

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 21, 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, Commissioner Jay Warren and Commission Karen Welch.

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, Fire-EMS Chief Bobby Wolfe, Police Chief Dan Ward and ACPD Capt. Mark McCaslin.

South Central Kansas Medical Center officials in attendance were chief executive officer Virgil Watson, chief financial officer Holly Harper, chief operations officer Clayton Pappan, SCKMC Board of Trustees vice chair Dr. Nick Rogers and SCKMC Board of Trustees secretary Dr. Robert Yoachim.

Citizens in attendance included Ken Harader, Adrian Sotelo, 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 Tweedy moved 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 Jill Wineinger had asked to be on the agenda to talk about the upcoming downtown sidewalk sale, but she was not present. It was scheduled for 9 a.m. to 2 p.m. Saturday, June 25.

Holly Harper gave a financial update on South Central Kansas Medical Center. Average daily census still is down, as are surgeries and outpatients, but there was a slight increase in emergency department visits. Commissioner Jurkovich asked which of those areas is best for reimbursement. Harper said surgeries were best.

The income statement through the end of May shows a net loss of about \$595,000 at SCKMC and around \$5,400 at South Central Kansas Clinic. About \$7 million was deducted from revenue as write-offs, bad debt and charity.

Commissioner Tweedy asked what would happen if SCKMC didn't agree to the deductions. Harper confirmed that the hospital would lose its Medicare funding and would not be able to accept anyone's insurance if it did.

Commissioner Warren asked about the coding situation. Harper said there is the potential for an additional \$1 million per year in revenue from Medicare, Medicaid and some commercial insurance with improved coding.

Harper finished by showing how the accounts payable had been reduced from more than \$2 million in February to around \$1.5 million in May, with much less debt of 121 days or more. Several commissioners commended her.

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Audience Comments

Ken Harader, 1313 N. First St., addressed the commissioners about traffic on First Street due to the opening of the new Family Dollar store at 1313 N. Summit St., as well as the store's southern screened fence. He said he and 10 neighbors were in favor of changing First Street to a one-way street to try to control traffic.

Harader said 14 commercial trucks come out of the business every week and they regularly disobey the signage.

He also said that several City sanitation trucks have disobeyed the signs, which he said Chief Ward called unenforceable because it is on private property. He finished by asking the City to enforce the 2009 International Building Code on the fencing and asked if the same problems would exist at the new Water Treatment Facility.

Mayor Oestmann asked if anything could be done about the fence. Public Works Director Broce said he would speak with Neighborhood Services Superintendent Richard Brown and see if there were any nuisance violations.

Broce said the fence was built to meet code. After that, it falls under the International Property Maintenance Code. This is private development and the water plant is City-owned. Broce said it wasn't fair to compare them.

Mayor Oestmann asked if the owner could be reminded about maintaining the fence. Broce said the City could do that for safety issues or if it is affecting the value of adjacent properties. He said they would look into it.

City Attorney Niles said if this is a dispute between two private property owners, they could contact an attorney to see about seeking relief in district court, such as with a nuisance action.

Harader said he and the 10 other signatories would like to see First Street be one-way in a northbound direction.

Mayor Oestmann asked if making it one-way would require a traffic study. Broce said that in his professional opinion, the City would create more problems by forcing more traffic into the Kansas-Summit intersection. A traffic study could cost in the range of \$5,000 to \$10,000, Broce said, and it likely would recommend extensive improvements to the storage volume at the Kansas-Summit intersection to alleviate additional congestion.

Mayor Warren said the area was zoned mixed-use intentionally and commercializing the area had caused a problem. He advocated for long-range planning to address traffic issues along the First Street frontage road.

Broce said he would prefer to try restricting on-street parking to just one side of First Street. Only one house in that area does not have a driveway, he said, and the City could build a driveway there for a minimal cost.

Commissioner Tweedy asked Broce to address the issue with the sanitation trucks. Broce said he would do so.

Chief Ward explained how ACPD uses data-driven approaches to crime and traffic safety to manage its limited resources. He said there were no vehicular accidents or criminal offenses reported in 2015 or so far in 2016 on North First Street. Nonetheless, extra patrol was conducted in that area, but no violations were observed.

Ward said he spent 30 minutes a day, at various times of day, on February 9 and February 11-12 observing traffic in the area. He said there was an average of 20 to 30 cars total during each 30-minute period and Arby's has twice the traffic of Family Dollar. Earlier that day, he had observed 25 cars in an hour. Ninety-seven percent of the total traffic was at less than the posted 30-mph speed limit, Ward said, and he saw no parking violations.

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Ward also said a traffic-counting device was placed in the 1300 block of North First Street on April 2-5, for a total of 96 hours. The average flow rate was 360 cars in a 24-hour period, or 15 cars per hour. Only three cars were clocked at higher than 35 mph and 99.8 percent of the passing traffic complied with the 30-mph speed limit.

Mayor Oestmann asked Harader when the trucks arrive. Harader said they mostly are on Tuesday and Thursday mornings, prior to 11:30 a.m. He said the highest volumes of traffic are from 3:30 to 6 p.m. during weekdays.

Commissioner Warren said the City had created a zoning area that will allow for more commercial property in that area, and he thinks that sooner or later the City will need to conduct a traffic study for First Street.

Commissioner Jurkovich said he agreed with Commissioner Warren about the need to be proactive. He asked for a potential traffic study to be put on a different agenda so they could move on.

Adrian Sotelo, 626 South C St., asked why the commissioners thought they could limit a speaker's time at the podium. Mayor Oestmann said it was the commission's prerogative. He asked Sotelo not to converse with Harader in the audience because it costs too much time and the commission has other things on its agenda.

Mayor Oestmann said that if a speaker has something he or she wants to discuss with another audience member, they can leave the commission room to discuss it. Sotelo said he didn't think three minutes was enough time. Mayor Oestmann said many cities have that limit and it works fine because it is plenty of time.

Commissioner Jurkovich said this agenda section was for those speaking on items not on the agenda. If someone wants more time, he suggested they contact the mayor or City staff and ask to be placed on the agenda.

Awards and Proclamations

Capt. McCaslin was recognized by the commissioners for his graduation March 18 from the FBI National Academy, and he thanked the commission and City Manager Hernandez for their support in allowing him to attend it.

He said he applied for the 10-week leadership school in Quantico, Virginia, in December 2014, but his journey there started many years before that. Only 2 percent of law enforcement officers ever attend the academy.

Mayor Oestmann asked McCaslin how he was feeling. McCaslin said "a lot better." Commissioner Warren said Arkansas City was fortunate to have McCaslin on its police force. Commissioner Welch said she was proud of him.

City Manager Hernandez said he wanted to move an item up from the City Manager Updates so McCaslin could go home earlier. He said McCaslin's vehicle needed to be replaced because it was totaled while he was gone.

McCaslin said Chief Ward had reached out to local dealerships to find a vehicle that could replace the wrecked Dodge Durango, which was not a fleet vehicle. They were seeking a 2- to 3-year-old sedan with low mileage.

No suitable vehicle was found locally, but an ideal car was located at a Kansas City, Mo.-area dealership. It has around 12,000 miles on it and can be serviced locally at Reedy Ford. McCaslin asked for permission to buy it.

Mayor Oestmann made a motion to authorize the purchase of the 2014 Ford Taurus for an amount not to exceed \$14,000. Commissioner Welch seconded the motion. A voice vote was unanimous in favor of the motion.

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Consent Agenda

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

1. Approving the June 7, 2016, regular meeting minutes as written.
2. Receiving and filing the 2015 audit by Jarred, Gilmore and Phillips PA.

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

Old Business

Financial, Operational and Strategic Assessment Agreement for South Central Kansas Regional Medical Center

City Clerk Shook presented for discussion a request to authorize funding for an amount not to exceed \$175,000 for financial, operational and strategic consulting services for South Central Kansas Medical Center.

City Manager Hernandez said the Public Building Commission on June 20 approved an agreement with Quorum Health Resources to conduct the 12-week study, which is required by the medical center's bond document.

Commissioner Jurkovich asked how the study would be funded. Hernandez recommended adding the \$175,000 to the funds that are owed to the City by SCKMC, repayable under a current agreement at \$25,000 per month.

Hernandez said it either would be paid through the general fund or perhaps with the issuance of some short-term debt in the next few months that also will cover the medical center's next bond payment, due September 1.

Commissioner Warren said he thought the study would be a good exercise for all parties involved.

Commissioner Jurkovich made a motion to authorize spending \$175,000. Commissioner Tweedy seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Oestmann declared the motion approved.

Moving to November Elections Charter Ordinance No. 29

City Clerk Shook presented for discussion the second 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 recounted the changes made by the charter ordinance, including the addition of 10 extra days to determine a replacement for a resigned commissioner and a provision to continue nonpartisan elections.

Mayor Oestmann made a motion to approve the charter ordinance. Commissioner Warren seconded the motion. A roll call vote was unanimous in favor of the motion. Mayor Oestmann declared the motion approved and given Charter Ordinance No. 29.

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New Business

Public Hearing and Certificate of Approval for Arkansas City Presbyterian Manor

City Clerk Shook presented for discussion a certificate of approval evidencing the City's approval of the use of sales proceeds at the campus of Presbyterian Manors, Inc. (PMI) located in Arkansas City.

City Manager Hernandez said the City of Wichita oversees and issues all the debt for Presbyterian Manors throughout the state of Kansas. PMI is looking at selling one of its properties and it only can use the proceeds of that sale to update and improve existing Presbyterian Manor facilities.

This certificate would open up the possibility of the funds being used at the Arkansas City location, but does not guarantee that outcome, Hernandez said. He said holding a public hearing is a required part of this process.

Mayor Oestmann asked if this would cost the City any money. Hernandez said it would not.

Commissioner Jurkovich made a motion to hold a public hearing on the use of the proceeds. Commissioner Tweedy seconded the motion. Mayor Oestmann declared the hearing opened.

Nobody from PMI or the public was present to speak. Mayor Oestmann declared the hearing closed.

Commissioner Warren made a motion to approve the certification of approval. Commissioner Jurkovich seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Oestmann declared the motion approved.

SCKMC Sales Tax Imposition Ordinance No. 2016-06-4410

City Clerk Shook presented for discussion the first reading an ordinance authorizing the imposition of a special 1-percent citywide retailers' sales tax for South Central Kansas Medical Center and related matters.

City Attorney Niles said the first step was to approve a sales tax question for the mail-in ballot, which occurred May 24, with 80 percent of citizens voting to approve the 10-year, one-cent SCKMC Sales Tax.

She said the next step is actually to vote to impose the tax, at which point the information is forwarded to the State of Kansas so collection of the tax can commence October 1, 2016.

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. 2016-06-4410.

Increasing Municipal Court Costs Ordinance No. 2016-06-4411

City Clerk Shook presented for discussion the first reading an ordinance modifying court costs in Municipal Code.

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City Attorney Niles said the State of Kansas had required that Arkansas City Municipal Court remit \$20 to the State that is assessed on every court case in which someone pleads guilty or no contest, or enters into a diversion.

She said that amount is being raised to \$22.50, effective July 1, but rather than increase municipal court costs from \$93 to \$95.50, Niles recommended adding an additional 50 cents (to \$96) to make it easier to make change.

Commissioner Tweedy asked what would happen if the ordinance was not approved. Niles said about 5,000 cases are prosecuted in municipal court every year and the City did not budget to remit an additional \$2.50 on each of those cases, so budget cuts would be required elsewhere in the general fund to offset the new losses.

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

A roll call vote was unanimous in favor of the motion. Mayor Oestmann declared the motion approved and given Ordinance No. 2016-06-4411.

Purchase of New Mower **Resolution No. 2016-06-3036**

City Clerk Shook presented for discussion a resolution authorizing the purchase of a 2016 Kubota Model F2690 mower and a 2016 Kubota Model ZD1211 zero-turn mower from Price Bros. Equipment in Wichita, for an amount not to exceed \$30,285.00.

Assistant Public Works Director Crandall showed pictures of the mowers to be replaced, one of which is more than 14 years old and the other of which is 27 years old. He also showed pictures of the new mowers.

The price of each mower is less than what was budgeted, Crandall said, thanks to competitive bidding.

Commissioner Tweedy asked what the sanitation subdivision is responsible for mowing. Crandall said those workers mainly handle vacant City lots. The other mower would be used on entrances to the City and the levees.

Commissioner Jurkovich asked if the other two mowers were being used at all. Crandall said both were shot. He said the Public Works Department has three mowers it currently operates, and the new mowers would make five.

Commissioner Jurkovich made a motion to authorize the purchase of only the F2690 mower, for an amount not to exceed \$17,385. He said the City needed money for upcoming hospital-related expenditures and he hoped purchasing only one mower will space out future purchases so two mowers won't be needed in the same year.

Mayor Oestmann asked if this was the better mower of the two to purchase. Crandall said it was because they needed the four-wheel drive capacity on the levees. Public Works Director Broce asked if they could bring the other mower back at a later date if it is needed. The commissioners said he always could bring it back up.

Commissioner Warren seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Oestmann declared the motion approved and given Resolution No. 2016-06-3036.

Commissioner Jurkovich said another commissioner could make a motion on the second mower, but no one took him up on the suggestion. City Manager Hernandez said the F2690 was the more diverse of the two mowers.

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New Representatives to Strother Field Commission and Arkansas City Public Library Board of Trustees

City Clerk Shook presented for discussion the need to appoint a commissioner to serve as Arkansas City's representative on the Strother Field Commission.

City Manager Hernandez said Chad Giles' resignation created a vacancy that needed to be filled before the next Strother Field Commission meeting on June 22. Commissioner Warren and Mayor Oestmann already are on it.

City Attorney Niles recommended appointing a commissioner to fill the vacancy and the other two as alternates.

Mayor Oestmann asked Commissioner Welch if she was interested in the spot, but she said her mother was ill and that would limit her available time for the foreseeable future.

Commissioner Jurkovich made a motion to appoint Commissioner Tweedy as the Strother Field Commission representative, with himself and Commissioner Welch as alternates. Mayor Oestmann seconded the motion.

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

Commissioner Jurkovich made a motion to appoint Mayor Oestmann as an ex officio member of the Ark City Public Library Board of Trustees, replacing Commissioner Tweedy. Commissioner Warren 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 Cowley CourierTraveler would need to be designated the new official City newspaper at the July 5 meeting. He said the legal ad rates will increase from \$0.60 per line to \$0.69 per line.

But City Attorney Niles said the rate would be dropping from \$0.85 to \$0.69 for any legal published in Winfield.

Hernandez asked Commissioner Warren with what reduction in funding the Cherokee Strip Land Rush Museum Board of Trustees would be comfortable. Warren said they could make do with \$110,000. Hernandez asked if the commission would approve that savings to help to offset some of the expenses in the general fund.

Commissioner Tweedy asked what the museum board members originally were promised. Hernandez said \$168,000. Commissioner Warren said it would be tough for them, but they understood the City's situation.

Hernandez reminded commissioners of the employee picnic June 24 and the Fraternal Order of Police fireworks.

Other Business

Public Works Director Broce said about \$175,000 was budgeted for chip sealing in the Brad Meek Addition. Since that area is slated for a major water line replacement project later this year, Broce asked if they could postpone the chip sealing until 2017 and instead contribute that money toward a mill and overlay of West Radio Lane.

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He said the resurfacing would cost around \$300,000, with the remainder coming from federal exchange dollars.

Commissioner Jurkovich asked if it would be worthwhile to examine the impact of closing one of either the Chestnut Avenue or Madison Avenue underpasses so dollars could be concentrated on the other underpass.

Broce said it could be included as an alternate option as part of the traffic study the commission requested.

Chief Wolfe said closing the Chestnut underpass could have a negative impact on his department's ability to respond to fires east of the Walnut River. Mayor Oestmann said that would be his major concern with the idea.

Commissioner Warren asked about what is being done to improve brick streets. Broce said there still were internal talks about bringing on temporary help in the summer or even looking at a full-time in-house crew.

He said it typically costs about \$125,000 a block. Broce said he hoped to have some numbers ready in July.

Adjournment

Mayor Oestmann 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 7:22 p.m.

THE ARKANSAS CITY
BOARD OF CITY COMMISSIONERS

Duane L. Oestmann, Mayor

ATTEST:

Lesley Shook, City Clerk

Prepared by:

Andrew Lawson, Public Information Officer