

City Commission of Arkansas City - Regular Meeting Minutes

The Arkansas City Board of City Commissioners met in regular session at **5:30 p.m. May 1, 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** and Principal Planner **Josh White**.

The Equal Opportunity and Accessibility Advisory Board was represented by **Tammy Lanman-Henderson**. The South Central Kansas Medical Center (SCKMC) Board of Trustees was represented by outgoing chair **Carol Hearne**, Secretary **Karen Zeller** and Treasurer **JoLynn Foster**.

Judy Day-Trenary represented the Arkansas City Music and Dramatics Club, of which she was recently elected the new president, while **Brenda Stewart** was in attendance to represent Saint Francis Community Services, which is based in Wellington.

Citizens in attendance included **Jack Dickson, Vicki Jackson, Mell Kuhn, Gareth McGee, Otis Morrow, Lori Newsome, Tamara Norwood, Tatum Norwood, Nola Riggs, Dotty Smith, Mel Smith, Tim Smith, Virgil Watson**, 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 Welch made a motion to approve the agenda with the additions of a proclamation of May 3 as National Day of Prayer in Arkansas City and discussion of the South Central Kansas Medical Center Board of Trustees' suggestion of forming a new steering committee as Item 1a under Old Business.

Commissioner Warren 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 May 2018 is **National Foster Care Month** in Arkansas City. Brenda Stewart received the proclamation on behalf of Saint Francis Community Services.

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Mayor Jurkovich issued a proclamation that May 5, 2018, is **Cinco de Mayo Day** in Arkansas City.

Tammy Lanman-Henderson received the proclamation on behalf of the Equal Opportunity and Accessibility Advisory Board. Public Information Officer Lawson said the first-ever Cinco de Mayo Salsa Fest will be held from **11 a.m. to 2 p.m. May 5** at Wilson Park, with “Coco” following at **8 p.m.**

Mayor Jurkovich issued a proclamation that May 6-12, 2018, is **Public Service Recognition Week** in Arkansas City. Tammy Lanman-Henderson also received this proclamation on behalf of the Equal Opportunity and Accessibility Advisory Board.

Mayor Jurkovich issued a proclamation that May 6-13, 2018, is **National Music Week** in Arkansas City. Club president Judy Day-Trenary received the proclamation on behalf of the Arkansas City Music and Dramatics Club. She invited citizens to participate in the club’s activities this year.

Mayor Jurkovich issued a proclamation that May 13-19, 2018, is **National Police Week** and May 15, 2018, is **National Peace Officers Memorial Day** in Arkansas City. Police Chief Ward received the proclamation on behalf of the Arkansas City Police Department.

Mayor Jurkovich issued a proclamation that May 3, 2018, is **National Day of Prayer** in Arkansas City. Pastor Tim Smith and several other local pastors received the proclamation on behalf of the Arkansas City Ministerial Alliance. Smith invited everyone to pray at **noon May 3** at Wilson Park.

Recognition of Visitors

Mayor Jurkovich recognized and congratulated Arkansas City High School junior **Tatum Norwood** for being selected as Arkansas City’s Outstanding Student Award winner for 2017-18.

She also received a \$1,000 scholarship. City Manager Hernandez thanked the commissioners for continuing to support this program, which recognizes how well-rounded the student is in her life.

Consent Agenda

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

1. Approving the **April 17, 2018**, regular meeting minutes as written.
2. Receiving and filing the 2017 City audit performed by Jarred, Gilmore & Phillips, PA.
3. Approving the following personnel policy update: **1.15 Regularly Scheduled Work Shift**.

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

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Old Business

SCKMC Board of Trustees

City Clerk Shook presented for discussion Mayor Jurkovich's appointments to the **South Central Kansas Medical Center Board of Trustees**. There currently are 12 applicants for two vacant seats.

Mayor Jurkovich made a motion to appoint **Dotty Smith** to the SCKMC Board of Trustees.

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

Mayor Jurkovich declared the motion approved. Commissioner Welch later made a motion to appoint **Jonathan Hansen** to the SCKMC Board of Trustees. That motion died for lack of a second.

Commissioner Warren raised the question of whether the City Commission might need to take over the hospital directly. He said the Board of Trustees is perhaps being asked to do too much.

He suggested revoking the charter ordinance establishing the Board of Trustees. City Attorney Niles said she would need to research the implications of that before making any recommendation.

Mayor Jurkovich said he is concerned about continuity at the hospital and thinks decisions about board structure will take longer to discuss due to the need for adequate research.

Commissioner Gingher said she believes SCKMC staff is working diligently to hold things together. She said she doesn't want to see the board approve any new contracts or large purchases.

Vicki Jackson, 1330 N. Third St., asked Commissioner Gingher to clarify her statement, which she did. Mayor Jurkovich observed that the City Commission has no direct authority over the day-to-day operation decisions of the Board of Trustees or hospital administration, which means the only way it could enforce Commissioner Gingher's request would be to remove individual trustees.

Carol Hearne admitted it is difficult for the board to conduct its business under the intense scrutiny of the City Commission. She defended its decisions to pursue new programs, even if unsuccessful.

SCKMC Steering Committee

Mayor Jurkovich presented for discussion the April 26 recommendation of the South Central Kansas Medical Center Board of Trustees to create some form of a **new joint steering committee**.

Commissioner Gingher asked what this would accomplish. Commissioner Warren said he thinks the current environment will make it difficult for the two boards to interface with a third board.

Commissioner Gingher said the original proposal was created as a way to avoid public meetings.

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Commissioner Welch said she thinks all steering committee meetings should be open to the public.

Board Secretary Karen Zeller said there is more to this issue than the financial challenges and she thinks SCKMC Chief Executive Officer Virgil Watson is the only person qualified to run the hospital.

Mayor Jurkovich said he thinks the clash is because the commissioners are accountable to the taxpayers. So when commissioners ask frank questions of the board regarding finances and do not receive frank answers, he said he is inclined to suspect there is willful dishonesty or incompetence.

Commissioner Gingher acknowledged that SCKMC is an asset to the community, but all of these boards ultimately work for the public and they owe the public transparency and accountability.

She said Arkansas City can no longer risk spending or losing big money on untested programs.

Commissioner Gingher said she thinks having all four members of the SCKMC executive committee on the steering committee is too many. She insisted on the meetings being public.

Commissioner Oestmann said he is willing to try the steering committee idea and see where it goes, because the City Commission always can decide later that it is not working out and end it.

Commissioner Oestmann made a motion to create a steering committee with **two** members from the City Commission, **two** members from the Board of Trustees and **one** member appointed at large.

Commissioner Welch seconded the motion after extended discussion of its specific wording.

Commissioner Gingher questioned how the at-large member would be selected and suggested appointing Dotty Smith to that position since she technically will not have been sworn in yet.

Commissioner Warren asked what the purpose of the steering committee will be. Commissioner Oestmann said the steering committee will need to figure that out and report back to both boards.

Vicki Jackson asked if these meetings would be open to the public. City Attorney Niles said they could be designated as open, but they are not required to be under the Kansas Open Meetings Act.

Mayor Jurkovich said he opposes this idea because he thinks the steering committee needs to have at least three city commissioners and public meetings. Commissioner Welch called the question.

A voice vote resulted in one yea vote and four nay votes, with only Commissioner Oestmann voting in favor. Mayor Jurkovich declared the motion failed.

Mayor Jurkovich made a motion to create a steering committee with **three** members from the City Commission, **three** members from the Board of Trustees and **one** member appointed at large. He clarified the committee would have open meetings. Commissioner Gingher seconded the motion.

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Mayor Jurkovich asked if the SCKMC Board of Trustees voted to recommend a renewal of the half-cent sales tax. Board Treasurer JoLynn Foster said the steering committee can make that decision.

City Manager Hernandez said he is working with SCKMC attorney Otis Morrow and bond counsel to refine the proposed sales tax language further before it is presented to the City Commission.

Commissioner Warren said he thinks this can help. Commissioner Oestmann called the question.

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

Commissioner Oestmann said the commission should consider prior applicants for the SCKMC Board of Trustees as potential appointees to the at-large position on the steering committee.

He suggested looking at Michael Taylor and Commissioner Gingher suggested Jonathan Hansen.

Commissioner Gingher made a motion to appoint **Jonathan Hansen** to the steering committee.

Commissioner Warren seconded the motion. A voice vote resulted in four yea votes and one nay vote, with Commissioner Oestmann dissenting. Mayor Jurkovich declared the motion approved.

Mayor Jurkovich asked Public Information Officer Lawson to invite Michael Taylor to the May 15 meeting and to provide all of the commissioners with contact information for the other applicants.

Hernandez asked which three members of the City Commission will be on the steering committee.

Mayor Jurkovich made a motion to appoint **Commissioner Gingher** to the steering committee.

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

Commissioner Warren made a motion to appoint **Mayor Jurkovich** to the steering committee.

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

Commissioner Warren made a motion to appoint **Commissioner Oestmann** to the steering committee. Commissioner Welch seconded the motion. A voice vote was unanimous in favor.

Mayor Jurkovich declared all three motions approved and said he will set up a committee meeting.

Mayor Jurkovich made a motion to table the remaining appointment to the SCKMC Board of Trustees until the **May 15** meeting. Commissioner Gingher seconded the motion.

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

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New Business

Agreement for Safety Services Resolution No. 2018-05-3171

City Clerk Shook presented for discussion a resolution authorizing a three-year Agreement for Services with Kansas Municipal Utilities (KMU) for the provision of comprehensive job training and safety services to participants in its Safety and Compliance Management Program.

Human Resources Manager McFarland said this is an expansion of the current training schedule with more hands-on assistance, including developing safety policies and identifying training needs.

Safety walkthroughs, inspections and records maintenance at City facilities also are included.

City Manager Hernandez said the City currently pays **\$15,000.00** for KMU training services.

These additional services will cost **\$6,600.00** a year, for a total annual KMU cost of **\$15,000.00**.

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 Jurkovich declared the resolution approved and given **Resolution No. 2018-05-3171**.

Craft House Conditional Use Permit

City Clerk Shook presented for discussion a first reading of an ordinance granting a conditional use permit requested by Lori Newsome to allow a lodging house or craft house in an R-2 Medium-Density Residential District at **2526 Valley View Drive**.

Principal Planner White said a lodging house differs from a hotel or motel in terms of scale, but an exchange of compensation still occurs. He detailed the sorts of crafting activities that might occur.

White said this proposed use essentially would function as a low-impact home-based business with a lodging component. There is a circle drive that could accommodate all of the needed parking.

No more than eight overnight guests would be allowed. The facility must meet all appropriate safety standards. The kitchen may be used by guests, but there cannot be any on-site catering.

All signage will have to follow the sign regulations for other home occupations. The Planning Commission voted unanimously to recommend approving the permit, if these conditions are met.

Commissioner Welch asked what the response of the neighbors was. White said some opposition was expressed at the pair of Planning Commission meetings in which this permit was discussed.

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Lori Newsome, 2526 Valley View Drive, explained what she wants to do with this craft house. She said she has been unable to sell the house, which she does not live in, so she wants to monetize it.

Newsome pointed out that if she just had a group of eight friends over to craft and spend the night, no one would be the wiser. Because money is changing hands, though, she wants to follow the rules.

She promised to maintain the property, estimating it will average two weekends per month of usage.

Mayor Jurkovich asked if any neighbors were present. Nola Riggs, 2518 Valley View Drive, spoke.

Riggs said she is generally opposed to having any business located in her neighborhood, but if she has to live near a business, this is exactly the sort of low-impact business she would like to live near.

City Manager Hernandez said the City will have to look into whether to charge transient guest tax.

No action was taken on the ordinance and it will be presented for a second reading on **May 15**.

Public Library Charter Ordinance

City Clerk Shook presented for discussion a first reading of a charter ordinance amending provisions of Charter Ordinances 19 and 20, exempting the City from the provisions of **K.S.A. 12-1220** and **K.S.A. 12-1222** relating to libraries, and providing substitute and additional provisions.

Public Information Officer Lawson said the ordinance has been in development for nine months.

He said Arkansas City Public Library Director Mendy Pfannenstiel could not attend the meeting, but he had passed out copies of an information sheet she had submitted regarding library finances.

Lawson said the proposed one-mill increase can be removed or altered by the commissioners, as it is merely the suggestion of the library board of trustees, but it is restricted only to capital costs.

He said the ordinance clarifies that the appointed city commissioner is a voting ex officio member of the board and it reduces the board by one citizen so it has seven total members (and six citizens).

Lawson asked for commission in put on whether term limits and city residence requirements should be retained in the charter ordinance. There was no commission consensus on these issues.

The charter ordinance currently shortens terms from four to three years and allows for three terms.

There was some discussion about a library taxing district bill that died in committee in Topeka.

No action was taken on the charter ordinance and it will be presented for a second reading **May 15**.

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City Manager Updates

City Manager Hernandez asked for a study session at **noon May 11** to discuss funding requests from external agencies for the 2019 budget. No action was taken to schedule this special meeting.

He said he would not be able to attend the study session because he will be conducting emergency management training **May 11** at the Water Treatment Facility. He will be in Ellsworth on **May 10**.

Other Business

Executive Sessions

Commissioner Gingher made a motion to recess to a **15-minute executive session** to discuss data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships, with City Manager Hernandez present, to a potential retail business development.

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

The executive session began at **7:32 p.m.** and ended at **7:47 p.m.** Afterward, the commissioners reconvened briefly in the commission room.

Mayor Jurkovich made a motion to recess to a **13-minute executive session** to discuss data relating to financial affairs or trade secrets, to again include City Manager Hernandez.

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

The executive session began at **7:47 p.m.** and ended at **8:00 p.m.** No action was taken by the commissioners following the second executive session.

Adjournment

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

Mayor Jurkovich declared the meeting adjourned at **8:01 p.m.**

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THE CITY OF ARKANSAS CITY BOARD OF CITY COMMISSIONERS

Dan Jurkovich, Mayor

ATTEST:

Lesley Shook, City Clerk

Prepared by:

Andrew Lawson, Public Information Officer