

MULVANE CITY COUNCIL  
REGULAR MEETING MINUTES

August 17, 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, Debbie Parker, Brad Modlin, Dave Williams, Judi Patterson, Amy Houston, Dave Malone, Ray Fleming, Jim Walker, Lacy Tedman and Rob Narron with Belle Plaine City Council

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

APPROVAL OF REGULAR MINUTES DATED 8-03-15: MOTION by Hatfield, second by Richardson to approve the Regular minutes dated 8-03-15 as corrected. MOTION approved unanimously.

CORRESPONDENCE: City administrator provided the council with a letter from the Ks. Board of EMS. The Mulvane EMS received an Outstanding Inspection Certificate.

REVIEW AND CLOSING OF THE AGENDA: Amy Houston asked to be placed on the agenda to present "thank you" letters and notes to the council and various city departments. Mayor Steadman placed Ms. Houston under New Business, item # 5. Mayor Steadman then declared the agenda closed.

APPOINTMENTS, AWARDS AND CITATIONS: None

**OLD BUSINESS**

1. CITY ATTORNEY - EXECUTIVE SESSION: Attorney Klaus requested an executive session. MOTION by Richardson, second by Keck to recess for a period not to exceed 30 minutes to discuss matters privilege to attorney-client relationship with the Mayor, Council, City Administrator, City Attorney and attorney Jim Walker to attend. MOTION approved unanimously.

MOTION by Hatfield, second by Farber Mottola to return to regular session at 8:05 p.m. MOTION approved unanimously.

Mayor Steadman stated that no binding decisions were made in executive session.

2. WENGER PROPERTY – CONSIDERATION OF ZONING CASE NO. Z-2015-2: Ordinance acting on zoning change - Mayor Steadman called for Agenda item # 2 - Case No. Z-2015-2. This is an application to change the zoning classification from the Sedgwick County classification of RR- Rural Residential to the City classification of R-1 Single Family Residential District. The applicants originally were requesting the R-3 Multiple Family residential District but they requested to change the request to the R-1 Single Family District. This land has been annexed into the City and council was informed that there was no legal protest petitions submitted.

DISQUALIFICATION: Mayor Steadman asked the Council if any one intended to disqualify themselves from participating in this case because they have conflicts of interests? Council responded – No.

We have a quorum of 5 present for the case.

SUMMARY OF HEARING: Mayor Steadman asked the Council if they have all received copies of the unapproved Minutes of the Planning Commission for August 6, 2015 which summarizes the hearing on the case. Council responded – Yes. It was determined that the members have received the required information.

MOTION by Richardson, second by Keck to receive and file the minutes. Motion approved unanimously.

Since we have 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, I understand by law that we are not obligated to conduct another public hearing. I will, therefore, ask the Applicant and any of 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 the Applicant, our staff and legal counsel or other persons present. Because of the potential number of public speakers on this case, we'll limit them to not more than three (3) minutes.

ZONING ADMINISTRATOR'S REPORT: Does the Council have any questions concerning the Zoning Administrator's report on the case and recommendation of the Planning Commission. Councilmember Johnson wanted a typo corrected to read "7.23 acres" and the date corrected to read "July 20<sup>th</sup>" instead of "August 20<sup>th</sup>".

APPLICANT'S PRESENTATION: Does the Applicant wish to present any new information? The Applicant, Mike Wenger, was not present at the meeting. Are there any questions to the Applicant from Council members? Council Responded – No.

PUBLIC COMMENTS: The Mayor asked if anyone from the public wished to provide us with any new information? No comments.

COUNCIL DELIBERATIONS: The council will proceed to the Council Deliberation. MOTION by Richardson, second by Farber Mottola to accept the recommendation of the Planning Commission and approve the case. MOTION approved unanimously.

3. ORDINANCE AMENDING ZONING CODE – CASE Z-2015-2:

Motion by Richardson, second by Hatfield to adopt the findings and factors and recommendations of the Planning Commission involving Case No. Z-2015-2, and to approve Ordinance No. 1458 changing the Zoning Classification from Sedgwick County classification of RR (Rural Residential) to City Classification of R-1 (Single Family Residential District). MOTION approved unanimously.

4. PROVIDING BELLE PLAINE WITH EMERGENCY MEDICAL SERVICE: The Belle Plaine city council has asked Mulvane to take over the ambulance service for the City of Belle Plaine and the extra-territorial area Belle Plaine serves in Sumner County. Councilmembers Tedman and Narron from Belle Plaine, were present to answer questions. City staff reviewed the financial aspect of how much to charge Belle Plaine to provide EMS to that City and the Sumner County area. The city council discussed the issue. It was the consensus of the council to instruct the Mulvane city attorney to draft an agreement between the City of Belle Plaine and the City of Mulvane to provide EMS service to Belle Plaine and the area Belle Plaine currently serves in Sumner County. The attorney will have a draft agreement at the next meeting for council review.

### **NEW BUSINESS**

1. FIRE STATION 2 – REVIEW SPRINKLER SYSTEM BID: Public Safety Director Dave Williams presented a quote from Marc Simon to install an underground sprinkler in the lawn of Fire Station # 2. Motion by Richardson to accept the bid from Marc Simon in the amount of \$10,102.50 for the irrigation system installation and electrical work. Second by Johnson. MOTION approved unanimously.
2. ELECTRIC DEPT. – ARC FLASH STUDY – ASSESSMENT AGREEMENT: Utility Superintendent Brad Modlin presented a proposal from Utility Helpnet, Inc. in Wichita for an OSHA required arc flash assessment. Motion by Keck to accept the bid from Utility HelpNet, Inc. for an Arc-Flash Assessment not to exceed \$14,500.00. Second by Richardson. MOTION approved unanimously.
3. FINANCIAL ADVISOR AGREEMENT: Dave Malone of Central States Capital Markets presented an agreement for financial advisory services to the council. Motion by Hatfield to approve the financial advisory agreement with Central States Capital Markets, Wichita, Ks. Second by Richardson. MOTION approved unanimously.
4. MERLIN'S GLEN DRAINAGE IMPROVEMENTS – ACCEPT CERTIFICATION OF FINAL COSTS: Motion by Hatfield to accept and approve the total final costs and proposed assessment for the Merlin's Glen drainage improvements. Second by Richardson. MOTION approved unanimously.
5. AMY HOUSTON - 101 ROCKWOOD BLVD: Presented the council and city staff with "thank you" letters and notes:

- Police Dept. – Anti-bullying promotional materials in the school system.
- City Administrator for efforts in the downtown revitalization program.
- Police Officer Brandon Bohannon for his work and interaction with the teens in the community.
- Council members Joe Johnson and Nancy Farber Mottola for their work on the mural.
- Brad Modlin for taking the time to explain the electric “demand” charge.
- Chris Young for taking the time to explain storm drainage concepts as they relate to E. Mulvane Street.
- The Parks Dept. for supplying scaffolding for the mural painting project.

## **RESOLUTIONS AND ORDINANCES**

1. RESOLUTION SETTING A PUBLIC HEARING FOR THE MERLIN’S GLEN DRAINAGE IMPROVEMENTS. Motion by Hatfield to adopt Resolution No. 2015-5 setting the date and time and place of the public hearing and providing for the publication of the notice of public hearing in the required newspapers and mailing notice of public hearing to the property owners in the benefit district. Second by Richardson. MOTION approved unanimously.

RESOLUTION SETTING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING TO HEAR COMPLAINTS AND OBJECTIONS TO THE PROPOSED SPECIAL ASSESSMENTS FOR THE MERLIN’S GLEN DRAINAGE IMPROVEMENTS IN THE CITY AS HERETOFORE AUTHORIZED BY RESOLUTION NO. 2014-8; DIRECTING PUBLICATION OF A NOTICE OF PUBLIC HEARING; AND FURTHER DIRECTING THE MAILING OF A NOTICE OF HEARING AND STATEMENT OF COSTS PROPOSED TO BE ASSESSED TO EACH AND ALL OF THE PROPERTY OWNERS LIABLE FOR SUCH SPECIAL ASSESSMENTS.

2. RESOLUTION INDICATING THE CITY’S INTENT TO REFUND THE OUTSTANDING 2005 REVENUE BONDS WITH GENERAL OBLIGATION BONDS. Motion by Keck to adopt Resolution No. 2015-6, indicating the City’s intent to refund the outstanding 2005 Revenue Bonds with its general obligation bonds. Second by Richardson. MOTION approved unanimously.

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF MULVANE, KANSAS, DECLARING IT NECESSARY TO REFUND AND REDEEM THE CITY ELECTRIC, WATERWORKS AND SEWER UTILITY SYSTEM REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 2005; TO ISSUE GENERAL OBLIGATION BONDS OF THE CITY IN AN AMOUNT NOT TO EXCEED \$3,000,000 FOR THE PURPOSE OF PAYING THE COSTS THEREOF; AND PROVIDING FOR THE PUBLICATION OF THE NOTICE OF SUCH INTENTION IN THE MANNER REQUIRED BY LAW.

## ENGINEER’S REPORT

1. Project Review and Update: Chris Young gave a brief update on the Library project.

**PUBLIC BUILDING COMMISSION**  
**August 17, 2015**

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

MOTION by Hatfield, second by Farber Mottola to approve the Public Building Commission Meeting Minutes dated 8-03-15. MOTION approved unanimously.

MOTION by Keck, second by Johnson to approve the following invoices:

1. Terracon invoice – construction materials testing (\$1,371.50)
2. Young & Assoc. invoice – civil engineer services (\$2,862.00)
3. Young & Assoc. invoice – construction oversight services (\$1,427.00)
4. CEP Architects invoice # 20 (\$9,300.00)

MOTION approved unanimously.

MOTION by Johnson, second by Farber Mottola to adjourn the Public Building Commission meeting and reconvene the regular City Council meeting of August 17, 2015. MOTION approved unanimously.

Minutes by Debbie Parker, Secretary

CITY CLERK – Informed the council that Monday Sept. 7th is Labor Day. The council meeting will be held on the following Wednesday, Sept. 9<sup>th</sup>.

CITY ADMINISTRATOR - Nothing at this time.

CITY ATTORNEY City Attorney cannot attend the Sept. 9<sup>th</sup> council meeting. An associate from his law firm will attend the council meeting.

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

1. Employee Payroll dated 8-14- 15 (\$196,884.94).
2. Warrant register for July (\$1,288,883.71).
3. Street Dept. – purchase 5000 gallons of CSS – 1h road oil from Vance Brothers in the amount of \$15,000.00
4. Municipal Court - write off bond check #1979 in the amount of \$14.00 to Eric Waite.
5. WWTP - purchase of 24,500lbs of ferric chloride for \$5,200.50 and 22,500lbs of sodium hydroxide for \$4,115.50 at a total cost of \$9,316.00 from Brenntag. This price includes insurance surcharge and fuel cost. Load may vary slightly but is charged by the pounds delivered.

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS AND NEXT AGENDA ITEMS:

Joe Johnson cannot attend the September council meetings.

ADJOURNMENT: MOTION by Richardson, second by Keck to adjourn at 9:17 p.m.  
MOTION approved unanimously.

Debbie Parker, Deputy City Clerk