

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, December 18, 2018**, in the Commission Room at City Hall, located at 118 W. Central Ave.

Mayor **Dan Jurkovich** called the meeting to order. Commissioners also present at roll call were Commissioner **Kanyon Gingher**, Commissioner **Duane L. Oestmann** and Commissioner **Karen Welch**. Commissioner **Jay Warren** was absent.

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**, Public Works Director **Mike Crandall**, Human Resources Manager **Marla McFarland**, Police Chief **Dan Ward**, Master Police Officers **T.J. Hall** and **Ted Shinneman**, and Police Officers **Madison Friesen** and **Madeline Pegorsch**.

Citizens in attendance included **Mell Kuhn** and **Gareth McGee**. Also attending were **Rusty Redding**, of Layne Christensen Company, and **Monty Potter**, representing Spring Hill Golf Course.

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

Agenda Approval

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

Mayor Jurkovich declared the agenda approved.

Recognition of Visitors

Police Chief Ward introduced the newest member of the Arkansas City Police Department, **Madison Friesen**. Officer Friesen then was administered her Oath of Office by City Clerk Shook.

She started **Dec. 17** at ACPD and will attend the Kansas Law Enforcement Training Center in 2019.

Comments from the Audience

Monty Potter addressed the commission about the financial status of Spring Hill Golf Course.

He requested an additional payment of \$1,000 to pay end-of-year bills, due to weather impacts on course usage. He said the course has done everything possible to raise awareness and increase use.

Commissioner Welch asked Potter for a business plan. He said he just wants to keep SHGC open.

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Potter talked about the course's upcoming 5-mile run on **January 12, 2019**, which he said is already generating interest in the Wichita area and potentially could result in many runners participating.

The event will begin at **9 a.m.** Registration is \$25 in advance or \$30 that day, and includes a T-shirt.

Potter predicted if the course can just stay open until March 2019, its financials should turn around.

City Manager Hernandez asked if would be acceptable if the requested funds were disbursed in the first part of January 2019, due to budgetary reasons. Potter said that would be acceptable to SHGC.

Commissioner Oestmann asked what cost-cutting measures had been taken. Potter said everyone had been laid off except himself and the groundskeeper, who is responsible for winter maintenance.

Commissioner Gingher made a motion to give **\$1,000.00** to Spring Hill Golf Course in January 2019 so it can pay its bills. Commissioner Welch seconded the motion.

City Attorney Niles asked for clarification about SHGC's budgeting for taxes. Potter explained that the amount she referred to was for quarterly payroll taxes, such as Social Security and Medicare.

A voice vote resulted in three yea votes and one nay vote, with Commissioner Oestmann dissenting. Mayor Jurkovich declared the motion approved.

Consent Agenda

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

1. Approving the **December 4, 2018**, regular meeting minutes as written.
2. Approving **Resolution No. 2018-12-3224**, authorizing City Manager Hernandez, Finance Director Cornwell and City Treasurer Jennifer Waggoner to act as authorized signers on City bank accounts.
3. Approving 16 renewal **Cereal Malt Beverage** licenses for 2019.
4. Approving **Resolution No. 2018-12-3225**, declaring the boundary and limits of the City.
5. Approving **Resolution No. 2018-12-3226**, authorizing the City to execute a Generally Accepted Accounting Principles (GAAP) waiver for the 2019 fiscal year.
6. Ratifying Mayor Jurkovich's reappointments of **Paisley Howerton** and **Peggy Soule** to the **Beautification and Tree Advisory Board**, **JoAnn Bierle** to the **Community Spirit Award Committee**, **Carlla Pike** and **Dena Ward** to the **Convention and Visitors Bureau Board of Directors**, and **Ethan Bartlett** and **JoAnn Bierle** to the **Equal Opportunity and Accessibility Advisory Board**.

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

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Old Business

Amending 2018 City Budget Ordinance No. 2018-12-4479

City Clerk Shook presented for discussion a first reading of an ordinance to amend specified funds in the budget for the City of Arkansas City for the year beginning **January 1, 2018**.

Finance Director Cornwell said the notice of budget hearing was published **December 7**. A hearing must be held prior to adopting the amended budget, which alters Water Fund expenditures.

Mayor Jurkovich opened a public hearing. No one spoke about the budget changes. Mayor Jurkovich closed the public hearing.

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 Jurkovich declared the motion approved and given **Ordinance No. 2017-12-4479**.

New Business

Rebuild Mill Canal Primary Pump Resolution No. 2018-12-3227

City Clerk Shook presented for discussion a resolution authorizing the City to accept a proposal from Layne Christensen Company, of Wichita, to rebuild the Mill Canal primary stormwater pump, for an amount not to exceed **\$227,723.00**.

Public Works Director Crandall showed pictures of the current pump setup and described several deficiencies that are the most concerning, including the electrical box. He also showed a video.

Crandall said both the primary and secondary pumps were installed in 1926 or 1928 and neither has been touched since, to the best of staff's knowledge. They were manufactured by Fairbanks Morse.

He said that company is based in Kansas City and would handle the refurbishment of the pump.

Mayor Jurkovich clarified that this proposal is for preventative maintenance, since both pumps currently work. Crandall agreed, but noted they are 80- to 82-year-old pumps that could fail anytime.

He said pump failure would require the City to rent temporary pumps and could lead to flooding.

To remove the pump, Crandall said, the current roof of the structure will have to be removed with a crane and later replaced. The crane work would be completed locally by L.G. Pike Construction.

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Commissioner Welch asked about time frame. Rusty Redding, with Layne Christensen Company, said they would like to have everything completed by April 2019, before the peak rainy season hits.

He noted the price includes the cost of electrical, which wouldn't be the case with the other pump.

Mayor Jurkovich asked what prompted this proposal. Crandall said due to the age of the pumps, this project had been in several Capital Improvement Plans and was included in the 2018 budget.

Crandall said Layne Christensen was selected due to its extensive relationship with Fairbanks Morse. No other bids were sought. He said the City is seeking grant funds for the secondary pump.

Redding said it is important to be proactive. His company has done this kind of work in other cities.

Commissioner Welch made a motion to approve the resolution. Commissioner Oestmann seconded the motion.

Commissioner Gingher asked if a decision was needed that night. City Manager Hernandez said it could possibly wait. The bid is good for 30 days. Redding said it could affect the work schedule.

Mayor Jurkovich asked Mell Kuhn for his thoughts. Kuhn said that for the amount of money involved, he thought it would be worthwhile to get some other quotes before approving this bid.

He questioned the wisdom of rebuilding the pump, but said the City wouldn't know for sure until it was pulled. Redding said he has inspected the pump multiple times and thinks it can be rebuilt.

He acknowledged it is possible that it still might have to be replaced, depending on the inside of it.

Commissioner Oestmann asked Redding which competitors could even bid. He mentioned one company from another state, but said there aren't many that specialize in this sort of work.

He emphasized that he is trying to subcontract as much work as possible through local companies.

A voice vote resulted in three yea votes and one nay vote, with Commissioner Gingher dissenting.

Mayor Jurkovich declared the resolution approved and given **Resolution No. 2018-12-3227**.

Personnel Policy Updates

Mayor Jurkovich presented for discussion two personnel policy updates: **Employee Council (1.12)** and **Safety Footwear (17.7)**.

Human Resources Manager McFarland said the only changes were biannual updates of a few items.

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A statement emphasizing the importance of employees actively participating in council activities was added to the Employee Council policy, as well as a clarification of what constitutes a quorum.

Changes to the Public Works Department and the regular meeting day also were incorporated.

The new Safety Footwear policy clarifies a statement that notifies employees that they will be responsible for the purchase of approved safety footwear, as well as the taxable status of the benefit.

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

Mayor Jurkovich declared the motion approved.

Ag Building Sound System **Resolution No. 2018-12-3228**

City Clerk Shook presented for discussion a resolution approving the purchase of audio equipment for the Agri-Business Building from Sparks Music, for an amount not to exceed **\$34,730.00**.

City Manager Hernandez said 20 outdoor ceiling loudspeakers would be installed at precise locations in the south part of the building to achieve the most ideal sound coverage for all events.

He said facility renters have paid as much as **\$1,000** to rent sound equipment. Sound reflectivity is so different in there now that he would like to have equipment installed that provides good quality.

Hernandez said the speaker pricing was locked in at 2018 prices and the equipment could be installed in the next few weeks. There likely will be a nominal charge to use the equipment because a City employee will have to be on site to monitor and manage the equipment, Hernandez said.

Commissioner Oestmann asked about speaker durability. Hernandez said they are heavy-duty speakers that are rated for outdoor weather conditions. He's more worried about the fans and lights.

Mayor Jurkovich asked about the source of the funds. Hernandez said the money would come from the Parks and Facilities Division budget. There are sufficient funds available in the 2018 budget.

Commissioner Oestmann asked Gareth McGee for his thoughts. He said sound dampening panels should be installed to guarantee maximum quality. Hernandez said this proposal is based on the current reflectivity of the facility, but sound dampening panels always can be added at a later time.

Mell Kuhn said the panels should be installed first. Hernandez said they are quite expensive. He said all of the equipment control panels would be installed in a locked, secured equipment closet.

Kuhn asked about utilization. Hernandez said the City does not currently rent sound equipment.

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Commissioner Oestmann raised the idea of seeking other bids. Hernandez said he doesn't want to use anyone else because Sparks Music is local and services all of the City's sound equipment.

Commissioner Gingher noted the new sound system was strongly recommended by City staff and made a motion to approve the resolution. Commissioner Oestmann seconded the motion.

A voice vote resulted in three yea votes and one nay vote, with Mayor Jurkovich dissenting.

Mayor Jurkovich declared the resolution approved and given **Resolution No. 2018-12-3228**.

Westar Energy Franchise

City Clerk Shook presented for discussion a first reading of an ordinance adopting an electric franchise with **Westar Energy**. The current franchise agreement expires at the end of 2018.

City Manager Hernandez said Westar would accept a lease of less than 20 years in length.

Mayor Jurkovich made a motion to approve the ordinance, setting the length of agreement as **five years** and continuing the franchise fee of **5 percent**. Commissioner Gingher seconded the motion.

A roll call vote resulted in two yea votes and two nay votes, with Commissioner Oestmann and Commissioner Welch dissenting. Mayor Jurkovich declared the motion failed.

Commissioner Oestmann made a motion to table the ordinance for a second reading **January 7, 2019**. Commissioner Welch seconded the motion.

A voice vote resulted in two yea votes and two nay votes, with Mayor Jurkovich and Commissioner Gingher dissenting. Mayor Jurkovich declared the motion failed. No further action was discussed.

City Manager Updates

City Manager Hernandez reminded commissioners that City Hall and other City offices will be closed **December 24-25** in observance of Christmas and **January 1, 2019**, for New Year's Day.

He also reminded them that the annual reorganization meeting was rescheduled automatically by **Resolution No. 2018-12-3222** from January 1, 2019, to **5:30 p.m. Monday, January 7, 2019**.

Hernandez said he still is working on Agri-Business Building rental rates for the **Arkansas City Tennis Association**. He said the contract might require an interlocal agreement for legal approval.

He said work on the new Ag Building tennis courts and flooring should be complete later that week.

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Other Business

City Manager Hernandez said board reports, commission financials and the 2019 City Commission regular meeting schedule could be found in the commissioners' agenda packet. Also included in the packet were many 2018 **"If I Were Mayor"** contest essays from Arkansas City seventh-graders.

Mell Kuhn, 521 W. Kansas Ave., addressed the commission and said he was incensed about what he perceives as a lack of consideration of local contractors by the City, especially when letting bids.

He recommended the commissioners consider resuming regular study sessions prior to meetings.

Adjournment

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

Mayor Jurkovich declared the meeting adjourned at **6:48 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