

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

May 6, 2013

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 James P. Ford, who called the meeting to order.

COUNCIL MEMBERS PRESENT: Terry Richardson, Doug Hatfield, Jenean Keck, Joe Johnson and Shelly Steadman

OTHERS PRESENT: Kent Hixson, J.T. Klaus, Patty Gerwick, Mike Robinson, Ray Fleming, Chris Young, Galen Cummins, Jim Carr, John Schlegel with WAMPO

All stood for the Pledge of Allegiance and Invocation led by Mayor Ford.

APPROVAL OF REGULAR MINUTES DATED 4-15-13: MOTION by Hatfield, second by Richardson to approve the Regular minutes dated 4-15-13. MOTION approved unanimously.

CORRESPONDENCE: None at this time.

REVIEW AND CLOSING OF THE AGENDA: Mayor Ford declared the agenda closed.

APPOINTMENTS, AWARDS AND CITATIONS:

- (1) Mayor Ford read a Proclamation declaring the week of May 5-11, 2013 as City Clerks Week.
- (2) Appointments for boards, commissions and certain staff as follows: **LIBRARY BOARD:** MOTION by Richardson, second by Hatfield to appoint Shiahna Lucas to fill the unexpired term of Cheryl Griffin (2015), Appoint Merle McKee and Heidi Perkins to four year terms. MOTION approved unanimously. **PLANNING COMMISSION:** MOTION by Keck, second by Johnson to Re-appoint Paul Banzet-Sedgwick County Rural, Nancy Reed-Sedgwick County City, and Jay Patterson-Sumner County Rural. MOTION approved unanimously. **BUILDING & TRADES:** MOTION by Johnson, second by Keck to Re-appoint Tom Phipps for Public-at-Large and Appoint Justin Cummins – Plumbing. MOTION approved unanimously. **STAFF:** MOTION by Hatfield, second by Richardson to Appoint Patty Gerwick as City Clerk; Dave Williams as Public Safety Director; J.T. Klaus as City Attorney; Sharon Phipps as City Treasurer; Kent Hixson as Deputy City Clerk and Duane Brown as Municipal Court Judge. MOTION approved unanimously.
- (3) President of City Council: MOTION by Steadman, second by Richardson to elect Doug Hatfield as President of the City Council. MOTION approved unanimously.

OLD BUSINESS

1. CITY HALL – NEW ROOF- APPROVE CONTRACT WITH A-LERT ROOF SYSTEMS: Hixson reported that the Council had reviewed the bids at the last meeting and now we need to authorize the Mayor to sign the contract. MOTION by Richardson, second by Johnson to authorize the Mayor to execute the contract with A-Lert Standing Seam Roof Systems in the

amount of \$145,105.00 for a new standing seam metal roof system over the existing flat roof of city hall and a canopy over the drive-up window. MOTION approved unanimously.

NEW BUSINESS

1. REVIEW RE-DESIGNATION AND FISCAL AGREEMENTS: John Schlegel with WAMPO explained that by signing the agreements, the City will be providing support for regional transportation planning and it will provide Mulvane access to federal transportation funds attributable to and provided to the region. The City of Mulvane will also have one voting member on the WAMPO Transportation Policy Body. The City will be assessed an annual financial assessment by WAMPO that is based on population. When applying for federal-aid transportation projects that are included in the WAMPO Transportation Improvement Program (TIP) a 1% fee will be assessed on the federal portion of the funding being requested. MOTION by Keck, second by Hatfield to authorize the Mayor to sign the WAMPO Redesignation Agreement. MOTION approved unanimously. MOTION by Keck, second by Steadman to authorize the Mayor to sign the WAMPO Fiscal Agreement. MOTION approved unanimously.
2. CASINO – SEWER BILLING PROCEDURE: Galen Cummins, Utility Production Director explained the process used to calculate the wastewater charge for the Kansas Star Casino based on a Formula Rate for Significant Contributors. The Casino has installed a wastewater meter and would like the option of having their monthly sewer charge calculated based on that meter. MOTION by Richardson, second by Keck to direct the city attorney to modify the city code to allow the option of using a wastewater meter for calculating wastewater bills under certain conditions. MOTION approved unanimously.
3. ALCOHOL & DRUG PREVENTION – GRANT APPLICATIONS REVIEW: Hixson explained that the City receives alcohol tax monies from the State on a quarterly basis. The City will distribute these funds to eligible applicants to use for drug and alcohol prevention programs. The Council approved an application form that organizations could complete to apply for these grant monies. The City received five (5) applications prior to the April 30th deadline. MOTION by Hatfield, second by Keck to approve the application from the Mulvane Grade School to fund “The Danger Zone: Steering Clear of Drugs” program in the amount of \$303.85. MOTION approved unanimously. MOTION by Hatfield, second by Richardson to approve the application from the Mulvane Public School & Sumner Mental Health Center for the “Increasing Substance Abuse & Mental Health Support in an Academic Environment” program in the amount of \$31,000.00. MOTION approved unanimously. MOTION by Hatfield, second by Johnson to deny the application from the Mulvane High School for the “Random Student Drug Testing at Mulvane High School” program in the amount of \$5,500.00. MOTION approved unanimously. MOTION by Keck, second by Johnson to table the application from Preferred Family Healthcare, Inc. and the application from Change Your Life Enterprises, Inc. until the Council meeting on May 20, 2013. MOTION approved unanimously.
4. 2014 ANNUAL BUDGET – REVIEW DEPARTMENT PRESENTATION SCHEDULE: The Council received the schedule for department head presentations. There is a possibility of needing a special council meeting in July to complete the budget.

RESOLUTIONS AND ORDINANCES

1. ORDINANCE CHANGING ZONING FROM THE SEDGWICK COUNTY CLASSIFICATION OF RR TO MULVANE CLASSIFICATION A-1 (WATER TREATMENT FACILITY PROPERTY): Mayor Ford called for Agenda item #1 under Ordinances and Resolutions which is on Case No. Z-13-1. This is for a rezoning amendment requesting a change from the Sedgwick County Zoning of RR – Rural Residential that was in effect when it was annexed by the City, to the Mulvane classification of A-1 Agricultural Transition District. I am informed that there are no legal protest petitions to the rezoning. Before we proceed, the Mayor asked the Council if any of them intend to disqualify themselves from participating in this case because they have conflicts of interest. The Council responded – NO. The Mayor then noted that we have a quorum of 5 present for the consideration of the case.

Mayor Ford asked the Council members if they had all received copies of the unapproved Minutes of the Planning Commission meeting for April 4, 2013 which summarizes the hearing on the case. The Council responded – YES. Having determined that the members have received the required information, there was a MOTION by Richardson, second by Hatfield to receive and file the Minutes for our records. MOTION passed 5 to 0. Since the Council has received and had an opportunity to review a summary of the Planning Commission's hearing which includes the findings and factors to support their recommendation, by law, the Council is not obligated to conduct another public hearing. Mayor Ford asked the public who may wish to speak to this case to limit their presentation to any new information not otherwise presented at the hearing that should be brought to the attention of the Council. The Council may also want to direct questions to our staff and legal counsel or other persons present. There was no one present to speak.

Zoning Administrator Ray Fleming provided a report on the case and the recommendation of the Planning Commission. There were no questions from the Council for the Zoning Administrator. Mayor Ford then asked if anyone from the public wished to provide any new information. No one was present to speak.

There being no further speakers and assuming the Council has received all the information they need on this case, Mayor Ford summarized the choices provided under the state statutes for Council action (KSA 12-757[d]):

- A. By majority vote, to accept the recommendation of the Planning Commission and approve the case.
- B. By 2/3 majority vote, to override the Planning Commission's recommendation and disapprove the case with appropriate findings and factors to support the motion.
- C. By 2/3 majority vote, to first revise and then approve the recommendation of the Planning Commission.

At this time, Mayor Ford asked the Council to review and discuss the factors (attached to the April 4, 2013 minutes) presented by the Planning Commission in their rezoning report on which they based their recommendation. The Council had no comments.

MOTION by Keck, second by Richardson to adopt the findings and factors and recommendation of the Planning Commission on Case No. Z-13-1 and to approve Ordinance No. 1414 changing the zoning classification from the Sedgwick County Zoning of RR – Rural Residential to the Mulvane classification of A-1 Agricultural Transition District.

ORDINANCE NO. 1414

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF CERTAIN LANDS UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY OF MULVANE, KANSAS, AS ORIGINALLY APPROVED BY ORDINANCE NO. 1317.

MOTION approved unanimously.

ENGINEER'S REPORT

1. Carr drainage easement – update: Chris Young has obtained a proposal from Savoy Company to survey the property and establish the limits of a 60 foot wide Drainage Easement for a cost of \$2,000.00. Estimated Engineering fees for cross-section surveys and cost estimating is \$3,900.00 for a total estimated fee for determining the maintenance costs for the subject easement of \$5,900.00. Young stated that since the cultivated areas of the Carr property are prone to flooding (by FEMA definition) he does not anticipate the proposed easement grading and improvements will mitigate flooding and crop damage on the Carr property. Council member Johnson was not privy to information that was discussed in executive session at the council meeting on April 1, 2013 and has asked for clarification and further information. MOTION by Hatfield, second by Richardson to recess at 9:25 p.m., for a period of 10 minutes, for an executive session to discuss matters under attorney-client privilege with the Mayor, Council, City Administrator and City Attorney to attend. MOTION approved unanimously. MOTION by Hatfield, second by Johnson to return to open session. MOTION approved unanimously. Mayor Ford announced that no binding decisions or agreements were made during the executive session. MOTION by Richardson, second by Hatfield to direct the engineer to proceed with the survey and cost estimating for a total cost of \$5,900.00. MOTION approved 4 Yea (Richardson, Keck, Steadman, Hatfield) 1 Nay (Johnson).
2. Styx Creek thru English Park – Young discussed drainage improvements to Styx Creek thru English Park north of K-15 Highway. This area has similar issues as the section of Styx Creek south of K-15 prior to the improvements made in 2010. Young estimates that it will cost \$180,700 for engineering services, excavation work, removing silt and reconstruct channel banks to maintain side slopes. It was the consensus of the Council to delay any action on this project until a later date.
3. Project Updates: EMS Station: Started moving dirt; Water Treatment Plant: Close on a Guaranteed Maximum Price (GMP) from Burns & McDonnell/CAS; Water Tower: Job is ready to go out for bids in mid-June; KLINK project: moving forward with a start date of late August; GIS Mapping: continue to gather and review various maps; Rock Road Lift Station: working with Galen on upgrades that are needed.

CITY CLERK

Nothing at this time.

CITY ADMINISTRATOR

1. Annual Performance Evaluation: MOTION by Richardson, second by Johnson to recess for an executive session at 9:50 p.m. for a period not to exceed 15 minutes to discuss personnel matters with the Mayor, Council, City Administrator and City Attorney to attend. MOTION approved unanimously. MOTION by Johnson, second by Keck to return to open session. MOTION approved unanimously. Mayor Ford announced that no binding decisions or agreements were made during the executive session. MOTION by Steadman, second by Johnson to renew Kent Hixson's Employment Agreement for a two year period under the same terms and conditions as his previous employment agreement. MOTION approved unanimously. MOTION by Steadman, second by Richardson to approve a 2.5% merit pay increase for Kent Hixson. MOTION approved unanimously.

CITY ATTORNEY

Nothing at this time.

CONSENT AGENDA: MOTION by Richardson, second by Keck to approve the Consent Agenda Items as follows:

1. Employee Payroll dated 4-26-13 (\$168,596.19)

MOTION approved unanimously.

ANNOUNCEMENTS AND NEXT AGENDA ITEMS:

5-4-13 Sedg. Co. Assoc. of Cities Meeting – Bel Aire City Hall – 8:30 a.m.

5-6-13 Wildcat Blvd. meeting – School District office – 3:00 p.m.

5-7-13 Augusta-Rose Hill-Mulvane Water Supply Study meeting – Rose Hill City Hall – 2:30 p.m.

5-8-13 Ks. Municipal Utilities Conference – Wichita Hyatt

ADJOURNMENT: MOTION by Richardson, second by Keck to adjourn at 10:13 p.m. MOTION approved unanimously.

Patty Gerwick
City Clerk