

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

June 21, 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, Jenean Keck.

Others Present: Mike Robinson, Debra Parker, Joel Pile, Chris Young, Kent Hixson, Tim Huntley, Steve Nichols, Kimberlyn Gilchrist, Nancy Armstrong, Mark Hardison, Marsha Campbell, Barbara Hardison.

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

Approval of Regular Meeting Minutes Dated 6-07-2021:

MOTION by Mottola, second by Keck to approve the Regular meeting minutes dated 6-07-2021. MOTION approved unanimously.

Correspondence: Councilmember Mottola received correspondence that will be addressed with New Business Item #1. Mayor Steadman had a request for an interview with a consultant that is working with the Methodist Church regarding ethnographic patterns. This request was passed on to Hixson and other city staff who deal with the public regularly.

Review and Closing of the Agenda: None

Appointments, Awards and Citations: None

OLD BUSINESS

None

NEW BUSINESS

1. Transient Guest Tax Application – Mulvane High School Classes of 1970 and 1971:

Steve Nichols, Mark Hardison, and Marsha Campbell addressed the council to request transient guest tax funds. The MHS Class of 1970 and 1971 will be celebrating their 50th reunions. The Class of 1970 had to cancel their event last year due to the pandemic. Both classes are having a combined 2-day event which will be open to all classes. Since the Alumni Assoc. has cancelled their event for this year, the MHS class of 1970 and 1971 would like to request funds.

Council had questions regarding how the other classes would be informed of the event. Nichols will contact members of the Alumni Assoc. to see if a list is available with this information. Social

media and a notice in the newspaper will also be used. Council asked about the intended use of the funds. The funds would be used to offset the cost of the event. Council was concerned about setting precedence if they approved funds for individual classes.

Due to the unique situation, the council would like a letter of support from the Alumni Association allowing the class of 1970 and 1971 to sponsor the event on their behalf. Once a letter of support is received, the council will consider the request.

The correspondence noted by Councilmember Mottola was that other classes were interested in receiving funds.

2. Agreement Between Sedgwick County Dept. on Aging and the City for the Retired Senior Volunteer Program (RSVP) – Transportation Services:

Mayor Steadman indicated that she is an employee of Sedgwick County and has no involvement with Department on Aging and works under the Department of Safety, which is separate. She will, however, abstain from discussion on this issue.

The Mulvane Senior Center currently utilizes RSVP (Retired Senior Volunteer Program) volunteers who provide transportation services for seniors 60 years of age and older. The city originally signed an agreement with the Sedgwick County Department on Aging in October 2015 and then renews the agreement each year to provide the Senior Center with some reimbursement for volunteer drivers in the transportation program.

MOTION by Mottola, second by Cardwell to approve the first renewal to the Volunteer Transportation Services Agreement between the City of Mulvane and Sedgwick County Department on Aging for providing transportation services pursuant to the RSVP Transportation Program and authorize the mayor to sign.

MOTION approved unanimously.

3. American Rescue Plan Act- Approve Documents to Receive Funds:

The American Rescue Plan makes available payments to non-entitlement units of local government (NEU) to mitigate the fiscal effects stemming from the ongoing COVID-19 public health emergency. Non-entitlement areas are cities with populations of less than 50,000. The City of Mulvane is a NEU.

The ARPA provides for a wide variety of eligible uses including Social Programs and Infrastructure. The City has until 2024 to spend the ARPA funds.

The State of Kansas distributes the federal funds to each NEU in an amount proportional to the percentage of overall population that NEU bears in relation to the total population of all NEUs in Kansas. The City is eligible to receive approximately \$492,212.08 in 2021 and 2022. The City must apply for these funds.

Mayor Steadman asked if the City has a LEP policy and if we can comply with the Assurances for the Civil Rights Act. Mayor Steadman wanted to make sure the City had policies in place. Staff will review policies to satisfy the criteria.

MOTION by Mottola, second by Keck to approve the Non-entitlement Unit (NEU) Award Terms and Conditions & NEU Title VI Assurances agreements as required by the American Rescue Plan Act for the acceptance of funds by the City and authorize the mayor to sign.

MOTION approved unanimously.

4. Pix Events Center – Review Requirements for a Sworn Police Officer at Events that Provide Alcohol:

As part of the Pix Center being offered to the public for events, the council agreed to allow alcohol to be served. Section 11 of the use policy requires a sworn police officer be present if alcohol is served.

Council discussed having a responsible adult be a designated bartender instead of having a police officer present. Also, it was suggested to change the wording on the Use Policy Agreement to indicate if alcohol will be “allowed” at the event instead of “served”.

If a sworn police officer would not be necessary. It is recommended that either the bartender or the individual(s) hosting the event provide a special events policy which includes the consumption of alcohol on the premises during the event. The policy should have a limit of \$1,000,000 and name the City of Mulvane as an additional insured.

Council felt it was unlikely individuals would obtain special event insurance coverage and asked if the City would be able to add this to the City’s policy or obtain coverage to include on premise consumption. Staff will check with our Insurance Agent.

5. Mulvane Community Foundation – Request for Financial Support:

Councilmember Mottola removed herself from her council seat for this item. It was also noted that Foundation President, Brent Allen, was not present. It was determined that councilmember Keck did not have any conflict of interest.

The Mulvane Community Foundation was established as an official 501(c)3 in 2017 to provide a vehicle to make it possible for organizations to support local events and activities. Nancy Mottola and Nancy Armstrong addressed the council and reviewed the foundations origin and potential budget.

The MCF would like to request \$25,000 toward expenses for hiring a part time director beginning in January of 2022. This proposal would allow a part time executive director to be hired and managed by the board so that the events, activities, and opportunities can continue. Initially, this would be an annual subsidy, with the goal of becoming independently sustainable in the future.

The council felt the Mulvane Community Foundation improved the quality of life for the community and agreed to put a placeholder for funds in the 2022 Budget.

Nancy Mottola returned her council seat.

ORDINANCES & RESOLUTIONS

1. Resolution Authorizing the Option to Purchase the Public Library:

The proposed resolution authorizes the City's option to purchase of the public library related to the City of Mulvane, Kansas Public Building Commission, Revenue Bonds, Series A, 2014 (Public Library) (the "PBC Bonds"). The PBC Bonds financed the purchasing, acquiring, constructing, furnishing, and equipping of a new public library, along with the land (the "Project"). The PBC owns the library and leases it to the city. The bonds were paid off on June 1, 2021. Accordingly, the city may elect to purchase the Project from the PBC.

Bond Counsel has prepared the Resolution authorizing the notice and closing upon the City's option to purchase the library on July 21, 2021. The city must pay \$10.00 to purchase the Project on July 21, 2021.

MOTION by Richardson, second by Cardwell that the council adopt Resolution No. 2021-14 authorizing the option to purchase related to the City of Mulvane, Kansas Public Building Commission, Revenue Bonds, Series A, 2014 (Public Library).

MOTION approved unanimously.

RESOLUTION NO. 2021-14

A RESOLUTION OF THE CITY OF MULVANE, KANSAS AUTHORIZING THE CITY'S OPTION TO PURCHASE A CERTAIN PROJECT LEASED FROM THE CITY OF MULVANE, KANSAS PUBLIC BUILDING COMMISSION.

PUBLIC BUILDING COMMISSION

1. Resolution Authorizing the sale of the Public Library to the City of Mulvane, Ks.:

The City's governing body also comprises the City of Mulvane, Kansas Public Building Commission (the "PBC"). The PBC owns the public library building (408 N. 2nd).

MOTION by Mottola, second by Keck to recess the City Council meeting and convene the PBC meeting.

MOTION approved unanimously.

MOTION by Mottola, second by Keck to approve the PBC meeting minutes dated 4-05-21.

MOTION approved unanimously.

MOTION by Mottola, second by Richardson to adopt Resolution No. PBC-2021-2 authorizing the sale of the Project (public library) to the City of Mulvane, Kansas on or about July 21, 2021.

MOTION approved unanimously.

RESOLUTION NO. PBC-2021-2

A RESOLUTION OF THE CITY OF MULVANE, KANSAS PUBLIC BUILDING COMMISSION APPROVING THE SALE OF A CERTAIN PROJECT FINANCED WITH THE PROCEEDS OF CERTAIN REVENUE BONDS OF THE COMMISSION; AND AUTHORIZING THE EXECUTION AND DELIVERY OF (1) A BILL OF SALE, AND (2) A TERMINATION AND RELEASE OF LEASE AND SITE LEASE.

MOTION by Mottola, second by Keck to adjourn the Public Building Commission meeting and reconvene as the Mulvane city council.

MOTION approved unanimously.

ENGINEER

1. Emerald Valley Estates Phase 2: Street Construction Agreement and Notice To Proceed:

On June 7th, the City Council approved awarding the Street and Storm Sewer Improvements for Emerald Valley Estates Phase 2 to Kansas Paving. The Agreement and Notice to Proceed is now ready for approval.

MOTION by Cardwell, second by Mottola that the City enter into a street and storm sewer construction agreement with Conspec Inc. (dba Kansas Paving) in the amount of \$351,856.30 and issue a Notice to Proceed with the work and authorize the mayor to sign.

MOTION approved unanimously.

2. Emerald Valley Estates Phase 2: Change Order # 1 – Mies Construction:

The Contractor has proposed a deduct change order in the amount of \$1,000 based on the reduction of seeding costs included in his bid. Pending approval of this change order, total sanitary sewer construction costs are as follows:

MOTION by Mottola, second by Keck to approve Change Order No. 1 to the Mies Construction Agreement Phase 2 Sanitary Sewer Improvements to serve the Emerald Valley Estates Addition.

MOTION approved unanimously.

3. Hidden Valley Addition – Change Order # 1 – Construction sewer main in N. Rockwood Heights:

On May 17th, the City Council approved a petition, developer's agreement and associated resolution and ordinance to extend a sanitary sewer in the North Rockwood Heights subdivision. This sewer would serve two (2) residential lots in the subdivision and one un-platted residential lot adjacent to the subdivision.

A change order has been prepared using the unit prices for 8" sewer pipe, manholes and service connections bid by McCullough Excavating for the Hidden Valley Sanitary Sewer Improvements project. The total amount of the change order is \$12,606.00. This cost will be paid 100% by the N. Rockwood Heights benefit district through special assessment property taxes. All cost will be account for separate from the Hidden Valley project.

MOTION by Mottola, second by Cardwell to approve Change Order No. 1 in the amount of \$12,606.00 to the McCullough Excavating contract for Hidden Valley Sanitary Sewer, Water Line and Storm Sewer Improvements to construct sanitary sewer in N. Rockwood Heights.
MOTION approved unanimously.

4. Project Review and Update:

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

City Clerk: None

City Administrator: None

City Attorney:

1. Executive Session:

MOTION by Keck, second by Mottola to recess the City Council meeting to an Executive Session for the purpose of discussing matters involving non-elected personnel for conducting the City Administrator's annual performance evaluation, for a period not to exceed fifteen (15) minutes to include the Mayor, City Council, City Administrator, and City Attorney and to return at approximately 9:05 p.m.

MOTION approved unanimously at 8:50 p.m.

MOTION by Mottola, second by Richardson to reconvene the regular City Council meeting at 9:10 p.m.

MOTION approved unanimously.

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

MOTION by Richardson, second by Cardwell that based on the positive evaluation outcome, to approve an increase to the annual salary of the City Administrator by 2.5%.

MOTION approved unanimously.

Consent Agenda Items 1 - 6:

MOTION by Mottola, second by Richardson to approve Consent Agenda items 1 - 6.

1. Payroll dated 6-11-21 (\$219,976.50)
2. May Warrant Register (\$694,301.30)
3. Wastewater Treatment Plant – approve the purchase of 30,000 lbs. of ferric chloride for \$7,410.50 and 30,000 lbs. of sodium hydroxide for \$8,028.50 at a total cost of \$15,439.00.
4. Public Works - Street Dept. – approve the purchase of Type II Chat for slurry sealing operations from *Williams Diversified Materials, Inc.* in the amount not to exceed \$20,000.00.
5. E. Mulvane St. Drainage – Pay App. #3 to H Excavating (\$34,889.67)
6. Emerald Valley Phase 2 – Pay App. #2 to Mies Construction (\$131,686.65)

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS, AND NEXT AGENDA ITEMS:

Wednesday, July 7th - next council meeting @ 7:30 p.m.

ADJOURNMENT:

MOTION by Richardson, second by Mottola to adjourn the City Council meeting at 9:12 p.m.

MOTION approved unanimously.

Minutes by:
Debra M. Parker, City Clerk