

City Commission of Arkansas City - Regular Meeting Minutes

The Arkansas City Board of City Commissioners met in regular session at **5:30 p.m. Tuesday, Aug. 21, 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**, Public Works Director **Mike Crandall**, Environmental Services Superintendent **Rod Philo**, Fire Chief **Bobby Wolfe**, Police Chief **Dan Ward**, Human Resources Manager **Marla McFarland**, Parks and Facilities Director **Tony Tapia**, and Building Official **Mike Bellis**.

Arkansas City Police Department personnel in attendance were Ward, Capt. **Mark McCaslin**, Lt. **Eric Burr**, Master Police Officers **Chase Hobart** and **Jeremy Samson**, Police Officer **Cori Tuxhorn**, and K-9 Officer **“Lee.”**

Citizens in attendance included **Krysta Hobart, Vicki Jackson**, Ark City Daily Bytes reporter **Jeni McGee** and Cowley CourierTraveler reporter **John Shelman**.

Fire Master Fire Equipment, Inc. was represented by sales representative **Chris Thompson**.

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

Agenda Approval

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

Mayor Jurkovich declared the agenda approved.

Recognition of Visitors

Police Chief Ward recognized and saluted K-9 Officer **“Lee”** on the occasion of his retirement from police service. Ward said Master Police Officer Samson will be adopting Lee into his family.

Ward also recognized and congratulated Master Police Officer Hobart, was honored recently as the 2018 School Resource Officer of the Year by the Kansas Juvenile Officers Association.

He said Hobart is an exceptional SRO who has displayed the values of helpfulness, commitment and pride in his current role assisting the schools. Ward presented Hobart with his award, and he and Hobart then posed for a picture with City Manager Hernandez and Mayor Jurkovich.

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Consent Agenda

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

1. Approving the **Aug. 7, 2018**, regular and **Aug. 14, 2018**, special meeting minutes as written.
2. Ratifying Mayor Jurkovich's appointment of **Charles Jennings** to the Historic Preservation Board.

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

Old Business

Dangerous Structures Hearing Resolution No. 2018-08-3195

City Clerk Shook presented for discussion a resolution declaring structures located at 1311 N. Eighth St., 831 South E St., 1023 South B St., and 1304 South A St. as **unsafe and dangerous**.

Building Official Bellis showed pictures of each structure and offered his professional testimony.

City Manager Hernandez asked Bellis if any property owners had made arrangements to address the issues. Bellis said the owners of 831 South E St. pulled a demolition permit, but had not started any work yet on the structure. City Attorney Niles said the resolution would extend their time limit.

Mayor Jurkovich opened a public hearing on **1311 N. Eighth St.** No one from the public spoke.

Mayor Jurkovich closed the public hearing. Commissioner Oestmann made a motion to declare 1311 N. Eighth St. as unsafe and dangerous. Commissioner Welch seconded the motion.

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

Mayor Jurkovich opened a public hearing on **831 South E St.** No one from the public spoke.

Mayor Jurkovich closed the public hearing. Commissioner Warren made a motion to declare 831 South E St. as unsafe and dangerous. Commissioner Welch seconded the motion.

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

Mayor Jurkovich opened a public hearing on **1023 South B St.** No one from the public spoke.

Mayor Jurkovich closed the public hearing. Commissioner Warren made a motion to declare 1023 South B St. as unsafe and dangerous. Commissioner Oestmann seconded the motion.

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

Mayor Jurkovich opened a public hearing on **1304 South A St.** No one from the public spoke.

Mayor Jurkovich closed the public hearing. Commissioner Oestmann made a motion to declare 1304 South A St. as unsafe and dangerous. Commissioner Warren seconded the motion.

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

City Attorney Niles asked the commissioners to reaffirm their findings by approving the resolution.

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

Mayor Jurkovich declared the resolution approved and given **Resolution No. 2018-08-3195.**

New Business

New Parks Bucket Truck **Resolution No. 2018-08-3196**

City Clerk Shook presented for discussion a resolution authorizing the City to purchase a 2018 Ford F-550 4x4 cab and chassis with Altec Model AT40-G telescopic articulating device with ISO-Boom from Altec Industries, Inc., of Birmingham, Alabama, for an amount not to exceed **\$112,810.00.**

Parks and Facilities Director Tapia said the current truck's mileage is fairly low, but it has been used for more than 18,000 hours due to idle time. This is very hard on the engine.

He said the truck is used more due to industrial development in the north part of town. It is used mainly to change out street lights. For safety reasons, the division needs a dependable truck.

Commissioner Warren 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. 2018-08-3196.**

Heavy-Duty Rescue Pumper **Resolution No. 2018-08-3197**

City Clerk Shook presented for discussion a resolution authorizing the City to purchase a 2019 Ferrara Heavy-Duty Rescue Pumper with a Hale 2,000-GPM pump and 750-gallon poly tank from Fire Master Fire Equipment, Inc., of Springfield, Missouri, for an amount not to exceed **\$605,712.00.**

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Fire Chief Wolfe said the Arkansas City Fire-EMS Department currently has one operational pumper and another 23-year-old pumper that has outlived its useful service life.

It has developed so many maintenance issues, Wolfe said, that it is used only to transport hose.

He said an apparatus committee of seven people was formed last November and they have worked diligently to identify the best vehicle for a 20-year investment that will use tax money efficiently.

Wolfe said this pumper is easily \$100,000 to \$150,000 less expensive than pumpers being purchased by comparable cities. He credited this to the committee's understanding the community's needs.

City Manager Hernandez said the annual debt service on this pumper will be around \$10,000 less per year than the payments on the aerial platform, which was paid off recently. Chief Wolfe said this will take care of all firefighting apparatus until the aerial is scheduled for replacement in 2030.

Chris Thompson said Ferrara offers two-year bumper-to-bumper warranties, 10-year warranties on several different components and a temporary replacement vehicle, if this vehicle needs maintenance.

Hernandez said the only option left off was a "blackout" package that would have replaced much of the chrome with a material similar to a spray-on bed liner, but it would cost an extra \$15,000.00.

The commissioners and audience exited City Hall to inspect a demonstration version of the vehicle that was parked on North First Street. They returned to the Commission Room after 15 minutes.

Commissioner Gingher made a motion to approve the resolution for an amount not to exceed **\$620,000.00**. She said the additional \$15,000 provides negotiating room for a "blackout" package.

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

Mayor Jurkovich declared the resolution approved and given **Resolution No. 2018-08-3197**.

Uniform Public Offense Code **Ordinance No. 2018-08-4465**

City Clerk Shook presented for discussion an ordinance adopting by reference the **2018 Uniform Public Offense Code** (UPOC).

City Attorney Niles said the League of Kansas Municipalities publishes a new UPOC each year. It incorporates any changes made to state law in the most recent legislative session. Major changes included adding federal law enforcement officers to definitions of assault and battery against a law enforcement officer, but these felonies are not prosecuted in Arkansas City Municipal Court.

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Making an unlawful request for emergency service is a new crime created in response to the rise of “swatting” calls, including one that led to a fatality in Wichita, according to Niles.

The 2018 UPOC also decriminalizes purchasing or possessing a throwing star, as long as the person with the throwing star is not planning to use it on a person.

Finally, new sections on marijuana and paraphernalia require the City to eliminate duplicative code it already adopted. Changes were made to the charge of illegal operation of an amusement ride.

A section concerning illegal littering will not be adopted because the City has a more stringent law.

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

Mayor Jurkovich declared the ordinance approved and given **Ordinance No. 2018-08-4465**.

Standard Traffic Ordinance **Ordinance No. 2018-08-4466**

City Clerk Shook presented for discussion an ordinance adopting by reference the **2018 Standard Traffic Ordinance** (STO).

City Attorney Niles said the League of Kansas Municipalities also publishes a new STO each year.

She said there is an additional 1-month imprisonment automatically added for any driver who is driving under the influence of alcohol or other drugs with a passenger who is younger than 18.

A new law was created to require drivers to slow down and move over as far as possible when passing a waste collection vehicle that is collecting trash. The collection vehicle must have lights. Because this is a new law, Niles said, only warnings will be issued for violations until July 1, 2019.

Fines for overtaking and passing a school bus have been increased for second and third offenses.

Littering from a motor vehicle onto a public street also has been criminalized. Drivers will be cited for any trash thrown from a motor vehicle, unless a passenger admits to doing it.

The 2018 STO says golf carts cannot be driven on streets, but the commissioners can allow it later.

Mayor Jurkovich 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. 2018-08-4466**.

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City Water Conservation Plan Resolution No. 2018-08-3198

City Clerk Shook presented for discussion a resolution authorizing an update to the **Municipal Water Conservation Plan** for the City.

Public Works Director Crandall said the Kansas Department of Health and Environment is requiring that the City change this plan to require the City to contact the chief engineer of the Kansas Department of Agriculture's Division of Water Resources for permission to require private well owners within the City limits to comply with the City's drought regulations, if needed.

This clause only would be invoked in the case of a Water Warning or a Water Emergency, he said.

Commissioner Warren made a motion to approve the resolution. Mayor Jurkovich seconded the motion. A voice vote was unanimous in favor of the motion.

Mayor Jurkovich declared the resolution approved and given **Resolution No. 2018-08-3198**.

City Manager Updates

City Manager Hernandez reminded commissioners about the fourth annual SCKMC Landrush fundraiser starting at **8:45 a.m. August 25** in Patterson Park Subdivision, near the medical center.

Hernandez also mentioned that City Hall will be closed all day **September 3** to observe Labor Day.

Other Business

City Manager Hernandez gave the **bulldozer and excavator reports** Mayor Jurkovich requested.

Mayor Jurkovich made a motion to recess into a **seven-minute executive session** for consultation with City Attorney Niles and Hernandez that would be deemed privileged in the attorney-client relationship to discuss legal options for collecting debts incurred by the City during the demolition of dangerous structures.

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

The executive session began at **7:13 p.m.** and ended at **7:20 p.m.** Afterward, the commissioners reconvened briefly in the commission room. No action was taken following the executive session.

Hernandez invited commissioners to attend a special come-and-go retirement reception for City Hall janitor Donnie Evans from **1:30 to 3 p.m. August 24** in the Commission Room at City Hall.

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Adjournment

Commissioner Oestmann made a motion 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 **7:23 p.m.**

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

Dan Jurkovich, Mayor

ATTEST:

Lesley Shook, City Clerk

Prepared by:

Andrew Lawson, Public Information Officer