

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

August 3, 2020

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: Nancy Farber Mottola, Kevin Cardwell, Brent Allen and Jenean Keck.

Others Present: Kent Hixson, Mike Robinson, Debra Parker, Joel Pile, J. T. Klaus, Gordon Fell, Chris Young, Lacie Leatherman, Terry Richardson, Cathy Walker, Rachael Blackwell, Stephanie Larkins, and Hannah Farber.

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

Approval of Regular Meeting Minutes Dated 7-20-2020:

MOTION by Mottola second by Keck to approve the Regular meeting minutes dated 7-20-2020. MOTION approved unanimously.

Correspondence: Mayor Steadman and Councilmember Mottola received correspondence from Mr. Scott further expressing his concerns about the development that is ongoing from the recent Planning Commission and the manner in which the City Council appointment would be made. These issues were addressed by city staff.

Review and Closing of the Agenda: City Attorney, J.T. Klaus, would like to add a second executive session under City Attorney for the purpose of potential litigation.

Appointments, Awards and Citations:

1. Appointment to Fill Vacant Council Seat:

At the June 15th council meeting, Barry Fleming announced that he was moving out of town and would therefore have to resign his council seat that evening. Fleming's term runs until 2022. City staff put out a notice of the open council position. The City received eight applications for the vacant position.

Councilmember Mottola interviewed all the applicants and provided the conversation notes to Mayor Steadman. Mayor Steadman also interviewed some of the applicants and recommended to appoint Terry Richardson to fill the unexpired term.

MOTION by Keck, second by Allen to appoint Terry Richardson to fill the unexpired term of Barry Fleming.

MOTION approved unanimously.

Richardson was given the Oath of Office by the City Clerk.

2. 2021 Annual City Budget – Public Hearing:

MOTION by Allen, second by Mottola to recess the 8-03-20 City Council meeting for a period not to exceed two (2) minutes for the purpose of conducting a public hearing regarding the 2021 proposed annual City budget.

MOTION approved unanimously.

There was no one present to speak.

Finance Director, Cathy Walker, reviewed the revenue outlook with the Council. The revenues are doing better than anticipated due to COVID.

The Mayor closed the public hearing.

MOTION by Cardwell, second by Mottola to reconvene the 8-03-20 regular City Council meeting.

MOTION approved unanimously.

City Attorney, J.T. Klaus, gave an explanation of the sales tax stabilization.

MOTION by Mottola, second by Keck to approve the 2021 annual City budget as provided.

MOTION approved unanimously.

OLD BUSINESS

None

NEW BUSINESS

1. Homestead Senior Housing Phase 2 – Developer’s Agreement:

Homestead Senior Housing is in the process of developing and building new senior housing at 200 E. Rock Rd. Court.

The Developer’s Agreement is needed because Homestead desires to make certain public improvements (water main extension & sanitary sewer manhole) which are necessary to support the development of their property. The developer proposes to make the improvements through private contract at its own cost which is to include all engineering, inspections, testing, construction, and any other associated costs of the improvements.

The Developer is to provide the City with good and sufficient sureties in the form of a Letter of Credit for \$50,000 to guarantee completion and payment. The Developer shall also provide a Letter of Credit for \$7,500 to guarantee any costs associated with the correction of any defect in material or workmanship for a period of 18 months.

MOTION by Keck, second by Mottola to approve the Developer’s Agreement with Homestead Affordable Housing, Inc. dated July 23, 2020 and authorize the Mayor to sign the Agreement.

MOTION approved unanimously.

2. Homestead Senior Housing Phase 2 – Plan Review and Oversight Agreement with Young & Assoc.

Young and Assoc. has prepared an agreement for design review, construction administration and oversight services for Homestead Senior Housing Phase 2. This includes reviewing the design engineer's plans, coordination with the design engineer and providing periodic observations of the work including final inspection/approval.

MOTION by Keck, second by Mottola that the City enter into an agreement with Young & Associates, P.A. in the amount of \$4,250.00 for design plan review and construction administration and oversight services for the proposed water line and sewer manhole to serve Lot 2, Block 1, Homestead Senior Residences Addition, and authorize the Mayor to sign.

MOTION approved unanimously.

ORDINANCES & RESOLUTIONS

None

ENGINEER

1. Project Review and Update:

City Engineer, Chris Young, reviewed the project update with the Council which included: Sanitary Sewer Study Update, Rock Road Water Line, Flood Mitigation Grant – English Park and Styx Creek Drainage Improvements (FEMA agreed to reverse their previous request for a CLOMR. Young will re-submit an amended application which will cover the cost of performing the benefit to cost analysis), Decommissioning the Boxelder Power Plant (KDHE recommends the monitoring of water quality of each well every three months for one year), E. Mulvane Street Drainage, Sports Complex Maintenance Building and Homestead Phase 2 Development.

Mottola asked about any additional progress on the drainage issue. Young emphasized the importance of a good working relationship with the railroad to keep drainage channels clear.

2. Accept Temporary Construction Easement for 668 E. Main St.

The City has purchased the property at 660 E. Main St. This house will be demolished and the land will be used to allow storm water to flow into the ditch on Main St. as part of the E. Mulvane Street Drainage project. The City Engineer recommended that the City acquire a temporary construction easement at 668 E. Main to provide a working area for the contractor to make the necessary project improvements.

MOTION by Allen, second by Cardwell to accept the temporary construction easement agreement as granted by Jerry Wathen for the E. Mulvane St. Drainage project.

MOTION approved unanimously.

3. E. Mulvane St. Drainage – Review Demolition and Land Clearance Quote for 660 E. Main St.

During the July 20, 2020 council meeting, the Governing Body requested additional quotes to demo the property. Planning and Zoning Director, Joel Pile, contacted additional companies (Cornejo did not wish to bid & Pearson Construction did not respond). Bradburn Wrecking Company, Inc. provided a quote to demolish the house and level the site for \$25,757.50. H. Excavating, L.L.C. provided a quote to demolish the house and level the site for \$6,000.

Councilmember Allen thanked Pile for obtaining additional quotes to provide the best deals for the City.

MOTION by Mottola, second by Keck to authorize H. Excavating, L.L.C. to demolish the house at 660 E. Main for the quoted price of \$6,000.

MOTION approved unanimously.

MULVANE LAND BANK

MOTION by Mottola, second by Allen to recess the City Council meeting and convene as the Mulvane Land Bank Board of Trustees.

MOTION approved unanimously.

MOTION by Keck, second by Mottola to approve the 7-20-20 Land Bank Board of Trustees meeting minutes.

MOTION approved unanimously.

MOTION by Mottola, second by Keck to recess the Mulvane Land Bank meeting for a period not to exceed two (2) minutes for the purpose of conducting a public hearing regarding the 2021 proposed annual Land Bank budget.

MOTION approved unanimously.

There was no one present to speak.

Board Chair, Steadman, closed the public hearing.

MOTION by Allen, second by Mottola to reconvene the regular Mulvane Land Bank meeting.

MOTION approved unanimously.

MOTION by Mottola, second by Allen to approve the 2021 annual Land Bank budget as provided.

MOTION approved unanimously.

City Attorney, J.T. Klaus, requested an executive session to discuss matters involving the Attorney/Client relationship for the purpose of discussing contract negotiation for a period not to exceed ten (10) minutes, to include, the Land Bank Chair, Board of Trustees, City Administrator, City Attorney and the Planning & Zoning Director.

MOTION by Allen, second by Mottola to recess the Land Bank Board of Trustees meeting to an executive session to discuss matters involving the Attorney/Client relationship for the purpose of discussing contract negotiation for a period not to exceed ten (10) minutes, to include, the Land Bank Chair, Board of Trustees, City Administrator, City Attorney and the Planning & Zoning Director, and to return at approximately 8:25 p.m.

MOTION approved unanimously 8:15 p.m.

MOTION by Mottola, second by Cardwell to reconvene the regular Mulvane Land Bank meeting.
MOTION approved unanimously at 8:25 p.m.

Board Chair Steadman announced that no decisions were made during the Executive Session.

Lacie Leatherman was present to address the Board about a proposal to purchase the property at 201 W. Main. She would like to increase her initial offer from \$15,000 to \$20,000. She needs office space and indicated she could have retail space open to the public in 45 days.

The Board asked questions about the number of employees, parking, external upgrades, and the place of manufacturing. The Board would like to see her revised offer of \$20,000 in writing. The Board would like to give Eric Gilbert a chance to make a best and final offer.

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

MOTION approved unanimously.

City Clerk: None

City Administrator:

1. Covid-19 Workplace Best Practices:

City Administrator, Kent Hixson, presented the council with a draft of the “*City of Mulvane – Covid – 19 Workplaces Best Practices*”. The City’s Health & Safety Committee developed a plan to address issues related to continuation of operations during the pandemic. The City’s employment attorney has reviewed the plan and offered comments that will be incorporated into the plan. The plan is meant to be flexible to respond to the changing Covid environment.

The Council had several suggestions for the plan and would like to see more consistency with each department.

Councilmember Allen asked who was responsible for mowing the property at 111th and Webb Road. The East side of the road is private property. Hixson will check on this.

City Attorney: City Attorney, J.T. Klaus, requested an executive session to discuss matters involving the Attorney/Client relationship for the purpose of discussing a contract dispute for a period, not to exceed ten (10) minutes, to include, the Mayor, City Council, City Administrator and City Attorney.

MOTION by Allen, second by Mottola to recess the council meeting for an executive session to discuss matters involving the Attorney/Client relationship for the purpose of discussing a contract dispute for a period, not to exceed ten (10) minutes, to include, the Mayor, City Council, City Administrator and City Attorney and to reconvene at approximately 9:12 p.m.
MOTION approved unanimously at 9:02 p.m.

MOTION by Mottola, second by Cardwell to reconvene the City Council meeting.
MOTION approved unanimously at 9:22 p.m.

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

City Attorney, J.T. Klaus, requested an executive session to discuss matters involving the Attorney/Client relationship for the purpose of discussing potential litigation for a period, not to exceed twenty (20) minutes, to include, the Mayor, City Council, City Administrator and City Attorney.

MOTION by Mottola, second by Allen to recess the council meeting for an executive session to discuss matters involving the Attorney/Client relationship for the purpose of discussing potential litigation for a period, not to exceed twenty (20) minutes, to include, the Mayor, City Council, City Administrator and City Attorney and to reconvene at approximately 9:45 p.m.
MOTION approved unanimously at 9:25 p.m.

MOTION by Mottola, second by Keck to reconvene the City Council meeting.
MOTION approved unanimously at 9:50 p.m.

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

Consent Agenda Items 1 - 3:

MOTION by Mottola second by Keck to approve Consent Agenda items 1 – 3.

1. Payroll dated 7-24-2020 (\$215,675.66)
2. City Utility Bills (\$13,210.86)
3. Public Works Dept. - purchase of approx. 5,096 gallons of CSS-1h road oil for slurry sealing from Vance Brothers in the amount not to exceed \$14,000.00.

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS AND NEXT AGENDA ITEMS:

- Monday, August 17th - next council meeting @ 7:30 p.m.

ADJOURNMENT:

MOTION by Keck second by Allen to adjourn the City Council meeting at 9:50 p.m.
MOTION approved unanimously.

Minutes by:
Debra M. Parker, City Clerk