

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, August 6, 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 Commissioner **Kanyon Gingher**, Commissioner **Duane L. Oestmann** and Commissioner **Karen Welch**. Commissioner **Dan Jurkovich** resigned via written letter prior to the start of this meeting.

City employees present were City Manager **Nick Hernandez**, City Attorney **Tamara Niles**, City Clerk **Lesley Shook**, Public Information Officer **Andrew Lawson**, Management Assistant **Mike Crandall**, Finance Director **Kathy Cornwell**, City Treasurer **Jennifer Waggoner**, Police Chief **Dan Ward**, Building Official **Mike Bellis**, Principal Planner **Josh White** and Human Resources Manager **Marla McFarland**.

Citizens in attendance were **Felipe Escalante**, **Brandon Every**, **Ken Harader**, **Paisley Howerton**, **Anita Judd-Jenkins**, **Mell Kuhn**, **Janice Marr**, **Travis Pearman**, **Will Pfannenstiel**, Dr. **Scott Rogers**, **Jim Sybrant** and Cowley CourierTraveler reporter **John Shelman**.

The U.S. Census Bureau was represented by partnership specialist **Caress Adams**.

Mayor Warren offered the opening prayer and led the pledge of allegiance.

Agenda Approval

At City Manager Hernandez's request, Commissioner Welch made a motion to amend the agenda by adding Amendment No. 2 to Agreement for Extension of City Utilities as Item 3 of New Business. Commissioner Oestmann seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Warren declared the agenda amended.

At Mayor Warren's request, Commissioner Oestmann made a motion to amend the agenda by adding a 20-minute executive session to discuss matters of non-elected personnel as Item 2 of Other Business. Commissioner Welch seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Warren declared the agenda approved as amended.

Mayor Warren announced that Commissioner Jurkovich had submitted his resignation by letter.

He read aloud Jurkovich's resignation letter, addressed to Arkansas City citizens, his fellow commissioners and City staff. Mayor Warren said Jurkovich was a great city commissioner and would be missed, but he understood his motivations. He said there are 30 days to fill the position.

Commissioner Welch said Jurkovich accomplished a lot as a commissioner and Commissioner Oestmann said he led the commission well during his 16 months as the mayor of Arkansas City.

Mayor Warren said the vacancy will be discussed at the **Aug. 16** study session and **Aug. 20** meeting.

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Awards and Proclamations

Mayor Warren issued a proclamation that the City of Arkansas City is a **Census 2020 Partner**.

Committee members Paisley Howerton, Anita Judd-Jenkins, Will Pfannenstiel and Josh White received the proclamation on behalf of the **Arkansas City Area Complete Count Committee**. U.S. Census Bureau partnership specialist Caress Adams thanked the committee for being a partner.

Recognition of Visitors

Jim Sybrant, 1105 W. Madison Ave., addressed the commissioners about the following matters:

1. Sybrant took issue with several aspects of the Arkansas City Police Department's recent **truck traffic enforcement effort**. He said the current City ordinance and signage do not match the intent of what had been recommended by a committee he served on in the late 1990s regarding use of the U.S. 77 bypass. He also complained about the training of ACPD officers regarding a recent stop of his semi tractor-trailer during this enforcement effort.
2. Regarding the issue of island annexations, Sybrant said he would consent for his commercial property at **1105 W. Madison Ave.** to be annexed into the City if the recent drainage and flooding problems in that neighborhood could be mitigated, preventing his losing a tenant.
3. Sybrant encouraged the City Commission to continue working with the Cowley County Commission regarding ways to keep the **East Chestnut Avenue bridge** open, even if it means sharing in the cost of repairs. Mayor Warren said the City is proactive about applying for grants and is committed to trying to save the bridge, but the county owns the bridge itself.

Mayor Warren asked City Manager Hernandez if there needed to be a future study session devoted to the truck ordinance. Hernandez said Police Chief Ward would be glad to talk about it any time.

Hernandez reminded the commissioners that KDOT has refused requests for better highway signs.

Consent Agenda

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

1. Approving the **July 16, 2019**, regular and **July 23, 2019**, special meeting minutes as written.
2. Approving **Resolution No. 2019-08-3270**, adopting the 2019 Kansas Homeland Security Region G Hazard Mitigation Plan.

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

Mayor Warren declared the consent agenda approved.

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Old Business

2020 City Budget Hearing Ordinance No. 2019-08-4495

City Clerk Shook presented for discussion a public hearing to receive public comment regarding the proposed **2020 budget** and the first reading of an ordinance adopting the budget for the City.

Finance Director Cornwell thanked City Treasurer Waggoner for her hard work on the 2020 budget, since she was tied up with refinancing the Series 2019 Public Building Commission bonds.

Mayor Warren opened a public hearing on the 2020 budget. No one from the public spoke.

Mayor Warren closed the public hearing, announced that he did not want to make a decision this year about possibly paying future city commissioners and made a motion to approve the ordinance.

City Manager Hernandez pointed out that making the decision prior to the election allows the citizens to have electoral feedback on the issue, but said it would not be a problem either way for City staff. Additionally, just budgeting the money does not automatically mean they would be paid.

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. 2019-08-4495**.

New Business

Compass Point Change Order 1 Resolution No. 2019-08-3271

City Clerk Shook presented for a resolution authorizing the City to enter into **Change Order Agreement No. 1** with Mies Construction, of Wichita, regarding the Compass Point Addition sanitary sewer system, for an amount not to exceed **\$11,460.00**.

Management Assistant Crandall said this change order is for work related to lowering the sanitary sewer system by 12 inches. Mies was asked to remove line item No. 9 for removal and haul off of the concrete pad, since it was on the original plan and also is addressed on the street project.

Crandall said this will save the City **\$1,824.00**. City Manager Hernandez said this 12-inch discrepancy happened because the sewer system was designed before street design was finalized.

The City will be reimbursed for the cost of this change order through special assessments.

Mell Kuhn, 521 W. Kansas Ave., said this was a mistake by the engineer, hired by the developer, and it is not fair that the taxpayers (and eventually homeowners) will have to bear the cost of the error.

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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 Warren declared the motion approved and given **Resolution No. 2019-08-3271**.

Compass Point Change Order 2 **Resolution No. 2019-08-3272**

City Clerk Shook presented for a resolution authorizing the City to enter into **Change Order Agreement No. 2** with Mies Construction, of Wichita, regarding Compass Point Addition water mains, for an amount not to exceed **\$8,550.00**.

Management Assistant Crandall said this change order is necessary because the KE Miller design called for connections to an existing 8-inch water main, when in fact it was a 12-inch line.

City Manager Hernandez said the City added a new 12-inch valve at the existing main in Skyline Road to allow for better isolation of the water distribution system within Compass Point Addition.

Again, the City will be reimbursed for the cost of this change order through special assessments.

Mayor Warren 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 motion approved and given **Resolution No. 2019-08-3272**.

Public Works Department

City Clerk Shook presented for discussion the first reading of an ordinance modifying **Municipal Code Part II, Chapters 2, 18, 26, 42, 46, 54 and 62**, concerning City boards and City departments, as well as **Chapter 14**, amending the 2015 International Residential Code and references to the Neighborhood Services Division, and modifying Municipal Code to so reflect.

City Manager Hernandez said staff is updating the ordinance — which deletes all references to the now-defunct “Public Works Department” and transfers its duties to other departments, divisions or personnel — based on input from the commissioners during their **August 2** study session. Building Official Bellis explained the need to change the roofing code language regarding “solid sheathing.”

Mayor Warren made a motion to table the ordinance for a second reading at the **August 20** meeting.

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

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SCKMC Utilities Agreement

City Clerk Shook presented for discussion **Amendment No. 2** to the Agreement for the Extension of City Utilities by and between the City of Arkansas City, South Central Kansas Medical Center (SCKMC), and Legacy Regional Community Foundation.

City Manager Hernandez said this is final version of the negotiated agreement between SCKMC and City regarding the repayment of special assessments for Patterson Park Subdivision.

Commissioner Oestmann made a motion to approve Amendment No. 2 to Agreement for Extension of City Utilities. Commissioner Gingher seconded the motion.

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

City Manager Updates

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

- The Cowley College Education Center will have a grand opening and ribbon-cutting ceremony from **3 to 5 p.m. August 8** at the education center, located at 221 W. Chestnut Ave.
- Lt. Governor Lynn Rogers is scheduled to visit Arkansas City on **August 12**. He was set to speak to the Rotary Club at **noon** in the Wright Room at Cowley College's Brown Center, located at 215 S. Second St. (*Note: This event later was moved to Central Christian Church.*)
- The next RISE Cowley coalition meeting is at **10 a.m. August 13**. (*Note: This was canceled.*)
- The next monthly Cowley County Legislative Committee meeting will be at **noon August 13** at the Arkansas City Area Chamber of Commerce office, located at 106 S. Summit St.
- The next Cowley County Commission meeting is at **6 p.m. August 13** in the assembly room at the Cowley County Courthouse in Winfield. The East Chestnut bridge will be discussed.
- **August 15** is "City Hall Selfie Day." Come take a selfie in front of City Hall and post it online!
- The next City Commission study session will be at **noon August 16** in the city manager's office at City Hall. Commissioners will discuss the agenda for the **August 20** meeting.

Other Business

Executive Sessions

Mayor Warren made a motion to recess into a **20-minute executive session**, to include City Manager Hernandez, to discuss personnel matters of nonelected personnel, pursuant to **K.S.A. 75-4319(b)(1)**, with the open meeting set to resume at **7:05 p.m.**

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

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The executive session began at **6:45 p.m.** and ended at **7:05 p.m.**

Afterward, Mayor Warren made a motion to recess into an additional **10-minute executive session**, to include City Manager Hernandez, to discuss personnel matters of nonelected personnel, pursuant to **K.S.A. 75-4319(b)(1)**, with the open meeting set to resume at **7:15 p.m.**

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

The second executive session began at **7:05 p.m.** and ended at **7:15 p.m.** Afterward, the commissioners reconvened in the commission room. No action was taken following either session.

Adjournment

Mayor Warren made a motion to adjourn the meeting. Commissioner Gingher seconded the motion. A voice vote was unanimous in favor of the motion.

Mayor Warren declared the meeting adjourned at **7:16 p.m.**

THE CITY OF ARKANSAS CITY BOARD OF CITY COMMISSIONERS

Jay Warren, Mayor

ATTEST:

Lesley Shook, City Clerk

Prepared by:

Andrew Lawson, Public Information Officer