

# City Commission of Arkansas City - Regular Meeting Minutes

The Arkansas City Board of City Commissioners met in regular session at **5:30 p.m. March 6, 2018**, in the Commission Room at City Hall, located at 118 W. Central Ave. in Arkansas City.

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

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**, Assistant Public Works Director **Mike Crandall**, Fire Chief **Bobby Wolfe**, Police Chief **Dan Ward**, Human Resources Manager **Marla McFarland**, Building Official **Mike Bellis** and Principal Planner **Josh White**.

The Beautification and Tree Advisory Board was represented by **Paisley Howerton**. The Equal Opportunity and Accessibility Advisory Board was represented by **JoAnn Bierle** and **Tammy Lanman-Henderson**.

Citizens in attendance included **Alex Hernandez, Annicka Hernandez, Xavier Hernandez, Kammy Downs, Vicki Jackson, Ophelia Strecker**, Ark City Daily Bytes reporter **Jeni McGee** and Cowley CourierTraveler reporter **John Shelman**.

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

## **Agenda Approval**

At Mayor Jurkovich's request, Commissioner Warren made a motion to approve the agenda with the addition of a proclamation of March 2018 as Developmental Disabilities Awareness Month.

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

## **Awards and Proclamations**

Mayor Jurkovich issued a proclamation that March is **Developmental Disabilities Awareness Month** in Arkansas City. JoAnn Bierle received the proclamation on behalf of the Equal Opportunity and Accessibility Advisory Board. She said the board is trying to plan 2019 activities.

Mayor Jurkovich issued a proclamation that March 6, 2018, is **Mayor's Monarch Pledge Day** and observing March 12-16 as **National Wildlife Week** in Arkansas City. Paisley Howerton received the proclamation on behalf of the Beautification and Tree Advisory Board and discussed future plans.

Mayor Jurkovich issued a proclamation that March 4-10 is **Flood Safety Awareness Week**.

# City Commission of Arkansas City - Regular Meeting Minutes

## Recognition of Visitors

Mell Kuhn, 521 W. Kansas Ave., asked if he could address the commission regarding a proposal to possibly transfer three City parks to the Land Bank. Mayor Jurkovich informed him that there would be a public hearing at **7 p.m. March 15** in the commission room to discuss this proposal.

Kuhn asked if the City can arbitrarily give land away. City Attorney Niles said that it can do so if it owns the deed. Platted parks, once abandoned, revert to the ownership of the adjacent property owners. Deeded parks must be disposed of by following all of the stipulations of the deeds to them.

## Consent Agenda

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

1. Approving the **February 20, 2018**, regular meeting minutes as written.

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

Mayor Jurkovich declared the consent agenda approved.

## Old Business

### Building Trades Board Member

City Clerk Shook presented for discussion Mayor Jurkovich's appointments to an at-large position on the **Building Trades Advisory Board**, recently created by **Ordinance No. 2018-02-4451**.

Public Information Officer Lawson said there had been no further applications for the board. He was not able to promote the vacancy as much as he would have liked on Facebook due to several unplanned posts about the rescheduling of the Water Treatment Facility dedication ceremony.

Lawson said neither Ted Kadau nor Michael Taylor had responded to say they still were interested.

Commissioner Oestmann made a motion to appoint **Chris Rains** to a three-year at-large term on the Building Trades Advisory Board. Mayor Jurkovich seconded the motion.

Mayor Jurkovich said he has no problem with Rains, even though it would leave all contractors on the board. Commissioner Warren said he was disappointed more people have not applied and Commissioner Gingher said it will take time for word-of-mouth advertising to spread through town.

A voice vote resulted in three aye votes and two nay votes, with Commissioners Gingher and Warren dissenting. Mayor Jurkovich declared the motion approved.

# City Commission of Arkansas City - Regular Meeting Minutes

## New Business

### Compass Point Addition Ordinance No. 2018-03-4458

City Clerk Shook presented for discussion an ordinance approving the plat of **Compass Point Addition** and accepting land dedicated for the public purposes included therein.

Principal Planner White said there were only minor changes from the preliminary plat, mainly to utility easements and setbacks, and the only major change was to the name of an east-west street.

Mell Kuhn asked if there is a guarantee that houses actually will be built. City Manager Hernandez said he tentatively expects the letter of credit to guarantee at least 50-percent occupancy. The next step in the process will be to determine the special assessments for the subdivision, he explained.

Commissioner Warren made a motion to approve the ordinance. Commissioner Welch seconded the motion. A roll call vote was unanimous in favor of the motion.

Mayor Jurkovich declared the ordinance approved and given **Ordinance No. 2018-03-4458**.

### Water Treatment Facility Ordinance No. 2018-03-4459

City Clerk Shook presented for discussion a first reading of an ordinance amending **Ordinance No. 2017-12-4447**, by fixing the compensation for amended **Water Treatment Facility** titles.

Human Resources Manager McFarland said the only alterations are changing “Water Treatment Plant” to “Water Treatment Facility” in all references in job titles.

Mell Kuhn argued whether it should be referred to as a “plant” or a “facility.” City Attorney Niles consulted a dictionary definition to clarify. City Manager Hernandez said the “plant” is the rear portion of the facility that actually processes the water, while the “facility” is the entire structure.

Mayor Jurkovich made a motion to approve the ordinance. Commissioner Oestmann seconded the motion. A roll call vote was unanimous in favor of the motion. Mayor Jurkovich declared the ordinance approved and given **Ordinance No. 2018-03-4459**.

### Study Session/Cancel Meeting Resolution No. 2018-03-3160

City Clerk Shook presented for discussion a resolution canceling a City Commission meeting, set for **5:30 p.m. March 20**, and scheduling a study session to discuss the Governing Body Handbook.

## City Commission of Arkansas City - Regular Meeting Minutes

City Manager Hernandez said that while the commission is required to hold two meetings each month, it can cancel one of them and replace it with a study session at a different time and place.

Mayor Jurkovich made a motion to approve the resolution and schedule the study session at **noon March 29** in the commission room at City Hall. Commissioner Oestmann seconded the motion.

A voice vote was unanimous in favor of the motion. Mayor Jurkovich declared the resolution approved and given **Resolution No. 2018-03-3160**.

### **Change Order Agreement No. 3** **Resolution No. 2018-03-3161**

City Clerk Shook presented for discussion a resolution authorizing the City to enter into **Change Order Agreement No. 3** with Walters-Morgan Construction, Inc., of Manhattan, regarding the Water Treatment Facility improvements, for an amount not to exceed **\$95,041.54**.

City Manager Hernandez said the largest item, for **\$63,070.00**, will pay for the reconstruction of the intersection of Fourth Street and Washington Avenue, which the commission already approved.

The other items are relatively minor, he said. Some of them are part of correcting contractor errors.

Hernandez said this brings the total change orders to **\$210,816.09**, which is 1.2 percent of total cost.

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

Mayor Jurkovich declared the resolution approved and given **Resolution No. 2018-03-3161**.

### **City Manager Updates**

City Manager Hernandez asked Building Official Bellis to update the commission on several dangerous structures. Bellis said **310 E. Madison Ave.** was demolished by the City for **\$4,800.00**.

Bellis said **611 N. Seventh St.** has a remodeling permit that will expire **March 17**, at which point he could go out for bids for demolition of that property, while **306 North C St.** was sold at auction and the new owner has indicated he will secure a permit to remodel the property prior to **March 15**.

Bellis said bids to demolish **215 North B St.** and **315 North D St.** are due back by **2 p.m. March 16**.

He finished by reporting that Delbert Morgan has completed remodeling the property at **900 S. Third St.**, which is now being rented out. Two of the last six dangerous structures have been fixed.

## City Commission of Arkansas City - Regular Meeting Minutes

Hernandez reminded commissioners that the Beautification and Tree Advisory Board will have a public hearing and town hall meeting at **7 p.m. March 15** in the commission room at City Hall.

Kammy Downs, president and chief executive officer of the Arkansas City Area Chamber of Commerce, told the commission about the Fifth Thursday Art and Music Crawl on **March 29**.

She said proceeds from a raffle during the event will go toward the Fourth of July fireworks fund.

Hernandez said the Kansas Department of Transportation is requesting a temporary easement near the Arkansas River during the upcoming reconstruction of the West Madison Avenue bridge.

Commissioner Warren made a motion to approve the easement. Commissioner Gingher seconded the motion. A voice vote was unanimous in favor. Mayor Jurkovich declared the motion approved.

### Other Business

Mayor Jurkovich convened the **Land Bank Board of Trustees** meeting. City Attorney Niles said it should be held as part of the City Commission meeting since it was not advertised separately.

She said the only property currently in the Land Bank is the former Big-N-Small's building, located at **1438 N. Summit St.**, which the City purchased at auction for \$167 after past taxes were forgiven.

Commissioner Oestmann made a motion to appoint Mayor Jurkovich as chairman, Vice Mayor Warren as vice chair, Public Information Officer Lawson as secretary and Finance Director Cornwell as treasurer for the Land Bank Board of Trustees. Commissioner Welch seconded the motion.

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

Mayor Jurkovich made a motion to recess to a **10-minute executive session** to discuss personnel matters of non-elected personnel, to include City Attorney Niles, Finance Director Cornwell and Human Resources Manager McFarland. Commissioner Oestmann seconded the motion.

A voice vote was unanimous in favor of the motion. The executive session began at **6:42 p.m.** and ended at **6:52 p.m.** Afterward, the commissioners reconvened briefly in the commission room.

Mayor Jurkovich made a motion to recess to another **10-minute executive session** to discuss personnel matters of non-elected personnel, to again include Niles, Cornwell and McFarland.

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

The executive session began at **6:52 p.m.** and ended at **7:02 p.m.** Afterward, the commissioners reconvened in the commission room.

## City Commission of Arkansas City - Regular Meeting Minutes

Mayor Jurkovich made a motion to authorize an agreement with City Manager Hernandez to pay him an additional **\$600** per payroll period, or **\$636** per payroll period once benefits are included, for the duration of the period that he fulfills the duties of the Public Works Director/City Engineer.

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

Mayor Jurkovich declared the motion approved. Hernandez emphasized that the role is temporary.

### **Adjournment**

Commissioner Welch moved to adjourn the meeting. Commissioner Oestmann seconded the motion. A voice vote was unanimous in favor of the motion.

Mayor Jurkovich declared the meeting adjourned at **7:06 p.m.**

### **THE CITY OF ARKANSAS CITY BOARD OF CITY COMMISSIONERS**

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Dan Jurkovich, Mayor

### **ATTEST:**

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Lesley Shook, City Clerk

### **Prepared by:**

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Andrew Lawson, Public Information Officer