

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 20, 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 Gingham**, Commissioner **Duane L. Oestmann** and Commissioner **Karen Welch**. Commissioner **Dan Jurkovich** resigned via written letter prior to the **August 6** 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**, Fire Chief **Bobby Wolfe**, Police Chief **Dan Ward**, Environmental Services Superintendent **Rod Philo**, Building Official **Mike Bellis** and Human Resources Manager **Marla McFarland**.

Citizens in attendance were **Michael Ard, Tomoko Ard, Harold "Doc" Arnett, Jeff Bowman, Lloyd Colston, Brandon Every, Ken Harader, Sam Hunt, Anita Judd-Jenkins, Dan Jurkovich, Mell Kuhn, Bob Mathews, Travis Pearman, Dr. Scott Rogers, Jim Sybrant, Charles Tweedy** and Cowley CourierTraveler reporter **John Shelman**.

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

Agenda Approval

Commissioner Oestmann made a motion to approve the agenda as presented.

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

Mayor Warren declared the agenda approved as presented.

Consent Agenda

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

1. Approving the **August 6, 2019**, regular meeting minutes as written.
2. Approving **Resolution No. 2019-08-3273**, authorizing the City of Arkansas City to execute an agreement with Gordon CPA LLC for the provision of audit services for the years ending **December 31, 2019, 2020, 2021, and 2022**, and repealing **Resolution No. 2018-06-3181**.

Commissioner Oestmann 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

No Public Works Department Ordinance No. 2019-08-4496

City Clerk Shook presented for discussion the second 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 (IRC) and references to the Neighborhood Services Division, and modifying Municipal Code to so reflect.

Commissioner Gingher asked if the only changes were to the names of departments/divisions and positions. City Manager Hernandez said one substantive change was regarding “solid sheathing” on roofs in the adopted IRC and Public Information Officer Lawson mentioned changes in how board absences are counted and reported, but said the modified code only reflects current practice.

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

Mayor Warren declared the motion approved and given **Ordinance No. 2019-08-4496**.

New Business

City Commission Applicants

City Clerk Shook presented for discussion seven applicants for the vacant position on the City Commission – **Michael Ard, Lloyd Colston, Anita Judd-Jenkins, Bob Mathews, Travis Pearman, Jim Sybrant** and **Charles Tweedy**. All were in attendance. Mayor Warren called on each to speak.

Lloyd Colston, **1825 N. Eighth St.**, said his interest in leaving the community better than he found it is for more than himself, but also for his family. He cited his extensive professional government experience in emergency management and public information in Oklahoma as an advantage.

Anita Judd-Jenkins, **225 North C St.**, said she threw her name in the hat because of her dedication to the community, past service as a legislator and involvement on many City boards, including her current roles in Etzanooga and as chairperson of the Arkansas City Area Complete Count Committee.

Bob Mathews, **900 North D St.**, cited his long life of public service and the many organizations with which he has been involved as strengths he would bring to the position.

Jim Sybrant, **1816 E. Chestnut Ave.**, said he is a businessman, not a politician, and he would bring business strengths to the position. He promised to be the “East Chestnut bridge commissioner.”

Charles Tweedy, **1023 North A St.**, mentioned two new committees he joined since filling out his application. He referenced his past service as a city commissioner and said he is willing to serve.

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Travis Pearman, **28 Woodlawn Lane**, said he applied, even though he is a candidate in the upcoming election, to show that he is serious about jumping into the job and starting immediately.

He mentioned his past political experience in Los Angeles County, California, as well as his experiences with a tech startup company and his volunteer experience with the Etzanoa project.

Michael Ard, **325 N. First St.**, said he is a problem solver with a history in public affairs for the U.S. military who would bring a fresh outlook to the commission. He told the commissioners he is already enrolled in Leadership Cowley County this fall and would use that to enhance his service.

Commissioner Gingher asked each candidate how important input from the citizens would be for them, if they were appointed. All of them said being accessible to citizens was important to them.

Commissioner Gingher also asked each candidate for their stances on the East Chestnut Avenue bridge and what should be done about it. All of them said the City and Cowley County need to work together to find a way to save the bridge and make it safe through repair and/or replacement.

Mayor Jay Warren said there are many good candidates to weigh and it will be a tough decision.

He apologized to the candidates for postponing the decision, but asked to table it until the next study session on **August 30**, which can be converted into a special call meeting to allow for action.

Commissioner Welch said she was overwhelmed with the talent in the City. Mayor Warren said he will contact Dan Jurkovich for his thoughts on the applicants and invite him to the special meeting.

Uniform Public Offense Code

City Clerk Shook presented for discussion the first reading of an ordinance adopting by reference the 2019 **Uniform Public Offense Code** (UPOC) and repealing **Ordinance No. 2018-08-4465**.

City Attorney Niles said the League of Kansas Municipalities (LKM) annually publishes a book of updated uniform criminal laws for adoption by cities across the state so their laws are standardized.

The UPOC first was adopted by the City in March 2008 and is amended annually.

Niles said the main substantive change updates the section concerning possession of marijuana to allow for the legal possession of cannabidiol (CBD) oil with less than 5 percent tetrahydrocannabinol (THC), with a doctor's note that has been signed within the last 15 months.

Mayor Warren made a motion to table the ordinance for a second reading at the **September 17** 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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Standard Traffic Ordinance

City Clerk Shook presented for discussion the first reading of an ordinance adopting by reference the 2019 **Standard Traffic Ordinance** (STO) and repealing **Ordinance No. 2018-08-4466**.

City Attorney Niles said LKM annually publishes the STO, which mirrors the function of the UPOC, only for uniform traffic laws across the state. It first was adopted in Arkansas City in 1983.

Among the major substantive changes to this year's STO that she identified included:

- changes to language on preliminary breath tests and the testing of "oral fluid," not just saliva;
- expanding obedience to signals indicating train approach to include all on-track equipment;
- new language applying bicycle laws to electric-assisted scooters, allowing further restrictions;
- a new section authorizing non-red transportation network lighting devices for Uber, Lyft, etc.;
- allowing one-way glass and UV/sun-screening devices for drivers who are allergic to the sun;
- closing a loophole to require a driver to have a motorcycle license even for a motorcycle with a temporary license plate and requiring driver's licenses for motorized bicycles, as well;
- new language requiring drivers to "deliver" their licenses to a law enforcement officer;
- authorizing judges to waive driver's license reinstatement fees in "manifest hardship" cases;
- adding new sections that already are laws of Kansas, but that were not in the STO previously.

Mayor Warren made a motion to table the ordinance for a second reading at the **September 17** meeting. Commissioner Gingher seconded the motion.

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

Mayor Warren asked for a special study session to be scheduled on **September 6**, when Niles is available, to go over both the UPOC and STO in depth, with the newest commissioner also present.

CDBG Project Public Hearing Resolution No. 2019-08-3274

City Clerk Shook presented for a resolution approving the notice of public hearing for publication and setting the date for a public hearing at **5:30 p.m. September 3, 2019**, to consider an application to be submitted to the Kansas Department of Commerce for Small Cities Community Development Block Grant (CDBG) funds.

Management Assistant Crandall said the City is applying for a CDBG grant to replace water lines in Brad Meek Addition and Hillside Addition. The water lines are approximately 70 years old and made of cast iron. The City has received numerous complaints of red water and main breaks there.

The Brad Meek and Hillside Addition Waterline Replacement Project includes replacing existing lines (mostly 4- and 6-inch diameter) with 6- and 8-inch PVC water lines, improving fire protection.

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In addition, new fire hydrants, water valves and service connections will be replaced due to the increase in the size of the water lines. The total project cost is estimated to be **\$1,494,070.00**.

Crandall said the CDBG grant request will be for the maximum of **\$600,000**, with the remaining portion to be paid by the City from its Water Fund. Before the City can apply for this grant, it first must hold a public hearing on **September 3** to hear any alternate project suggestions from citizens.

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. 2019-08-3274**.

City Manager Updates

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

- The Arkansas City Chamber of Commerce will be host to a “Social Media for Small Business” luncheon from **11:30 a.m. to 1 p.m. August 21** at the Water Treatment Facility.
- KSN Channel 3 in Wichita filmed a segment about Arkansas City during its recent visit to the Burford Theatre and Steamy Joe. The segment is scheduled to air at **noon August 22**.
- Management Assistant Crandall, Public Information Officer Lawson and Principal Planner Josh White will attend a Kansas Department of Transportation regional stakeholder meeting on **August 27** in Wichita. These meetings are part of the ongoing development of a new comprehensive transportation plan for the state, which will extend out to **2045**.
- The next City Commission meeting will be at **noon August 30** in the city manager’s office at City Hall. Commissioners will discuss the vacancy and the **September 3** meeting agenda.
- City Hall and other City offices will be closed **September 2** in observance of Labor Day.

Adjournment

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

Mayor Warren declared the meeting adjourned at **7:12 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