

# 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. Tuesday, October 18, 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 Commissioners Charles Tweedy III, Jay Warren and Karen Welch. Commissioner Dan Jurkovich was absent from the meeting.

City employees present at roll call were City Manager Nick Hernandez, City Attorney Tamara Niles, Public Information Officer Andrew Lawson, City Clerk Lesley Shook, Police Chief Dan Ward, Fire Chief Bobby Wolfe, Assistant Public Works Director Mike Crandall and Neighborhood Services Superintendent Richard Brown.

The Veterans of Foreign Wars Post No. 1254 Auxiliary was represented by Sue Ellen Hartman. The Arkalalah Executive Committee was represented by Tasha Bucher. Bottle Service LLC was represented by Matt Miers.

Citizens in attendance were Bob Foster, Justin Jagels and Ark City Daily Bytes reporter Jeni McGee.

Commissioner Warren 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.

## **Audience Comments**

Justin Jagels, 1100 W. Colorado Ave., stated his concerns with a haunted house on his block, located at 1201 W. Colorado Ave. He is worried about excess noise after dark disturbing his young children and the impact on traffic.

He requested that commissioners look at regulating this sort of event in the future, especially when it is a commercial enterprise in a residential area. A Facebook listing for the event says visitors will be charged \$5 each.

Jagels suggested developing a permit process (with application fee) that requires applicants to contact neighbors for approval. City Manager Hernandez agreed with his concerns, but said there is no way use City zoning to fix it.

Commissioner Tweedy asked if a permit process could work. Hernandez said it could. He said state sales tax also would apply if admission is charged. Commissioner Warren said he had asked Jagels to address the commission.

Hernandez said limitations are in effect regardless of the time and a noise complaint can be filed. Jagels said that doesn't help with putting children back to bed once they are awakened by screams or other loud noises.

Commissioner Tweedy asked what times the event is open. The Facebook post said it is open from 8 to 11 p.m. Oct. 21-22 and Oct. 27-29. It is presented by TRYBE Threads, KNFX, Absolute Vapor Lounge and House of Vapes.

Fire Chief Wolfe said this can fall under fire code regulations. Haunted houses must have sufficient marked exits, proper electrical systems, regulation of open flames and a system that shuts it all down in case of an emergency.

Commissioner Tweedy thanked Jagels for bringing it to the commissioners' attention. Mayor Oestmann said the haunted house needs to comply with fire code and urged Chief Wolfe to schedule an inspection of the site soon.

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## Awards and Proclamations

Mayor Oestmann proclaimed November 2016 as American Music Month in Arkansas City. The proclamation was issued on behalf of the Arkansas City Music and Dramatics Club, but no representative of the club attended.

## Consent Agenda

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

1. Approving the October 4, 2016, regular meeting minutes as written.
2. Ratifying Resolution No. 2016-10-3051, authorizing the City to approve Addendum No. 2 to the agreement with Rural Fire District No. 5 to extend the term of that contract to provide fire services.
3. Ratifying Mayor Oestmann's appointment of James Fry to the Equal Opportunity and Accessibility Advisory Board.

Commissioner Warren asked how long the rural fire contract was. City Manager Hernandez said four years.

Mayor Oestmann asked if Rural Fire District No. 5 pays the same amount to the City every year. Hernandez said it shifts from year to year and currently is based on a mill levy of about 7.5 mills.

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

## Old Business

### General Provisions for Boards

#### Ordinance No. 2016-10-4419

City Clerk Shook presented for discussion a second reading of an ordinance modifying Municipal Code Part II, Chapters 2, 14 and 38, concerning general provisions for City organizations, including boards, commissions, committees, councils and task forces.

Public Information Officer Lawson said the ordinance generally was the same as presented a month ago, only with new language to address the counting of absences and remove staff from making decisions on those issues.

He said the new language will apply equally to all boards. Some of it was borrowed from the Building Trades Board's ordinance, but it generally boils down to the discretion of the board chair as to what is excused or not.

Lawson said the people who do not call ahead to let board chairs know they will be absent, then miss multiple meetings in a row, tend to be unproductive members that the commission needs to replace as soon as it can.

He said he will develop a form that board secretaries can fill out and board chairs can sign, which will be turned in to him or City Clerk Lesley Shook for the tracking of absences.

Mayor Oestmann asked if this ordinance will help to solve the absence situation and Lawson said he thinks it will, starting in 2017. If it's approved, he will start introducing the new rules to the boards in November, he said.

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Commissioner Warren liked that the ordinance will place more responsibility and accountability on boards.

Commissioner Tweedy said his only concern was about allowing citizens to serve on more than one board.

Lawson said that co-membership can be an asset, as long as it is not too prevalent. Only three people currently serve on two boards, and limiting to two should keep enough opportunities available to interested citizens.

Otherwise, he said, staff might have to fill 79 seats with 79 different people, but face a recruiting disadvantage by having to tell people they only can be on one narrowly focused board and not satisfy multiple interests.

Ultimately, Lawson said, it is up to commissioners to decide who to appoint to more than one board, if anyone.

Mayor Oestmann said he liked the ability to appoint people to boards who live outside of the City limits, in order to bring different perspectives. The South Central Kansas Medical Center Board of Trustees was highlighted.

Lawson suggested striking the residency requirement and instead placing it in the bylaw language of individual boards where appropriate and/or necessary, such as for the Planning Commission and Board of Zoning Appeals.

City Manager Hernandez suggested eventually transitioning the SCKMC Board of Trustees to where it would have three Arkansas City representatives, three Winfield representatives and three from the county at large.

He said he thinks William Newton Hospital is scared of taking over SCKMC's debt, but if WNH comes to realize that the debt is taken care of and correct information can filter down through the board, cooperation can occur.

Mayor Oestmann made a motion to approve the ordinance, contingent on removing the residency requirement for board members. Commissioner Welch seconded the motion. A roll call vote was unanimous in favor of the motion. Mayor Oestmann declared the ordinance approved and given Ordinance No. 2016-10-4419.

## **New Business**

### **Burford/CVB Parking Lot Adoption** **Resolution No. 2016-10-3052**

City Clerk Shook presented for discussion a resolution approving a recommendation of the Beautification and Tree Advisory Board to initiate an adoption contract for one year with the Arkansas City Convention and Visitors Bureau and the Friends of the Burford for the City-owned parking lot at A Street and Central Avenue.

Public Information Officer Lawson said Burford volunteer Virginia Lamb wants to plant crape myrtles and ornamental grasses in the rock planting areas around the parking lot. Tree trimming also is part of the proposal.

The City will spray for weeds in the alley each spring and possibly provide crushed rock to refill the planting beds.

He said the volunteer cleanup effort prior to the opening of the Burford was a big success and the volunteers propose to do this annually or even quarterly, with some City assistance. This just formalizes that cooperation.

He said the Beautification Board informally approved the proposal September 12 and voted 4-0 on September 29 to formally recommend it to the City Commission. This would be the first adoption under the adoption policy.

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Lawson said all of the interest thus far has been for planting beds in City-owned parking lots, not City parks, and thus the policy had been re-termed a “public land adoption policy,” instead of just a “park adoption policy.”

This is a “trial” adoption for one year and thus no budget or cost promises are being required of the adoptees.

Commissioner Warren said he thought it was a great idea and it will clean the property up a lot. Hernandez said he thinks this is a good example of public cooperation, as discussed at the prior night’s town hall meeting.

Commissioner Tweedy asked if there was a plan to eliminate the Bradford trees along the alley. Hernandez said they would remain, although some trees would have to be trimmed periodically, which already had been done.

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

Hernandez mentioned that future adoptions could include the planting beds opposite First Presbyterian Church and restoration improvements to the lion statue at Paris Park, which could require moving the statue for a while.

A voice vote was unanimous in favor of the motion. Mayor Oestmann declared the resolution approved and given Resolution No. 2016-10-3052.

## **Mowing Special Assessments** **Ordinance No. 2016-10-4420**

City Clerk Shook presented for discussion a first reading of an ordinance levying various special assessments for unpaid charges for code enforcement activities, including weed mowing.

Mayor Oestmann asked if the assessments were for work the City already has done. City Manager Hernandez and Shook said they were for all work performed in 2015 and 2016.

Mayor Oestmann asked why the charge was so high for one particular property. Neighborhood Services Superintendent Brown said it was because the property had to be mowed multiple times, despite City letters.

City Manager Hernandez said the minimum charge is \$100. Brown said that can increase due to other factors.

Commissioner Warren asked City Attorney Niles if all of the owners had been notified properly. She said yes.

Commissioner Tweedy asked if any of the properties were on the list of dangerous structures or those being monitored for such. Hernandez and Brown said many of the lots are where houses already had been torn down.

Commissioner Tweedy asked about the chances of recovery of expenditures after demolition. Niles said they were very low, unless a house still is in place, because the property has lost value and usually is sold at tax sale. Other properties have better odds because owners would rather pay than risk losing their homes to foreclosure.

Commissioner Warren 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 ordinance approved and given Ordinance No. 2016-10-4420.

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## **Property Maintenance Violations** **Ordinance No. 2016-10-4421**

City Clerk Shook presented for discussion a first reading of an ordinance levying various special assessments for unpaid charges for property maintenance violations.

Commissioner Warren 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 ordinance approved and given Ordinance No. 2016-10-4421.

## **Certificate of Special Assessment**

City Clerk Shook presented for discussion a Certificate of Special Assessment for dangerous structure demolitions.

Commissioner Warren asked why separate motions were needed for the two ordinances and the certificate.

City Attorney Niles said they fall under two different sections of Municipal Code and it was better to do it this way.

Mayor Oestmann made a motion to approve the Certificate of Special Assessment. Commissioner Tweedy 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 he and Commissioner Warren attended a meeting earlier that day in Wichita regarding Etzanoa. He thinks it could take decades for the site to develop, but the area keeps growing larger.

Hernandez said the Radio Lane resurfacing project remained on schedule. Assistant Public Works Director Crandall said the new asphalt overlay would commence later that week, with the project concluding next week.

Hernandez said the intent on the Summit Street project is to fill in or cover up all of the voids, and remove all of the fencing and traffic control devices, prior to Arkalalah. The City is trying its best to make everything passable.

Mayor Oestmann said many citizens have asked him why it took so long to start the project that it could impact Arkalalah. Hernandez said the City is at the whim of the contractor and chose to work through it to save money.

Otherwise, he said, all preparations for the Arkalalah Festival are going smoothly and proceeding as scheduled.

He invited the commissioners to participate in the Big Parade on October 29 and possibly ride on the fire engine.

Chief Wolfe said the old fire engine is running well and he is hopeful the Fire Pipe & Drum Band can participate.

Crandall said Goff Industrial Park Road repairs have begun and Andale Ready-Mix is replacing 6,000 square feet.

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## **Other Business**

Commissioner Warren invited everyone to the Kids Voting Kansas forum on October 19 at Arkansas City Middle School. Eight local legislative and Cowley County Commission candidates will participate in the event.

## **Adjournment**

Commissioner Tweedy moved to adjourn the meeting. Mayor Oestmann seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Oestmann declared the meeting adjourned at 6:27 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