

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

October 2, 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: Terry Richardson, Joe Johnson, Jenean Keck and Kevin Cardwell.

Others Present: Debbie Parker, Kent Hixson, J.T Klaus, Brad Modlin, Kevin Baker, Dave Williams, Joel Pile, Chris Young of Young & Assoc., Mike Robinson, Daniel Clements of Burns & McDonnell, Erin Manning, Barry Fleming, Brent Allen and Gordon Fell.

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

Approval of Regular Meeting Minutes Dated 9-18-17:

MOTION by Johnson, second by Keck to approve the Regular meeting minutes dated 9-18-17.
MOTION approved unanimously.

Correspondence: None

Review and Closing of the Agenda:None

Appointments, Awards and Citations:None

OLD BUSINESS

1. Water Well Issue: Burns and McDonnell Agreement:

Daniel Clement of Burns and McDonnell presented the agreement. The city attorney has reviewed the agreement.

MOTION by Keck, second by Richardson that the council approve the Professional Engineering Services Agreement (Amendment No. 2) with Burns & McDonnell in the amount of \$31,760.00 for the evaluation of raw water supply alternatives and reverse osmosis water treatment plant operations costs.

MOTION approved unanimously.

NEW BUSINESS

1. Public Safety Dept.: Purchase New Computer Aided Dispatch and Records Management System:

The current CAD/RMS system was purchased in 2004 from EIS.(Executive Information Systems) (CAD is computer aided dispatch) (RMS is record management system). Our version is out of date and EIS is no longer able to provide support without upgrades. In order to continue with EIS, we would need to purchase the updated version for \$71,000.00.

Two other systems were looked at. The first was a company called Cushing Systems out of California. There are no other Departments in Kansas using this system. Their quote to replace CAD/RMS is \$46,000.00 plus 15% annually for maintenance. There are some concerns regarding support issues with a company from California.

The second company was Huber & Associates with an Enterpol system. They currently have 114 different agencies using their product in Kansas. This system will interface with all agencies in Kansas using the same product. They have no “versions” that have to be replaced. Updates are included as part of the maintenance contract. Their quote was \$40,658.00 with an annual maintenance cost of \$8,868.00. \$38,000 would come from Capital Improvements and the balance from New Equipment Replacement.

MOTION by Keck, second by Cardwell to accept the bid from Huber & Associates for a new CAD/RMS system by Enterpol in the amount of \$49,526.00.

MOTION approved unanimously.

2. Temporary Note Issue – Standard & Poor Rating Agreement:

On September 18, 2017 the City Council adopted an authorizing resolution for the proposed issuance of the Series C, 2017 General Obligation Temporary Notes. This resolution authorizes the public sale of approximately \$2,005,000 General Obligation Temporary Notes, for the purpose of temporarily financing improvements for a portion of Nottingham Estates, Emerald Valley Estates and Gilberts Addition. The notes will be retired from the proceeds of general obligation bonds which will ultimately be issued to pay the costs of the improvements. Special assessments will be levied against the benefited properties. A rating for the Notes was requested from the rating agency, Standard & Poor’s (“S&P”). As part of the rating process, S&P requires the City to agree to an engagement agreement which specifically authorizes S&P to assign a rating to the Series C, 2017 General Obligation Temporary Notes.

MOTION by Cardwell, second by Johnson that we authorize the engagement agreement with Standard & Poor’s for the assignment of a rating for the Series C, 2017 General Obligation Temporary Notes and to pay a credit rating fee of \$6,175.00 plus all applicable value-added, sale, use and similar taxes.

MOTION approved unanimously.

3. Walkable Places Grant Agreement with Wichita Area Metro-Planning Organization:

The Wichita Area Metropolitan Planning Organization (“WAMPO”) announced a Planning Walkable Places (PWP) program. The City submitted and was awarded a project which will develop a plan for installing a uniform wayfinding signage network which orients and directs pedestrians to and from destinations within the City’s Historic Downtown District. Grant funds will be used to engage a firm to conduct site visits to identify pedestrian routes and landmarks to be included in the wayfinding system and to create a downtown map and master plan with locations and sign design type for key pedestrian signage placement. The grant award is for \$17,000 (20% city share \$3,400 + \$204 administrative fee / 80% grant funding \$13,600).

MOTION by Richardson, second by Johnson to approve the WAMPO Planning Walkable Places Program Agreement and authorize the Mayor to sign.

MOTION approved unanimously.

4. Public Works/Utility Building Parking Lot:

The city maintenance yard parking lot has both asphalt paving and a gravel surface. The Public Works Department has added a new steel building just west of the current shop. The area surrounding the new building consists of a gravel lot. Sand and gravel wash out into the street when it rains.

Quotes were received from three (3) paving contractors for the asphalt paving of the parking lot.

- APAC- Kansas Inc. Shears Division \$54,252.50
- Cornejo & Sons \$58,100.00
- Kansas Paving \$75,657.00

MOTION by Johnson, second by Cardwell to approve additional asphalt paving at the City Public Works and Utility Shop maintenance yard at 410 W. Bridge St. in the amount of \$54,252.50 to APAC – Kansas, Inc. Shears Division.

MOTION approved unanimously.

ORDINANCES & RESOLUTIONS

1. Ordinance Amending the City Code – Electric Utility Rates:

At the September 18, 2017 City Council meeting, Eric Meyer – CPA reviewed the electric rates with the council. Motion was approved to accept the council consensus values for an electric meter charge and energy charge increase and instruct the City Attorney to draft the necessary City Code amending ordinance.

MOTION by Richardson, second by Johnson to adopt Ordinance 1504 amending the City Code referencing increase in Electrical Rates to be effective with the October 2017 billing (mailed on or about November 25, 2017).

MOTION approved unanimously.

ORDINANCE NO. 1504

AN ORDINANCE AMENDING TITLE VII, CHAPTER 700, ARTICLE IV, TITLED ELECTRICAL RATES, SECTIONS 700.290(D); 700.300(A); 700.310(D); 700.320; AND 700.340(B) OF THE CODE OF THE CITY OF MULVANE, SEDGWICK AND SUMNER COUNTIES, KANSAS.

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

MOTION approved unanimously.

MOTION by Keck, second by Cardwell to approve the Land Bank Board of Trustees meeting minutes dated 9-18-17.

MOTION approved unanimously.

MOTION by Johnson, second by Keck to approve the City utility bills for Land Bank owned properties in the total amount of \$42.01 for 202 W. Main and 209 W. Main. The electricity (only) is so the buildings can be shown to prospective buyers.

MOTION approved unanimously.

MOTION by Cardwell, second by Richardson to approve the invoice from Triplett Woolf & Garretson for legal services in the amount of \$819.97.

MOTION approved unanimously.

City staff gave an update on the sale of the buildings. We have had a written offer for one building and a verbal offer for two others. City Attorney will draw up a sales agreement for review by the Land

Bank.Planning and Zoning Director, Joel Pile, will make a list of the available buildings and what would be required to get the properties into compliance with the code.

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

MOTION approved unanimously.

ENGINEER

1. Emerald Valley Estates – Review Bids for Mass Grading:

Bids for mass grading were received on September 28, 2017 at City Hall. A summary of the bids received are as follows:

Unruh Excavating, LLC.....	\$141,632.00
Mies Construction, Inc.....	\$165,832.00
Lange Excavating, Inc.....	\$181,896.00
Bob Bergkamp Construction Co., Inc....	\$204,625.00
Pearson Construction.....	\$282,391.00

The low bid was received from Unruh Excavating of Moundridge, Kansas.

Construction costs for the Phase 1 Mass Grading& Detention Pond improvements included in the petition will be paid 100% by the benefit district. The estimated construction costs provided in the petition is \$179,273 which is more than the low bid received. The benefit district for this petition includes all platted lots in the Phase 1 and Phase 2 development areas.

MOTION by Keck, second by Cardwell that the City issue a Notice of Award to Unruh Excavating, LLC, and authorize the City Administrator to sign.

MOTION approved unanimously.

MOTION by Johnson, second by Cardwell that the City enter into a construction contract agreement with Unruh Excavating, LLC, in the amount of \$141,632.00 and issue a Notice to Proceed with the work, pending the City Attorney’s approval of the construction agreement, bonds and insurance, and authorize the Mayor to sign.

MOTION approved unanimously.

2. Cedar Brook Addition Phase 5 – Change Order No. 2:

Chris Young of Young and Associates reviewed Change Order No. 2 with the council. The changes included a retaining wall and wrought iron fence - \$6,622.25, additional concrete sidewalk removal and replacement - \$1,035.00 and replacement of a street sign - \$550.00. The Contractor has also requested an additional 150-working days be added to their contract. This request was made based on the above described additional work items.

It was recommended the City Council approve Change Order No. 2 for increasing the construction amount by \$8,207.25 and increasing the construction time by 150-working days.

MOTION by Cardwell, second by Richardson to approve Change Order No. 2 as written and authorize the Mayor to sign.

MOTION approved unanimously.

3. Cedar Brook Addition Phase 5 – Final Pay Application – Kansas Paving:

The work in Cedar Brook Addition Phase 5 is complete. Pay Application No. 3 represents 100% of the total contract amount and includes the \$8,207.25 increase associated with Change Order No. 2.

MOTION by Richardson, second by Johnson to approve the Pay Application No. 3 to Kansas Paving in the amount of \$67,801.20.

MOTION approved unanimously.

4. Update of Projects:

Chris Young updated the council on several projects - Cedar Brook, Styx Creek Drainage Study, Nottingham Estates, O'Reilly's Auto, Emerald Valley Estates and Gilberts Addition. There has been no communications or response from the BNSF Railroad. The storm drainage study workshop is tentatively set for October 23, 2017.

Going forward, the City Attorney must review all construction contract agreements and those agreements must be included in the council packet for council review. Motions will longer include "subject to review by the City Attorney".

City Clerk: None

City Administrator:

1. Public Safety Director Search Update:

The applicants for Public Safety Director have been shortlisted from 27 to 11. The City Administrator and some council members will conduct phone interviews of those eleven applicants on Oct. 3rd & 4th. The interview group will recommend five or six applicants to be interviewed in person.

City Attorney:

Executive Session #1:

The City Attorney requested an executive session not to exceed twenty (20) minutes to discuss matters involving land acquisition for the purpose to review an offer to sell property to the City.

Said executive session to include the Mayor, City Council, City Administrator and the City Attorney.

MOTION by Richardson, second by Johnson to recess for a period not to exceed twenty (20) minutes to discuss matters involving potential land acquisition to return at 9:00 p.m.

MOTION approved unanimously at 8:40 p.m.

MOTION by Johnson, second by Keck to return from executive session at 9:00 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 for the purpose of discussing pending litigation. Said executive session to include the Mayor, City Council, City Administrator and the City Attorney.

MOTION by Richardson, second by Cardwell to recess for a period not to exceed ten (10) minutes to discuss matters privileged in the attorney/client relationship for the purpose of discussing pending litigation to return at 9:10 p.m.

MOTION approved unanimously at 9:00 p.m.

MOTION by Richardson, second by Johnson to return from executive session at 9:15 p.m.

MOTION approved unanimously.

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

Consent Agenda: Items 1 –4

MOTION by Richardson, second by Keck to approve Consent Agenda items 1 – 4.

1. **Payroll:** Dated 9-22-17 (\$199,315.15).
2. **City Utility Bills** – (\$19,077.47)
3. **Augusta Water Issue** – Triplett Woolf & Garretson invoice (\$17,801.45)
4. **Wastewater Treatment Plant** – From Brenntag, Inc., for the purchase of 25,000lbs. of ferric chloride for \$5,586.00 and 24,000lbs. of sodium hydroxide for \$5,153.00 at a total cost of \$10,739.00.

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS AND NEXT AGENDA ITEMS:

- Monday, Oct. 16th - Next council meeting @ 7:30 p.m.

The Mayor stated that: In lieu of adjournment, she will entertain a motion for the City Council to reconvene at City Hall at the following dates and times:

1. Tuesday, October 3, 2017 - From: 8:00 a.m. to 3:00 p.m.
2. Wednesday, October 4, 2017 - From: 8:00 a.m. to 12:00 noon.

The purpose of reconvening the meeting will be solely to convene an executive session under (1) the justification of discussing “Non-elected Personnel” for the sole purpose of (2) conducting telephone interviews with prospective candidates for the office of Director of Public Safety. Such executive sessions shall begin and end at the appointed times and shall include the City Administrator and such of the council members who would like to attend. No other discussion will be had during such portion of the meeting and no binding decisions will be made during such interviews. Upon the conclusion of such interviews, this meeting shall be deemed adjourned.

MOTION by Richardson, second by Johnson to so recess and thereafter adjourn.

MOTION approved unanimously.

Time: 9:20 p.m.

Debra M. Parker, City Clerk

Executive Session – October3, 2017

Council President Mottola: I would entertain a motion to recess this meeting to an executive session to discuss matters involving non-elected personnel for the purpose of interviewing candidates for the Public Safety Director position for a period beginning at 8:00 a.m. and ending at 3:00 p.m., said regular meeting to reconvene in open session at approximately 3:00 p.m.

Said executive session to include Council Members: Mottola, Johnson, Richardson, Keck and the City Administrator.

MOTION by Richardson, second by Keck

MOTION approved 4 -0.

Council President Mottola:I would now entertain a motion to reconvene the regular meeting of the Mulvane City Council.

MOTION by Richardson, second by Keck to reconvene the regular meeting of the Mulvane City Council.
MOTION approved 4 -0.

Council President Mottola:"Let the record reflect that no decisions were made during the Executive Session".

Time: 3:00 p.m.

Executive Session – October 4, 2017

Council President Mottola: I would entertain a motion to recess this meeting to an executive session to discuss matters involving non-elected personnel for the purpose of interviewing candidates for the Public Safety Director position for a period beginning at 8:00 a.m. and ending at 10:30 a.m., said regular meeting to reconvene in open session at approximately 10:30 a.m.

Said executive session to include Council Members: Mottola, Johnson, Richardson,Keck andthe City Administrator.

MOTION by Richardson, second by Johnson.
MOTION approved 4 -0.

Council President Mottola:I would now entertain a motion to reconvene the regular meeting of the Mulvane City Council.

MOTION by Keck, second by Richardson to reconvene the regular meeting of the Mulvane City Council.
MOTION approved 4 -0.

Council President Mottola:"Let the record reflect that no decisions were made during the Executive Session".

MOTION by Richardson, second by Johnson to adjourn the regular council meeting of 10-02-17.
MOTION approved 4 -0.

Time: 10:40 a.m.