

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

September 6, 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, Jenean Keck and Kevin Cardwell.

Others Present: Debbie Parker, Kent Hixson, J.T Klaus, Brad Modlin, Dave Williams, Joel Pile, Chris Young of Young & Assoc., Mike Robinson, Lowell Ester, Judi Patterson, Shawn Lamm, Brian Meier and Daniel Clements of Burns & McDonnell.

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

Approval of Regular Meeting Minutes Dated 8-21-17:

MOTION by Keck, second by Cardwell to approve the Regular meeting minutes dated 8-21-17.

The mayor asked the city attorney if a council member could vote on approval of the meeting minutes even if that councilmember did not attend the meeting. The city attorney advised they could vote to approve the meeting minutes.

MOTION approved unanimously.

Correspondence: None

Review and Closing of the Agenda:None

Appointments, Awards and Citations:None

OLD BUSINESS

None

NEW BUSINESS

1. Mulvane Municipal Court – AMS Collection Agreement:

Currently Municipal Court sends uncollected court fees to the State of Kansas Setoff Program.

The only way the City receives payments from Setoff is if the defendant has a State Tax Refund. The City wants to be more aggressive in collecting the unpaid court fees. Contracting with American Municipal Services (AMS) in addition to the State Setoff program is another means for collection of unpaid fines at no cost to the City. Both agencies add their fee (19% for the Setoff Program and 33% for AMS) to the amount they collect.

MOTION by Cardwell, second by Keck to approve the Court Agreement with American Municipal Services (AMS) to collect unpaid municipal court fees.

MOTION approved unanimously.

2. EMS Dept. – Purchase a vehicle:

An accident resulted in EMC Insurance totaling out a 2009 Impala vehicle used by the EMS Dept. The 2009 Impala is valued at \$5,100 and the cost to repair exceeds \$5,500.00. The vehicle has been signed over to EMC and the City has received a settlement. Staff has located a 2011 Chevrolet Impala at Davis-Moore Chevrolet in Wichita. The cost of the vehicle is less than \$10,000. This vehicle will work as an emergency responding vehicle for EMS.

MOTION by Keck, second by Richardson to approve the purchase of a 2011 Chevrolet Impala from Davis-Moore Chevrolet not to exceed \$10,000.00.

MOTION approved unanimously.

3. 424 E. Bridge Street – Initiate Condemnation Proceedings:

For several years the city has fielded numerous nuisance complaints for the property located at 424 E. Bridge. According to utility records, the property has been vacant since February 2016. During an exterior inspection on August 28, 2017, it was determined the property is unsafe and dangerous. The structure is in a severe state of disrepair and should be made secure or demolished. Securing the property should include securing all points of access including windows, doors and crawl space openings (many windows are broken and birds and cats were observed entering and exiting the premise). Vegetation is growing through the foundation and diminishing the structural integrity of the structure, all of this vegetation should be removed and the foundation should be repaired. The front porch is structurally unsound and must be repaired or removed.

The Police Department has received reports of juveniles making unauthorized access to the property and the department is now actively monitoring the location for such activity. Occupancy for the property has been revoked, no occupancy will be permitted until the exterior and interior of the property has been fully inspected for code compliance.

Mulvane Municipal Code Chapter 520 & K.S.A. 12-1750, et seq. regulates dangerous and unsafe structures. To begin condemnation proceedings the governing body must conduct a public hearing. If demolition or repairs are undertaken by the city, all costs of such repairs or demolition shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

MOTION by Richardson, second by Johnson to have a resolution prepared and presented at the September 18, 2017 City Council Meeting fixing the time, date and place for the owner(s), the owner's agent(s), any lienholders of record and any occupant(s) of 424 E. Bridge Street, Mulvane, Kansas to appear and show cause why such structures should not be condemned and ordered repaired or demolished.

MOTION approved unanimously.

ORDINANCES & RESOLUTIONS

1. Ordinance Amending the Subdivision Regulations:

After conducting a public hearing at the August 10, 2017 Planning Commission meeting, the commission adopted amended Subdivision Regulations and made recommendation for council approval. Many of the adopted amendments were minor and most revised wording to provide clarity and specific detail to the respective sections of the regulations.

The Subdivision Regulations govern the subdivision of land and the vacation of rights-of-way, easements, and other public reservations located within the City of Mulvane and in an extraterritorial jurisdiction in both Sedgwick and Sumner Counties. The current Subdivision Regulations were incorporated by Ordinance No. 1188 in December 2003. To amend the current Subdivision Regulations, the City Council must approve an ordinance adopting the amended Regulations and repealing previous Ordinances in conflict.

MOTION by Keck, second by Cardwell to accept the recommendation of the Mulvane City Planning Commission and to approve Ordinance No. 1500 and direct the City Clerk to publish it. MOTION approved unanimously.

ORDINANCE NO. 1500

AN ORDINANCE ADOPTING AND INCORPORATING BY REFERENCE CERTAIN SUBDIVISION REGULATIONS GOVERNING THE SUBDIVISION OF LAND LOCATED WITHIN THE CITY OF MULVANE, KANSAS, AND A CERTAIN EXTRATERRITORIAL JURISDICTION AS DEFINED THEREIN, AS PREPARED AND PUBLISHED AS A MODEL CODE IN BOOK FORM BY THE MULVANE CITY PLANNING COMMISSION, PURSUANT TO K.S.A. 12-741 *ET SEQ.*, AS AMENDED, 12-3009 TO 12-3012 INCLUSIVE, 12-3301 AND 12-3302.

MULVANE LAND BANK

The city council is also the Mulvane Land Bank – Board of Trustees. The Land Bank is being used to acquire land and buildings. All land acquisition related invoices and bills need to be approved and paid for by the Land Bank Board of Trustees.

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

MOTION approved unanimously.

MOTION by Keck, second by Cardwell to approve the Land Bank Board of Trustees meeting minutes dated 8-21-17.

MOTION approved unanimously.

MOTION by Keck, second by Cardwell to approve the invoice from Born Masonry in the amount of \$1,055.75 for brick work at 100 W. Main. *The work stabilized the east wall of 100 W. Main.*

MOTION approved unanimously.

MOTION by Keck, second by Johnson to approve the invoice from Triplett Woolf & Garretson in the amount of \$1,724.10 for real estate purchase work on the Pendergraft properties.

MOTION approved unanimously.

- City staff updated the Land Bank Trustees on the sale of the buildings purchased by the Land Bank.

MOTION by Keck, 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.

ENGINEER:

1. Update of Projects:

Chris Young updated the council on several projects, Cedar Brook, Styx Creek Drainage Study, Nottingham Estates, O'Reilly's Auto, Emerald Valley Estates, and Gilberts Addition.

Young suggested scheduling a council workshop to review potential storm drainage studies and projects. Tentative, the workshop will be Tuesday, September 19th at 7:30 at city hall.

City Clerk: None

City Administrator:

1. Public Safety Director Search Update:

In 2005, the position of Public Safety Director was created to oversee the police, fire and ambulance departments. Dave Williams was named to that position. Williams will retire in March, 2018.

The City began advertising the Public Safety Director position in May. The City has received 27 resumes from applicants in Kansas and several other states. The Public Safety Director is the Chief of Police; he or she must be a certified police officer and appointed to that position by the Mayor and approved by the City Council.

The administrator asked the council to be sure they wanted to maintain the single PSD position vs. hiring a separate Police Chief and/or a Fire/EMS Director. Fire Capt. Ester and EMS Capt. Patterson spoke about the job description. It was the consensus of the council to keep the single PSD position.

Council member Richardson and Keck will meet with the city administrator to shortlist the applicants to 9 or 10. That short list will be presented to the city council for review.

City Attorney:

Executive Session #1:

The City Attorney requested an executive session not to exceed twenty (20) minutes to discuss matters involving land acquisition with the purpose of possible acquisition of land.

Said executive session to include the Mayor, City Council, City Administrator, the City Attorney and the engineers from Burns & McDonnell.

MOTION by Richardson, second by Johnson to recess for a period not to exceed twenty (20) minutes to discuss matters involving potential land acquisition to return at 9:20 p.m.

MOTION approved unanimously at 9:00 p.m.

MOTION by Keck, second by Richardson to return from executive session at 9:23 p.m.

MOTION approved unanimously.

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

Executive Session #2:

The City Attorney requested an executive session not to exceed fifteen (15) minutes to discuss matters privileged in the attorney/client relationship with the purpose of potential litigation.

Said executive session to include the Mayor, City Council, City Administrator and the City Attorney.

MOTION by Richardson, second by Keck to recess for a period not to exceed fifteen (15) minutes to discuss matters privileged in the attorney/client relationship with the purpose of potential litigation to return at 9:40 p.m.

MOTION approved unanimously at 9:25 p.m.

MOTION by Cardwell, second by Richardson to return from executive session at 9:42 p.m.

MOTION approved unanimously.

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

Consent Agenda: Items 1 –4

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

1. **Payroll:** Dated 8-25-17 (\$199,801.12).
2. **August Warrant Register** – (\$1,048,999.47)
3. **City Utility Bills** - (\$18,950.11).
4. **Augusta Water Dispute** – Triplett Woolf & Garretson Invoice (\$31,283.92)

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS AND NEXT AGENDA ITEMS:

- Monday, Sept. 18 - Next council meeting @ 7:30 p.m.

Adjournment:

MOTION by Richardson, second by Keck to adjourn the council meeting at 9:44 p.m.
MOTION approved unanimously.

Debra M. Parker, City Clerk