

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

September 19, 2016

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: Jenean Keck, Nancy Mottola, Terry Richardson and Kevin Cardwell.

Others Present: Debbie Parker, Kent Hixson, Mike Robinson, JT Klaus, Brent Allen, Chris Young of Young & Assoc., Dave Williams, Ray Fleming, Ryan Conlan & Aaron Pitman of All Covered, Lancia Price, Anita Weitzman.

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

Approval of Regular Meeting Minutes Dated 9-07-16:

MOTION by Keck, second by Mottola to approve the Regular meeting minutes dated 9-07-16.
MOTION approved unanimously.

Correspondence:

Handout regarding Long Term Flood Recovery meeting for flood victims on Sept. 24th at the Mulvane High School.

Review and Closing of the Agenda:

Add under Old Business: 1) Review of FEMA regulations and 2) Update on demolition of 309 S. 4th.

Appointments, Awards and Citations:None

OLD BUSINESS

1. **FEMA Regulations:** Ray Fleming informed the council that The Division of Water Resources contracts with FEMA to administer the Flood Plain Management Regulations in the State of Kansas. For the past 4 years they have been developing, along with help from contracted engineers, new Flood Insurance Rate Maps (Flood Plain Maps). In order for Mulvane to comply and stay in good standing with FEMA, we have to adopt the new maps. Two slight modifications to the text of the Flood Plain Management regulations have been made. The new maps reflect some areas being included into the 100 year flood plain and it also has some areas taken out of the 100 year flood plain.
2. **309 S. 4th – Demolition Update:** Ray Fleming informed the council that the contractor has moved his equipment to the site. The demolition, removal and grading of the lot should be complete by Friday.

NEW BUSINESS

1. **Technology Support Agreement Proposal for “All Covered”:**

Konica Minolta has invested in a Technology company called "All Covered". Staff recommends entering into an agreement with All Covered to provide a more comprehensive and proactive IT support model and take care of our office needs. Some of the benefits of this additional managed services approach include:

Over the past 10 months we have paid Konica Minolta \$13,200.00 for IT services. Nathan Werth is the IT representative that comes to our office. The Police department has also been using Nathan. We are billed by 20 hour blocks of time. Being on All Covered, the monthly cost would be \$5,500.00 plus we get all the other benefits of their service. We would no longer need to worry about licensing agreements, updating our virus protection, getting the latest updates, etc. This would all be done and monitored for us. We would have help with disaster recovery. This would be IT services for the entire city and all departments including business continuity with disaster recovery. Each department will pay a portion of the monthly bill according to the number of computers they have in their department.

MOTION by Richardson, second by Cardwell to approve Professional Services Proposal with All Covered for ACC Managed Services and Support.

MOTION approved unanimously.

2. Christmas Tree Recycle Program Agreement with Sedgwick County:

As of January 2016, the contract agreement between Sedgwick County and the City of Mulvane to provide a site for our Christmas Tree Recycling Program expired. A new five year agreement was sent to the City by Sedgwick Co. This program is free of charge to the City.

MOTION by Keck, second by Mottola to approve the Christmas Tree Recycling Program agreement with Sedgwick County, Ks.

MOTION approved unanimously.

3. 2017 Belle Plaine EMS Agreement:

In 2015, Mulvane entered into a one year agreement with the City of Belle Plaine to provide EMS service to that City and surrounding area. Belle Plaine paid Mulvane \$5,000/mo. and transferred their Sumner County subsidy to Mulvane. Belle Plaine and Mulvane want to renew that one year agreement. The fee is \$88,000 in the Sumner Co. subsidy and \$60,000 from the City of Belle Plaine.

MOTION by Mottola, second by Keck to approve the agreement for ambulance service with the City of Belle Plaine, Ks. (The agreement will be delivered to the City of Belle Plaine for signature).

MOTION approved unanimously.

ORDINANCES AND RESOLUTIONS

1. Ordinances Revising the Standard Traffic Ordinance (STO) and Uniform Public Offense Code (UPOC). The UPOC and STO are updated by the League of Kansas Municipalities each year and pretty much have standardized the municipal traffic laws and criminal offense code in cities throughout the State. Adoption of the 2016 UPOC and STO updates the City Code with the changes that have occurred to State law. The 2016 revisions to the UPOC and STO do not interfere with other existing laws of the City. The 2016 UPOC and 2016 STO should be properly incorporated by the City Clerk into the Mulvane Municipal Code.

The changes in the 2016 STO include amendments to the penalties for Diving under the Influence of Intoxicating Liquor or Drugs, and Driving Commercial Motor Vehicle under the Influence of Intoxicating Liquor or Drugs, as well as changes to the provisions governing the Preliminary Breath Test and Refusal

to Submit to Alcohol or Drug Test. The provisions regulating Compression Release Engine Braking System was also amended.

Some of the revisions to the UPOC include (1) Definitional changes to Smoking; (2) Battery Against a Law Enforcement Officer was amended; (3) Breach of Privacy was amended to reflect HB 2501; (4) Purchase, Consumption or Possession of Alcoholic Liquor or Cereal Malt Beverage by a Minor was amended by SB 133; (5) Theft was amended by HB 2462; (6) Operation of a Motorboat or Sailboat was amended by HB 2436. The 2016 UPOC changes include several definitions and other minor changes which are not described here.

MOTION by Mottola, second by Richardson to adopt and approve Ordinance No. 1474 incorporating by reference the "Standard Traffic Ordinance for Kansas Cities," 2016 Edition.

MOTION approved unanimously.

ORDINANCE NO. 1474

AN ORDINANCE INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," EDITION OF 2016; AND AMENDING TITLE III, CHAPTER 300, ARTICLE I, SECTION 300.010 OF THE CODE OF THE CITY OF MULVANE, KANSAS.

MOTION by Mottola, second by Cardwell to adopt and approve Ordinance No. 1475 incorporating by reference the "Uniform Public Offense Code for Kansas Cities," 2016 Edition, with the modifications contained therein.

MOTION approved unanimously.

ORDINANCE NO. 1475

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CITY OF MULVANE, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES," EDITION OF 2016, WITH CERTAIN AMENDMENTS; AND AMENDING TITLE II, CHAPTER 210, ARTICLE I, SECTION 210.013 OF THE CODE OF THE CITY OF MULVANE, KANSAS.

2. Ordinance Amending Zoning Regulations Concerning Flood Plain Management:

The Federal Emergency Management Agency ("FEMA") requires each City and County to adopt the newest flood plain maps and update certain provisions of zoning regulations to remain in compliance with FEMA guidelines and the National Flood Insurance Program.

For the past four years engineers have been working with the State Division of Water Resources developing new flood plain maps for Sedgwick County, including the Sumner County portion of Mulvane. The current maps cut off at the County line and, therefore, Mulvane must consider two maps when making flood plain determinations. The new maps combine the Sumner and Sedgwick County portions of Mulvane into the same map.

The new maps have also made changes to the flood plain boundaries bringing some properties in the flood plain and taking some out.

In addition to updating the flood plain maps, FEMA also requires changes to the Zoning Regulations.

MOTION by Mottola, second by Cardwell to approve Ordinance No. 1476 amending the Zoning Regulations and amendments to the Flood Plain Management regulations.
MOTION approved unanimously.

ORDINANCE 1476

AN ORDINANCE AMENDING THE ZONING REGULATIONS OF THE CITY OF MULVANE, KANSAS, AS ORIGINALLY ADOPTED BY ORDINANCE NO. 1432, AND INCORPORATION AS A PART THEREOF IN THE APPENDIX AMENDMENTS TO THE FLOOD PLAIN MANAGEMENT REGULATIONS.

Public Building Commission:

MOTION by Richardson, second by Keck to recess the Mulvane City Council meeting and convene as the Mulvane Public Building Commission.

MOTION approved unanimously.

MOTION by Mottola, second by Cardwell to approve the Public Building Commission meeting minutes dated 8-15-16.

MOTION approved unanimously.

MOTION by Cardwell, second by Mottola to approve Application and Certificate for Payment 15 from Waltz-Harman in the amount of \$74,263.50.

MOTION approved unanimously.

MOTION by Richardson, second by Keck to adjourn as the Mulvane Public Building Commission and reconvene the Mulvane City Council meeting.

MOTION approved unanimously.

Engineer's Report/Project Review and Update:

1. Chris Young of Young & Associates updated the council on the GIS mapping of city utility, E. Mulvane Street drainage project, Cedar Brook 2nd Addition, Hunters Pointe Addition and the Villa Maria senior housing project.

2. Styx Creek and First Street Drainage Study Updates:

As the City recovers from the 2nd major rainfall event and flooding in less than a month, the engineer has been reviewing previous drainage studies from 1992 and developing ideas on how the City can make improvements in the drainage system.

Given the age of the studies and the reoccurrence of significant flooding in both the Styx Creek and First Street areas, staff is requesting the City Council's consideration to re-examine both drainage areas. Since the last drainage study was performed, there have been a number of changes in infrastructure and land development in both studied drainage basins. There have also been advances and updates to the hydrologic design standards used to calculate and predict runoff rates.

Accordingly, staff recommends updating these studies as outlined below:

- Update the drainage basin limits, including drainage area computations, land use, runoff coefficients and time of concentrations.
- Update rainfall intensity and runoff rates for the 2, 5, 10, 25 and 100-year 24-hour storms.
- Using LiDar contours and information provided in the latest revised FEMA maps; project the 100-year base flood elevations (BFE's) for each drainage basin.

- Make any necessary recommendations to modify the City's current Drainage Policy.
- Prepare conceptual designs, in sufficient detail to develop cost opinions for performing drainage improvements.
- Prepare a comprehensive plan for performing drainage improvements, identifying priorities and recommendations for project phasing.
- Review the City's current storm water rate fees and make recommendations as appropriate for budgeting and financing drainage improvements.

Staff recommends the City Engineer prepare an engineering agreement for updating the City's drainage studies for Styx Creek and First Street.

It was the consensus of the council to have the engineer prepare a proposal to update the drainage studies of Styx Creek and First Street.

3. English Park Drainage Improvements:

English Park experienced flooding on 8-19-16 damaging footbridges and eroding the stream bed. This contributes to silt deposits all along Styx Creek through the City.

It was the consensus of the council to have the engineer prepare a proposal to update the drainage studies of English Park drainage.

4. E. Mulvane Street Drainage Project – Accept Easement for 660 E. Main:

Early this year, Chris Young reviewed alternative storm water pipe "routes" from Mulvane Street south to Main Street with the City Council, as all routes required acquisition of easements. Chris Young reviewed alternative storm water pipe "routes" from the Mulvane Street south to Main Street.

The owner of 660 E. Main (Nancy Valerio) has signed a Drainage and Utility Easement.

The City will need to acquire an easement at 668 E. Main and an easement at 652 E. Main.

MOTION by Mottola, second by Keck to accept the drainage and utility easement as granted by Nancy M. Valerio for the property at 660 E. Main.

MOTION approved unanimously.

City Clerk: Nothing

City Administrator: Nothing

City Attorney:

Executive Session:

The City Attorney requested an executive session not to exceed fifteen (15) minutes to discuss matters privileged in the attorney-client relationship. The executive session to include the Mayor, Council, City Administrator, Building Inspector and City Attorney.

MOTION by Richardson, second by Mottola to recess for a period not to exceed fifteen (15) minutes to discuss matters privileged in the attorney-client relationship to include the Mayor, Council, City Administrator, Building Inspector and City Attorney. To return at 9:05 p.m.

MOTION approved unanimously at 8:50 p.m.

MOTION by Mottola, second by Richardson to return from executive session at 9:10 p.m.

MOTION approved unanimously.

Mayor Steadman stated that no binding actions were taken in executive session.

Consent Agenda:

MOTION by Richardson, second by Mottola to approve the Consent Agenda items 1 – 3 as follows:

1. Payroll dated 9-09-16 (\$199,269.42)
2. Warrant Register for August (\$3,183,978.00)
3. Wastewater Treatment Plant – purchase chemicals - 48,000 lbs. of ferric chloride for \$9,084.00 and 48,000 lbs. of sodium hydroxide for \$6,924.00 at a total cost of \$16,008.00 from Brenntag, Inc.

MOTION approved unanimously.

Announcements, Meetings and Next Agenda Items: None

Adjournment:

MOTION by Mottola, second by Keck to adjourn the council meeting at 9:11 p.m.

MOTION approved unanimously.

Debra M. Parker, City Clerk