

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

June 17, 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, Joe Johnson and Shelly Steadman. Jenean Keck was absent.

OTHERS PRESENT: Kent Hixson, J.T. Klaus, Patty Gerwick, Mike Robinson, Chris Young, Ryan Glessner, Galen Cummins, Kendra Walls, Jason Townsend, Jeri Myer, John Mitchell, Brian Meier and Jake White with Burns & McDonnell, Mike Hafling with CAS Construction

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

APPROVAL OF REGULAR MINUTES DATED 6-3-13: MOTION by Hatfield, second by Johnson to approve the Regular minutes dated 6-3-13. MOTION approved unanimously.

CORRESPONDENCE: Councilmember Hatfield was present to represent the City at the Dedication of the Community Garden on June 6th. He presented the Mayor with Certificates of Appreciation from the Community Garden Committee for the City, the Utility Department, the Parks Department and the Street Department for all the help with establishing the “Don Wells Community Garden”.

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

APPOINTMENTS, AWARDS AND CITATIONS: None at this time.

OLD BUSINESS

1. ALCOHOL & DRUG PREVENTION GRANTS – APPROVE AGREEMENTS: (1) MOTION by Johnson, second by Steadman to authorize the Mayor to sign the grant agreement with Preferred Family Healthcare, Inc. on behalf of the Mulvane Alliance for the Prevention of Substance Abuse (MAPS) to fund the “Power of Parents, It’s Your Influence Parent Program” in the amount of \$5,000.00. MOTION approved unanimously. (2) MOTION by Johnson, second by Hatfield to authorize the Mayor to sign the grant agreement with Change Your Life Enterprises, Inc. to fund “The Parent’s Survival Guide to Dealing with Teen Substance Abuse” program in the amount of \$9,659.00. MOTION approved unanimously. (3) MOTION by Hatfield, second by Steadman to authorize the Mayor to sign the grant agreement with USD 263 (Mulvane Schools) for “The Danger Zone: Steering Clear of Drugs” program in the amount of \$303.85. MOTION approved unanimously. (4) MOTION by Hatfield, second by Steadman to authorize the Mayor to sign the grant agreement with USD 263 (Mulvane Schools) for the “Increasing Substance Abuse & Mental Health Support in an Academic Environment” program in the amount of \$31,000.00. MOTION approved unanimously.

NEW BUSINESS

None at this time.

RESOLUTIONS AND ORDINANCES

1. ORDINANCE AMENDING SANITARY SEWER RATES FOR SIGNIFICANT CONTRIBUTORS: Attorney Klaus explained the term “Significant Contributors” and the “Formula Rate” that is to be charged to Significant Contributors for sanitary sewer services. The Casino has requested, and Staff has recommended, amending the Formula Rate to allow a Significant Contributor’s “percentage” to be determined by an actual wastewater meter (as opposed to water used). This ordinance is intended to ensure sewer charges for Significant Contributors is appropriate and the City is fairly compensated for its sewer services. MOTION by Richardson, second by Johnson to adopt and approve Ordinance No. 1416 amending Title VII, Chapter 715, Section 715.020 of the Mulvane Municipal Code so as to amend a Significant Contributor’s Cost Participation Ratio to allow the volume of Significant Contributors to be measured by wastewater meter.

ORDINANCE NO. 1416

AN ORDINANCE AMENDING TITLE 7, CHAPTER 715, SECTION 715.020; AMENDING A SIGNIFICANT CONTRIBUTOR’S COST PARTICIPATION CHARGES FOR THE WASTEWATER TREATMENT WORKS COMPONENT OF THE CITY OF MULVANE, KANSAS ELECTRIC, WATERWORKS AND SEWER UTILITY SYSTEM SO AS TO ALLOW VOLUME OF SIGNIFICANT CONTRIBUTORS TO BE MEASURED BY WASTEWATER METER.

MOTION approved unanimously.

2. ORDINANCE ESTABLISHING SALARIES AND CONTRACT PAYMENTS FOR CERTAIN APPOINTED AND ELECTED PERSONNEL: MOTION by Johnson, second by Richardson to approve Ordinance No. 1417 establishing salaries and contract payments for certain elected and appointed officials of the City of Mulvane, Kansas.

ORDINANCE NO. 1417

AN ORDINANCE ESTABLISHING SALARIES AND CONTRACT PAYMENTS FOR CERTAIN ELECTED AND APPOINTED OFFICIALS OF THE CITY OF MULVANE, SEDGWICK AND SUMNER COUNTIES, KANSAS.

MOTION approved unanimously.

ENGINEER’S REPORT

1. Water Treatment Plant Project – Burns & McDonnell presentation: John Mitchell with Burns & McDonnell gave a power point presentation to the Council explaining the process for developing the Guaranteed Maximum Price for the Water Treatment Plant. He also proposed a new alternative to the original design for the project. Hixson suggested having a workshop to discuss these recommendations, Councilmember Hatfield felt we needed to make a decision in order to proceed with the project and asked for the City Engineer’s opinion. Young stated that Burns & McDonnell/CAS completed Task Order #1 which was to develop a Guaranteed Maximum Price (GMP) which includes a preliminary plan at a cost of \$60,000.00. Young feels we could use the design features that were developed and proceed with obtaining a competitive GMP from another provider. MOTION by Johnson, second by Hatfield to recess at 8:55 p.m. for a period not to exceed 15 minutes for an executive session to discuss contract terms within

Attorney-Client privilege with the Mayor, Council, City Administrator and City Attorney to attend. MOTION approved unanimously. MOTION by Johnson, second by Richardson 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 Hatfield, second by Richardson to reject Task Order #2 under the design-build contract agreement proposed by Burns & McDonnell/CAS, LLC at this time and instruct the Mayor to provide notice of our termination of said design build contract agreement including standard general conditions as modified by supplemental conditions and authorize the City Engineer to seek proposals from other design-build contractors for the proposed Water Treatment Plant on the basis of a stipulated or Guaranteed Maximum Price. MOTION approved unanimously.

2. Project Updates – Chris Young, City Engineer provided a brief explanation of all projects. Bid Opening for the Water Tower will be on Tuesday, June 25th at 2:00 p.m.

2014 ANNUAL BUDGET – DEPT. HEAD PRESENTATIONS

- Swimming Pool – Jason Townsend, Pool Manager presented the proposed budget for Council consideration.
- Kendra Walls, Park Supt. presented the proposed budgets for the Parks Dept. and Sports Complex for Council consideration.
- Jeri Myers, Senior Center Director presented the proposed budget for the Council consideration.

CITY CLERK

Nothing at this time.

CITY ADMINISTRATOR

Council member Johnson inquired about the status of the poison ivy on a tree in Cobb Park. Hixson advised that the Museum Board is taking care of that situation.

CITY ATTORNEY

1. EXECUTIVE SESSION: Attorney Klaus requested a 30 minute Executive Session. MOTION by Richardson, second by Hatfield to recess at 9:40 p.m., for a period not to exceed 30 minutes, to discuss land acquisition with the Mayor, Council, City Administrator and City Attorney to attend. MOTION approved unanimously. MOTION by Hatfield, second by Richardson to return to open session at 10:10 p.m. MOTION approved unanimously. Mayor Ford stated that no binding decisions or agreements were made during the executive session.
2. REVIEW ENGAGEMENT LETTER: Attorney Klaus explained that there is no formal process for hiring a City Attorney other than “appointment”. The engagement letter with Attorney Klaus and his firm does not change his role but helps clarify his role as an independent contractor and creates further transparency to the public. MOTION by Richardson, second by Johnson to accept the engagement letter for the Mulvane City Attorney and Bond Counsel, as an independent contractor, and authorize the Mayor to sign. MOTION approved unanimously.

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

1. Employee Payroll dated 6-7-13 (\$179,424.81)
2. Warrant Register for May (\$567,968.05)
3. EMS Substation Construction – Payment #2 (\$106,200.00)

MOTION approved unanimously.

ANNOUNCEMENTS AND NEXT AGENDA ITEMS:

6-20-13 Chamber of Commerce – Business Appreciation Picnic – Cobb Park
6-26-13 Sedg. County 5th District Advisory Board – Mulvane City Hall – 6:00 p.m.
6-27-13 Casino Area Transportation Study – Open House – City Hall – 2:30 – 5:00 p.m.
Scheduled to close K-53 Hwy Railroad Crossing on Aug. 5th for repairs

ADJOURNMENT: MOTION by Richardson, second by Johnson to adjourn at 10:23 p.m.
MOTION approved unanimously.

Patty Gerwick
City Clerk