

MULVANE CITY COUNCIL  
REGULAR MEETING MINUTES

August 21, 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:** Jenean Keck, Kevin Cardwell and Nancy Mottola.

**Others Present:** Debbie Parker, Kent Hixson, J.T Klaus, Brad Modlin, Karisa Huntley, Gary McGuire, Steve Nichols, Larry Gerwick, James Ging of Ks. Power Pool, Chris Young of Young & Assoc., Mike Robinson, Erin Manning

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

**Approval of Regular Meeting Minutes Dated 8-07-17:**

MOTION by Keck, second by Cardwell to approve the Regular meeting minutes dated 8-07-17.

MOTION approved unanimously.

**Correspondence:** None

**Review and Closing of the Agenda:**

Add under new Business Item # 5: Sanitary Sewer Main Replacement on Cedar Street.

**Appointments, Awards and Citations:**

**1. Presentation to the City by the Mulvane Patriots Baseball Team:**

Larry Gerwick and Kevin Cardwell presented a baseball bat signed by the Mulvane Patriots coaches and players to the City for our support of the Mulvane Patriots Baseball Team.

**OLD BUSINESS**

None

**NEW BUSINESS**

**1. Mulvane Education Foundation:**

Gary McGuire and Steve Nichols of the MEF presented information about the MEF dinner and silent auction on October 21<sup>st</sup>.

**2. Pix Events Center – Painting a Mural on the North Exterior Wall:**

Karisa Huntley was present: Huntley would like the council to consider allowing a mural to be painted on the Pix Center. This project would be funded through fundraising efforts for which Huntley would be responsible for. To be successful, approximately \$10,000 would need to be raised.

No action was taken.

### **3. Pix Events Center – Interior Décor Idea:**

Jenean Keck feels the interior walls of the Pix Center are a little plain. Some additional décor would make the room look nice. It would be aesthetically upscale.

Jenean presented a sketch for interior décor. There would be four fleur-de-les evenly spaced on each side (north and south walls). The painted “frames” would be white. The background of the frame would be green and the fleur-de-les would be white. Molding for the ceiling would also be white. The City would pay for the supplies consisting of the molding, frames, paint and fleur-de-les. This cost should not exceed \$3,000. Labor would be provided by Jenean.

MOTION by Keck, second by Cardwell to purchase materials to finish the interior of the Pix Center.

MOTION approved unanimously.

### **4. Financial Services Agreement:**

At an upcoming meeting the City Council will consider an authorizing resolution for the proposed issuance of General Obligation Temporary Notes to pay the cost of infrastructure improvements in the Nottingham Estates and Emerald Valley Estates benefit districts.

The engagement agreement is the document, which provides the Financial Advisor with an agreement to proceed with the proposed note issue and to accept bids from potential underwriters.

The cost of the financial advisory services provided by Piper Jaffray & Co. is approximately \$7,500. This cost will be paid from the proceeds of the Temporary Notes.

MOTION by Mottola, second by Keck that the council authorize the engagement agreement with Piper Jaffray & Co. for the issuance of the Series C, 2017 Temporary Notes of the City.

MOTION approved unanimously.

### **5. Sanitary Sewer Main Repair– Cedar Street:**

A 250-ft. section of sewer main located on Cedar St. has started to deteriorate and is causing multiple sink holes in the street, which could cause a serious safety hazard. Due to the small length of the main and the bad shape of the pipe, lining and rehabbing the main is not an option.

City staff got a quote from Wichita Excavation to repair the main for the cost of \$19,000.00. Due to the rapid failure of the main, we were unable to get other bids, due to time constraints.

Funds for this expenditure are available in the Wastewater Department budget.

MOTION by Mottola, second by Cardwell to approve the quote to repair 250 ft. of sanitary sewer main on Cedar Street from Wichita Excavation in an amount not to exceed \$19,000.00.

MOTION approved unanimously.

## ORDINANCES & RESOLUTIONS

### **1. Public Utility Regulatory Policies Act (PURPA) - Ordinance seeking waiver and exemption from the Federal Energy Regulatory Commission:**

James Ging of KPP presented this issue. PURPA is federal legislation from the 1970s requiring, among other things, that utilities purchase energy from a “Qualifying Facility” (QF). A QF is potentially a power generating unit constructed by a merchant developer.

PURPA specifically provides for waivers or exemptions. Numerous municipal electric utilities (and cities) have successfully received a waiver and exemption from PURPA by transferring the purchase obligation to the utility’s wholesale agency – as would be the case here, The Kansas Power Pool (KPP). The Federal Energy Regulatory Commission (FERC) is the governing body pertaining to PURPA. Receiving such a waiver removes the possibility of having to otherwise dispute the purchase, or any contractual concern, by retaining FERC Counsel for representation of the City in Washington, DC. More broadly, approval of the Ordinance, and subsequent approval from FERC, will entirely remove the City from any discussion or negotiation pertaining to PURPA. Following the approval of the Ordinance, the KPP will prepare a filing at FERC to complete the request.

MOTION by Cardwell, second by Keck to approve Ordinance No. 1499 seeking a waiver from the Federal Energy Regulatory Commission pertaining to energy purchase requirements under the Public Utility Regulatory Policies Act.

MOTION approved unanimously.

#### ORDINANCE NO. 1499

AN ORDINANCE AUTHORIZING FILING OF APPLICATION WITH THE FEDERAL ENERGY REGULATORY COMMISSION (FERC) BY THE KANSAS POWER POOL (“KPP”), A MUNICIPAL ENERGY AGENCY, ON BEHALF OF THE CITY OF MULVANE, KANSAS (CITY), A MEMBER CITY OF KPP, FOR WAIVER OF CITY’S MUST-PURCHASE REQUIREMENT UNDER THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 (PURPA) AND ADOPTING RULES FOR COMPLIANCE WITH FERC’S PURPA REGULATIONS.

#### **ENGINEER:**

##### **1. Emerald Valley Estates – Engineering Services Agreement:**

The new residential subdivision (Emerald Valley Estates) has been platted into 91 lots with plans to manage develop in 4-phases. Phase 1 consists of 26 lots.

All project costs including engineering design fees, permitting and bidding, administrative, temporary financing, cost of issuance, construction, construction oversight and material testing are paid 100% by the development through special assessment property taxes. Special assessments will be spread over a 20-year term.

Engineering design fees submitted by Y&A are \$64,650. Construction engineering oversight fees are \$32,400. Design engineering services will include the preparation of all necessary KDHE permit applications and coordinating with the Street and Utilities Departments, Zoning

and Administrative Staff and Fire and EMS to obtain plan review and approvals. Construction engineering services include preparing as-constructed record drawings in electronic format for use in updating City map database.

MOTION by Cardwell, second by Keck that the City enters into an agreement with Young & Associates, P.A. for Phase 1 – Infrastructure Design and Construction Oversight services, and authorize the Mayor to sign.

MOTION approved unanimously.

## **2. Update of Projects:**

Chris Young updated the council on several projects, Cedar Brook, Styx Creek Drainage Study, contact with the civil engineer for the BNSF, etc.

The council members would like to be kept informed of any activity relative to the 1<sup>st</sup> Street drainage problems and contact with the BNSF.

## **MULVANE LAND BANK**

The city council is also the Mulvane Land Bank – Board of Trustees. The Land bank is being used to acquire land and buildings. All land acquisition related invoices and bills need to be approved and paid for by the Land Bank Board of Trustees. The Land Bank has been capitalized with \$550,000 from the City’s General Fund. These funds are in a separate account in order to more easily track all expenditures.

MOTION by Mottola, second by Cardwell to recess City Council meeting and convene as the Mulvane Land Bank.

MOTION approved unanimously.

MOTION by Mottola, second by Keck to approve the Land Bank Board of Trustees meeting minutes dated 8-07-17 with correction of a capital “K”.

MOTION approved unanimously.

MOTION by Mottola, second by Cardwell to approve the invoice from American Metropolitan Environmental, Inc. in the amount of \$220.00 for asbestos sampling of the buildings at 100 W. Main and 102 W. Main.

MOTION approved unanimously.

MOTION by Keck, second by Mottolato approve and authorize the Chair (the Mayor) to sign an Environmental Use Control Agreement regarding 111 E. Prather.

MOTION approved unanimously.

- Administrator updated the council on the sale of the buildings purchased by the Land Bank. The current tenants can continue to rent the building they are in if they continue to pay rent.

MOTION by Cardwell, second by Mottola to adjourn the meeting of the Mulvane Land Bank Board of Trustees and reconvene as the Mulvane City Council.

MOTION approved unanimously.

**City Clerk:** Nothing

**City Administrator:**

Mayor said she is receiving complaints from citizens about inoperable vehicles, and other property maintenance issues in the Riverdale and Martha area. Administrator will ask the MPD to step up enforcement of property maintenance codes in that area.

It was also the consensus of the council to have the awning in Main Street Park put up each year during Mulvane Old Settlers.

**City Attorney:**

**Executive Session # 1:**

The City Attorney requested an executive session not to exceed fifteen (15) minutes to discuss matters privileged in the attorney-client relationship (i.e. pending litigation). 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 fifteen (15) minutes to discuss matters privileged in the attorney-client relationship (i.e. pending litigation).The executive session to include the Mayor, Council, City Administrator and City Attorney.

To return at 9:20 p.m.

MOTION approved unanimously at 9:05 p.m.

MOTION by Mottola, second by Keck to return from executive session at 9:25 p.m.

MOTION approved unanimously.

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

**Consent Agenda:** Items 1 – 6

MOTION by Mottola, second by Cardwell to approve Consent Agenda items 1 – 6.

1. **Payroll:** Dated 8-11-17 (\$209,722.08).
2. **Public Works Dept.** - purchase of approximately 5200 gallons of CSS-1h road oil for slurry sealing from Vance Brothers in the amount not to exceed \$13,500.00.
3. **Utility Dept.** – Write-off unpaid final bills for 2011 & 2012 (\$17,865.37)
4. **Advanced Meter Infrastructure** – HD Supply Invoice (\$15,080.00)
5. **Advanced Meter Infrastructure** – HD Supply Invoice (\$12,760.00)
6. **Advanced Meter Infrastructure** – HD Supply Invoice (\$5,967.50)

**ANNOUNCEMENTS, MEETINGS AND NEXT AGENDA ITEMS**

- **Wednesday, Sept. 6<sup>th</sup>** - Next council meeting @ 7:30 p.m.

**Adjournment:**

MOTION by Keck, second by Mottola to adjourn the council meeting at 9:26 p.m.

MOTION approved unanimously.

Debra M. Parker, City Clerk