

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, March 5, 2019**, in the Commission Room at City Hall, located at 118 W. Central Ave. in Ark City.

Mayor **Jay Warren** called the meeting to order. Commissioners also present at roll call were Commissioners **Kanyon Gingher, Dan Jurkovich, Duane L. Oestmann** 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**, Public Works Director **Mike Crandall**, Street & Stormwater Supervisor **Brian Edwards**, Police Chief **Dan Ward**, Fire Chief **Bobby Wolfe**, Human Resources Manager **Marla McFarland**, and Building Official **Mike Bellis**.

Personnel of the Arkansas City Police Department in attendance were Capt. **Eric Burr**, Capt. **Jim Holloway**, Lt. **Chris Arnett**, Lt. **Kevyn Ternes**, Sgt. **Jason Legleiter**, Sgt. **Eric Mata**, Sgt. **John Merz**, Master Police Officers **Corey Combs** and **Nelson Douglas**, and Administrative Assistant **Jeni McGee**.

Citizens in attendance included **Bob Baker** and **Mell Kuhn**. KanPak was represented by **Crystal Hunt, Melanie Mazzanti** and **Olivia Shurtz**.

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

Agenda Approval

At City Manager Hernandez's request, Commissioner Welch made a motion to amend the agenda by switching the order of Items 1 and 2 under Awards and Proclamations.

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

Awards and Proclamations

Mayor Warren issued a proclamation that March is **Developmental Disabilities Awareness Month** in Arkansas City. Bob Baker received the proclamation on behalf of the Equal Opportunity and Accessibility Advisory Board, as well as Mosaic, of which he is a supporter.

The commissioners then witnessed the presentation of a Lifesaving Award to Arkansas City Police Department Sgt. **Eric Mata**. Capt. Eric Burr detailed how Mata arrived **January 10** at KanPak and administered the Heimlich maneuver to a choking Olivia Shurtz, who became emotional as she thanked Mata for saving her life. Crystal Hunt also thanked him on behalf of KanPak.

Consent Agenda

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

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1. Approving the **February 19, 2019**, regular meeting minutes as written.
2. Ratifying Mayor Warren's appointment of **Mike Crandall** to the **County Council on Aging**.

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

Old Business

Contractor Licensing

City Clerk Shook presented for discussion a second reading of an ordinance modifying Municipal Code Part II, Chapter 14, concerning **contractor licensure, contractor examination** and the **Building Trades Board**, and modifying Municipal Code to so reflect.

Mayor Warren made a motion to table the ordinance and send it to the Building Trades Board for further consideration. Commissioner Gingher seconded the motion.

Commissioner Jurkovich questioned the need for this. Commissioner Gingher said she thought Building Trades Board members needed a chance to weigh in as it had not seen the changes yet.

Mell Kuhn, 521 W. Kansas Ave., asked what prompted the changes. Commissioner Jurkovich said out-of-town contractors with licenses in other states had been required by Municipal Code to take the City-approved International Code Council test before being issued permits on major projects.

City Manager Hernandez said one such company had done multimillion jobs all around the world.

He said a contractor would be able to be issued one permit per license per year under the proposed alternate licensing requirements, which include providing an equivalent license issued by another state or municipality; providing proof of obtaining a bachelor's degree in engineering, architecture, construction management or construction science from an accredited university that would qualify the contractor to perform the work as specified below; demonstrating to Building Official Bellis' satisfaction that the contractor is qualified to perform the work, by providing such documentation and references as he deems necessary. City Attorney Niles clarified that this last provision is the only one that incurs the "one permit per license per year" stipulation and added that continuing education requirements that already are required by staff also would be added to Municipal Code.

Kuhn objected and said he has to take different tests in other communities in which he does work.

Bellis said the ICC test, taken in Wichita, can take up to two to four hours and cost upwards of \$200.

He said there is a current state statute that allows him to use another state's license, with similar testing, to issue a permit and he had to do that in one case this year to avoid impacting a project.

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

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New Business

6.0% Cereal Malt Beverage Ordinance No. 2019-03-4483

City Clerk Shook presented for discussion a first reading of an ordinance amending regulation of **cereal malt beverage** (CMB) and alcoholic liquor licensees within the City to reflect changes to Kansas law, and amending Municipal Code to so reflect.

City Attorney Niles said that as of **April 1, 2019**, state law changes to allow distributors such as convenience and grocery stores to sell the same 6.0-percent CMB previously allowed only in liquor stores. As a result, 3.2-percent CMB will be phased out and Municipal Code needs to be updated.

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

Mayor Warren declared the motion approved and given **Ordinance No. 2019-03-4483**.

In-Car / Body-Worn Cameras Resolution No. 2019-03-3238

City Clerk Shook presented for discussion a resolution authorizing the City to purchase one in-car recording system and 26 body-worn cameras from WatchGuard, of Allen, Texas, for an amount not to exceed **\$33,100.00**.

Police Chief Ward said body-worn cameras have become an integral part of policing that allow ACPD to review what officers do in the field, support them in court and defend against complaints.

The cameras to be replaced have exceeded their maximum useful life. The in-car system is on a rotation schedule. All of this equipment works together and also with a server system at ACPD.

City Attorney Niles said she has seen the number of Municipal Court trials drop due to the videos.

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

Mayor Warren declared the resolution approved and given **Resolution No. 2019-03-3238**.

Flatbed Dump / Hoist Trucks Resolution No. 2019-03-3239

City Clerk Shook presented for discussion a resolution authorizing the City to purchase two 2019 Ford F-350 1-ton pickup trucks with flatbed dump and hoist packages from Reedy Ford, of Arkansas City, for an amount not to exceed **\$61,814.00**.

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Public Works Director Crandall said both trucks were budgeted in 2019 for the Public Works Department – one for Streets and one for Stormwater. Four bidders were non-responsive, but Reedy Ford and Rusty Eck Ford responded. City Manager Hernandez said the City will work more closely next time with Zeller Motors, which is under new ownership.

After trade-in values for two current trucks, the total final price could be reduced to **\$58,514.00**.

However, Crandall said staff first will try to list the trucks on Purple Wave in order to hopefully obtain a higher price for them.

The trucks will replace a 17-year-old 2002 Dodge Ram 4x4 crew cab with 129,883 miles on it and a 16-year-old 2003 Ford F-150 extended cab with 99,248 miles on it. Both are beyond economic repair.

The new trucks would come with 36-month or 36,000-mile bumper-to-bumper warranties and five-year or 60,000-mile power train warranties.

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

Mayor Warren declared the resolution approved and given **Resolution No. 2019-03-3239**.

City Manager Updates

City Manager Hernandez provided the commissioners with the following reminders and updates:

- The City of Arkansas City will be host to the next Arkansas City Chamber of Commerce coffee at **10 a.m. March 7** at the Agri-Business Building, located at 712 W. Washington Ave. This event will be followed by a special rededication ceremony and ribbon-cutting at **11 a.m.**, followed by a public come-and-go open house for the newly renovated, remodeled facility.
- The next monthly Cowley County Legislative Committee meeting will be at **noon March 12** at the Arkansas City Area Chamber of Commerce office, located at 106 S. Summit St.
- The next City Commission study session is at **noon March 15** in Hernandez's office. He will not be able to attend, but City Attorney Niles volunteered to run the meeting in his absence.
- Hernandez said he will be gone **March 14-15** for vacation, on **March 19** for his daughter's stint as a page in Topeka and again **March 21-22** for the Humanities Kansas conference.

Adjournment

Commissioner Oestmann made a motion to adjourn the meeting. Mayor Warren seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Warren declared the meeting adjourned at **6:15 p.m.**

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THE CITY OF ARKANSAS CITY BOARD OF CITY COMMISSIONERS

Jay Warren, Mayor

ATTEST:

Lesley Shook, City Clerk

Prepared by:

Andrew Lawson, Public Information Officer