

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

May 17, 2021

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 at 7:30 p.m.

Council Members Present: Terry Richardson, Nancy Farber Mottola, Kevin Cardwell, Brent Allen, Jenean Keck.

Others Present: Mike Robinson, Debra Parker, Gordon Fell, Joel Pile, Chris Young, Rachael Blackwell, Kent Hixson, Shanna Smith-Ritterhouse, Cameron Tucker, Mike Rayl.
Remote Attendance: Kevin Baker

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

City Attorney, J. T. Klaus, arrived at 7:35 p.m.

Approval of Regular Meeting Minutes Dated 5-03-2021:

MOTION by Mottola, second by Keck to approve the Regular meeting minutes dated 5-03-2021. MOTION approved unanimously.

Correspondence: Councilmembers Mottola and Cardwell were contacted by a property owner outside of the City with concerns regarding the property at 1541 E. 119th St. Council directed the concerns to City staff.

Review and Closing of the Agenda: Correction to the total amount of the Warrant Register on the consent agenda. City Attorney, J. T. Klaus, requested to add an executive session under City Attorney for matters privileged in the attorney/client relationship.

Appointments, Awards and Citations:

1. Board and Commission Appointments: Board appointments are done in May of each year. Appointments needed for 2021 are as follows:

Library Board:

MOTION by Mottola, second by Cardwell to appoint Mandy Roderick to fill the unexpired term of Diane Fleming on the Mulvane Library Board.
MOTION approved unanimously.

Planning Commission:

MOTION by Mottola, second by Richardson to re-appoint Mike Fells, Sumner County/City, re-appoint Lance Brashear, Sedgwick County/City, and re-appoint John Melick, Sumner County/Rural, to three-year terms on the Planning Commission.
MOTION approved unanimously.

Building and Trades Commission:

MOTION by Allen, second by Richardson to re-appoint Mike Wenger (Building) and appoint Rusty Westfall (Electrical) to three-year terms on the Mulvane Building and Trades Commission. MOTION approved unanimously.

Tree Board:

MOTION by Mottola, second by Keck to re-appoint Sue Shoemaker, Pat Arroyo and Nancy Reed to three-year terms on the Mulvane Tree Board. MOTION approved unanimously.

OLD BUSINESS

None

NEW BUSINESS**1. First Baptist Church- Request to waive fireworks stand fee and approve temporary zoning for a fireworks tent:**

Carmeron Tucker, First Baptist Church Youth Pastor, requested the council waive the \$6,000 fireworks permit fee and approve a temporary zoning permit on the east side of the church property. Tucker indicated that he had only received two (2) pallets of fireworks so far. He is not sure when or if he will receive his remaining order.

Council was agreeable to waive a portion of the fee, but not the entire amount. Council would like to receive information regarding the outcome of the fireworks sale. If there is an impact on sales due to short supply, they invited Tucker back to discuss other possibilities.

MOTION by Mottola, second by Keck to grant the temporary zoning permit to the First Baptist Church to allow for the sale of fireworks at 1020 N. 2nd Street in accordance with city code. MOTION approved unanimously.

MOTION by Mottola, second by Keck to reduce the fee to \$3,000.00 for the First Baptist Church 2021 fireworks stand permit. MOTION approved unanimously.

2. Transient Guest Tax Application from Kansas High School Rodeo Assoc.:

An application for transient guest tax funds was received from The Kansas High School Rodeo Association State Finals for \$2,000.

MOTION by Keck, second by Allen to approve the Transient Guest Tax fund “local event” request for The Kansas High School Rodeo Association State Finals in the amount of \$2,000.00. MOTION approved unanimously.

There was clarification on the total amount of transient guest tax funds dispersed to date.

3. North Rockwood Heights Addition:

The City of Mulvane has received one petition and a Developer's Agreement for sanitary sewer improvements to serve a portion of North Rockwood Heights and surrounding area (the "Subdivision"). The petition requests the Improvements be made by the City and the costs be "specially assessed" against the landowners in the Subdivision. The benefited properties in the petitioned benefit district will be responsible for 100% of the costs associated with the Improvements.

The City Council must formally (1) accept the petition requesting the Improvements to serve the Subdivision, (2) approve the Developer's Agreement for the Improvements, (3) adopt the advisability resolution, and (4) adopt the work ordinance in order to special assess the cost of the Improvements to the benefitted properties.

MOTION by Mottola, second by Richardson to accept the petition for the Sanitary Sewer Improvements necessary to serve a portion of the North Rockwood Heights and surrounding area. MOTION approved unanimously.

MOTION by Cardwell, second by Richardson to accept the Developer's Agreement for the North Rockwood Heights and surrounding area with Joe Humbolt and authorize the Mayor to sign. MOTION approved unanimously.

MOTION by Mottola, second by Allen to adopt Resolution No. 2021-11, determining the advisability of making Sanitary Sewer Improvements in the North Rockwood Heights and surrounding area. MOTION approved unanimously.

RESOLUTION NO. 2021-11

A RESOLUTION DETERMINING THE ADVISABILITY OF MAKING CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF MULVANE, KANSAS; SETTING FORTH THE GENERAL NATURE OF THE IMPROVEMENTS, THE ESTIMATED OR PROBABLE COSTS THEREOF, THE EXTENT OF THE BENEFIT DISTRICT TO BE ASSESSED FOR THE COSTS THEREOF, THE METHOD OF ASSESSMENT AND THE APPORTIONMENT OF THE COSTS BETWEEN THE BENEFIT DISTRICT AND THE CITY-AT-LARGE; AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH THE FINDINGS OF THE GOVERNING BODY; AND DIRECTING THE PUBLICATION AND RECORDING OF THIS RESOLUTION (SANITARY SEWER IMPROVEMENTS).

MOTION by Allen, second by Keck to adopt Ordinance No. 1539, authorizing the construction of Sanitary Sewer Improvements in the North Rockwood Heights and surrounding area. MOTION approved unanimously.

ORDINANCE NO. 1539

AN ORDINANCE AUTHORIZING THE CONSTRUCTION OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF MULVANE, KANSAS, AS HERETOFORE DETERMINED ADVISABLE AND AUTHORIZED TO BE MADE BY RESOLUTION NO. 2021-11 OF THE CITY, UNDER THE AUTHORITY OF K.S.A. 12-6a01 *ET SEQ.*, AS AMENDED AND SUPPLEMENTED; PROVIDING FOR THE PAYMENT OF THE COSTS OF SAID IMPROVEMENTS; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE PAYMENT OF THE COSTS OF SAID IMPROVEMENTS AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY IMPROVEMENT NOTES FROM TIME TO TIME AS FUNDS ARE NEEDED FOR THE ORDERLY CONSTRUCTION OF SAID IMPROVEMENTS.

City Engineer, Chris Young, reviewed the agreement for Design Engineering and Construction Oversight Services for North Rockwood Heights. There is a possibility that McCullough Excavation could do the project in conjunction to the Hidden Valley Addition. This would be an opportunity to reduce installation costs.

MOTION by Mottola, second by Cardwell that the City enter into an engineering agreement with Young & Associates, P.A. for the North Rockwood Heights Sanitary Sewer Improvements, and authorize the Mayor to sign.

MOTION approved unanimously.

4. Hidden Valley Addition:

Hidden Valley Addition is located east of Rock Road and north of 111th St. S. in Mulvane. Four petitions for all public improvements were submitted with the plat on February 15, 2021. Bids were opened on Tuesday, May 4, for three of the four public improvements. The Water Distribution System and Stormwater Drain projects were over the Engineer's estimates and exceeded the petition authority. The bid for the Sanitary Sewer System Improvements was sufficient. Revised Petitions to increase the funding have been submitted by the developers for the Water and Stormwater Drain Projects.

A total of four contractors submitted bids on May 4, 2021. McCullough Excavation, Inc. submitted the lowest bid for the total of all three projects for \$739,640.00. With the approval of the two revised petitions and enabling resolution and ordinance, the City has the authority to enter into agreements for construction of the three combined construction projects and to finance the improvements.

MOTION by Cardwell, second by Mottola to accept the two amended petitions for water and storm water improvements for the Hidden Valley Addition Water Improvements and Hidden Valley Addition Storm Water Drain Improvements.

MOTION approved unanimously.

MOTION by Mottola, second by Allen to accept the amended Developer's Agreement for the Hidden Valley Addition and authorize the Mayor to sign.

MOTION approved unanimously.

MOTION by Mottola, second by Richardson to adopt Resolution No. 2021-12, amending Resolution No. 2021-3 regarding the advisability of the Hidden Valley Addition Water Improvements and Hidden Valley Addition Storm Water Drain Improvements.
MOTION approved unanimously.

RESOLUTION NO. 2021-12

A RESOLUTION AMENDING RESOLUTION NO. 2021-3 OF THE CITY OF MULVANE, KANSAS.

MOTION by Mottola second by Keck to adopt Ordinance No. 1540, amending Ordinance No. 1534 regarding the construction of the Hidden Valley Addition Water Improvements and Hidden Valley Addition Storm Water Drain Improvements.
MOTION approved unanimously.

ORDINANCE NO. 1540

AN ORDINANCE AMENDING ORDINANCE NO. 1534 OF THE CITY OF MULVANE, KANSAS.

MOTION by Allen, second by Keck to accept the bids submitted on May 4, 2021 for certain improvements within the Hidden Valley Addition and issue a Notice of Award to McCullough Excavation, Inc. for Sanitary Sewer, Water Distribution System, and Stormwater Drain Improvements to serve the Hidden Valley Addition for a contract price not to exceed \$739,640.00.
MOTION approved unanimously.

ORDINANCES & RESOLUTIONS

1. Ordinance Changing the Zoning District Classification at 605 S. Boxelder from R-1 (single Family) to R-2 (Two Family):

Mayor Steadman called Ordinances & Resolutions Business Agenda Item #1 which is consideration of changing the zoning district classification from R-1 Single-Family Residential to R-2 Two-Family Residential on certain land within the City to allow construction of a duplex.

Mayor Steadman asked the City Council if any of them intend to disqualify themselves from discussing and voting on this Ordinance due to any conflicts of interests or a particular bias on this matter. There were none.

MOTION by Mottola, second by Cardwell to receive and file the excerpts of the April 8, 2021 Mulvane Planning Commission Meeting which are related to Case # Z-2021-01.
MOTION approved unanimously.

Mayor Steadman asked the City Council if any of them have received any ex parte verbal or written communications prior to this meeting which they would like to share with all the members at this time. There were none.

Mayor Steadman asked if there were any members of the public who wish to speak on this case? There were none.

Mayor Steadman asked if there were any written communications or petitions from the public or if any written objections or a petition been filed with the City Clerk. There were none.

The petitioner was not present to make any public comments.

Mayor Steadman asked the City Council Members if they wished to discuss any further the proposed Zoning Change as specified in Case # Z-2021-01. There was some discussion regarding the removal of a mobile home and garage structures currently located on the property.

MOTION by Mottola, second by Cardwell that the council approve Ordinance No. 1541 rezoning property described in Case No. Z-2021-01 from R-1 Single-Family Residential District to R-2 Two-Family Residential District.

MOTION approved unanimously.

ORDINANCE NO. 1541

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF CERTAIN LANDS UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY OF MULVANE, KANSAS, AS ORIGINALLY APPROVED BY ORDINANCE NO. 1432.

ENGINEER

1. Main “A” Sanitary Sewer Improvements:

City Engineer, Chris Young, reviewed the Design Engineering and Construction Oversight Services Agreement for Main “A” Sanitary Sewer Improvements with the council and answered questions.

A preliminary timeline for the improvements was discussed along with the Part-Time Inspection services for that portion of the project located between Boxelder Ave. and K-15. This area will include sewer line installations on and adjacent to existing private properties. Part-time inspections will provide twice-daily observations and recordings of the work performed in the older and more established parts of the City and will provide additional assistance to City Staff for closely monitoring the work and its impact on existing properties. Council had questions regarding the transfer of the service line.

MOTION by Mottola, second by Keck to enter into an agreement with Young & Associates, P.A. for providing Engineering and Construction Oversight Services for the “Main “A” Sanitary Sewer Improvements” Project.

MOTION approved unanimously.

2. Project Review and Update:

City Engineer, Chris Young, reviewed project updates with the council which included: E. Mulvane Street Drainage, Sanitary Sewer Study, Hidden Valley Addition, Emerald Valley Estates Phase 2, and N. Rockwood Heights Sanitary Sewer Extension.

ANNUAL BUDGET PRESENTATIONS

The following Department Heads reviewed their 2022 budgets with the council and answered questions.

1. Public Safety – Gordon Fell – Fell reviewed the Technology upgrades which have been made to the Public Safety Department and upgrades for the future.
2. Library – Shanna Smith-Ritterhouse – Council thanked Shanna for the Library’s assistance in creating email accounts for seniors to schedule their COVID vaccine with the Pharmacy.

City Attorney:

City Attorney, J.T. Klaus, requested an executive session for a period of ten (10) minutes to discuss matters privileged in the attorney/client relationship.

MOTION by Keck, second by Mottola to recess the city council meeting to an executive session for a period of ten (10) minutes for the purpose of discussing matters privileged in the attorney/client relationship to include the Mayor, City Council, City Administrator, and the City Attorney and to return to open session at approximately 9:05 p.m.

MOTION approved unanimously at 8:55 p.m.

MOTION by Mottola, second by Cardwell to return to open session at 9:07 p.m.

MOTION approved unanimously.

Mayor Steadman announced that no decisions were made during the executive session.

MOTION by Cardwell, second by Keck that the City approve TWG file an appeal of the decision of the District Court of the District of Kansas in the Memorandum and Order entered in Case No. 2:20-cv-02386-HLT-GEB filed on 05/05/2021.

MOTION approved unanimously.

City Clerk: None

City Administrator: None

Consent Agenda Items 1, 2, 3:

MOTION by Mottola, second by Keck to approve Consent Agenda items 1 - 3.

1. Payroll dated 5-14-21 (\$226,046.44)
2. Warrant Register (\$2,506,264.51)
3. Emerald Valley Estates – Pay Application #1 to Mies Const. (\$26,969.40)

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS, AND NEXT AGENDA ITEMS:

- Monday, June 7th - next council meeting @ 7:30 p.m.

ADJOURNMENT:

MOTION by Keck, second by Allen to adjourn the City Council meeting at 9:10 p.m.

MOTION approved unanimously.

Minutes by:
Debra M. Parker, City Clerk