

MULVANE CITY COUNCIL  
REGULAR MEETING MINUTES

December 18, 2017

7:30 p.m.

The Mulvane City Council convened at the City Building at 211 N. Second at 7:30 p.m. Presiding was Mayor Shelly Steadman, who called the meeting to order.

**Council Members Present:** Terry Richardson, Joe Johnson, Nancy Mottola and Kevin Cardwell.

**Others Present:** Debbie Parker, Kent Hixson, J.T Klaus, Joel Pile, Chris Young, Mike Robinson, Brent Allen, Barry Fleming, Dave Williams, Gordon Fell.

**Pledge of Allegiance:** All stood for the Pledge of Allegiance led by Mayor Steadman.

**Approval of Regular Meeting Minutes Dated 12-04-17:**

MOTION by Mottola, second by Cardwell to approve the Regular meeting minutes dated 12-04-17.

MOTION approved unanimously.

**Correspondence:** None

**Review and Closing of the Agenda:** Remove Old Business #3 – Nottingham Estates – Street Construction Agreement.

**Appointments, Awards and Citations:** None

**OLD BUSINESS**

**1. Emerald Valley Estates – bids for water and sewer improvements:**

Bids were received on Wednesday, December 6, 2017. A summary of the total base bids received are as follows:

|                                   |              |
|-----------------------------------|--------------|
| Duling Construction Co., Inc..... | \$266,963.50 |
| McCullough Excavation, Inc.....   | \$296,489.00 |
| Nowak Construction, Inc.....      | \$304,161.00 |
| Mies Construction, Inc.....       | \$480,924.00 |

The low bid was received from Duling Construction Co., Inc. of Wichita, Kansas. Construction costs for the Phase 1 SS and WL improvements are paid 100% by the benefit district. The benefit district for this petition includes all platted lots in the Phase 1 development areas.

Duling's low bid for Sanitary Sewer is \$178,722.50 and the construction estimate in the petition is \$150,077. The total probable Sanitary Sewer cost (including engineering and oversight fees) is estimated at \$196,722. The total not-to-exceed petition amount is \$202,700 (which must cover

contingencies, fiscal and administrative expenses, including legal fees, and temporary note interest).

Based on stated amounts, the estimated Sanitary Sewer cost of \$196,722 would only leave room in the petition of \$5,978 for contingencies, fiscal and administrative expenses. This amount may not be sufficient to cover those expenses. If costs exceed the petition amount, the City would need to request a re-petition from the Developer.

Duling's low bid for the Water Line is \$88,241 and the construction estimate in the petition is \$134,041. The total probable water line cost (including engineering and oversight fees) is estimated at \$104,341. The total not-to-exceed petition amount is \$181,000 (which must cover contingencies, fiscal and administrative expenses, including legal fees, and temporary note interest).

Based on stated amounts, the estimated Water Line cost of \$104,341 is well within the original petitioned amount and leaves \$76,659 which should be more than sufficient to pay anticipated contingencies, fiscal and administrative expenses.

MOTION by Richardson, second by Johnson that the City issue a Notice of Award to Duling Construction Co, Inc., and authorize the City Administrator to sign.  
MOTION approved unanimously.

MOTION by Richardson, second by Motoll that the City enter into a construction agreement with Duling Construction Co, Inc., and issue a Notice to Proceed with the work, and authorize the Mayor to sign.  
MOTION approved unanimously.

**2. Emerald Valley Estates – Accept Utility Easement:**

The first of four (4) infrastructure phases for the Emerald Valley Estates residential development was initiated in August of 2017. These projects include the design and construction of Mass Grading & Detention Pond, Water & Sanitary Sewer and Street & Storm Sewer improvements.

During the development of design plans for sanitary sewers, it was determined that some additional utility easement was needed to address the City's requirement for front-loading public sewer. The proposed easement is located inside the platted building setbacks and therefore will not encroach into the buildable area of the lots. The property owners/developers have agreed to provide the additional easement.

MOTION by Johnson, second by Cardwell to accept the Emerald Valley Estates Utility Easement as presented and authorize the Mayor to sign.  
MOTION approved unanimously.

**3. Pix Events Center – Discuss purchase of an awning:**

During the community center renovations the existing awning over the front doors was removed with plans to replace the awning. When contractors removed the awning & frame to repair and

paint the front of the building, the awning frame fell apart due to rusty welds and construction of substandard materials. The frame was considered unsalvageable and was trashed.

While discussing names for the community center, a proposal was presented with design concepts for an awning. The City Council voted to select one of the proposed conceptual layouts. During the same timeframe, a committee was formed to investigate the possibility of reconstructing a marquee on the front of the community center. Plans to replace the awning and frame were delayed while the Marquee Committee developed a plan to replace the marquee. The committee has started fundraising efforts; but, with no firm timeframe for reaching the financial goal of raising \$100,000+, the replacement of the awning has been revisited.

In December 2017, Ponca Products, Inc. provided an update quote for the replacement of the awning and metal frame. If approved, final color and graphic approval will be submitted in a rendering for approval before fabrication.

MOTION by Johnson, second by Richardson to approve the proposal/contract from Ponca Products, Inc. dated 12/5/2017 for \$2,927 for replacement of the awning at the Pix Community Center.

MOTION approved unanimously.

## **NEW BUSINESS**

### **1. EMS Agreement Renewal with City of Belle Plaine, Ks.:**

In 2016, the City of Mulvane entered into an agreement with the City of Belle Plaine to provide EMS service to their city and the surrounding area in Sumner County. Belle Plaine agreed to pay \$60,000 per year to Mulvane as well as turning over their EMS subsidy from Sumner County amounting to \$88,000 per year. After two years, the results have been positive from Belle Plaine.

In 2016, the City of Mulvane realized \$4,171 over expenses in providing EMS service to Belle Plaine. As of 11-1-17, the City of Mulvane has realized \$72,595 over expenses for the same service. The bottom line is that it does not cost the taxpayers of Mulvane any funds to provide EMS service to Belle Plaine. Mulvane will continue to receive \$148,000 from Belle Plaine for EMS service from Mulvane.

MOTION by Mottola, second by Richardson to approve the Emergency Medical Services Agreement with the City of Belle Plaine, Ks. for 2018.

MOTION approved unanimously.

## **ORDINANCES & RESOLUTIONS**

### **1. City Boundary Resolution:**

The City limits of Mulvane, like other municipalities, changes periodically as a result of land being annexed into, or de-annexed out of the City. The last change in City limits occurred in 2015 following the annexation of land now platted as Nottingham Estates at Hunters Pointe. In October of 2017, the City conducted a public hearing to consider a request from Mr. Forrest Butts to de-annex undeveloped land located west of Broadway and South of K-53. No opposition to the request was received and the de-annexation was approved by the City Council.

The City's boundary description has subsequently been modified to reflect the de-annexation, and a revised Boundary Resolution has been prepared for Council approval.

MOTION by Cardwell, second by Richardsonto approve the 2017 Boundary Resolution #2017-21 and authorize the Mayor to sign.

MOTION approved unanimously.

### **ENGINEER**

#### **Update of Projects:**

Chris Young, City Engineer, reviewed several projects - Nottingham Estates, Emerald Valley Estates, Gilberts Addition, English Park Design Survey and Drainage Improvements and Decommissioning of Boxelder Power Plant.

### **LAND BANK**

MOTION by Mottola, second by Johnson to recess the City Council meeting and convene as the Mulvane Land Bank.

MOTION approved unanimously.

MOTION by Mottola, second by Johnson to approve the Land Bank Board of Trustees meeting minutes dated 12-04-17.

MOTION approved unanimously.

MOTION by Johnson, second by Mottola to approve Land Bank Resolution # 2017- LB 1 giving notice of the Land Bank's intent to sell land in the City of Mulvane, Ks.

MOTION approved unanimously.

### **RESOLUTION NO. 2017- LB -1**

#### **A RESOLUTION OF THE BOARD OF TRUSTEES OF THE MULVANE LAND BANK GIVING NOTICE OF THE CITY'S INTENT TO SELL LAND.**

MOTION by Johnson to accept the offer of \$20,000 from Ron and Carol Keller to purchase the building at 202 W. Main as is, with their proposed improvements, subject to the preparation, signature and delivery of a Real Estate Purchase Agreement as prepared by the City Attorney. Motion died for lack of a second.

MOTION by Mottola, second by Richardsonto propose a counter offer to Ron and Carol Keller to purchase the building at 202 W. Main as is, for \$28,000 subject to the preparation, signature and delivery of a Real Estate Purchase Agreement as prepared by the City Attorney.

MOTION approved 3 – 1 with Johnson opposed.

MOTION by Mottola, second by Cardwell to adjourn the meeting of the Mulvane Land Bank Board of Trustees and reconvene as the Mulvane City Council.

MOTION approved unanimously.

## MULVANE HOUSING AUTHORITY

MOTION by Cardwell, second by Mottola to recess the City Council Meeting and convene as the Mulvane Housing Authority.

MOTION approved unanimously.

MOTION by Johnson, second by Mottola to approve the Mulvane Housing Authority Meeting minutes dated 7-03-17.

MOTION approved unanimously.

As part of routine maintenance and upkeep, Quad County Manor needs to periodically replace HV/AC units, appliances, etc. Apartment #20 needs to have the HV/AC unit replaced. The funds to pay for the new HV/AC unit will come from the Reserve Funds account as the operating balance is too low.

MOTION by Mottola, second by Cardwell to approve the withdrawal of \$1,490.00 from the Reserve Fund.

MOTION approved unanimously.

MOTION by Johnson, second by Mottola to adjourn the Mulvane Housing Authority meeting and reconvene the regular City Council meeting of December 18, 2017.

MOTION approved unanimously.

**City Clerk:** None

### **City Administrator:**

The Employee Handbook, Sec. D-2 (b) states, "Annual cost-of-living pay increase *may be given* as approved by the City Council". If granted a COLA, it would be implemented as of the first full pay period in January, 2018 (i.e. 1-06-18 to 1-19-18 pay period).

The total 2017 city budget is \$26 million. Payroll will be approx. 19% of the city budget. Salaries drive other employee related expenditures (FICA, Medicare, Worker's Comp. Unemployment Insurance and KPERS). These costs have been budgeted for in the 2018 budget.

The City 2018 budget has up to 3% for employee COLA's. The city council has sole discretion regarding the granting of cost-of-living increases to city employees.

MOTION by Richardson, second by Johnson to approve a 2% city employee cost-of-living allowance for the 2018 budget year.

MOTION approved unanimously.

### **City Attorney:**

#### **Executive Session:**

The City Attorney requested an executive session not to exceed (10) ten minutes to discuss matters involving non-elected personnel for the purpose of potential employee, to include the Mayor, City Council, City Administrator and City Attorney.

MOTION by Richardson, second by Mottola to recess for a period not to exceed (10) ten minutes to discuss matters involving non-elected personnel for the purpose of potential employee, to include the Mayor, City Council, City Administrator and City Attorney to return at 8:40 p.m.

MOTION approved unanimously at 8:30 p.m.

MOTION by Mottola, second by Cardwell to return from executive session at 8:40 p.m.

MOTION approved unanimously.

Mayor Steadman announced that no binding decisions were made during the Executive Session.

Mayor Steadman: Having given due consideration and having participated in the interview and selection process for selecting a new Director of Public Safety, I am prepared to make an appointment of Gordon Fell to the office of Chief of Police for the City of Mulvane at such time as the same is appropriate. With due regard for the Council's participation in that process, I would therefore entertain a motion to have the City Administrator offer the position of Director of Public Safety to Mr. Fell (said offer subject to all of the ordinary pre-employment qualification and testing normally conducted as a matter of policy for City employees) with the expectation that at the time appropriate the Council is willing to confirm his appointment to the office of Chief of Police. Is there such a motion?

MOTION by Richardson, second by Mottola for the City Administrator to offer the position of Director of Public Safety to Gordon Fell, subject to the ordinary pre-employment qualification and testing.

Mayor Steadman asked if there was any discussion. There was none.

MOTION approved unanimously.

**Consent Agenda:** Items 1 - 4

MOTION by Richardson, second by Mottola to approve Consent Agenda items 1 – 4.

1. **Payroll:** Dated 12-15-17 (\$199,247.55)
2. **CMB License - FasTrip Mulvane LLC.**
3. **Emerald Valley Estates – Pay App. # 1: Unruh Excavating (\$32,217.93)**
4. **Nottingham Estates – Pay App. # 1: Mies Construction (\$114,975.45)**

MOTION approved unanimously.

**ANNOUNCEMENTS, MEETINGS AND NEXT AGENDA ITEMS:**

- Wednesday, January 3<sup>rd</sup>, 2018 - Next council meeting @ 7:30 p.m.

**ADJOURNMENT:**

MOTION by Johnson, second by Richardson to adjourn the council meeting at 8:45 p.m.

MOTION approved unanimously.