

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 15, 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**, Police Chief **Dan Ward**, Human Resources Manager **Marla McFarland**, Principal Planner **Josh White**, EMS Director **Jeri Smith**, Firefighter-Paramedic **Cody Ball** and Firefighter-EMT **J.D. Weis**.

The Arkansas City Public Library was represented by Director **Mendy Pfannenstiel**. South Central Kansas Medical Center (SCKMC) was represented by board counsel **Otis Morrow** and board member **Dotty Smith**. Also present were board applicants **Vicki Jackson** and **Michael Taylor**.

Citizens in attendance included **Foss Farrar, Mell Kuhn, Mike Munson, Lori Newsome, Tamara Norwood, Nola Riggs, Jason Smith**, 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

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

Mayor Jurkovich declared the agenda approved.

Awards and Proclamations

Mayor Jurkovich issued a proclamation that May 20-26, 2018, is **National EMS Week** in Arkansas City. EMS Director Smith, Firefighter-Paramedic Ball and Firefighter-EMT Weis received this proclamation on behalf of the Arkansas City Fire-EMS Department.

Consent Agenda

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

1. Approving the **May 1, 2018**, regular meeting minutes as written.

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2. **Resolution No. 2018-05-3172**, authorizing the purchase of a Stryker Power Pro XT ambulance cot from Stryker Medical, of Chicago, for an amount not to exceed **\$15,221.00**.
3. **Resolution No. 2018-05-3173**, approving the Second Amendment to the Loan Agreement between the City and the Kansas Department of Health and Environment, regarding Kansas Public Water Supply Loan Fund Project No. 2813.
4. **Resolution No. 2018-05-3174**, scheduling a public meeting of the Governing Body at **noon May 16, 2018**, in the city manager's office at City Hall for a City Commission study session.

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

Old Business

Public Library Board of Trustees **Charter Ordinance No. 33**

City Clerk Shook presented for discussion a second 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 he confirmed with Rep. Anita Judd-Jenkins that the Arkansas City Library District bill she introduced is dead and will have to be reintroduced in 2019.

He also said this charter ordinance will make future changes to the Board of Trustees possible with just a regular ordinance, rather than another charter ordinance, and codify them in Municipal Code.

Commissioner Warren asked ACPL Director Mendy Pfannenstiel if the continual leaks at the facility can be placed at the feet of a prior roofing contractor. After discussion, this seems unlikely.

He said he thinks the library district is the fairest way to raise more tax revenues. He and Mayor Jurkovich suggested that the City can help with maintenance costs out of the City's General Fund.

City Manager Hernandez said the Recreation Commission and the City-Cowley County Health Department are responsible for upkeep of their City-owned buildings, without City assistance.

Commissioner Ginger said she does not think raising the mill levy is the answer and there are other options to raise funds. She said she would visit with Pfannenstiel about some of her ideas.

Mayor Jurkovich made a motion to approve the charter ordinance, with the removal of Section 1 concerning Charter Ordinance No. 19 and mill levies. Commissioner Welch seconded the motion.

A roll call vote was unanimous in favor of the motion. Mayor Jurkovich declared the charter ordinance approved and given **Charter Ordinance No. 33**.

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Craft House Conditional Use Permit Ordinance No. 2018-05-4461

City Clerk Shook presented for discussion a second 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 this conditional use permit would expire upon a sale of the property.

City Manager Hernandez said the City also can revoke the permit if the conditions are not being met. He recommended approving it because the Planning Commission spent so much time on it.

Commissioner Welch made a motion to approve the ordinance. Commissioner Warren seconded it.

Mayor Jurkovich asked what would happen if the permit is not granted, but the craft house proceeds. City Attorney Niles said she may send a cease-and-desist letter, but would not prosecute.

She explained that the permit cannot be revoked arbitrarily, but only for violations of its conditions.

A roll call vote resulted in two yea votes and three nay votes, with only Commissioner Warren and Commissioner Welch voting in favor. Mayor Jurkovich declared the motion failed.

Niles pointed out that it would require four nay votes to disapprove a Planning Commission recommendation. She interpreted this to mean the issue is returned to the Planning Commission.

City Manager Hernandez said he thinks state law dictates that the Planning Commission decision would stand and the permit would be approved, unless four commissioners vote to overturn it.

Niles said she had never encountered this issue in 13 years of being a city attorney. She was unable to look up the state statute during the meeting and suggested that the commission could table this.

Commissioner Oestmann made a motion to send the ordinance back to the Planning Commission for further consideration. Hernandez asked for clarification. The motion died for lack of a second.

Mayor Jurkovich made a motion to reject the Planning Commission's recommendation. This motion also died for lack of a second.

Planning Commission member Mike Munson explained why that board reached its decision. He said just because one person is granted a conditional use doesn't mean anyone else has to have it.

Commissioner Welch made another motion to approve the ordinance. Commissioner Warren seconded it. A roll call vote resulted in four yea votes and one nay vote, with Mayor Jurkovich dissenting. He declared the ordinance approved and given **Ordinance No. 2018-05-4461**.

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SCKMC Board of Trustees Charter Ordinance No. 34

City Clerk Shook presented for discussion Mayor Jurkovich's appointment to the **South Central Kansas Medical Center Board of Trustees**. There currently are nine applicants for one vacant seat.

Commissioner Oestmann asked Michael Taylor to talk about his background in medical administration. He said he specialized in turning hospitals around and wants to see SCKMC succeed.

Commissioner Warren raised again the question of whether the City Commission needs to take over the hospital directly. He said sometimes the commissioners have to make tough decisions.

Commissioner Warren made a motion to remove all of the current trustees from the board and replace them with the five city commissioners. Commissioner Welch seconded the motion.

Commissioner Oestmann asked if there still would be a cushion between the City and SCKMC in terms of finances. City Attorney Niles said retaining the board structure should maintain this.

She pointed out that trustees continue to serve until their successors are appointed, so if successors are not appointed for all nine positions, four trustees would continue to serve with the commission.

Commissioner Warren rescinded his motion and made a new motion to approve a charter ordinance reducing the number of trustees to five and allowing commissioners to fill those roles.

Commissioner Welch seconded the motion. Niles suggested also removing the requirement that the trustees make recommendations regarding new members. The commissioners assented.

A roll call vote was unanimous in favor of the motion. Mayor Jurkovich declared the charter ordinance approved and given **Charter Ordinance No. 34**. Some audience members applauded.

Commissioner Warren made a motion to remove all of the current trustees, except for chief of staff Dr. Perry Lin, and replace them with the five city commissioners, leaving three unfilled vacancies.

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

Mayor Jurkovich declared the motion approved. Once the charter ordinance takes effect, the three vacancies will not exist anymore and Dr. Lin will cease to be a voting member of the board.

Commissioner Oestmann said he hopes that at some point in the future, the commissioners can step off the board and turn control back over to appointed citizens, but that may not be for years.

Mayor Jurkovich stated that while this discussion may have been a little stilted, that is because the City Commission was being very conscientious about not violating the Kansas Open Meetings Act.

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New Business

Amending Pay Ordinance Ordinance No. 2018-05-4462

City Clerk Shook presented for discussion a first reading of an ordinance amending Ordinance No. 2017-12-4447, by removing the positions of **Assistant Public Works Director, Executive Assistant** and **Public Works Director/City Engineer**, and fixing the compensation for a new City position of **Public Works Director**, pursuant to the provision of K.S.A. 12-1001 *et seq.*

Human Resources Manager McFarland said the new Public Works Director position falls within Pay Range 37. She said the City will not seek to fill the Executive Assistant position at this time.

City Manager Hernandez said Mike Crandall will be promoted to become Public Works Director.

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

Mayor Jurkovich declared the ordinance approved and given **Ordinance No. 2018-05-4462**.

Taxable IRBs for Goff Park Resolution No. 2018-05-3175

City Clerk Shook presented for discussion a resolution amending **Resolution No. 2017-03-3091**, determining the advisability of issuing taxable Industrial Revenue Bonds for the purpose of financing the acquisition, construction and equipping of a commercial facility to be located within Goff Industrial Park.

City Manager Hernandez said there now is a tenant for the proposed building, Acorn Custom Cabinetry, which has resulted in some increased cost due to a need to finish off the spec building.

Ark City Industries Chairman Mike Munson said the cost-benefit analysis has been updated, as well.

Commissioner Gingher made a motion to approve the resolution. Commissioner Oestmann seconded the motion. Mayor Jurkovich opened a public hearing.

Hernandez explained that IRBs do not constitute a tax break because they represent the use of funds that otherwise would not be generated if the development was not initially abated.

Mayor Jurkovich closed the hearing. A voice vote was unanimous in favor of the motion, with Commissioner Welch abstaining from voting due to her financial interest in Ark City Industries.

Mayor Jurkovich declared the resolution approved and given **Resolution No. 2018-05-3175**.

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City Manager Updates

City Manager Hernandez said Spring Cleanup Day will start at **8 a.m. May 19** at Northwest Community Center. Later that evening, the Great Cowley Duck Dash will be at Springhill Farm.

He said he will be out of town on **May 21-24** for a retail conference in Las Vegas. He read off the descriptions for some class sessions he will attend and said he has three meetings set already.

Hernandez said this is a prime opportunity to meet face-to-face with retail developers, which is much more effective than trying to call people he's never met. Cowley First will support this effort.

Adjournment

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

Mayor Jurkovich declared the meeting adjourned at **6:58 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