

City Commission of Arkansas City Meeting Minutes

The Arkansas City Board of City Commissioners met in regular session at 5:30 p.m. Tuesday, June 7, 2016, 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 and Commissioner Jay Warren.

City employees present at roll call 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, City Planner Josh White, Human Resources Manager Marla McFarland, Police Chief Dan Ward, ACPD Sgt. Eric Mata and ACPD Officer Kelsey Horinek.

AAA was represented by spokesperson Jim Hanni. The Kansas Department of Transportation was represented by Cory Wells.

Citizens in attendance included Albert Brown, Charles Jennings, Patrick McDonald, Gareth McGee, Dotty Smith, Karen Welch, Traveler reporter Cody Griesel and Daily Bytes reporter Jeni McGee.

Pastor Mark Fry offered the opening prayer. Mayor Oestmann led the pledge of allegiance.

Agenda Changes and Approval

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

Awards and Proclamations

Jim Hanni presented the 2015 AAA Traffic Gold Safety Award to the Chief Ward on behalf of the Arkansas City Police Department. Hanni said it was the fifth straight year ACPD had earned the Gold Award and its sixth year of the Seatbelts Are For Everyone campaign. ACPD is one of just two police departments so honored this year.

Hanni also acknowledged ACPD's efforts regarding the annual bicycle rodeo, Cowley County Health and Safety Fair, DARE Camp, educational pamphlets, safety tips on Facebook, and rollover crash demonstration efforts.

ACPD also was recognized for its special traffic enforcement efforts, K-9 program, bicycle patrol, nighttime seat belt check lanes, electronic speed-monitoring sign and bus traffic safety design.

Hanni said the Kansas Department of Transportation was crucial in identifying candidate police departments.

Chief Ward then introduced the newest member of the department, Officer Horinek. He said she will attend the Kansas Law Enforcement Training Center on June 20 and should graduate by September 30. Her husband, father and mother-in-law all work in law enforcement, and Horinek is a former employee of the county jail.

Officer Horinek was sworn in by City Clerk Shook. Chief Ward also said he was pleased to report at least four solid candidates as a result of board interviews that day, and he is optimistic that some eventually may be hired.

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Consent Agenda

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

1. Approving the May 17, 2016, regular meeting and June 3, 2016, special meeting minutes as written.
2. Approving updated Open Door Policy, Organizational Structure, Chain of Command, Position Classification Plan, Performance Evaluation and Merit Increase, and Safety Footwear personnel policies.
3. Ratifying Mayor Oestmann's appointment of Ken Miller to the Building Trades Advisory Board.
4. Ratifying Mayor Oestmann's reappointments of David Billings, Mike Munson and Shandon Weston to the Public Building Commission.

Commissioner Warren asked Human Resources Manager McFarland to explain the second item. McFarland summarized the intent and purpose of each policy update. Commissioner Tweedy asked if the updates would be an annual process. McFarland said they would be updated biennially, but the initial revisions would continue.

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

Old Business

Applicants for Commission Vacancy

Mayor Oestmann presented for discussion four applicants for the vacant City Commission position. They were Charles Jennings, James Jordan, Patrick McDonald and Karen Welch. Jordan's and McDonald's were new names.

Mayor Oestmann said he had contacted at least one person, who was not interested. He said he wanted to see a woman join the City Commission, if at all possible, which is why he opened the position up for applications.

Mayor Oestmann thanked Jennings, Jordan and McDonald for turning in applications for the seat.

Commissioner Tweedy made a motion to appoint McDonald to fill the position. It failed for lack of a second.

Commissioner Tweedy said McDonald was the most recent former commissioner who had chosen not to run and he thought McDonald would be the best fit because he was the most familiar with the City's current affairs.

Commissioner Jurkovich said he would like to hear the candidates in the audience speak on why they applied.

Welch said she was born, raised and educated in Arkansas City. She retired after 40 years as a police dispatcher and, while she would like to serve again, she said being a commissioner is a part-time job that fits her schedule.

McDonald said he hadn't thought about applying initially, but he was asked by people he respected to do so.

Jennings said the position needed to be filled in a timely manner so the commission could move forward. He acknowledged the commissioners had a tough decision to make, but he didn't think they could choose wrong.

Mayor Oestmann made a motion to appoint Welch to fill the position. Commissioner Warren seconded the motion. A voice vote resulted in three aye votes and one nay vote, with Commissioner Tweedy dissenting.

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Mayor Oestmann declared the motion approved.

Commissioner Tweedy said he didn't have anything against Welch, but he just thought McDonald was a better fit. Commissioner Jurkovich said Welch was the only one of the three who actually said she wanted the job.

Commissioner Welch was sworn in by City Clerk Shook and took her seat with the other commissioners.

New Business

Arkansas City Police Department Annual Report for 2015

Chief Ward presented the police department's annual report and how well it implemented its strategic plan.

In 2015, ACPD entered the accreditation process, implemented a new records management system, added mobile computer-aided dispatch to its patrol cars, deployed body-worn cameras, implemented an "early warning system" for its employees, and recruited and hired four new officers (15 percent of its staffing).

Its training emphasis was on crisis intervention, mental health first aid, K-9 handling, vehicle pursuits and managing the use of force. Ward outlined some of the seminars, programs and command schools attended.

Commissioner Tweedy asked about vehicle pursuits. Ward said most of them started in the county and came into the City limits. He said it does not constitute a pursuit unless the lights are on and speeds exceed 10 mph.

Mayor Oestmann asked how many pursuits are initiated by ACPD. Ward said two to three, or about half.

Commissioner Warren asked when pursuits are continued into the county. Ward said a decision matrix was used to determine if a car was worth pursuing, usually in the case of felonies, or serious or violent crimes.

Ward explained the "guardian tracking" in more detail, saying it consisted of computer data tracking, monthly citizen satisfaction follow-up surveys by supervising officers, random monthly video reviews, a new complaint policy, social media outreach and online surveys.

He then showed statistics indicating citizen satisfaction is high, non-injury accidents are down slightly, injury and fatality accidents are climbing, citations are down and verbal warnings are up. Ward said the accident rate needs to be reduced and that can be accomplished with more citations, but he needs more officers to do so.

While Part I property crimes are down year over year, Part I violent crimes rose slightly. Part II crimes leveled off, but Ward said he wants to see all of those rates continue to trend downward.

Commissioner Warren asked how the Part I crimes compare nationally. Ward showed a crime index indicating they are high not just nationally, but also in comparison to Cowley County, Winfield and the state of Kansas.

Ward showed that total arrests are down in Arkansas City and had decreased by 25 percent since 2012.

His operating costs continue to trail the amount budgeted annually, mainly due to an inability to keep all of ACPD's officer positions staffed adequately. Personnel account for 91 percent of the budget, which is high.

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Elections Charter Ordinance

City Clerk Shook presented for discussion the first reading of a charter ordinance regarding the City's form of government, by exempting itself from the provisions of L. 2015, Chapter 88, Section 7; amending Charter Ordinance 27; reaffirming the commission-manager form; and providing provisions for the election of officers, terms of office, transitions to November elections, filling of governing body vacancies and nomination petitions.

City Attorney Niles said the changes by the Kansas Legislature mandated a move to elections in the fall of odd-numbered years. She said every commissioner's term would need to be extended by eight months to 2018.

The charter ordinance also would readopt the commission-manager plan adopted by a vote of the citizens in 1930 and establish the schedule of future elections. She said staff recommended keeping them nonpartisan.

Niles said a process to be nominated by petition, rather than by paying a filing fee, needed to be included in the ordinance. Finally, a previous charter ordinance regarding the filling of vacancies could be amended to allow the outgoing commissioner to vote on his or her replacement, if possible, and lengthening the time for that to occur.

Commissioner Tweedy asked about a provision regarding the conduct of an election after a commissioner is replaced by the appointment process. Niles said she could clarify that language before the next reading.

Mayor Oestmann said he would like to see elections stay nonpartisan. Commissioner Jurkovich asked if there was any advantage to partisan elections. A group consensus emerged that partisanship was not welcome.

Niles asked about the time frame for replacement. Several commissioners said they thought 30 days was fine.

Commissioner Tweedy made a motion to table the charter ordinance until a second reading June 21.

Commissioner Warren seconded the motion. City Manager Hernandez reminded commissioners they didn't need to formally table on first reading. Commissioner Tweedy withdrew his motion and there was no vote.

Equal Opportunity and Accessibility Advisory Board Ordinance No. 2016-06-4409

City Clerk Shook presented for discussion the first reading an ordinance modifying Municipal Code Part II, Chapter 2, Article III, Divisions 4 and 8, to combine the Human Relations Commission and the Accessibility Advisory Board into the Equal Opportunity and Accessibility Advisory Board.

City Manager Hernandez said this legislation was the outcome of the discussion at the May 13 study session.

Commissioner Tweedy asked how many members the new board would have. Hernandez said between five and seven. PIO Lawson explained that the goal of seven members could help the new board to attain quorum.

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

A roll call vote was unanimous in favor of the motion. Mayor Oestmann declared the motion approved and given Ordinance No. 2016-06-4409.

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Combining Planning Commission and Board of Zoning Appeals

City Clerk Shook presented for discussion a motion to request that the Planning Commission hold a public hearing and consider an amendment to Article 25 of the Zoning Regulations concerning the structure of the Planning Commission and the Board of Zoning Appeals.

City Manager Hernandez said this was just a simple request to have the Planning Commission consider changes.

Commissioner Jurkovich made a motion to request that the Planning Commission hold a hearing to consider an amendment to Article 25 to combine the Board of Zoning Appeals and the Planning Commission.

Commissioner Tweedy said he thought this was the right time to combine the two boards.

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

City Manager Updates

City Manager Hernandez said the news about the pending merger of the Courier and the Traveler would require the City to name a new official City newspaper. He said Traveler publisher David A. Seaton was looking into it.

Hernandez also said the pending acquisition of CornerBank by RCB Bank might prompt the City to look at bidding out its primary banking services again, since it will have to change account and routing numbers anyway.

Commissioner Jurkovich said it will be a hassle either way, so the City might as well shop around. Commissioner Tweedy asked if the merger was a done deal. Hernandez said it might not be, but he wanted to be proactive.

Hernandez said ground would be broken that week on the new Water Treatment Facility. A 12-inch water line was being capped and will be removed. The installation of storm sewer is the next task on the list.

He finished by saying he would be at a Cub Scout camp from June 12 through June 15 and he would be absent.

Other Business

Commissioner Tweedy said he had seen ACPD Capt. Mark McCaslin that day and he looked very well, considering where he was just a few weeks prior. He said McCaslin was very determined to come back soon.

City Manager Hernandez said the City would have to follow a process to ensure McCaslin was ready to return.

Adjournment

Commissioner Welch 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 p.m.

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THE ARKANSAS CITY
BOARD OF CITY COMMISSIONERS

Duane L. Oestmann, Mayor

ATTEST:

Lesley Shook, City Clerk

Prepared by:

Andrew Lawson, Public Information Officer