

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

September 9, 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, Jenean Keck and Terry Richardson.

Others Present: Kent Hixson, Mike Robinson, Debra Parker, Joel Pile, J. T. Klaus, Gordon Fell, Chris Young, Cathy Walker.

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

Approval of Regular Meeting Minutes Dated 8-17-2020:

MOTION by Mottola second by Keck to approve the Regular meeting minutes dated 8-17-2020. MOTION approved unanimously.

Correspondence: Mayor Steadman advised she provided the council with the Dashboard Highlights from Sedgwick County to be aware of the trends moving forward and also the recent order by the Public Health Official on the Sedgwick County side.

Review and Closing of the Agenda:

The City Administrator provided an amended agenda adding three items. Mayor Steadman reviewed the amended agenda.

1. Constitution Week Proclamation – Add as Item 1 under Appointments, Awards and Citations.
2. Sedgwick County Grant Award – Add as Item 2 under Old Business.
3. Employee Payroll Deferral – Add as Item 1 under New Business.

Appointments, Awards and Citations:

1. Constitution Week Proclamation – September 17th – 23rd :

Mayor Steadman read a proclamation designating September 17th to 23rd as Constitution Week.

2. Municipal Court Judge Appointment:

Duane Brown served as the City's appointed Municipal Court Judge since 2009. Duane passed away in mid-July this year. Larry Linn has served as the City's prosecuting attorney since 2007. Since Duane's passing, Linn has been serving as the interim Municipal Court Judge. Linn has expressed an interest in being appointed as the Municipal Court Judge. Mayor Steadman has attended court sessions to observe Linn while serving as the interim judge.

MOTION by Mottola, second by Cardwell to appoint Larry Linn as the Municipal Court Judge through the remainder of Duane Brown's appointment and approve the municipal court judge independent contract and authorize the Mayor to sign.

MOTION approved unanimously.

OLD BUSINESS

1. Community Development Block Grant – COVID-19 Economic Development Grant Administrator Agreement:

Planning and Zoning Director, Joel Pile, reviewed the grant agreement with the council and answered questions. Kansas counties and cities were eligible to apply for CDBG-CV grants through the Department of Commerce and then work with local businesses and organizations to disburse funds. CDBG-CV Economic Development grants provide communities with funding to help local businesses retain jobs for low-to-moderate income people. The city submitted an application on 5-12-20 and was notified on June 4, 2020 it was awarded \$132,000 to fund the community's CARES Act project(s).

On August 19, 2020, a CDBG-CV Certified Grant Administrator Review Committee Meeting was held to open and review proposals from Certified CDBG Grant Administrators. Two proposals were provided to the City. After reviewing the proposals and completing an RFP ranking, the Committee recommends the City Council select Ranson Financial Group, LLC to serve as the grant administrator for the CDBG-CV grant. Based on the CDBG guideline the fee for the service can be 10% of the award.

MOTION by Mottola, second by Richardson to approve the CDBG-CV Economic Development Grant Administrator's agreement between the Ranson Financial Group, LLC and the City of Mulvane in an amount not to exceed \$13,200 and authorize the Mayor to sign.

There was some discussion regarding the amount of the agreement. Mottola amended her motion.

MOTION by Mottola, second by Richardson to approve the CDBG-CV Economic Development Grant Administrator's agreement between the Ranson Financial Group, LLC and the City of Mulvane in an amount not to exceed \$12,000 and authorize the Mayor to sign.

MOTION approved unanimously.

2. Sedgwick County - CARES Grant Award - Information Only:

Mayor Steadman announced that since she is Director of Regional Forensics Science Center and a Sedgwick County employee she does not plan to provide any input on this agenda item, nor did she compile, review, or approve, the request to Sedgwick County Governing Body or Office of Finance. Mayor Steadman turned the meeting over to Council President, Mottola.

Finance Director, Cathy Walker, reviewed the Sedgwick County CARES Grant Award with the council. On August 12, 2020, the City of Mulvane was notified by Sedgwick County with information and applications for the Sedgwick County CARES CRF funding. The City staff completed all the applications and paperwork required to apply for these grant monies, which had to be returned to Sedgwick County by August 21, 2020. The City requested \$392,000 in grant monies to cover previous and future expenses related to COVID-19. This amount also includes supplies for the Library.

At the council meeting on August 17, 2020, the City Council approved Resolution 2020-6 authorizing the City to receive monies from the relief fund and authorizing the City Administrator to execute, deliver and perform a subrecipient grant agreement with Sedgwick County. The City received notice on Friday, September 4, 2020, that the City of Mulvane has been awarded \$133,610.20. The agreement was signed and returned to Sedgwick County on September 8, 2020, by Kent Hixson.

Once the City receives the grant money, it must be spent by October 31, 2020, or return any unspent portion back to Sedgwick County. Some items are 75% reimbursable by FEMA. Walker will meet with Department Heads to determine which qualifying items can be submitted to FEMA for reimbursement. The CARES grant money can be used for items not reimbursable by FEMA. The CARES grant money, along with any FEMA reimbursement will help with the unexpected expenses that the City and the Library have had in incur due to the COVID-19 Virus.

Council President, Mottola, turned the meeting back over to Mayor Steadman.

NEW BUSINESS

1. Employee Payroll Tax Deferral:

City Attorney, J.T. Klaus, reviewed the Payroll Tax Deferral with the council. On August 8, 2020, the President of the United States issued a Presidential Memorandum deferring the withholding, deposit, and payment of certain federal payroll tax obligations.

This defers the obligation of employees to pay payroll taxes (6.2% social security) for the period September 1 to December 31. The money then must be paid back early next year unless Congress takes action to eliminate the obligation altogether. The payroll tax deferral applies to employees with wages below a bi-weekly threshold of 4,000. Employers would then double withhold (12.4%) from 01/01/2021 to 04/30/2021 to make up the difference. Secretary of Treasury has implied it is not mandatory for employers to apply the deferral. Cities must make the initial decision whether to “opt-in or opt-out”.

MOTION by Mottola, second by Keck to not implement a deferral of employee payroll taxes allowed at this time and to keep the deferrals the same, so as not to penalize employees with a “make-up” tax in the future.

MOTION approved unanimously.

ORDINANCES & RESOLUTIONS

1. Ordinance - School Zones:

Public Safety Director, Gordon Fell, reviewed the school zone issue with the council. The ordinance would define school zones by streets instead of times. Due to USD 263 schedule changes in response to COVID-19, the times that are currently listed in the Mulvane City Code are not applicable to the new school times. The ordinance would designate portions of streets and

roadways as designated school zones with visible flashing yellow lights. The time signage will also be removed. If the school hours change, this will allow us to make changes if needed without another ordinance. To create a safe environment, Fell will continue to monitor foot traffic in the school zone areas. As school times change, the school zones can be adjusted.

MOTION by Keck, second by Cardwell to approve Ordinance 1528 amending Title III, Chapter 310, Section 310.012 of the Municipal Code of the City of Mulvane.

MOTION approved unanimously.

ORDINANCE NO. 1528

AN ORDINANCE AMENDING TITLE III, CHAPTER 310, SECTION 310.012 OF THE MUNICIPAL CODE OF THE CITY OF MULVANE.

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, Decommissioning the Boxelder Power Plant, E. Mulvane Street Drainage, Sports Complex Maintenance Building, Homestead Phase 2 Development, Dieker’s Valley View Addition, and Hidden Valley Addition.

Council had questions regarding the drainage and detention areas in Hidden Valley Addition. Young will continue to monitor.

MULVANE LAND BANK

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

MOTION approved unanimously.

MOTION by Mottola, second by Keck to approve the 8-17-2020 Mulvane Land Bank meeting minutes.

MOTION approved unanimously.

MOTION by Mottola, second by Keck to approve the utility bill from the City of Mulvane in the amount of \$65.94 for the building at 201 W. Main Street.

MOTION approved unanimously.

MOTION by Mottola, second by Keck to approve the invoice from Triplett Woolf Garretson, LLC in the amount of \$105.00 for Land Bank related legal services.

MOTION approved unanimously.

Planning and Zoning Director, Joel Pile, reviewed the Agreement with the Board. There was clarification on the amount offered and Pile reviewed the promised repairs of the property. A notice of sale will be published in the Mulvane News. The sale of the property can not occur until 30 days from the date of publication.

MOTION by Richardson, second by Mottola to approve the Real Estate Purchase Agreement for 201 W. Main with Eric and Rebecca Gilbert and authorize the Chair to sign all necessary documents to effectuate the sale of the property.

MOTION approved unanimously.

MOTION by Keck, second by Richardson to adjourn the meeting of the Mulvane Land Bank and reconvene as the Mulvane City Council.

MOTION approved unanimously.

City Clerk: The Annual League Conference is scheduled for October 13 – 16. This will be a virtual conference. If anyone wishes to attend, the clerk can get them registered.

City Administrator: None

City Attorney:

City Attorney, J.T. Klaus, requested an executive session to discuss matters related to non-elected personnel pursuant to K.S.A. 75-4319(b)(1) to discuss non-elected personnel for a period not to exceed 20 minutes to include the City Attorney, Mayor, City Council and City Administrator.

MOTION by Richardson, second by Cardwell to recess the City Council meeting for an executive session to discuss matters related to non-elected personnel pursuant to K.S.A. 75-4319(b)(1) to discuss non-elected personnel for a period not to exceed 20 minutes to include the City Attorney, Mayor, City Council and City Administrator and to reconvene at approximately 8:50 p.m.

MOTION approved unanimously at 8:30 p.m.

MOTION by Mottola, second by Keck to reconvene the City Council meeting at 8:50 p.m.

MOTION approved unanimously.

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

Consent Agenda Items 1 - 6:

MOTION by Mottola second by Cardwell to approve Consent Agenda items 1 – 6.

1. Payroll dated 8-21-2020 (\$206,736.21)
2. Payroll dated 9-04-20 (\$199,749.64)
3. Electric Utility Dept. - accept the low bid from Border States in the amount of \$24,092.43 for (10) - 50 KVA and (5) - 25 KVA single phase electric distribution - transformers to be dispersed from Electric budget line item #511-10-546.
4. City Utility Bills (\$13,241.24)
5. Liquor license for CABCS LLC, DBA: Mulvane Liquor & Smoke Shop.
6. August Warrant Register (\$1,448,331.63)

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS AND NEXT AGENDA ITEMS:

- Monday, September 21st - next council meeting @ 7:30 p.m.

ADJOURNMENT:

MOTION by Richardson second by Cardwell to adjourn the City Council meeting at 8:51 p.m.
MOTION approved unanimously.

Minutes by:
Debra M. Parker, City Clerk