

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

October 3, 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, Joe Johnson, Terry Richardson and Kevin Cardwell.

Others Present: Debbie Parker, Kent Hixson, Mike Robinson, Andrew Kovar, Chris Young of Young & Assoc., Ray Fleming, Larry Gerwick, Tom Fagan, Shanna Smith and Ben Scortino.

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

Approval of Regular Meeting Minutes Dated 9-19-16:

The first paragraph under Engineer's Report Item # 4 was amended to read "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. MOTION by Richardson, second by Keck to approve the Regular meeting minutes dated 9-19-16 as amended.

MOTION approved unanimously.

Correspondence: None

Review and Closing of the Agenda:None

Appointments, Awards and Citations:None

OLD BUSINESS

None

NEW BUSINESS

1. **Amy Ellis – 102 W. Collier – water bill adjustment request:**

The customer is requesting a second water bill adjustment in a twelve month period. Letters are sent as a courtesy to our utility customers to make them aware of a possible leak. This is so they can get any leak taken care of promptly instead of waiting until they receive their bill to find out there may be a problem. The customer received an adjustment to her water bill. She was originally billed for 33,000 gallons totaling \$168.27. An adjustment was made giving her a credit of \$91.31, which leaves a balance of \$76.96. Any further adjustments will need council

approval. If an additional adjustment for one month of water is approved using the next highest month (July) the water credit would be \$74.10. If the council approves a water adjustment back to June's bill, the credit would be \$34.58.

No action was taken. Amy Ellis did not attend the council meeting.

2. Transient Guest Tax Request:

The City has received a completed Program/Event Application from the Mulvane Baseball Association in the amount of \$5,000 to help sponsor a summer collegiate baseball team to play. MOTION by Keck, second by Richardson to authorize the City Administrator to approve the request from the Mulvane Baseball Association for Transient Guest Tax funds in the amount of \$5,000.00.

MOTION approved unanimously.

Councilmember Cardwell abstained from voting due to conflict of interest.

3. Community Room – flood damage repair and renovations:

With the flood damage the Community Room has sustained, it is now not very conducive for use as a community facility. The walls have had the drywall removed about 24 inches from the floor, exposing the framing members. The carpet had to be removed as well. The condensing units of the air-conditioning system were inundated by the flood. The building is a City owned structure and is required to be compliant with the ADA standards, fire exits, etc. Staff recommends hiring a general contractor (through a bid process) to coordinate all the renovation work from the various tradesmen (sheetrock, electricians, HVAC, interior and exterior painting, etc.). The council discussed the possibility of adding a kitchen area and security.

It was the consensus of the council to obtain a bid from a general contractor to repair and remodel the community room and bring it back to the council.

4. Flood Recovery – Substantially Damaged Homes – next steps:

It has been six weeks since the first flood on August 19th. Since that time the damage assessments were performed on the flood damaged structures. During the assessment phase it was determined that three structures (106 Walnut, 13 Louis Drive and 14 Circle Drive), all of them single family dwellings, were substantially damaged. Substantially damaged means the cost of repairing the structure exceeds 50% of the fair market value prior to the damage. This is according to the Flood Plain Management Regulations.

On September 13th, letters were sent to the three property owners advising them of the determination of the substantial damage, and the need to contact the Building Inspector in regards to their options. The letter also explained they could appeal the determination. There has not been any response from the three property owners. No work is being done on any of the structures at this time.

The City has adopted the Flood Plain Management regulations that are required by FEMA in order for Mulvane to qualify for assistance if it is available. Requiring the structures that are determined to be substantially damaged to be brought into compliance with the Flood Plain Management Regulations is part of the requirements. If no action is taken by the property owners the City would have to begin condemnation of the structures to comply with the FEMA Regulations.

If the City does initiate condemnation action for the structures to be removed, the legal fees and cost of demolition work would be paid by the City initially. A lien would then be placed against the property.

The Council was asked how they would like to proceed. The Council would like to revisit this issue at the November 7th meeting.

ORDINANCES AND RESOLUTIONS

1. Ordinance amending the city code regarding city elections:

The Kansas Legislature recently changed the State's election laws, which includes provisions relating to city elections. One of the primary effects of the new laws is that all city elections are now to be held on the Tuesday succeeding the second Monday in November. This automatically changes the City's election date from April to November.

MOTION by Keck, second by Cardwell to adopt Ordinance No. 1477 which reflects the State law change to City election dates.

MOTION approved unanimously.

ORDINANCE NO. 1477

AN ORDINANCE UPDATING THE CODE OF THE CITY OF MULVANE, SEDGWICK AND SUMNER COUNTIES, STATE OF KANSAS, TO REFLECT THE MANDATORY STATUTORY CHANGES IN ELECTIONS WHICH WENT INTO EFFECT JULY 1, 2015.

2. Ordinance amending city building codes:

City staff would like to contract with Sedgwick County, Kansas, through the Metropolitan Area Building and Construction Department ("MABCD"), to have the MABCD issue contractor licenses and inspect buildings within the City for compliance with the building code. The MABCD will not inspect for compliance with the City's current building code, but will only inspect for compliance with Sedgwick County's Uniform Building & Trade Code ("UBTC"). In order for MABCD to take over license and inspection, the City must repeal its current building codes and adopt the UBTC.

MOTION by Johnson, second by Richardson to adopt and approve Ordinance No. 1478 repealing, amending, and replacing Title V of the Municipal Code of the City Entitled "Building and Construction".

MOTION approved unanimously.

ORDINANCE NO. 1478

AN ORDINANCE OF THE CITY OF MULVANE, KANSAS REPEALING, AMENDING, AND REPLACING TITLE V OF THE MUNICIPAL CODE OF THE CITY ENTITLED "BUILDING AND CONSTRUCTION.

• **Agreement with Sedgwick County for building inspection services:**

MOTION by Johnson, second by Cardwell to approve the Government Service Agreement by and between the City and Sedgwick County, Kansas as presented and authorize the Mayor and City Clerk to sign the same.

MOTION approved unanimously.

Public Building Commission:

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

MOTION approved unanimously.

MOTION by Keck, second by Richardson to approve the Public Building Commission meeting minutes dated 9-19-16.

MOTION approved unanimously.

MOTION by Keck, second by Richardson to approve the use funds from the library project to reimburse the City of Mulvane's General Fund in the amount of \$208,397.08 for the land purchased for the new library.

MOTION approved unanimously.

MOTION by Richardson, second by Johnson to approve the electrical hookup by Wichita Electric with costs not to exceed \$3,235.00 and sod repair by Tree Top Nursery with costs not to exceed \$250.00.

MOTION approved unanimously.

MOTION by Keck, second by Richardson 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:

The City commissioned two drainage studies in 1992 to evaluate and make recommendations for addressing drainage problems experienced along First Street and Styx Creek. These studies were titled; "Part 1: First and English Street Drainage Basin" and "Part 2: Styx Creek Drainage Basin Analysis of Major Drainage".

On September 19th, 2016, the City Council expressed an interest in updating these studies and requested the City Engineer prepare a proposal for performing the work. The updated drainage studies include the following scope of work.

- 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.

An engineering services agreement has been prepared for council consideration.

MOTION by Richardson, second by Johnson that the City enter into an agreement with Young & Associates, P.A. in the amount of \$18,300.00 for updating the First Street and Styx Creek Drainage Studies as presented and authorize the Mayor to sign.

MOTION approved unanimously.

3. English Park Drainage Study:

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. Following the recent floods, staff observed significant damage to the park's north pedestrian bridge, including loss of railing and deck materials and exposure of the east bridge abutment. Another bridge in the park was destroyed. Channel erosion has also exposed an old clay sanitary sewer pipe that crosses the Styx Creek channel just upstream of the north bridge. Two other bridges in the park, playground equipment, volleyball courts, disc golf equipment and the covered park shelter survived the flood.

Drainage Improvements would include restoring the channel in English Park to its original flow capacity and stabilize the eroded banks by creating a maintainable channel side slope. Drainage improvements should include examining the costs for constructing a silting basin/detention pond in the north end of the park (to reduce soil deposition and improve flood storage) and reconstructing the north pedestrian bridge.

An engineering services agreement has been prepared for council consideration.

MOTION by Keck, second by Cardwell that the City enter into an agreement with Young & Associates, P.A. in the amount of \$16,500.00 for performing preliminary design surveys and preparing cost opinions for drainage improvements in English Park as presented and authorize the Mayor to sign.

MOTION approved unanimously.

City Clerk: None

City Administrator:None

City Attorney:

Executive Session:

The City Attorney requested an executive session not to exceed five (5) minutes to discuss matters privileged in the attorney-client relationship. The executive session to include the Mayor, Council, City Administrator and City Attorney.

MOTION by Richardson, second by Cardwell to recess for a period not to exceed five (5) 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 8:54 p.m.
MOTION approved unanimously at 8:49 p.m.

MOTION by Johnson, second by Richardson to return from executive session at 8:54 p.m.
MOTION approved unanimously.

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

Consent Agenda:

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

1. Payroll dated 9-23-16 (\$227,179.91)
2. City Dept. Utility Bills (\$17,336.34)
3. Cedar Brook Addition – Payment # 1 to Nowak Const. (58,183.79)

MOTION approved unanimously.

Announcements, Meetings and Next Agenda Items: None

Adjournment:

MOTION by Keck, second by Cardwell to adjourn the council meeting at 8:50 p.m.
MOTION approved unanimously.

Debra M. Parker, City Clerk