MULVANE CITY COUNCIL

REGULAR MEETING MINUTES

June 15, 2015 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: Terry Richardson, Joe Johnson, Doug Hatfield, Nancy Farber Mottola and Jenean Keck

OTHERS PRESENT: Kent Hixson, J.T. Klaus, Patty Gerwick, Mike Robinson, Chris Young, Rick Wise with Clark Enerson Partners, Brad Modlin, Cathy Walker, Kevin Baker, Brian Meyer and Daniel Clement with Burns & McDonnell, DeAnne Heersche, Barbara Warne, Doug Wilson and Bethany Middendorf with the LEO’s Club, Brent Allen with Mulvane PC

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

APPROVAL OF REGULAR MINUTES DATED 6-1-15: Councilmember Johnson asked for a correction to some language in the Public Build Commission section of the minutes. The word “have” is missing. MOTION by Johnson, second by Farber Mottola to approve the Regular minutes dated 6-1-15 as corrected. MOTION approved unanimously.

CORRESPONDENCE: Nothing at this time.

REVIEW AND CLOSING OF THE AGENDA: Mayor Steadman asked to change the order of the Agenda by moving the discussion on Mulvane Street Drainage from City Administrator to Item #3 under the Engineer and Councilmember Hatfield asked to add an Executive Session for Non-Elected Personnel as Item #2 under City Attorney. Mayor Steadman then declared the agenda closed.

APPOINTMENTS, AWARDS AND CITATIONS:

(1) Mayor Steadman presented 20 year Service Awards to Brad Modlin, who was present, and to Chris Thoman and Bill Reekie who were unable to attend.

(2) Mayor Steadman explained that due to the retirement of Sharon Phipps, we need to appoint a new City Treasurer as required by State Statute. MOTION by Richardson, second by Keck to approve the appointment of Debbie Plew as City Treasurer. MOTION approved unanimously.

**OLD BUSINESS**

None at this time.

**NEW BUSINESS**

1. LIONS CLUB – LEO’s – REQUEST FIREWORKS STAND PERMIT FEE BE REDUCED: DeAnne Heersche, Barbara Warne, Doug Wilson and Bethany Middendorf came before the Council to explain what the LEO’s Club is, their service projects, fund raisers that they do and what can be learned from being a LEO. The fireworks stand is a fund raiser for them and they are asking the Council to reduce the permit fee for the stand. MOTION by Richardson, second by Keck to reduce the 2015 permit fee from $6,000 to $3,000. MOTION approved unanimously.

**RESOLUTIONS AND ORDINANCES**

**Council member Farber Mottola stepped down from her seat due to a conflict of interest on the next agenda item discussion.**

1. MOBILE FOOD VENDOR ORDINANCE: City Attorney J.T. Klaus has prepared an ordinance regarding the licensure of mobile food vendors operating within the City and an application for licensure. This ordinance will not apply to individuals or entities that also maintain a physical commercial location within the City limits selling the same merchandise. Vendors conducting business at the Mulvane Old Settlers celebration and at the Mulvane Farmer’s Market will also be exempt from the application and licensure fee requirements. There were concerns about how this would affect not-for-profit organizations (i.e. Optimist Club, Lions Club, etc.). No action was taken. The Attorney will modify the language to include exemption of non-profit groups and bring back to the Council for consideration on July 6, 2015.

**Council member Farber Mottola returned to her seat.**

ENGINEER’S REPORT

1. Water Rights – Agreement for Tasks 2, 3, & 4 – Burns & McDonnell: The Council entered into an agreement in 2014 with Burns & McDonnell to represent Mulvane in an effort to move the point of diversion of some or all of the City’s water rights to the west side of the river. The Agreement had four (4) Tasks to complete. Task #1 has been approved, completed and paid for. Burns & McDonnell would like permission to proceed with Tasks #2, #3 and #4. MOTION by Hatfield, second by Johnson to approve an agreement with Burns & McDonnell Engineers in an amount not to exceed $19,000 to proceed with water rights related to Tasks 2, 3 and 4. MOTION approved unanimously.
2. Project Review and Update: Chris Young gave a brief review on the Merlin’s Glen project and the Library project.
3. Grade School/East Mulvane Street Drainage Report: Representatives from the School District and City Staff met on June 12th to discuss the drainage situation around the middle school property. Young will meet with the school district’s engineer (Baughman Co.) to discuss the plat for the Grade School.

**PUBLIC BUILDING COMMISSION**

**June 15, 2015**

MOTION by Hatfield, second by Richardson to recess the City Council Meeting and convene as the Mulvane Public Building Commission. MOTION approved unanimously.

MOTION by Johnson, second by Richardson to approve the Public Building Commission Meeting Minutes dated 6-1-15. MOTION approved unanimously.

Rick Wise with CEP addressed the Change Order from Walz Harmon requesting an additional $528.00 and adding 15 additional contract days. This would extend the contracted completion date to April 20, 2016. MOTION by Hatfield, second by Richardson to accept and sign Change Order #1 in the amount of $528.00 and extend contract time by 15 days. MOTION approved unanimously. MOTION by Keck, second by Farber Mottola to accept and sign Change Order #2 in the amount of $1,049.00 to delete some signage and add termite control. MOTION approved unanimously. MOTION by Richardson, second by Keck to approve invoice from Young & Assoc. in the amount of $954.00 for civil engineering services. MOTION approved unanimously.

MOTION by Richardson, second by Hatfield to adjourn the Public Building Commission meeting and to reconvene the regular City Council meeting of June 15, 2015. MOTION approved unanimously.

Minutes by Patty Gerwick, Secretary

2016 ANNUAL BUDGET PRESENTATIONS

Street Department – Kevin Baker, Street Superintendent presented the proposed budgets for council consideration.

Utility Department – Brad Modlin, Utility Director presented the proposed budgets for council consideration.

Administration Department – Patty Gerwick, City Clerk presented the proposed budget for council consideration. Kent Hixson talked briefly about the Chamber of Commerce Director position and how the City could help with funding that position.

CITY CLERK - Nothing at this time.

CITY ADMINISTRATOR - Nothing at this time.

CITY ATTORNEY

1. Executive Session – Matters privileged in the attorney-client relationship: MOTION by Richardson, second by Keck to recess for a period of 15 minutes to discuss matters privileged in the attorney-client relationship with the Mayor, Council, City Administrator and City Attorney to attend. MOTION approved unanimously.

MOTION by Hatfield, second by Keck to return to regular session. MOTION approved unanimously.

MOTION by Hatfield, second by Farber-Mottola to return to executive session for a period of 10 minutes to continue discussion related to matters privileged in the attorney-client relationship with the same people attending. MOTION approved unanimously.

MOTION by Keck, second by Richardson to return to open session. MOTION approved unanimously.

MOTION by Keck, second by Hatfield that the City offer to accept $138,000 in 2016 if that amount of subsidy is agreeable to the Sumner County Commission our City Attorney will draft a new ambulance subsidy agreement for their review. MOTION approved unanimously.

1. Executive Session – Council member Hatfield requested an executive session. MOTION by Hatfield, second by Keck to recess for a period of 8 minutes to discuss non-elected personnel with the Mayor, Council, City Administrator and City Attorney to attend. MOTION approved unanimously.

MOTION by Johnson, second by Farber-Mottola to return to open session. MOTION approved unanimously. Mayor Steadman announced that no binding decisions were made during the executive session.

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

1. Employee Payroll dated 6-5-15 ($191,067.81)
2. Warrant Register for May ($616,217.69)
3. Street Dept. – Purchase of approximately 5,500 gallons of CSS-1H road oil from Vance Brothers not to exceed $15,500
4. Triplett, Woolf & Garretson – legal fees ($5,215.30)
5. Merlin’s Glen Drainage Project – Pay App. #2 Dutton Const. ($28,431.50)

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS AND NEXT AGENDA ITEMS: Councilmember Farber- Mottola reminded everyone about the upcoming Film Festival.

ADJOURNMENT: MOTION by Richardson, second by Farber Mottola to adjourn at 10:25 p.m. MOTION approved unanimously.

Patty Gerwick, City Clerk