

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

April 17, 2017

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: Joe Johnson, Terry Richardson, Jenean Keck, Nancy Mottola and Kevin Cardwell.

Others Present: Debbie Parker, Kent Hixson, J.T Klaus, Joel Pile, Kevin Baker, Chris Young of Young & Assoc., Mike Robinson, Patsy Allen of the Rodeo Assoc., Kelly Hoover-Olson, Mike Wenger, Val Hackerott, Marcy Perkins, Jay Hoarsely from the Boy Scouts and two scouts, from USD 263 (Joyce Harting, Raquel Greer, Linda Miller, Shawna Peters), Michael Kasselmann, Shawna Allen of Mental Health Assoc. of South Central Kansas.

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

Approval of Regular Meeting Minutes Dated 4-03-17:

MOTION by Johnson, second by Mottola to approve the Regular meeting minutes dated 4-03-17.

MOTION approved unanimously.

Correspondence: None

Review and Closing of the Agenda:No additions or changes.

Appointments, Awards and Citations:

1. Arbor Day Proclamation – April 18th:

Mayor Steadman read a proclamation designating April 18th as Arbor Day in the City. The Arbor Day celebration is 4-18-17 at 6:30 p.m. at Ralph Bell Park on Styx Creek.

OLD BUSINESS

1. Public Hearing – Dangerous & Unsafe Structures:

On August 19, 2016 several homes and businesses were damaged by flood. Many of the properties were located in Flood Zone AE. When a property in a special flood hazard area is damaged, the City is required to perform damage estimation in accordance with floodplain regulations contained in Ordinance No. 1336. Based upon the initial estimates generated by the city, three properties were determined to be substantially damaged.

To date one property (106 W. Walnut) remains classified as substantially damaged. The property owners of both 13 SE Louis Drive and 14 Circle Drive have remediated and repaired flood damage and are in the process of fully restoring their property. No further action is recommended for the properties at 13 SE Louis Drive and 14 Circle Drive.

Mayor Steadman declared the public hearing at 7:30 p.m. as set forth by Resolution No. 2017-6 regarding certain unsafe or dangerous structures open.

According to the Planning and Zoning Administrator, Resolution No. 2017-6 providing notice for this hearing was published in *The Mulvane Newson* March 9th and 16th, 2017 and certified copies of Resolution 2017-6 were mailed to the property owners on March 10th, 2017. There being no evidence to the contrary from anyone present, it was declared that proper notification has been given.

Mayor Steadman called upon Planning and Zoning Administrator Joel Pile, to provide the council with a brief factual background report on the proceedings.

Mayor Steadman then called upon any owners, their agents, any lienholders of record and any occupants of the subject structures to come forward and show cause why such structures should not be condemned as unsafe or dangerous and a public nuisance and ordered repaired or demolished and removed.

Val Hackerott, owner of 106 W. Walnut spoke to the council. Ms. Hackerott asked for more time to move her remaining possessions from the property before it was demolished.

Mayor Steadman asked if there were any other members of the public who wish to speak on these matters. There were none.

Mayor Steadman then asked if anyone wished to respond or make any final comments.

Hearing no further public comments, the Mayor closed the public portion of the hearing at 8:03 p.m. Councilmember Richardson suggested the City give Ms. Hackerott more time to remove her possessions from the structure.

Having considered the evidence at the hearing, Mottola moved we enter into finding that the property described as Lots 9 & 10 of Block 6 of Mulvane Original Town Addition to Mulvane, Kansas (commonly known as 106 West Walnut Street) is hereby found to be unsafe or dangerous, second by Richardson. MOTION approved unanimously.

2. Rural Water District Service Territory – Wenger Addition (Nottingham Estates):

Mr. Wenger advised the council he received a letter from Sedgwick County RWD #3 regarding compensation for the service territory the City would be taking over with the development of his ten acre housing addition.

MOTION by Cardwell, second by Johnson that the City pay half of the \$10,070.26 as a service area transfer fee to develop the Nottingham Estates Addition being developed by Mike Wenger and request the City Attorney prepare the Service Area Transfer Agreement with RWD #3 and authorize the Mayor to sign.

MOTION approved unanimously.

NEW BUSINESS

1. Alcohol & Drug Prevention Grant Funds Request from USD 263 & Mental Health Assoc. of South Central Kansas:

MOTION by Keck, second by Richardson to approve the application from the Mental Health Assoc. of South Central Kansas for the “Mulvane Grade School-Based Prevention Program” in the Mulvane school system in the amount of \$26,959.00.

MOTION approved unanimously.

2. Transient Guest Tax Funds Request – Mulvane Rodeo Assoc. – Old Settlers Rodeo:

MOTION by Mottola, second by Keck to authorize the City Administrator to approve the request from the Mulvane Rodeo Assoc. for the Transient Guest Tax fund request in the amount of \$5,000.00 to support the Mulvane Old Settlers Rodeo.

MOTION approved unanimously.

3. Pix Community Center- Purchase Tables & Chairs:

MOTION by Mottola, second by Keck to authorize the expenditure of \$10,705 for the purchase of tables & chairs and authorize additional HVAC work with MJB Heating & Cooling to replace (or secure) undersized diffusers in the Pix Community Center.

MOTION approved unanimously.

4. Main Street Park – Equipment and Playground Surface Replacement:

MOTION by Keck, second by Cardwell to approve the purchase of one (1) 8 ft. merry-go-round, installation of Pour-in-Place (PIP) material around current playground stations, and new merry-go-round, with additional colored rubber mulch in remaining playground area at a cost of \$54,500 to VersaSport of Kansas.

MOTION approved unanimously.

ORDINANCES AND RESOLUTIONS

1. Ordinance – Kansas Gas Service Franchise Agreement Renewal:

MOTION by Richardson, second by Johnson to adopt and approve Ordinance No. 1490 granting a ten (10) year natural gas franchise to Kansas Gas Service, a Division of ONE Gas, Inc.

MOTION approved unanimously.

ORDINANCE NO. 1490

AN ORDINANCE, GRANTING TO KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC., ITS SUCCESSORS AND ASSIGNS, A NATURAL GAS FRANCHISE, PRESCRIBING THE TERMS THEREOF AND RELATING THERETO, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH OR IN CONFLICT WITH THE TERMS HEREOF.

2. Resolution to Demolish Dangerous and Unsafe Structures:

MOTION by Richardson, second by Mottola to adopt and approve Resolution No. 2017-7 ordering the demolition of 106 West Walnut Street. *Changed days in the resolution from 60 to 105 (July 31st).*

MOTION approved unanimously.

RESOLUTION NO. 2017-7

A RESOLUTION REQUIRING THE DEMOLITION OF THE STRUCTURE AND REMOVAL OF OBJECTS LOCATED AT 106 WEST WALNUT STREET, MULVANE, KANSAS.

ENGINEERS REPORT

1. Engineer's Report/Project Review and Update:

Chris Young of Young & Associates updated the Council on the GIS mapping of city utility, E. Mulvane Street drainage project, Cedar Brook 2nd Addition, Hunters Pointe Addition, the O'Reilly Addition and the Villa Maria Senior Housing Project.

Engineer will continue to check with the BNSF about a drainage study. Visit with city attorney about writing a letter to the BNSF requesting they respond to the City's inquiries.

City Clerk:

Reminded council members to complete and return the "Statement of Substantial Interest" forms.

City Administrator:None

City Attorney:

Executive Session # 1:

The City Attorney requested an executive session not to exceed forty-five (45) minutes to discuss land acquisition. The executive session to include the Mayor, Council, City Administrator, P&Z Director, City Attorney and City Engineer.

MOTION by Richardson second by Mottola to recess for a period not to exceed forty-five (45) minutes to discuss land acquisition to include the Mayor, Council, City Administrator, P&Z Director, City Attorney and City Engineer.

To return at 10:05 p.m.

MOTION approved unanimously at 9:20 p.m.

MOTION by Mottola, second by Cardwell to return from executive session at 10:35 p.m.

MOTION approved unanimously.

Mayor Steadman announced that no binding decisions were made during the Executive Session.

Executive Session # 2:

The City Attorney requested an executive session not to exceed ten (10) minutes to discuss matters privileged in the attorney-client relationship. The executive session to include the Mayor, Council, City Administrator and City Attorney.

MOTION by Mottola, second by Keck to recess for a period not to exceed ten (10) minutes to discuss matters privileged in the attorney-client relationship to include the Mayor, Council, City Administrator and City Attorney.

To return at 10:45 p.m.

MOTION approved unanimously at 10:35 p.m.

MOTION by Mottola, second by Keck to return from executive session at 10:45 p.m.

MOTION approved unanimously.

Mayor Steadman announced that no binding decisions were made during the Executive Session.

MOTION by Cardwell, second by Richardson to settle U.S. District Court Case #16 CV 01275 all upon terms and conditions recommended by the City's insurance carrier which admit no fault on the part of the City.

MOTION approved unanimously.

Consent Agenda:

MOTION by Keck, second by Richardson to approve Consent Agenda items 1 – 7.

1. Payroll dated 4-07-17 (\$189,096.17)
2. Warrant Register for March (\$2,093,031.46)

3. Utility Dept. pay invoice in full to Stanion Wholesale of 24,507.87 for primary electric underground wire.
 4. Accept the bid from Tyler Tech. for the AMI Sync and Scheduler Module in the amount of \$10,500 plus any applicable taxes.
 5. HD Supply invoice in the amount of \$36,831.69 for AMI equipment.
 6. HD Supply invoice in the amount of \$5,971.16 for AMI equipment.
 7. Young & Assoc. invoice in the amount of \$15,572.00 for GIS survey and mapping.
- MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS AND NEXT AGENDA ITEMS:

- Next meeting is May 1st @ 7:30 p.m.

Adjournment:

MOTION by Mottola, second by Keck to adjourn the council meeting at 10:47 p.m.

MOTION approved unanimously.

Debra M. Parker, City Clerk