

City Commission of Arkansas City - Regular Meeting Minutes

The Arkansas City Board of City Commissioners met in regular session at **5:30 p.m. Tuesday, March 19, 2019**, in the Commission Room at City Hall, located at 118 W. Central Ave. in Ark City.

Mayor **Jay Warren** called the meeting to order. Commissioners also present at roll call were Commissioners **Kanyon Gingher, Dan Jurkovich, Duane L. Oestmann** and **Karen Welch**.

City employees present 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 **Mike Crandall**, Environmental Services Superintendent **Rod Philo**, Fire Chief **Bobby Wolfe**, Human Resources Manager **Marla McFarland** and Principal Planner **Josh White**.

Personnel of the Arkansas City Police Department in attendance were Police Chief **Dan Ward**, Capt. **Eric Burr**, Capt. **Jim Holloway**, Lt. **Kevyn Ternes**, Sgt. **Jason Legleiter**, Master Police Officers **Nelson Douglas** and **Jeremy Samson**, Police Officer **Cori Tuxhorn**, Public Service Officer **Eric Gross**, and Administrative Assistant **Jeni McGee**.

Citizens in attendance included **Ken Harader, Vicki Jackson, Gareth McGee** and Cowley CourierTraveler reporter **John Shelman**. **Kevin Cox** and **Foss Farrar** represented the Historic Preservation Board. The Etzanoa Conservancy was represented by interim director **Sandy Randel**.

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

Agenda Approval

At City Manager Hernandez's request, Commissioner Jurkovich made a motion to amend the agenda by adding a construction engineering design and inspection contract with Smith & Oakes for the CCLIP Surface Preservation Grant for South Summit Street as Item 4 under New Business.

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

Awards and Proclamations

The commissioners witnessed the presentation of a Lifesaving Award to Arkansas City Police Department Officer **Cori Tuxhorn**. Capt. Jim Holloway detailed how she arrived **January 31** at a house and administered cardiopulmonary resuscitation to a 7-week-old baby who was not breathing.

Recognition of Visitors

Interim director Sandy Randel gave an update on the status of the **Etzanoa Conservancy** project.

City Commission of Arkansas City - Regular Meeting Minutes

She explained how the new governing council has representation from each of the four partners – the City of Arkansas City, Cowley College, the Etzanoa Conservancy and Wichita State University.

Randel outlined other recommendations of a recent feasibility study regarding the project, which faces challenges of being a long-term project facing a lack of artifacts and aboveground features that help to attract tourists. Also, 95 percent of the Etzanoa site is located on private property.

She said the goals of the Etzanoa Conservancy are to rewrite the history of the area, showcase archaeological research and artifacts, provide educational opportunities, preserve the site area, and provide ecotourism and destination tourism opportunities.

Randel said recent research indicates the Etzanoa site continues all the way north to Winfield and perhaps even further on. She also is working to secure more artifacts from local repositories around the region, as well as gather more specific information about the 1916 Country Club dig.

She discussed the impact of Camp Fernandina, as well additional Native American encounters with the French and Spaniards in the area, and explained the terms of the Lake Louise property rental.

Randel said the Etzanoa Conservancy's specific goals and objectives for 2019 include:

- Developing the Lake Louise property into an attraction for educational development.
- Creating a landowners association to provide input into the Etzanoa project.
- Providing educational opportunities and drawing students into the Arkansas City area.
- Creating high school and adult field schools.
- Continuing to provide great tours of the area while communicating the Etzanoa story.
- Providing an exhibit at Cherokee Strip Land Rush Museum to enhance these tours.

The long-term vision includes acquiring additional properties for the project, creating an interpretive center, obtaining an area for archaeological workspace, growing public awareness and educational products, obtaining financial support for the battlefield area from the National Battlefield Association, and offering additional tourism opportunities as they present themselves.

Consent Agenda

Commissioner Oestmann made a motion to approve the consent agenda, including the following:

1. Approving the **March 5, 2019**, regular meeting minutes as written.
2. Authorizing Mayor Warren to sign the annual Statement of Assurance from the Kansas Department of Wildlife, Parks and Tourism regarding continuing use of recreational facilities funded by **Land and Water Conservation Grant** funds.
3. Approving a new Cereal Malt Beverage license for Fast Freddy's, located at **121 S. Summit St.**

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

City Commission of Arkansas City - Regular Meeting Minutes

Old Business

Historic Preservation Fund Grant

City Clerk Shook presented for discussion a second reading of a resolution authorizing the City to file an application for a **Historic Preservation Fund Grant**, administered by the National Park Service, for a National Register of Historic Places nomination revising the Downtown Historic District, pledging matching funds and/or in-kind services for said grant, and authorizing Mayor Warren and/or City staff to execute any and all documents necessary to apply for and accept such grant and consent to said nominations of City properties.

Principal Planner White provided an update on the status of the grant application. He said he and the Historic Preservation Board have not been successful in obtaining the required number of consent signatures, despite having a public meeting **February 18**. Many owners are “on the fence.”

This means the grant application is in “limbo” for the time being, White said, although City staff and the Board still support the idea of the expansion. Their short-term focus will shift to education.

Board member Foss Farrar spoke at length in support of the expansion proposal, addressing some of the misunderstandings people have about the historic tax credits and what the district means.

He said people often confuse historic preservation with basic maintenance required by City codes.

Mayor Warren said he thinks the district is a good idea and the tax credits were a huge benefit to the Burford Theatre restoration project, but the City needs to get more local owners interested first.

City Manager Hernandez agreed with Farrar that there is a national trend toward downtown historic restoration in larger cities as millennials and younger people move back into those areas.

No action was taken on this item and the City will not be able to apply before the grant deadline due to the lack of owner support at this time, but White said he will look at applying in **2020**.

New Business

Lake View Development Agreement

City Clerk Shook presented for discussion a Development Agreement by and between the City, Lake View Estates I LP and Red-Wood Development, Inc., for the **Lake View Estates** project.

City Manager Hernandez said this agreement further protects the City in case the development never occurs — which is unlikely because the project is set to break ground very soon.

He said all of the items in the agreement already have been agreed to in other formats. If, for some reason, the developer fails to meet all of the requirements, it will have to pay the City **\$95,000.00**.

City Commission of Arkansas City - Regular Meeting Minutes

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

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

Water Treatment Clean-In-Place **Resolution No. 2019-03-3240**

City Clerk Shook presented for discussion a resolution authorizing the City to accept a bid from Worth Hydrochem of Okla., Inc. of Norman, Oklahoma, to supply Clean-In-Place (CIP) chemicals service and training for Water Treatment Facility staff, for an amount not to exceed **\$30,982.80**.

Public Works Director Crandall said Environmental Services Superintendent Philo was available to answer any additional questions the commissioners may have since the study session.

Commissioner Oestmann asked about the life span of the reverse osmosis (RO) membranes. Philo said they are projected at seven years, but staff will strive to make them last even longer. City Manager Hernandez said each extra year could save **\$20,000**, but there is no way to know for sure.

He said the new water rates were calculated using a seven-year replacement schedule, so any additional years obtained for each membrane will only extend the City's financial resources further.

The CIP cost will be a little higher in the first year due to the training, but it should drop back down in future years, Philo said. City staff hopes to extend RO membrane life to at least 10 years or more.

Commissioner Welch made a motion to approve the resolution. Commissioner Oestmann seconded the motion. A voice vote was unanimous in favor of the motion.

Mayor Warren declared the resolution approved and given **Resolution No. 2019-03-3240**.

Westar Grant of Right-of-Way **Resolution No. 2019-03-3241**

City Clerk Shook presented for discussion a resolution authorizing the City to execute a **Grant of Right-of-Way agreement** with Westar Energy for an easement at Madison Avenue and G Street.

City Manager Hernandez said this is a very small, 20-foot easement that is just for a power line.

Commissioner Gingher made a motion to approve the resolution. Commissioner Jurkovich seconded the motion. A voice vote was unanimous in favor of the motion.

Mayor Warren declared the resolution approved and given **Resolution No. 2019-03-3241**.

City Commission of Arkansas City - Regular Meeting Minutes

CCLIP Design/Inspection Contract Resolution No. 2019-03-3242

City Clerk Shook presented for discussion a resolution authorizing the City to enter into a Construction Engineering Design and Inspection Contract with Smith & Oakes, Inc., for the City Connecting Link Improvement Program (CCLIP) Surface Preservation Grant for the South Summit Street (U.S. 166) mill and overlay project from Madison Avenue to Tyler Avenue, for an amount not to exceed **\$66,840.00**.

City Manager Hernandez said the commissioners already approved the project on **April 17, 2018**.

This item represents the next step in the process. He said the delay was due to the City wanting to stretch its dollars and waiting to see exactly how much money it would have on hand. All of the intersection replacements and most of the curb-and-gutter repair were eliminated from the project.

The City is responsible for 100 percent of the engineering design, as well as 10 percent of the estimated project cost of **\$400,173.00**, which would be a City share of **\$62,517.00**.

He said the City will schedule this work right after a KanPak water line is replaced in the area.

Commissioner Welch made a motion to approve the resolution. Commissioner Oestmann seconded the motion. A voice vote was unanimous in favor of the motion.

Mayor Warren declared the resolution approved and given **Resolution No. 2019-03-3242**.

City Manager Updates

City Manager Hernandez provided the commissioners with the following reminders and updates:

- The City will be host to a Blarney Breakfast employee appreciation event for its employees from **6 to 8:30 a.m. March 22**, at the Northwest Community Center, located at 615 W. Birch Ave. Commissioners are invited both to attend and assist with the cooking, if they are able.
- The Arkansas City Fire-EMS Department will be host to a special “wetdown and push-in” ceremony for its new Engine No. 52 from **noon to 3 p.m. March 23** at 115 South D St.
- The final meeting of the 2019 Capital Improvement Planning (CIP) Committee will be at **5:30 p.m. March 27** at the Water Treatment Facility, located at 400 W. Madison Ave.
- Wrapping up the CIP process signals the start of the next phase of budgeting for 2020 – the annual budget retreat. Staff requested discussion of possible retreat dates in April. The commissioners asked for it to be on **April 13**, with the **April 12** study session being canceled.
- Hernandez said many City employees will participate in a Cowley County Emergency Management tabletop training exercise from **9 to 11 a.m. March 28** at Cowley College.
- The next City Commission study session is at **noon March 29** in Hernandez’s office.

City Commission of Arkansas City - Regular Meeting Minutes

Other Business

Mayor Warren made a motion to recess into a **20-minute executive session** for consultation with City Attorney Niles, City Manager Hernandez and Finance Director Cornwell that would be deemed privileged in the attorney-client relationship to discuss the acquisition of real property.

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

The executive session began at **6:45 p.m.** and ended at **7:05 p.m.** Afterward, the commissioners reconvened briefly in the commission room.

Commissioner Jurkovich made a motion to recess to a **10-minute executive session** for additional consultation with Cornwell, Hernandez and Niles under the same justification as the prior motion.

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

The executive session began at **7:05 p.m.** and ended at **7:15 p.m.** No action was taken by the commissioners following the second executive session.

Adjournment

Commissioner Welch made a motion to adjourn the meeting. Mayor Warren seconded the motion.

A voice vote was unanimous in favor. Mayor Warren declared the meeting adjourned at **7:16 p.m.**

THE CITY OF ARKANSAS CITY BOARD OF CITY COMMISSIONERS

Jay Warren, Mayor

ATTEST:

Lesley Shook, City Clerk

Prepared by:

Andrew Lawson, Public Information Officer