

MULVANE CITY COUNCIL  
REGULAR MEETING MINUTES

October 7, 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 Council President Doug Hatfield, who called the meeting to order.

COUNCIL MEMBERS PRESENT: Terry Richardson, Jenean Keck and Joe Johnson. Mayor Ford and Councilmember Steadman were absent.

OTHERS PRESENT: Kent Hixson, J.T. Klaus, Patty Gerwick, Mike Robinson, Chris Young, Kendra Walls, Cathy Walker, Mark Detter and Representatives from the Leo's Club

All stood for the Pledge of Allegiance and Invocation led by Council President Hatfield.

APPROVAL OF REGULAR MINUTES DATED 9-16-13: MOTION by Johnson, second by Richardson to approve the Regular minutes dated 9-16-13. MOTION approved unanimously.

CORRESPONDENCE: None at this time.

REVIEW AND CLOSING OF THE AGENDA: Hixson made a correction to Item #5 on the Consent Agenda – The Pay Application is for \$153,900.00 instead of \$153,000.00. President Hatfield then declared the agenda closed.

APPOINTMENTS, AWARDS AND CITATIONS: President Hatfield presented the "Employee of the Month" Certificate to Cathy Walker for October 2013.

**OLD BUSINESS**

None at this time.

**NEW BUSINESS**

1. LEO CLUB – PRESENTATION: Members of the LEO's Club expressed their appreciation to the Council for waiving some of the fees for the fireworks stand this past summer which helped make it possible for 17 LEO Club members to attend the International LEO's Conference in Hamburg, Germany.
2. PARKS DEPT. – MOWER AND GATOR PURCHASE: Kendra Walls, Park Supt. requested to purchase a new Walker mower with a de-thatcher attachment and to purchase a new Gator with a 72" blade attachment. She will be trading-in the old Walker mower and the old Gator. MOTION by Richardson, second by Johnson to approve the purchase of a Walker mower and de-thatcher attachment from Maximum Outdoor Equipment in the amount of \$5,740.00. MOTION approved 3 Yea (Richardson, Keck, Johnson) 1 Nay (Hatfield). MOTION by Richardson, second by Keck to approve the purchase of a John Deere XUV 625i Gator and 72 inch blade attachment from Prairieland Partners in the amount of \$10,667.02. MOTION approved unanimously.
3. CITY HALL RENOVATIONS – ARCHITECT CONTRACT – CHANGE ORDER #1: Hixson explained that the Architect was asked to perform additional work that was not included in the original contract and is requesting additional compensation for that work. MOTION by Keck, second

by Richardson to approve Change Order #1 to the contract with William Morris Architect in the amount of \$1,500.00 for a total contract amount of \$18,740.00. MOTION approved unanimously.

4. CITY HALL RENOVATIONS – REPLACE DRIVEWAY ON NORTH SIDE OF BUILDING: Hixson explained that staff receives complaints on a regular basis from citizens about the narrow drive on the north side of the building. As part of the City Hall renovation project the Street Dept. has offered to remove the old concrete and widen the driveway. MOTION by Keck, second by Richardson to authorize the Mulvane Street Department to remove and replace the concrete drive on the north side of City Hall at a cost not to exceed \$15,000.00. MOTION approved unanimously.
5. REVIEW CURRENT DEBT (CURRENT AND FUTURE): Mark Detter, City Financial Advisor, was present to review the current revenue and debt projections for the City.

### **RESOLUTIONS AND ORDINANCES**

City Attorney J.T. Klaus explained that each year the City adopts the Standard Traffic Ordinance for Kansas Cities and the Uniform Public Offense Code for Kansas Cities. Adoption of the UPOC and STO updates the City Code with the changes that have occurred to State law.

1. ORDINANCE ADOPTING THE STANDARD TRAFFIC ORDINANCE: MOTION by Keck, second by Richardson to adopt and approve Ordinance No. 1422 incorporating by reference the “Standard Traffic Ordinance for Kansas Cities” 2013 Edition.

#### **ORDINANCE NO. 1422**

**AN ORDINANCE INCORPORATING BY REFERENCE THE “STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES,” EDITION OF 2013; AND AMENDING TITLE III, CHAPTER 300, ARTICLE I, SECTION 300.001 OF THE CODE OF THE CITY OF MULVANE, KANSAS.**

MOTION approved unanimously.

2. ORDINANCE ADOPTING THE UNIFORM PUBLIC OFFENSE CODE: MOTION by Keck, second by Richardson to adopt and approve Ordinance No. 1423 incorporating by reference the “Uniform Public Offense Code for Kansas Cities,” 2013 Edition, with the modification contained therein.

#### **ORDINANCE NO. 1423**

**AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CITY OF MULVANE, KANSAS; INCORPORATING BY REFERENCE THE “UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES,” EDITION OF 2013, WITH CERTAIN AMENDMENTS; AND AMENDING TITLE II, CHAPTER 210, ARTICLE I, SECTION 210.013 OF THE CODE OF THE CITY OF MULVANE, KANSAS.**

MOTION approved unanimously.

City Attorney J.T. Klaus explained that the City Council, by previous action has authorized the construction of a new water tower and water treatment plant. The Certification of Final Costs has now been finalized and requires the Council’s formal acceptance. The Kansas Star Casino, LLC., as owner of all property to be specially assessed for \$880,000 of the costs of the Water Tower Improvements, has again executed a waiver of its right to a public hearing and pay-in period on the proposed special assessment. The Special Assessment Ordinance allows the City to start the process of issuing general obligation bonds to provide permanent financing of the Improvements. The Bond Sale Resolution schedules the date for the sale of the bonds and the expected closing date for the permanent bonds.

3. SPECIAL ASSESSMENT ORDINANCE – WATER TOWER: MOTION by Johnson, second by Richardson to accept and approve the total final costs and proposed assessments for the Water Tower Improvements. MOTION approved unanimously. MOTION by Richardson, second by Johnson to

accept the waiver and consent of the Kansas Star of its right to a public hearing and pay-in period in connection with the proposed assessments for the Water Tower Improvements. MOTION approved unanimously. MOTION by Richardson, second by Johnson to adopt Ordinance No. 1424, an ordinance levying special assessment taxes on Lot 1, Block 1 of the Kansas Star Final Planned Unit Development Plan within the City.

#### **ORDINANCE NO. 1424**

**AN ORDINANCE OF THE CITY OF MULVANE, KANSAS, LEVYING SPECIAL ASSESSMENT TAXES ON CERTAIN REAL PROPERTIES IN THE CITY, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS BENEFITING SUCH REAL PROPERTIES; PROVIDING FOR THE GIVING OF NOTICE OF SAID SPECIAL ASSESSMENT TAXES BY PUBLICATION AND MAILING; AND PROVIDING FOR THE COLLECTION OF SAID SPECIAL ASSESSMENT TAXES. (WATER TOWER IMPROVEMENTS)**

MOTION approved unanimously.

4. **PUBLIC BOND SALE RESOLUTION – WATER TREATMENT PLANT AND WATER TOWER:**  
MOTION by Johnson, second by Keck to adopt Resolution 2013-4 authorizing the public sale of approximately \$8,225,000 in the City's General Obligation Bonds, Series A, 2013, setting the date, time and place of the sale of the bonds and providing for the publication of the notice of bond sale in the required newspaper.

#### **RESOLUTION 2013-4**

**A RESOLUTION OF THE CITY OF MULVANE, KANSAS, AUTHORIZING AND PROVIDING FOR THE PUBLIC SALE OF THE CITY'S GENERAL OBLIGATION BONDS, SERIES A, 2013, IN A TOTAL PRINCIPAL AMOUNT OF APPROXIMATELY \$8,225,000; SETTING FORTH THE DETAILS OF SAID PUBLIC SALE, AND PROVIDING FOR THE GIVING OF NOTICE THEREOF.**

MOTION approved unanimously.

#### **ENGINEER'S REPORT**

1. **KLINK – MAIN STREET RESURFACING PROJECT – APPROVE CONSTRUCTION CONTRACT:** Chris Young, City Engineer presented the Agreement with Cornejo & Sons Construction to resurface K-53 Highway from the west City Limits to the east City Limits, one block of W. Main St. from First St. to the Museum and the south and west parking lots at City Hall. The KDOT KLINK Grant will pay for 75% of the construction cost and construction engineering cost on the K-53 portion of the project. The City is responsible for the remaining 25% in addition to the cost of the one block of West Main St. and the parking lots at City Hall. MOTION by Richardson, second by Keck to approve the construction agreements with Cornejo & Sons for constructing KLINK 1R Resurfacing Project, FY 2014 in the amount of \$456,339.20, and authorize the Council President to sign the agreement and the Notice to Proceed for the project. MOTION approved 3 Yea (Richardson, Keck, Johnson) 1 Nay (Hatfield).
2. **KLINK – MAIN STREET RESURFACING PROJECT – APPROVE MATERIAL TESTING AGREEMENT:** Young presented a proposal from Allied Laboratories to do material testing on the resurfacing project. MOTION by Keck, second by Richardson to retain Allied Laboratories to perform material testing based on their price quote of \$1,032.00 and authorize the City Administrator to sign. MOTION approved unanimously. MOTION by Johnson, second by Richardson to approve a supplemental agreement with Young & Associates, P.A. for additional design and oversight services in the amount of \$5,760.00 and authorize the City Administrator to sign. MOTION approved unanimously.
3. **WATER TOWER – APPROVE CONTRACT OF WATER TOWER MATERIAL TESTING:** Young explained that during the construction of the concrete pedestal for the water tower, material testing will be done by the contractor. It is recommended that the City hire Terracon Consultants to perform field checks on the pier installations and testing of pier cap concrete, pedestal floor and driveway concrete, and earthwork compaction. Y&A oversight engineers will monitor all testing and re-testing activity performed by the Contractor, Geotechnical Engineer and testing laboratories.

MOTION by Keck, second by Johnson to approve an agreement with Terracon Consultants, Inc. for geotechnical services and materials testing on the water tower project in the amount of \$16,194.60 and authorize the City Administrator to sign. MOTION approved 3 Yea (Richardson, Keck, Johnson) 1 Abstention (Hatfield).

4. SANITARY SEWER DEPT. – APPROVE ROCK ROAD LIFT STATION CONSTRUCTION CONTRACT: The low bid was received from Dondlinger & Sons and previously approved by the Council. MOTION by Hatfield, second by Keck to approve construction agreements with Dondlinger & Sons Construction, Inc., for construction of the Rock Road Sanitary Sewer Lift Station Improvements in the amount of \$84,000 and authorize the Council President to sign the agreement and Notice to Proceed with the work. MOTION approved unanimously.

#### CITY CLERK

Gerwick reminded the Council that she will be attending the League of Kansas Municipalities Conference in Overland Park this weekend.

#### CITY ADMINISTRATOR

Nothing at this time.

#### CITY ATTORNEY

1. EXECUTIVE SESSION – MATTERS UNDER THE ATTORNEY-CLIENT PRIVILEGE: MOTION by Richardson, second by Keck to recess at 9:10 p.m. for a period not to exceed 10 minutes for the purpose of discussing matters under Attorney-Client privilege with the Council, City Administrator and City Attorney to attend. MOTION approved unanimously. MOTION by Johnson, second by Keck to return to open session at 9:20 p.m. MOTION approved unanimously. Council President Hatfield announced that no binding decisions or agreements were made during the executive session. MOTION by Richardson, second by Keck that the City engage outside counsel to represent the City and its Administrator on File No. C-8008. MOTION approved unanimously.

CONSENT AGENDA: MOTION by Richardson, second by Hatfield to approve the Consent Agenda Items as follows with the corrections as noted:

1. Employee Payroll dated 9-27-13 (\$170,457.82)
2. Street Dept. – Purchase of approx. 4034 gallons of CSS-1h road oil from Vance Bros. in the amount not to exceed \$15,000
3. Ambulance – replace engine in unit #450 – A-Plus Auto (\$15,798.00)
4. Purchase and installation of MTG 800 Automatic Transfer Switch from Central Power Systems at a total cost of \$10,535.00
5. EMS Substation #2 – Walz-Harmon – Pay App. #6 (\$153,900.00)

MOTION approved unanimously.

#### ANNOUNCEMENTS AND NEXT AGENDA ITEMS:

None at this time.

ADJOURNMENT: MOTION by Richardson, second by Keck to adjourn at 9:23 p.m. MOTION approved unanimously.

Patty Gerwick  
City Clerk