

City Commission of Arkansas City — Special Meeting Minutes

The Arkansas City Board of City Commissioners met in special session at **noon Friday, November 22, 2019**, in the City Manager's Office at City Hall, located at 118 W. Central Ave. in Arkansas City.

Mayor **Jay Warren** called the meeting to order. Commissioners also present at roll call were Commissioners **Kanyon Gingher, Duane L. Oestmann, Jim Sybrant** and **Karen Welch**.

City employees present were City Manager **Nick Hernandez**, City Attorney **Larry Schwartz**, City Treasurer **Jennifer Waggoner**, Public Information Officer **Andrew Lawson**, Management Assistant **Mike Crandall** and Human Resources Manager **Marla McFarland**.

Citizens in attendance included **Scott Rogers** and Cowley CourierTraveler reporter **John Shelman**.

Business

Re-approval of East Chestnut Memorandum of Understanding

Mayor Warren presented for discussion re-approval of a Memorandum of Understanding (MOU) between Cowley County and the City for repairs to the area near the **East Chestnut Avenue bridge**.

City Manager Hernandez said this is the exact same agreement approved **November 19** by the City Commission, except it also caps the county's 50-50 matching portion of repairs at **\$125,000.00**.

Any amount above the **\$250,000** total estimate must be approved separately by the Commission and the City will share 50-50 in any grant reimbursements received later by Cowley County.

Commissioner Oestmann expressed concerns about the loss of steel structure on the bridge itself.

Commissioner Sybrant said the approach should be fixed and open within 2-3 weeks. The repaired section will be gravel until sometime next spring, when better weather will allow for new asphalt.

Commissioner Sybrant made a motion to re-approve the Memorandum of Understanding. Commissioner Gingher seconded the motion. A voice vote was unanimous in favor of the motion.

Mayor Warren declared the motion approved.

Executive Sessions

Mayor Warren made a motion to recess into a **30-minute executive session** — to include City Manager Hernandez, Human Resources Manager McFarland and Commissioner-elect Rogers — to discuss personnel matters of nonelected personnel, pursuant to **K.S.A. 75-4319(b)(1)**, pertaining to the search process for a new city manager, with the open meeting set to resume at **12:25 p.m.**

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Commissioner Sybrant said he would like to amend the motion to exclude McFarland and Commissioner-elect Rogers. Commissioner Welch asked if the topic(s) he wanted to discuss is related to the search process for a new city manager. Commissioner Sybrant said it is related to Hernandez's current employment contract, which is to set to renew automatically on **Jan. 1, 2020**.

Commissioner Sybrant elaborated that he wants to clarify what would happen if the City Commission hires a new city manager prior to when Hernandez wants to leave in **May 2020**, and then that new person wants to start immediately. Hernandez said he thinks it is unlikely that a suitable candidate will be identified and their hiring finalized any sooner than **April 2020**.

Commissioner Oestmann asked City Attorney Schwartz for his legal opinion. Schwartz said that as long as the discussion pertains to the transition from Hernandez (and his current contract) to the new city manager, then it could fall under the published justification for an executive session of the search process for a new city manager. Any other discussion topic could not occur at this meeting.

Mayor Warren amended his motion to instead recess into a **10-minute executive session**, to include only Hernandez and Commissioner-elect Rogers, to discuss personnel matters of nonelected personnel, pursuant to **K.S.A. 75-4319(b)(1)**, pertaining to the search process for a new city manager, with the open meeting set to resume at **12:31 p.m.**

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

Mayor Warren declared the motion approved. The first executive session began at **12:21 p.m.** and ended at **12:31 p.m.**

Afterward, Mayor Warren made a motion to recess into an additional **10-minute executive session**, again to include only Hernandez and Commissioner-elect Rogers, to discuss personnel matters of nonelected personnel, pursuant to **K.S.A. 75-4319(b)(1)**, pertaining to the search process for a new city manager, with the open meeting set to resume at **12:42 p.m.**

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

Mayor Warren declared the motion approved. The second executive session began at **12:32 p.m.** and ended at **12:42 p.m.**

Afterward, Mayor Warren made a motion to recess into an additional **20-minute executive session** — to include Hernandez, Human Resources Manager McFarland and Commissioner-elect Rogers — to discuss personnel matters of nonelected personnel, pursuant to **K.S.A. 75-4319(b)(1)**, pertaining to the search process for a new city manager, with the open meeting set to resume at **1:03 p.m.**

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

Mayor Warren declared the motion approved. The third executive session began at **12:43 p.m.** and ended at **1:03 p.m.**

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Afterward, Commissioner Sybrant made a motion to recess into an additional **10-minute executive session** — to include Hernandez, McFarland and Commissioner-elect Rogers — to discuss personnel matters of nonelected personnel, pursuant to **K.S.A. 75-4319(b)(1)**, pertaining to the search process for a new city manager, with the open meeting set to resume at **1:14 p.m.**

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

Mayor Warren declared the motion approved. The fourth executive session began at **1:04 p.m.** and ended at **1:14 p.m.**

Afterward, the commissioners reconvened in the city manager's office. No action was taken following any of the four executive sessions.

Adjournment

Mayor Warren 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 **1:15 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