuss real estate, under Other Business.

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

## **Recognition of Visitors**

Spring Hill Golf Course treasurer Dale Kuhn said clubhouse manager Cathy Vaughn could not attend due to a personal matter. He thanked the commissioners for all of their assistance, on behalf of the board and members.

He said the Association still is tweaking its budget and trying to increase income, including collecting on unpaid dues from past members, but Kuhn thinks the course is "above water" at this time, with the weather improving.

The course also is actively selling advertising signs on each hole for \$100 a year or \$75 for two years. There is a committee to further define the course by reducing the cutting area and increasing the "wilder" parts of land.

The process to have pre-release workers start either March 15 or April 1 is continuing apace and the local disc golf organization is working to obtain a grant for a disc golf course in the currently unused portions of the land.

Commissioner Warren asked if the trees would be thinned out. Kuhn said the disc golfers will handle all of that.

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Kuhn said there are no firm details at this point, but there likely will be disc golf memberships or course fees. He said liability concerns limit the extent to which the concrete path can be used as a walking or biking trail.

He mentioned the proposed contract later on the agenda and asked if the requirement to mow a strip of right-of-way could be removed. City Attorney Niles said that section already had been removed from the new draft.

Kuhn also said the board was concerned about the inclusion of a provision that the City will not give the golf course any more funding. While all parties hope that won't happen, the board wanted to preserve the option.

City Manager Hernandez suggested changing it to "The City is not obligated to provide financial support..." Kuhn said that language would work and thanked the City for pushing Spring Hill to become more financially efficient.

Commissioner Warren suggested looking at miniature golf. Kuhn said he would look into it, but space is a concern. He said the hope is to make carts available to the disc golfers because that is the major moneymaker.

Commissioner Tweedy suggested opening more of the course to the public during the Fourth of July fireworks.

## Dangerous Structure Update

Brett Von Martin, 617 S. Fourth St., was scheduled to be on the agenda to make another report regarding his dangerous structure, but he did not attend the meeting. Mr. Martin later claimed he was not told to attend.

City Manager Hernandez said Martin has not pulled a permit, been in contact with Neighborhood Services Superintendent Brown or corresponded with the City in more than a week, as required by the commissioners.

Mayor Oestmann observed that the City will have to continue with the dangerous structure abatement process.

## Consent Agenda

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

1. Approving the February 7, 2017, regular meeting minutes as written.
2. Authorizing Mayor Oestmann to sign the annual Statement of Assurance from the Kansas Department of Wildlife, Parks, and Tourism on continuing use of recreational facilities funded by Land and Water Conservation Grant funds.
3. Resolution No. 2017-02-3078, scheduling a public meeting of the Governing Body to tour Water Treatment Facility construction progress at noon March 3, 2017, at 400 W. Madison Ave.
4. Resolution No. 2017-02-3079, authorizing the City to enter into a change order agreement with Walters-Morgan Construction, Inc. regarding the Water Treatment Facility improvements.
5. Ratifying Mayor Oestmann's reappointment of Stephanie Wall Brown to the Outstanding Young Student Award Committee.
6. Resolution No. 2017-02-3080, authorizing the City to execute an agreement to extend the Interlocal Cooperation Agreement for the operation of Cowley First for an additional three-year period.

Commissioner Warren asked for more details concerning items 2, 4 and 6.

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City Manager Hernandez said the Statement of Assurance is to certify that the funds used, sometimes as far back as 40 years ago, continue to have public impact and none of the properties have been changed drastically.

He said the change order is for normal adjustments during construction, but with some additional deductions the City just was made aware of, there may be a net increase of just \$6,000, which is almost unheard of. Some electric trays had to be upsized due to increased wiring, but the other changes are relatively minor in nature.

Hernandez said the Cowley First contract has to be extended by all of the signatories every three years or so.

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

## **Old Business**

### **Spring Hill Operating Agreement Resolution No. 2017-02-3081**

City Clerk Shook presented for discussion a resolution approving an Operating Agreement with Spring Hill Golf & Recreation Association, Inc.

City Attorney Hernandez referred to the changes from the previous discussion with Spring Hill treasurer Dale Kuhn, including the alteration of the language concerning City funding and the removal of the mowing provision.

Niles said one additional change was to move from a three-year agreement to a one-year agreement, with automatic renewal unless one party gives notice prior to renewal or breaches the contract.

Commissioner Jurkovich suggested rewording Section 12 to state: "The City will not be required to provide financial support to the Association to assist the Spring Hill Association in its operation of the facility."

Mayor Oestmann made a motion to approve the resolution with the suggested amendment. Commissioner Tweedy seconded the motion. A voice vote was unanimous in favor of the motion.

Mayor Oestmann declared the resolution approved and given Resolution No. 2017-02-3081.

### **CIP Committee Appointments**

City Clerk Shook presented for discussion Mayor Oestmann's appointments to the 2017 Capital Improvement Planning Committee, which had been tabled at the February 7 meeting.

Mayor Oestmann said he called most of the applicants and it was difficult to choose just six of them. He hopes the other citizens will consent to be considered for selection in 2018 and thanked everyone for their interest.

Mayor Oestmann then made a motion to appoint Jereldine Barnes, Chris Dancy, Barbara Hernandez, Jeni McGee, Dr. Scott Rogers and John Sturd to the 2017 Capital Improvement Planning Committee.

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

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## New Business

### Water Rights Evaluation Resolution No. 2017-02-3082

City Clerk Shook presented for discussion a resolution authorizing the City to enter into a contract agreement with Burns & McDonnell Engineering Company, Inc. to evaluate the available water rights within the existing well field, identify potential for securing additional water supply and assist with application for new water rights from the Kansas Division of Water Resources (DWR), for an amount not to exceed \$85,698.00.

Public Works Director Broce said this was the next step in a process initiated by the commissioners in 2015. He and the company had visited with the chief of DWR in Manhattan to discuss the viability of this proposal.

Brian Meier, with Burns & McDonnell, presented a review of the company's water rights investigation, along with recommendations for how to proceed with further study. He was accompanied by Daniel Clement.

Meier said the need for additional water rights was highlighted by a drought that pushed the City to within 200 million gallons of its current annual allotted water supply. Growth is projected to exceed that limit by 2035, too.

The company completed a water rights study in 2016 that looked at extending the current well field to the northwest, constructing a new southeast well field and enhancing the water rights at the existing well field.

The first two options are expensive because they involve new infrastructure costs, Meier said, while the third is attractive because the only major costs are regulatory. Expanding rights also enhances well rehabilitation efforts.

He explained that while it might seem counterintuitive since the source water was redefined from groundwater under the influence of surface water to just groundwater, the river contributes to the City's aquifer recharge rate.

Meier talked about how the State of Kansas is willing to be more flexible in this matter because communities are facing ever larger challenges and more competition when it comes to developing dwindling water resources.

Commissioner Tweedy asked if the City was the chief contributor to the currently over-appropriated water rights. Meier indicated it was. Commissioner Warren said there was no major agricultural irrigation in the area.

City Manager Hernandez said Burns & McDonnell will drill 2-inch test holes to measure the recharge rates. He said the City would be the first in this area to pursue this regulatory change successfully, if rights are expanded.

Meier said the test will occur over a period of 72 hours while an adjacent production well is pumping continuously. He said there will be some flexibility to drill different test holes or move to different well locations.

But Clement said the likelihood of hitting an area with an unfavorable recharge rate is pretty low, due to geology.

Hernandez said the agreement covers the whole project, from testing through the entire DWR application process.

Commissioner Warren 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. 2017-02-3082.

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## **Carver Park Property Transfer** **Resolution No. 2017-02-3083**

City Clerk Shook presented for discussion a resolution transferring a portion of Carver Park to Cowley College.

City Manager Hernandez said he and President Rittle have been discussing this transfer for several months. He said he preferred for the college to take the lead in those discussions because it knew best its future growth plans.

Always common to those discussions was a tacit agreement that the land would be transferred free of charge, in exchange for a commitment from the college to help to pay for the extension of the existing hike-bike trail.

This agreement solidifies the land transfer and commits Cowley College to paying up to \$87,000 for that extension, which would pay entirely for the two-block length from Carver Park past Paris Park to the south.

Rittle explained that the intent is to pay that amount over the course of three years and use the college's contributions to maximize the potential for matching funds through grants, in order to achieve more trail length. The ultimate goal is to extend the trail all the way south to the Travis Hafner Training Center and eventually loop it.

Hernandez said platting and surveying will have to occur, at the college's expense, before the transfer is final. He said the Arkansas City Recreation Center is aware its practice fields could go away, but it has no major concerns.

Rittle said the college needs land within a quarter-mile radius of the current campus — which is most students' distance preference — that gives the school more flexibility to plan future housing options, rather than trying to design something around existing housing neighborhoods. Carver Park was a perfect fit for what it was seeking.

He said the college's current housing capacity is less than that of other community colleges of comparable size, and other colleges with comparable housing have considerably smaller enrollments than Cowley College.

Commissioner Warren asked what form the housing would take. Rittle said it's too early to determine and the college wants to keep its options open, but housing in which each student has his or her own room is the most popular. Juden said the popularity of The Lodge Dormitory, despite its distance from campus, speaks to that need.

Rittle said there are times Cowley loses students due to housing preferences, not because they don't like Cowley.

He said they'd like to house at least 100 students in the Carver Park area, but it could be more. However, the college could look at constructing non-housing buildings there, as well. Three buildings and parking are possible.

Rittle said the 20-year master plan would be amended next year to reflect these changes. Commissioner Tweedy asked how the new campus in Wellington would affect enrollment here at the Arkansas City campus.

Rittle said the impact is still unknown, but he expects it will be minimal because the Wellington campus will be more of a commuter campus geared toward serving western Sumner and counties further west. Plus, athletes are housed at the Arkansas City campus and that will not change with the development of the Sumner campus.

Mayor Oestmann made a motion to approve the resolution, with the change requested by City Attorney Niles to transfer via warranty deed. Commissioner Warren seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Oestmann declared the resolution approved and given Resolution No. 2017-02-3083.

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## **City Manager Updates**

City Manager Hernandez talked about the Water Treatment Facility tour scheduled for March 3 and said officials from Clinton, Oklahoma, would be in attendance. A light lunch will be provided for attendees. He asked the commissioners to meet City staff at noon near the USD 470 bus barn, northeast of the construction site.

Hernandez also said a City advisory board appreciation banquet is scheduled for 6:30 p.m. March 27 in the Wright Room at Cowley College's Brown Center. All of the commissioners are invited to attend the banquet.

He said the City will show 16 free movies in 2017, at a cost of \$235 per movie, which is a \$10 increase over last year. Fourteen of those movies will be at Wilson Park, one at the Paris Park Pool and one in Newkirk, Oklahoma.

The movie schedule will begin March 17. The Newkirk movie is in partnership with the Newkirk Chamber of Commerce and Hernandez said it would be a neat form of community outreach between the two cities.

Finally, Hernandez previewed Spring Cleanup Week, which is April 3-7, and said he would like to have a citywide Spring Cleanup Day on the morning of April 1. He called for volunteers from local civic and church groups.

His goal is to coordinate cleanup efforts throughout the city that day. Groups can suggest their own areas or the City can provide addresses in need of attention. City trucks will be made available for hauling off trash.

Hernandez said he is interested in someone volunteering to remove Freon from appliances, which are not normally accepted by the City, so those can be removed, along with tires and other items not normally taken.

He is authorizing overtime pay for that day for Public Works employees and will drop off dumpsters, if requested.

Commissioner Warren suggested cooking hot dogs at the Wilson Park rotunda for all of the volunteers. The free lunch would be served starting at noon. He said the Optimists of Arkansas City would assist with that effort.

Hernandez said the event will conflict with the Cowley County Health & Safety Fair, but he thinks it will work out.

## **Other Business**

Commissioner Warren suggested presenting a plaque to Pastor Mark Fry for leading prayers at meetings for years.

Mayor Oestmann made a motion to recess to a 10-minute executive session to discuss matters of real property acquisition, to include City Manager Hernandez, City Attorney Niles and City Clerk Shook.

Commissioner Tweedy seconded the motion. A voice vote was unanimous in favor of the motion. The executive session began at 6:58 p.m. and ended at 7:08 p.m.

## **Adjournment**

Commissioner Tweedy 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 7:09 p.m.

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THE ARKANSAS CITY  
BOARD OF CITY COMMISSIONERS

\_\_\_\_\_  
Duane L. Oestmann, Mayor

ATTEST:

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Lesley Shook, City Clerk

Prepared by:

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Andrew Lawson, Public Information Officer