

# 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. March 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, Fire Chief Bobby Wolfe, Police Chief Dan Ward and Human Resources Manager Marla McFarland.

South Central Kansas Medical Center was represented by chief executive officer Virgil Watson, chief financial officer Holly Harper and marketing director Clayton Pappan. Associated Purchasing Services officials in attendance were chief executive officer Dennis George and director of client services Bruce Frerking.

Citizens in attendance included Connie Carder, Tammy Lanman-Henderson, Brett Martin, Gareth McGee, Holli Pool, John Pool, Lacey Pool, Jim Sybrant, 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.

## **Awards and Proclamations**

Mayor Oestmann read proclamations of March 2017 as Developmental Disabilities Awareness Month, which he then presented to Equal Opportunity and Accessibility Advisory Board chair Tammy Lanman-Henderson, and of March 6-10 as Flood Safety Awareness Week in Arkansas City. No guest was present for the second proclamation.

## **Recognition of Visitors**

SCKMC chief financial officer Holly Harper introduced Associated Purchasing Services officials Bruce Frerking and Dennis George, who explained that APS is the medical center's new group purchasing organization.

George said he had 20 years of experience in running a small Sole Community Hospital himself, so he is familiar with the challenges facing SCKMC. He spent about 20 minutes explaining various financial tools at APS' disposal.

APS is a cooperative that was founded in 1970 in Kansas City, Kan. In 1999, the Missouri Hospital Association signed on to the joint venture that now spans two states. This member-driven entity works to drive down prices.

APS' mission is to reduce the cost of care, increase quality of services and improve its members' financial health.

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Harper said there were 548 patient days in January and 544 patient days in February, while the new Geriatric Psych Unit had 237 in January and was up to 240 in February, or an average of nine patients a day since opening.

SCKMC actually turned a small profit of \$93,853 in January. Harper did not have final numbers for February yet.

She said the 340B pharmacy program, which confers 100-percent reimbursement, will start April 1 at South Central Kansas Clinic and many other positive things finally are starting to come to fruition for SCKMC.

Commissioner Warren asked about the clinical documentation improvement project. Harper said there already has been a return of \$150,000 in extra revenue from that project in 2016, with \$45,000 recovered so far in 2017.

Commissioner Tweedy asked if there would be another Medicaid penalty this year, and if it that was permanent. Harper said she did not think there was any recent penalty and explained it resets each year with a clean slate.

She said SCKMC currently is running with 44 full beds, but that is a good problem to have. Commissioner Tweedy praised the care he received during a recent procedure at the medical center.

## **Comments from the Audience**

Jim Sybrant, 1816 E. Chestnut Ave., asked to be on a future agenda if he could not finish his comments within three minutes. His main issue concerned a City fire hydrant in front of his house at 1640 N. 13<sup>th</sup> St.

Sybrant claimed that two years ago, a City high loader clearing out trees to the north backed over the fire hydrant and damaged it. He spoke to City Manager Hernandez about it, but nothing was done.

Sybrant complained that he had been directed to three different departments, with no fix in the last two years.

The only thing that was done was to throw a plastic bag over it, taking it out of service, he said. He requested a new or used fire hydrant be installed there instead. Mayor Oestmann said Sybrant's three minutes were over.

Commissioner Tweedy asked Hernandez to address why the hydrant hadn't been fixed. Public Works Director Broce said the complaint should have been made to the Environmental Services Division, not the fire department.

Broce said hydrants cost about \$2,800 apiece to install and must have at least 250 gallons per minute of flow in order to be considered adequate fire protection, rather than just a flushing hydrant. This hydrant was at 80 GPM.

However, a hydrant one block to the east carries 650 GPM and can be reached easily by fire hose. Broce explained that hydrants are not replaced until the water lines serving them can be upgraded to 6- or 8-inch lines.

He said insufficient hydrants are bagged to warn firefighters not to hook up to them. Fire Chief Wolfe said much of the fire hydrant data is incorrect and out of date. He said hydrants can be extended with 1,000 feet of hose.

Commissioner Jurkovich said the issue is not whether there is fire protection, but whether residents in the area know that there is. He suggested a mailer to residents that informs them of the other hydrants protecting them.

Mayor Oestmann said this commission has worked to replace water lines, but it is expensive and slow work.

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Lacey Pool, 900 Highland Drive, said she and her parents, John and Holli Pool, have had numerous problems regarding building codes and permits since purchasing an abandoned commercial property at 1826 N. Summit St.

She said people warned them about working with the City, but they proceeded anyway. She said they wanted to follow all appropriate guidelines, but complete the renovation project quickly and efficiently.

Pool said the whole process for a commercial building never was laid out for them, and they have encountered roadblocks and setbacks each step of the way, culminating in the denial of an electrical permit that morning.

She said the need for a survey caused a four-week delay and obtaining blueprints created another two-month delay. Further setbacks included the dumpster location and lack of a sidewalk shown on the plans.

Pool said the City offered a 15-foot easement in lieu of the sidewalk, but asserted that a building permit was held back unless the easement was granted. Broce later explained that the permit was not contingent on granting the easement, but instead was his attempt to ease the process by not requiring an expensive sidewalk.

Pool said her father, who is the general contractor for the project, was so fed up that he wanted to scrap the project. But they met with Broce and Mayor Oestmann, and were assured there would be no further setbacks.

Pool said Hernandez took care of the most recent issue that day, and they are able to pull their permits for electrical, plumbing and HVAC work. But she said this process will hinder new development or growth in the city.

Commissioner Tweedy asked who the architect for the project is. Pool said they had hired Gordon & Associates, of Winfield. He asked why they didn't catch some of these problems and omissions on the plans.

Hernandez said they should have, but Pool said she received an email Dec. 29, 2016, from Neighborhood Services Superintendent Richard Brown that claimed they did not need to submit electrical or plumbing plans.

Mayor Oestmann asked if the process had been clarified yet. Hernandez showed multiple ways to access both commercial and residential development guides on the City website, with step-by-step instructions for both.

Mayor Oestmann said all of the commissioners want the city to grow. Hernandez said the problem arises when the City tries to help residents to bypass some of these requirements in order to assist them with saving money.

When outside companies come into town to construct or remodel, Hernandez said, they just follow the standard process because that is what they are used to in other cities. But the City could educate local residents better.

Commissioner Jurkovich said Hernandez should not have had to become personally involved in this project and remarked that anyone who is not from Arkansas City would have given up on a project like this a long time ago.

He said he will not tolerate something like this happening again and instructed staff to streamline the process.

Commissioner Tweedy asked why this information was not given to the Pools at the very start. Broce admitted that early on is probably where the ball was dropped, but the project morphed somewhat during the process.

Pool asked if there were going to be any further issues on the project, since their electrical permit was issued, but the plans still do not show any electrical detail. Hernandez assured her there would be no more setbacks.

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Connie Carder, 424 Rock Meadow Drive, who is Lacey Pool's grandmother, said the entire project would have been scrapped if it wasn't for Hernandez's personal involvement in addressing these problems.

She encouraged the City to have a more generous attitude toward and be more willing to help residents who are trying to pursue remodeling or improvement projects, in order to encourage new growth and development.

Carder also said she thinks more needs to be done to fix up houses that have been tagged as dangerous structures. She said the city is looking quite junky and volunteered to work with a committee to address the issue.

Mayor Oestmann said he agreed with Carder, but he said the community needs to help with this, as well. He touted Spring Cleanup Day on April 1 as a perfect opportunity for citizens to step up and help out their neighbors.

Commissioner Warren said this was the first time in eight years that he has received multiple telephone calls about code issues, but they weren't about the codes themselves. The complaints are about the internal process.

He said he thinks something needs to be changed structurally with code enforcement and suggested scheduling a study session to look at the process in more depth. Mayor Oestmann said it all boils down to communication.

Commissioner Tweedy said the process is on the website now and suggested printing a handout for developers.

Brett Von Martin, 617 S. Fourth St., said he and his contractor tried to pull a permit recently to remodel his house, but were denied. He also had a copy of the mold report, which said the mold was "exceedingly high."

Martin wanted to know when he would be able to obtain a permit and commence work. Mayor Oestmann said the commissioners instructed Martin to pull the permit several weeks ago and keep coming to their meetings.

Martin claimed he didn't know he was required to show up to the last meeting or pull the permit that week. He asked for a little more time, but Mayor Oestmann said it was Martin's responsibility to stay on top of deadlines.

The mayor also said Martin had not provided the report to the code enforcement office. Hernandez said the first time he heard of the extent of the mold was when Martin emailed him earlier that afternoon.

Mayor Oestmann asked who the contractor is. Martin said he is working with Kent Hinson, who has talked to Brown. Hernandez said Hinson has not contacted him. Broce said he talked to him informally at a restaurant.

Broce also said they tried to pull the permit after 4:30 p.m., when staff stops issuing permits, and Brown told staff not to proceed until the City Commission could discuss the matter further, since Martin missed the deadline.

Mayor Oestmann asked why Hinson was not at the meeting. Hernandez said he would meet with Hinson the next day and ensure he is aware of the deadline. There is only about 60 days left to make substantial progress.

City Attorney Niles said both the 30-day period to commence renovation and about 30 of the 90 subsequent days to complete the work or make progress have elapsed. She said the City actually is being generous in still allowing the work to continue when it wasn't even commenced within the initial 30-day period.

Hernandez said the City will work with Martin, and even might allow him time beyond the 90-day period if he and Hinson can demonstrate substantial process. Mayor Oestmann told Martin to pull the permit the next day.

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## **Consent Agenda**

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

1. Approving the February 21, 2017, regular meeting minutes as written.

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

## **New Business**

### **Personal Policy Updates**

City Clerk Shook presented for discussion four personnel policy updates — Outside Employment, Inclement Weather, Personal and Romantic Relationships, and Family and Medical Leave Act (FMLA).

Human Resources Manager McFarland said the first policy has been updated to define better what constitutes outside employment and prohibit such employment while on a nonmilitary leave of absence, including FMLA.

The second policy is new and spells out that City facilities will remain open during inclement weather, but allowing that the city manager has broad authority to close whatever facilities and send home any employees he sees fit.

The third policy, which was mis-numbered in the packet, is new to PowerDMS, but has not been updated at all.

The final policy, which is nine pages long, is similar to the current policy, although much more extensive. It covers in more detail leaves for military service members, combined leave for spouses and additional definitions.

Mayor Oestmann asked if most of the policy was due to changing federal law. McFarland said that is the case.

Commissioner Jurkovich asked how the FMLA law passed in 1994 can be changed without congressional approval. City Manager Hernandez and McFarland said most of it is due to evolving case law in federal courts.

Commissioner Tweedy asked about personnel privacy protections and McFarland provided him with more details.

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

### **Personal Protective Equipment** **Resolution No. 2017-03-3084**

City Clerk Shook presented for discussion a resolution approving the purchase of five sets of firefighting personal protective equipment (PPE) from Conrad Fire Equipment, of Olathe, for an amount not to exceed \$11,217.75.

Fire Chief Wolfe said the Morning Pride gear consists mainly of bunker pants and jackets. He would like to phase out the PPE purchased in 2010 and 2011, initially, by purchasing five sets a year for each of the next five years, in compliance with National Fire Protection Association standards, which require destruction after 10 years of use.

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Commissioner Warren asked how new firefighters are equipped. Wolfe said there are some spare sets and they try to match those to new hires as best they are able, until the new sizes can be ordered with the five new sets.

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

Wolfe said he is not willing to push bunker gear to the end of its lifespan in order to be eligible for grant funding for replacement, but he probably will pursue that approach for the department's new breathing apparatus.

Commissioner Tweedy asked about the hiring process. Wolfe said there is a new firefighter on board, two more in the process, and four more possibilities for recruitment, which has been difficult lately, along with retention.

He said paramedics are hard to find throughout the state, so it is not a problem unique to the Arkansas City. He also mentioned that the purchase of a new tanker will be on a future agenda, probably within the next month.

Sybrant asked if the old PPE can be donated to volunteer fire departments. Wolfe said that is prohibited by law.

Commissioner Tweedy asked how many years have to pass until the fire-EMS department can mount a larger water tank on the back of the grass fire rig that was transferred from the forestry service. Wolfe said it will be a few more years, but he will have to watch the top weight because the truck goes up and down steep hills.

A voice vote was unanimous in favor of the motion. Mayor Oestmann declared the resolution approved and given Resolution No. 2017-03-3084.

## **Precast Concrete Box Culvert** **Resolution No. 2017-03-3085**

City Clerk Shook presented for discussion a resolution approving the purchase of a 6- by 3-foot precast reinforced concrete box culvert from Wichita Concrete Pipe, for an amount not to exceed \$29,195.66.

Public Works Director Broce said staff has worked on ways to reduce costs on the 15<sup>th</sup> Street project, including cleaning out canals and drainage ditches, building up shoulders, and installing this culvert prior to construction.

He said the new slopes will be more gradual and the culvert will be angled to direct the stormwater away. A more detailed presentation of the overall project will occur at an upcoming City Commission meeting, he said.

Commissioner Tweedy asked if this was related to the bridge project. Broce said this will be located south of the bridge and that portion of the project will not occur until later this year, probably in the fall.

The box culvert handles all the runoff from Timberlane Estates. Broce said he is surprised that there hasn't been a bad accident there because there is no guardrail to protect against the drop-off. Commissioner Warren asked how this purchase will be funded. City Manager Hernandez said it would come out of the Special Streets Fund.

Commissioner Warren made a motion to approve the resolution. 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. 2017-03-3085.

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## **Strother Field Commission**

City Clerk Shook presented for discussion annual reorganization item No. 1, the appointment of three voting representatives to the Strother Field Commission.

Commissioner Welch said she would be interested in joining the commission in some capacity. Commissioner Tweedy said he didn't mind staying on or stepping down. Commissioner Warren said Mayor Oestmann needs to remain on the commission because he is scheduled to become its next chairman.

Commissioner Tweedy made a motion to appoint Commissioner Welch, and reappoint Mayor Oestmann and Commissioner Warren, as Arkansas City's representatives to the Strother Field Commission, with himself and Commissioner Jurkovich serving as alternates. Mayor Oestmann seconded the motion.

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

## **Convention and Visitors Bureau**

### **Board of Directors**

Mayor Oestmann presented for discussion reorganization item No. 2, the appointment of a voting representative to the Arkansas City Convention and Visitors Bureau (CVB) Board of Directors.

Commissioner Welch made a motion to reappoint Commissioner Tweedy to the CVB Board of Directors.

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

## **South Central Kansas Medical Center**

### **Board of Trustees**

City Clerk Shook presented for discussion reorganization item No. 3, the appointment of a nonvoting ex officio representative to the South Central Kansas Medical Center Board of Trustees.

Commissioner Warren made a motion to reappoint Commissioner Jurkovich to the SCKMC Board of Trustees.

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

## **Cowley First**

City Clerk Shook presented for discussion reorganization item No. 4, the appointment of a nonvoting representative to the Cowley County Economic Development Partnership.

Commissioner Tweedy suggested that the time was right for him to leave the coordinating council now, to allow someone else to get up to speed with what's going on before his term as a commissioner ends in January 2018.

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Commissioner Jurkovich expressed interest and asked how many meetings it entails. Commissioner Tweedy said they are quarterly, plus extra meetings to approve loans. City Manager Hernandez guessed seven to eight a year.

Commissioner Warren made a motion to appoint Commissioner Jurkovich to the Cowley First coordinating council, with Mayor Oestmann serving as an alternate. Commissioner Tweedy seconded the motion.

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

## **ACPL Board of Trustees**

City Clerk Shook presented for discussion reorganization item No. 5, the appointment of a voting ex officio representative to the Arkansas City Public Library Board of Trustees.

Commissioner Jurkovich made a motion to reappoint Mayor Oestmann to the ACPL Board of Trustees, with Commissioner Welch serving as an alternate. Commissioner Tweedy seconded the motion.

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

## **Official City Newspaper**

City Clerk Shook presented for discussion reorganization item No. 6, the designation of the official City newspaper for the publication of various legal notices as required by Kansas statute.

Mayor Oestmann made a motion to designate The Cowley CourierTraveler as the City's official newspaper.

City Manager Hernandez said the CourierTraveler is the only local newspaper that meets the statutory requirements. Commissioner Jurkovich asked what would happen if it didn't meet those. Hernandez said the City would have to look at The Wichita Eagle, but probably also would post the notices on the City website.

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

## **Official City Depositories**

City Clerk Shook presented for discussion reorganization item No. 7, the designation of official City depositories.

Commissioner Tweedy asked if credit unions are not eligible. Both City Manager Hernandez and Finance Director Cornwell said they did not think they were eligible, probably because deposits are not federally insured.

Mayor Oestmann made a motion to designate RCB Bank as the City's primary depository for banking services, and Community National Bank & Trust, The Stock Exchange Bank and Union State Bank as potential depositories.

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

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## **Real Estate Purchase Contract** **Resolution No. 2017-03-3086**

City Clerk Shook presented for discussion a resolution approving a real estate purchase contract with Shirley Diane Carter for property located at 518 W. Madison Ave., for an amount not to exceed \$18,000.00.

City Manager Hernandez said Ms. Carter had approached him a few weeks ago about selling the house and old bait shop located on the property adjacent to the new Water Treatment Facility. Both buildings are vacant.

Her initial asking price was \$38,000, but Hernandez said he was able to negotiate that down to \$18,000. The goal of the purchase is to help to clean up and beautify that section of West Madison Avenue, Hernandez said.

Commissioner Tweedy asked if there was any reason to retain the seller's disclosures in the contract since the buildings likely will be demolished. City Attorney Niles said that requirement could be waived by amendment.

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

Commissioner Warren asked how the \$18,000 will be paid. Hernandez said it will come out of the General Fund.

A voice vote was unanimous in favor of the motion. Mayor Oestmann declared the resolution approved and given Resolution No. 2017-03-3086.

## **Setting Public Hearing on IRBs** **Resolution No. 2017-03-3087**

City Clerk Shook presented for discussion a resolution scheduling a public hearing at 5:30 p.m. March 21, 2017, to determine the advisability of issuing taxable Industrial Revenue Bonds (IRBs) for the purpose of financing the acquisition, construction and equipping of a commercial facility to be located within Goff Industrial Park.

City Manager Hernandez said Ark City Industries requested the hearing for a commercial structure it plans to build in the industrial park. He explained the cost-benefit analysis that was included in the agenda packet.

Hernandez suggested going over the proposal during the planned study session, prior to the public hearing. He outlined the broad strokes of a tacit agreement to bring some of the property gradually into the city limits.

Although the building will be located outside the city limits, the City would act as the issuing agency for the IRBs.

Commissioner Jurkovich made a motion to approve the resolution. 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. 2017-03-3087.

## **Scheduling Study Session**

Mayor Oestmann presented for discussion the scheduling of a study session to discuss IRBs and code enforcement.

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Commissioner Jurkovich made a motion to schedule a public meeting of the Governing Body at 12 p.m. Friday, March 17, 2017, in the city manager's office at City Hall. Mayor Oestmann seconded the motion.

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

## **City Manager Updates**

Police Chief Ward gave the annual forfeiture report for 2016 for the Arkansas City Police Department. ACPD brought in \$3,919.55 in asset forfeitures last year and spent \$11,836.18 — the first expenditures in three years.

The fund has an ending balance of \$9,287.86. City Manager Hernandez read off the individual seizure amounts.

Hernandez said \$2,450 was spent in accordance with state statutes on upgrades to the police department's evidence storage room, which is one of the requirements of the ongoing CALEA accreditation process. An additional \$8,388 was spent on upgrades to ACPD's evidence storage garage and \$78.08 on surveillance cables.

Warren asked how seized drugs are disposed of by police. Ward said they follow set destruction procedures.

Commissioner Tweedy asked about possible changes to the law. Ward said there are about five proposals in the Kansas Legislature, but they cover the full range from making seizures more difficult to eliminating this report.

Hernandez passed out the Government Finance Officers Association's audit procurement best practices, which state auditing firms should be changed every five years. He recommended retaining the current auditor one more year and starting a Request for Proposals immediately after the conclusion of the 2017 audit in early 2018.

Hernandez said he would like to have the annual budget retreat a couple of months earlier this year than normal, preferably prior to May. By then, he said, the Capital Improvement Planning process should be done.

Various dates in April were discussed, but the consensus was 9 a.m. April 29 at Commissioner Warren's cabin.

Public Information Officer Lawson asked if the commissioners would like to receive advisory board reports, which is a requirement of Municipal Code. After some discussion, the consensus was to include minutes from each board in the agenda packets. But Commissioner Tweedy cautioned the others about getting too involved.

Hernandez said he would like it if one or two commissioners at a time could cover "shifts" at a City information booth at the Cowley Home and Outdoor Living Festival on March 25-26 at the Agri-Business Building.

Hernandez said City personnel could assist with staffing the booth from 10 a.m. to 5 p.m. March 25 and from 11 a.m. to 4 p.m. March 26. Commissioner Warren said he would be there both days cooking and serving food with the Optimists of Arkansas City. There will be information on the Water Treatment Facility and other City projects.

## **Adjournment**

Commissioner Warren moved to adjourn the meeting. Commissioner Tweedy seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Oestmann declared the meeting adjourned at 7:53 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