

**MULVANE CITY COUNCIL
REGULAR MEETING MINUTES**

October 21, 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 Ford, who called the meeting to order.

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

OTHERS PRESENT: Kent Hixson, J.T. Klaus, Patty Gerwick, Mike Robinson, Chris Young, Brent Wooten with Baughman Co., Jim Spencer with Waste Connections, Shasta and Ken Webb

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

APPROVAL OF REGULAR MINUTES DATED 10-7-13: MOTION by Hatfield, second by Richardson to approve the Regular minutes dated 10-7-13. MOTION approved unanimously.

CORRESPONDENCE: Hixson provided the Council with a copy of the S & P (Standard & Poor's) report and offered his compliments to J.T. Klaus, Bond Counsel, Mark Detter, Financial Advisor and to Sharon Phipps and Cathy Walker, City Finance staff.

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

APPOINTMENTS, AWARDS AND CITATIONS: None at this time.

OLD BUSINESS

None at this time.

NEW BUSINESS

1. WASTE CONNECTIONS – REQUEST TO WAIVE SOLICITORS DAILY AND ANNUAL FEE: Mr. Jim Spencer with Waste Connections was present to request that the Council waive the Solicitors License Fee of \$100 per day/ \$500 annually per person. Waste Connections wants to promote Recycling and would like to go door to door and visit with potential customers. The Council expressed concerns about going door to door. It was the consensus of the Council to leave the fees as they are and deny this request.

City Attorney J.T. Klaus explained the next 3 items on the agenda. Bids were opened for the Cedar Brook utility and street improvements. The bid for the street improvements came in over the amount of the original petition. The amended petition properly reflects the changes in the anticipated costs for the street improvement from \$316,000.00 to \$360,000.00. The Council

must accept the revised petition and adopt the Amending Resolution and Amending Ordinance in order to special assess the costs of the Improvements to the Addition. The Developers will also need to provide to the City an additional Letter of Credit to cover the increased petition amount.

2. CEDAR BROOK ADDITION – ACCEPT AMENDED STREET IMPROVEMENT PETITION: MOTION by Steadman, second by Johnson to accept the amended petition for the Cedar Brook Phase 4 Street Improvements. MOTION approved unanimously.

RESOLUTIONS AND ORDINANCES

1. RESOLUTION – AMENDMENT OF ADVISABILITY RESOLUTION – CEDAR BROOK ADDITION: MOTION by Steadman, second by Hatfield to adopt Resolution 2013-5, amending Resolution No. 2013-1 regarding the advisability of the Cedar Brook Phase 4 Street Improvements.

RESOLUTION NO. 2013-5

A RESOLUTION AMENDING RESOLUTION NO. 2013-1 OF THE CITY OF MULVANE, KANSAS.

MOTION approved unanimously.

2. WORK ORDINANCE AMENDMENT – CEDAR BROOK ADDITION: MOTION by Steadman, second by Johnson to adopt Ordinance No. 1425, amending Ordinance No. 1418 regarding the construction of the Cedar Brook Phase 4 Street Improvements.

ORDINANCE NO. 1425

AN ORDINANCE AMENDING ORDINANCE NO. 1418 OF THE CITY OF MULVANE, KANSAS.

MOTION approved unanimously.

ENGINEER'S REPORT

1. Cedar Brook Addition-Review construction bids for water, sewer, streets and storm sewer: Brent Wooten with Baughman Co. is representing Curt and Joe Warren, owners of the remaining portion of Cedar Brook and Cedar Brook 2nd Addition. Bids were received for the sanitary sewer, water and storm sewer improvements with the low bidder being Mies Construction Co. at a bid of \$256,191.40. Bids were also received for the street improvements with the low bidder being Cornejo & Sons at a bid of \$273,238.89.

MOTION by Richardson, second by Hatfield to approve the contractor bid for the Cedar Brook and Cedar Brook 2nd Addition utility project and award the project to Mies Construction in the amount of \$256,191.40 subject to the City receiving the required Letter of Credit from the Developer covering 35% of the additional cost for paving. MOTION approved unanimously.

MOTION by Richardson, second by Keck to approve the contractor bid for the Pavement Project for the Cedar Brook and Cedar Brook 2nd Addition to Cornejo & Sons in the amount of \$273,238.89 subject to the City receiving the required Letter of Credit from the Developer covering 35% of the additional cost for paving. MOTION approved unanimously.

2. Project Updates – Chris Young, City Engineer: (1) KLINK Project: The Pre-Construction Conference was held on Oct. 11, 2013. Cornejo & Sons will start on the City Hall parking lot improvements the week of Oct. 21st and has recommended postponing the mill & overlay

work along K-53 until the spring of 2014 due to the cooler than normal temperatures. Y&A has coordinated with KDOT to ensure KLINK funding will not be impacted by this delay. A “Stop Work Order” will be issued upon completion of the City Hall parking lot project and a “Start Work Order” will be issued in the spring when the contractor starts on the K-53 project. It was the consensus of the Council to delay the K-53 portion of the project

(2) Status of City’s Request to Relocate Wells No. 1, 2 and 3: The City was seeking to relocate Wells #1, 2 and 3 to a location with a more favorable water quality and in closer proximity to the proposed ROWTP. The Division of Water Resources has denied our request citing lack of substantial evidence showing that the local source of water supply will remain the same. A 90 day extension has been requested and staff recommends hiring a Geotechnical Engineer to perform hydraulic analysis testing to demonstrate the same local source of water supply will be used if the wells were relocated. It was the consensus of the Council to solicit proposals from a Kansas licensed professional engineer to perform the hydraulic analysis as suggested by the Department of Agricultural.

CITY CLERK

Nothing at this time.

CITY ADMINISTRATOR

1. DOWNTOWN REVITALIZATION PROGRAM – REVIEW RULES AND REGULATIONS: Hixson provided the information for a Downtown Revitalization Program to the Council for consideration. The idea is to improve and preserve the downtown area by using \$40,000 in tax dollars to assist in that effort. The available funds could be used for work done on the exterior of the building with visible improvements with the exception of installing a fire suppression system in the building. The Council expressed concerns about who is eligible (landlords, tenants, building owners) and control over what type of store fronts can be put on the buildings (keeping the historical looking store front). This item was tabled for further research.

Councilmember Richardson was asked to pass on a “Heartfelt Thank You” to the EMS for the lifesaving actions that were given to a citizens parent in need.

Councilmember Johnson inquired about the protocol for posting information and pictures on social media. Hixson advised that staff is working on a policy.

CITY ATTORNEY

1. EXECUTIVE SESSION – MATTERS RELATING TO LAND ACQUISITION: MOTION by Richardson, second by Keck to recess at 8:35 p.m. for a period not to exceed 15 minutes for the purpose of discussing matters relating to land acquisition with the Mayor, Council, City Administrator and City Attorney to attend. MOTION approved unanimously.

MOTION by Hatfield, second by Keck to return to open session at 8:50 p.m. MOTION approved unanimously. Mayor Ford announced that no binding decisions or agreements were made during the executive session.

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

1. Employee Payroll dated 10-11-13 (\$164,713.85)
2. Warrant Register for September, 2013 (\$1,556,641.40)
3. Water Treatment Plant – UCI Pay App. #1 (\$226,125.00)
4. City Hall Roof – A-Lert Pay App. #3 (\$39,604.50)
5. City Hall Roof – A-Lert Pay App #4 Final (\$14,790.50)

MOTION approved unanimously.

ANNOUNCEMENTS AND NEXT AGENDA ITEMS:

Hixson announced that the Library Design Committee meeting has been postponed.

10-22-13 – School Board/Council Breakfast – Laurie’s Kitchen – 6:30 a.m.

10-28-13 - Library Design Committee – City Hall – 5:00 p.m.

10-29-13 - Sedg. Co. – Quad Cities Joint Area Plan Meeting – Derby Welcome Center – 3:00 p.m.

10-30-13 - Sedg Co. 5th District Advisory Board – Derby Library – 6:00 p.m.

ADJOURNMENT: MOTION by Richardson, second by Keck to adjourn at 8:57 p.m.
MOTION approved unanimously.

Patty Gerwick
City Clerk