

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

January 3, 2018

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, Nancy Mottola and Kevin Cardwell.

Others Present: Debbie Parker, Kent Hixson, J.T Klaus, Joel Pile, Chris Young, Mike Robinson, Brent Allen, Barry Fleming, Dave Williams, Judi Patterson, Brent Wooten, Lowell Ester, Kevin Baker, Tom Keil, Melissa Houston, Gordon Fell, Scott Nelson, Cathy Walker, Shawn Lamm, Joe McDaniel, Vicki Johnson, Flossie Richardson.

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

Approval of Regular Meeting Minutes Dated 12-18-17:

MOTION by Mottola, second by Richardson to approve the Regular meeting minutes dated 12-18-17.

MOTION approved unanimously.

Correspondence: None

Review and Closing of the Agenda:None

Appointments, Awards and Citations:

1. Appoint City Officers:

MOTION by Richardson, second by Johnson to appoint the following officers for the terms indicated:

City Clerk	Debra M. Parker (annual term)
Police Chief/Dir. of Public Safety	Dave Williams (until 01/28/18)
Police Chief/Dir. of Public Safety	Gordon Fell (from 01/29/18 until first City Council meeting in January, 2019)
City Attorney	J.T. Klaus (annual term)
City Treasurer	Rachael Blackwell (annual term)
Deputy City Clerk	Kent Hixson (annual term)
Municipal Court Judge	Duane Brown (annual term)

MOTION approved unanimously.

Jenean Keck arrived at 7:35.

2. Employees of the Month:

Sue Richardson and Judi Patterson were recognized as the Employees of the Month for December, 2017 for their work on the annual “Toys for Kids” program. (Sue Richardson was not present).

3. Service Recognition Award:

Capt. Sue Richardson was recognized for her twenty-five (25) years of service to the City. (Sue Richardson was not present).

4. Reception for Outgoing Council Members (Joe Johnson and Terry Richardson):

Mayor Steadman entertained a motion to recess the regular city council meeting for the purpose of holding a reception for outgoing council members Joe Johnson and Terry Richardson for a period not to exceed 20 minutes, said regular meeting to reconvene in open session at approximately 8:10 p.m.

MOTION by Keck, second by Cardwell to recess the council meeting for 20 minutes to hold a reception for the outgoing council members.

MOTION approved unanimously at 7:50 p.m.

MOTION by Mottola, second by Cardwell to reconvene the regular city council meeting at 8:10 p.m.

MOTION approved unanimously.

OLD BUSINESS

1. Nottingham Estates – Street Construction Agreement:

Nottingham Estates at Hunters Pointe Addition is located north of 103rd St. N. at the north end of Merlin’s Glen at Hunters Pointe in Mulvane. There are 34 single family residential lots in the plat and the developer is Eric Gilbert. Revised petition for the Paving and Drainage Improvements were accepted by the City Council on 8-7-17. The bids for the Paving and Drainage Improvements were opened on 11-22-2017. Contracts and bonds from the successful contractor were returned to the City of Mulvane for authorization and signature. The total cost of the improvements will be assessed 100 percent back to the 34 lots.

ConSpec Inc., DBA Kansas Paving submitted the lowest bid for the project for \$278,046.65. Their bid was approved by City Council on December 4, 2017.

MOTION by Johnson, second by Richardson to approve the Contract Documents from ConSpec Inc., DBA Kansas Paving for the Paving and Drainage Improvements for Nottingham Estates at Hunters Pointe Addition in the total amount of \$278,046.65 and authorize signatures.

MOTION approved unanimously.

MOTION by Johnson, second by Richardson to issue the Notice to Proceed subject to the timing of the completion of the Sanitary Sewer and Water Improvements and the electrical service installation.

MOTION approved unanimously.

NEW BUSINESS

1. Mulvane Chamber of Commerce Funding Request:

In 2016 and 2017 the council approved giving the Mulvane Chamber of Commerce \$30,000 for the purpose of hiring and supporting a part-time director. A director was hired. Chamber President, Tom Keil, was present to make the request that the City again provide \$30,000.00 in 2018 to the Chamber to fund and support the director's position. In order to comply with the cash basis law, a request must be made by the Chamber and approved annually, subject to renewal by the city council each year. The Chamber director is not an employee of the City but hired and supervised by the Chamber of Commerce Board. The City is not obligated to provide benefits to the position.

MOTION by Richardson, second by Johnson to approve the Mulvane Chamber of Commerce 2018 request for funds in the amount of \$30,000.00.

MOTION approved unanimously.

2. Information Technology – Agreement with All-Covered:

The City entered into a contract with All Covered to provide IT services on all City owned computers and servers in 2016. Currently the email is handled by each department causing "silos" of email domains all which are different across the City. Each department has a unique email domain which makes it difficult for an outsider to know what the proper domain is for City employees.

The additional IT services that All Covered is recommending to the City is to transition the City from a non-uniform email system with multiple domains and providers to the 0365 (Windows based) system with a new @mulvane.us domain. This will enable the City to have better email and collaboration tools.

MOTION by Richardson, second by Mottola to approve the corrected agreement with All Covered in the amount of \$4,674 for the project cost (migration of email accounts and Office 365 set up) and \$744 per month for the additional IT services for 0365 on City computers.

MOTION approved unanimously.

3. Fire Dept. – Purchase a Hydraulic Extraction Pump:

Fire Capt. Lowell Ester made a presentation to the council. In May 2017 the "Jaws of Life" Hurst hydraulic power unit quit working (1998 Briggs & Stratton gas unit). This is the city's primary extrication equipment that is carried on our rescue truck. This pump powers the "Jaws of Life" spreaders, cutters and a hydraulic ram.

Hurst equipment uses a specially designed hydraulic fluid and will not work with other brands of extrication equipment. Hurst has territorial dealers for their equipment with Danko Emergency Equipment in Snyder, NE. being the sole source distributor in Kansas. Completely replacing the equipment would run around \$30,000. The Dept. would like to purchase a new (220 volt) electric pump to put in the rescue truck.

- Hurst JL-SE SIMO Electric Pump \$6,710.29
- Hurst 353R396 30' hose assembly \$ 832.32
- Total \$7,542.61

MOTION by Johnson, second by Richardson to accept the bid from Danko Emergency Equipment for a new Hurst hydraulic pump and supply hose for \$7,542.61.
MOTION approved unanimously.

4. Police Dept. – Purchase a new police vehicle:

Don Hattan Chevrolet has the state contract for police vehicles. The quoted price is \$36,565.25 which includes a 30-day tag.

MOTION by Mottola, second by Richardson to accept the quote from Don Hattan Chevrolet for a 2017 Chevrolet Tahoe, four wheel drive, unmarked police vehicle in the amount of \$36,565.25.

MOTION approved unanimously.

5. Sports Complex- Purchase New Bleachers for Baseball Field #1:

Kevin Baker presented information for new bleachers to the council. Field #1 (main baseball field) has a large set of old ‘homemade’ bleachers that set right behind the backstop in front of the press box and have a capacity of about 220 people. These bleachers are not ADA compliant.

City staff met with two vendors at the Sports Complex to layout plans for a new set of bleachers. The new bleachers will be made of aluminum, with handicap seating in the front row, and a stairway for spectators to access their seats. Additionally, the new bleachers will have a 4’ walking platform at the top for easy access to the press box, eliminating the wooden stairs behind the press box. These new bleachers will have the capacity of 216 spectators, plus five ADA seats.

The Public Works Department will construct a cement pad which the new bleachers will be constructed on. The City received two quotes, they are as follows:

BSN Sports	\$31,500.00
Kansas Contract Design	\$43,510.00

MOTION by Keck, second by Johnson to approve the quote in the amount of \$31,500.00 from BSN Sports for the purchase and installation of 10 row, non-elevated aluminum bleachers as shown in drawings for Baseball Field #1 at the Sports Complex.

MOTION approved unanimously.

ORDINANCES & RESOLUTIONS

1. Charter Ordinance – Use of Alcohol Tax:

The State of Kansas collects a tax on the sale of alcohol by drinking establishments in the City. According to current Kansas law (K.S.A 79-41a04), when a city reaches a population of more than 6,000 (*Mulvane is now 6,287*), the “local share” of the drinking establishment tax is

increased to 70% of the total amount collected (formerly only 46.66%). A city of over 6,000 divides the proceeds equally into three separate funds which are: (1) the General Fund, (2) the Special Parks & Recreation Fund, and (3) the Special Alcohol & Drug Programs Fund.

Since 2013, the City has advertised the availability of the Special Alcohol & Drug Programs Fund and taken applications from vendors for programs. The City Council has voted to fund prevention programs from 2013 to 2017 totaling \$200,632.00. U.S.D. 263 has directly received over \$190,000.

The City Attorney has considered whether the City might be able to “charter-out” from State law, since it does not apply uniformly to cities of different sizes. The Kansas law regarding the special alcohol and drug programs fund appears (“not-uniform”) in that it provides different provisions for cities of different size and/or cities that are differently situated. Pursuant to the Home Rule Amendment to the Kansas Constitution, a City is permitted to “charter-out” from state laws that are not uniformly applicable to all cities.

Adopting the Charter Ordinance would not eliminate the possibility of funding drug and alcohol programs, but would distribute ½ the money to the General Fund and ½ to the Special Parks & Recreation Fund. The Charter Ordinance would be subject to a 60-day protest period during which a petition of the electorate could be circulated in the event that citizens did not want the city to have this flexibility in the use of alcohol tax funds. The City may benefit from returning to a more simplified distribution of funds.

MOTION by Richardson, second by Johnson to adopt Charter Ordinance No. 30 which returns the distribution of alcohol tax proceeds to the purposes contained in the statute for cities with less than 6,000 residents, but does not adjust the amount of the distribution to the City.

MOTION approved unanimously.

CHARTER ORDINANCE NO. 30

A CHARTER ORDINANCE OF THE CITY OF MULVANE, KANSAS EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A. 79-41a04(d) RELATING TO THE LOCAL ALCOHOLIC LIQUOR FUND AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS RELATING THERETO.

ENGINEER

1. Emerald Valley Estates – Change Order # 1- Sanitary Sewer Improvements:

MOTION by Johnson, second by Richardson that the City approve Change Order No. 1 with Duling Construction Co, Inc., in the deduct amount of \$10,688.80 and authorize the Mayor to sign.

MOTION approved unanimously.

2. Update of Projects:

Chris Young, City Engineer, reviewed several projects - Nottingham Estates, Emerald Valley Estates, Gilberts Addition, English Park Design Survey and Drainage Improvements and Decommissioning of Boxelder Power Plant.

LAND BANK

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

MOTION approved unanimously.

MOTION by Johnson, second by Mottola to approve the Land Bank Board of Trustees meeting minutes dated 12-18-17.

MOTION approved unanimously.

MOTION by Mottola, second by Cardwell to approve the City utility bills for Land Bank owned properties in the total amount of \$6.55 for 202 W. Main and 209 W. Main.

MOTION approved unanimously.

MOTION by Keck, second by Richardson to approve the amended structural engineering proposal with Dudley Williams & Assoc. for the south wall of 100 and 102 W. Main in the amount of \$8,000.00.

MOTION approved unanimously.

MOTION by Richardson, second by Johnson to accept the proposal from Ron and Carol Keller to set the purchase price of 202 W. Main for \$22,000 in “as-is” condition. Such offer shall be contingent to the completion, approval and execution of a real estate purchase agreement as prepared and recommended by the city attorney.

MOTION approved 4-2 with Mottola and Cardwell opposed.

MOTION by Mottola, second by Richardson to approve the publication cost of \$93.00 to the Mulvane News for the “Intent to Sell” Resolution (2017 LB-1).

MOTION approved unanimously.

MOTION by Cardwell, second by Mottola to approve the Real Estate Purchase Agreement with Frank Seitz (Fathead LLC) in the amount of \$59,000.00 for the building at 203 W. Main and authorize the Chairman to sign.

MOTION approved unanimously.

MOTION by Mottola, 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.

City Clerk: None

City Administrator: None

City Attorney: New councilmembers may be sworn in January 8th.

Consent Agenda: Items 1 - 4

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

1. **Payroll:** Dated 12-29-17 (\$206,111.68)
2. **Tyler Technologies** – Maintenance Payment (\$27,199.41)
3. **City Utility Bills** (\$21,356.93)
4. **Emerald Valley Estates** – Unruh Excavating - Pay App. #2 (\$109,414.07)

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS AND NEXT AGENDA ITEMS:

- Monday, January 15, 2018 - Next council meeting @ 7:30 p.m.

ADJOURNMENT:

MOTION by Richardson, second by Johnson to adjourn the council meeting at 9:40 p.m.

MOTION approved unanimously.

Minutes by:
Debra M. Parker, City Clerk