

# 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. June 20, 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 Jay Warren, Commissioner Charles Tweedy III and Commissioner Karen Welch.

Commissioner Dan Jurkovich joined the meeting in progress at 5:31 p.m.

City employees present at the meeting were City Manager Nick Hernandez, City Attorney Tamara Niles, City Clerk Lesley Shook, Public Information Officer Andrew Lawson, Finance Director Kathy Cornwell, Public Works Director Eric Broce, Assistant Public Works Director Mike Crandall, Building Official Richard Brown, Fire Chief Bobby Wolfe and Police Chief Dan Ward.

Cherokee Strip Land Rush Museum was represented by Director Sandy Randel. The Arkansas City Building Trades Advisory Board was represented by Chairman Carl Bowman.

Citizens in attendance included Foss Farrar, Vicki Jackson, Ted Kadau, Ark City Daily Bytes reporter Jeni McGee and Cowley County Xchange correspondent Gabrielle Lenker.

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**

City Manager Hernandez said Arkansas City Public Library Director Mendy Pfannenstiel was not able to give a budget presentation at this meeting due to a family matter and it would be rescheduled for the July 11 meeting.

Cherokee Strip Land Rush Museum Director Sandy Randel gave a budget presentation for the museum, which is requesting the maximum of \$100,000 of funding from the City in 2018. Other planned sources of 2018 funding include \$10,000 from Cowley County, and an expected total of \$17,500 from memberships and admissions.

Randel said school group visits have increased in the past four years and the Travel Information Center saw 828 visitors in 2016. Membership has climbed from 147 in 2014 to 1,102 last year and a foundation was created.

Randel also talked about tour bus development, digitization of genealogy records, the status of various grant applications and artifact preservation initiatives. She said she would like to see more day trips from the casino.

Membership is 46 percent Arkansas City residents, 39 percent Winfield (down slightly), 9 percent from rural Cowley County (an increase) and 7 percent from other counties. Volunteers contributed 1,019 hours in 2016.

Randel said the museum will continue to work with Etzanoa to bring people to town and promote artifact finds.

# City Commission of Arkansas City Meeting Minutes

---

City Manager Hernandez observed that while membership has increased 17 percent since 2015, the contribution to the museum's budget from those memberships has decreased by 74 percent. Randel attributed that fact to the number of people contributing to the foundation, not the general budget, who are receiving memberships.

Hernandez calculated, using numbers provided by Randel, that a \$100,000 contribution would mean the City is subsidizing each membership by \$90.74. He asked for a copy of this year's audit (not done) and last year's audit.

Commissioner Jurkovich asked why contractual expenses are projected at \$40,000 even though they have been around \$23,000 for the past few years. Randel said those costs can fluctuate depending on weather conditions. She also said the new HVAC system only has been in place for a year, so she hasn't identified its cost trends yet.

Commissioner Tweedy asked about the grant applications. Randel said most grants are for specific projects, not salaries and overhead, although the V.J. Wilkins Foundation did provide a grant to install the new HVAC system.

Hernandez asked about other sources of revenue. Randel said grants and savings are kept in separate accounts.

## **Comments from the Audience**

Ted Kadau, 724 N. Eighth St., addressed the commission about a neighbor who has erected a 6-foot-tall fence all the way back to the alley that he claims is obstructing visibility. He asked why he didn't have to give permission.

City Manager Hernandez said it was changed a few years ago in the Zoning Regulations so recalcitrant neighbors couldn't hold up fence projects. He said the visibility issue can't be regulated because alleys are not traffic-ways.

Hernandez said it is the responsibility of the property owner to ensure the fence is placed correctly on the property line. All the City can regulate is fence height and setbacks by issuing a permit to licensed contractors. Mayor Oestmann asked about setbacks at the alley. Hernandez said there are no setback requirements there.

City Attorney Niles said Kadau could pay to have a surveyor verify the property line and take up the issue in civil court. Niles said the City cannot get involved in a civil matter between two neighbors because it doesn't have the legal authority to remedy the issue. It essentially would be treated as a trespassing case.

Building Official Brown said the City should not require surveys because he is not qualified to determine if the survey pins have been placed correctly or that they have not been moved since their placement by the surveyor.

## **Consent Agenda**

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

1. Approving the June 6, 2017, regular meeting minutes as written.
2. Approving Resolution 2017-06-3110, canceling the Arkansas City Municipal Court session on July 4, 2017.
3. Approving Resolution 2017-06-3111, canceling the City Commission meeting scheduled for July 4, 2017.

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

# City Commission of Arkansas City Meeting Minutes

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## Old Business

### Buildings and Building Regulations

City Clerk Shook presented for discussion a second reading of an ordinance modifying Municipal Code Part II, Chapter 14, concerning buildings and building regulations, licensing of tree trimmers, property owners working on their own properties, and the composition of and appeals process for the Building Trades Advisory Board.

Public Information Officer Lawson asked if the commissioners had any further questions following the discussion of the ordinance at a study session June 16. He said staff would be comfortable with having a third reading.

Mayor Oestmann asked when the Building Trades Board might have a chance to look at the ordinance. Lawson said the board's next regularly scheduled meeting would not be until the third Thursday in July, which is July 20.

City Manager Hernandez said he has asked City Attorney Niles to draft a letter to the Kansas Attorney General's Office, to ask for a ruling on the responsibility of tenants and the ability of landlords to roof their own properties.

Mayor Oestmann asked Carl Bowman if the board would like to look over the changes. Bowman said he definitely would like that opportunity, especially concerning the board's composition and tree trimmer licensing.

Commissioner Jurkovich said he would like to see the tree trimming language removed and put into a separate ordinance because he does not plan to vote for it if it is included. Bowman asked him why that was.

Commissioner Jurkovich said, despite the support for licensing from local tree trimmers, that he does not support the proposal because it could make his son unable to collect \$25 from a neighbor to trim some tree branches.

He said he wants to encourage commerce in Arkansas City, rather than shutting it down. Mayor Oestmann said the language could be made more specific to allow for cases such as Commissioner Jurkovich's hypothetical.

Building Official Brown and Bowman argued that licensing protects homeowners, but Commissioner Jurkovich said he sees it as a way to eliminate competition. Bowman said other licensed contractors have adjusted to this.

City Manager Hernandez said the City can take a closer look at the tree trimming laws in Winfield and Wellington.

City Attorney Niles suggested restricting the licensing to branches of a certain diameter or only above a certain height, but Commissioner Welch and Hernandez questioned how the City would enforce such limitations.

Mayor Oestmann made a motion to table the ordinance until a third reading Aug. 1 so the Building Trades Board can have time to study the proposal and make recommendations. Commissioner Warren seconded the motion.

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

## New Business

### Rural Fire District No. 6 Contract Resolution No. 2017-06-3112

City Clerk Shook presented for discussion a resolution authorizing the City to enter into an agreement with the City of Winfield and Cowley County Rural Fire District (RFD) No. 6 to provide fire protection services to RFD No. 6.

# City Commission of Arkansas City Meeting Minutes

---

City Manager Hernandez said this contract is renewed every two years and there are no changes to the agreement. Commissioner Warren asked about the fees. Hernandez said the two cities split 5 mills of taxes.

Fire Chief Wolfe said the City's portion amounted to about \$27,000 in 2016. He said both fire departments respond to all fires with automatic mutual aid, but the two cities tend to split medical calls and systems alarms.

Commissioner Jurkovich 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 motion approved and given Resolution No. 2017-06-3112.

## **Setting Audit/Budget Meetings** **Resolution No. 2017-06-3113**

City Clerk Shook presented for discussion a resolution scheduling five additional public meetings of the Governing Body in June and July to discuss the 2016 audit and the 2018 budget.

City Manager Hernandez asked for a study session at noon June 30 in his office to discuss the audit, a rescheduled regular meeting at 5:30 p.m. July 11 in the commission room to replace the canceled July 4 meeting, two study sessions at noon July 14 and July 21 for the budget, and a special budget meeting at 5:30 p.m. July 25.

Notice would be published after the July 25 meeting of a budget hearing on Aug. 15, Hernandez indicated. He said staff does not anticipate having to publish any notice of a mill levy increase in excess of the property tax lid.

Mayor Oestmann 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 motion approved and given Resolution No. 2017-06-3113.

## **Offset and Re-Drill Well No. 5**

City Clerk Shook presented for discussion a resolution authorizing the City to enter into a contract agreement with Layne Christensen Company, of Wichita, to offset Well No. 5 and drill a new well to replace the existing well, for an amount not to exceed \$149,471.00.

Public Works Director Broce said this contract mirrors one approved in 2015 by the commissioners to offset and re-drill Well No. 8. If the well is approved and drilled, the new well house would be bid for construction in 2018.

Broce said Well No. 8 was expected to start up later that week. The offsetting process takes about two years.

Commissioner Tweedy asked about rehabilitation techniques, which Broce described. Commissioner Warren said Layne's unit pricing seemed very high to him. He asked Broce to see if he could negotiate that price down.

Commissioner Tweedy made a motion to table the resolution until July 11. Commissioner Welch seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Oestmann declared the motion approved.

# City Commission of Arkansas City Meeting Minutes

---

## **Traffic Safety Committee** **Resolution No. 2017-06-3114**

City Clerk Shook presented for discussion a resolution creating the Traffic Safety Committee, authorizing it to evaluate citizen and staff suggestions for traffic safety improvements or modifications, and empowering it to make recommendations regarding those improvements and recommend authorizing traffic engineering studies or analyses needed to address problem areas.

Assistant Public Works Director Crandall said this committee would help with requests from the police department and the public concerning the placement of traffic signs, reduction of speed limits, placement of speed bumps and reduction of streets from two-way traffic to one-way traffic. Many requests are not acted on.

The committee would meet quarterly and as needed to discuss these requests and make recommendations regarding possible changes or whether to commission more in-depth traffic studies.

Crandall said the mission statement and committee composition were developed, much as was done with the Capital Improvement Planning Committee, by looking at what other cities do and tweaking it to fit Arkansas City.

Commissioner Jurkovich observed the members are all representatives of either the City or other entities, such as Cowley College, the Arkansas City Public School District and the Arkansas City Area Chamber of Commerce.

Public Information Officer Lawson said the committee makeup is both experimental and flexible, with the resolution authorizing City Manager Hernandez to adjust the makeup as he sees fit depending on how it evolves.

Hernandez said staff has had conversations with the school district about school bus drop zones, crosswalks, Safe Routes to Schools grants and making Osage Avenue one-way in front of Jefferson Elementary School.

Mayor Oestmann 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. 2017-06-3114.

Commissioner Warren made a motion to appoint Commissioner Welch as the City Commission's representative to the Traffic Safety Committee. Mayor Oestmann seconded the motion.

A voice vote resulted in four aye votes and one nay vote, with Commissioner Tweedy dissenting. He said he voted nay because he was concerned about commissioner continuity if Commissioner Welch is not re-elected.

## **City Manager Updates**

City Manager Hernandez outlined a possible proposal for a land swap with the Arkansas City Public School District that would allow USD 470 to square up its bus barn property, expand the parking lot across the street from the bus barn and eventually close Fifth Street between Adams and Jefferson avenues to restrict access.

In return, the City would receive land behind the bus barn that would connect the old Water Treatment Plant property with the new Water Treatment Facility lot and allow the hike-bike trail to be extended through the area.

# City Commission of Arkansas City Meeting Minutes

---

Part of the land swap would involve a house the City recently tore down and acquired the title to. That land would be donated to the school district to extend their existing parking lot.

Public Works Director Broce said the next step would be to sign a letter of intent regarding the possible swap.

Hernandez said he likely will be out of town during the week of July 4. He asked for the commissioners to help cook for the employee appreciation lunch June 23 at the Wilson Park rotunda and said "The Lego Batman Movie" will be shown that night. Attendance was good, despite severe weather, for the Kansas National Guard concert and the Newkirk showing of "Sing" on June 15, he said, but "Sing" was cut short and will be rescheduled.

## **Other Business**

Mayor Oestmann mentioned the "thank you" letter the City received from the grandparents of Ulrich Pricer, the young boy who was allowed to ride the Amtrak inspection train June 9 from Arkansas City to Wichita. He indicated he would be interested in passing another resolution of support for Amtrak passenger service here.

Commissioner Tweedy said turnout was very strong June 17 for the Strother Field Fly-In and Car Show.

Commissioner Welch said she enjoyed the Lions Clubs' Inter-City Picnic and lion statue dedication that same day.

## **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 7:09 p.m.

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:

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Andrew Lawson, Public Information Officer