

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

May 2, 2022

7:30 p.m.

The Mulvane City Council convened at the City Building at 211 N. Second at 7:30 p.m. Presiding was Council President, Brent Allen, who called the meeting to order at 7:30 p.m.

Council Members Present: Kevin Cardwell, Tim Huntley, Amanda Ford, Brent Allen, and Nancy Farber Mottola.

Others Present: Mike Robinson, Debra Parker, Joel Pile, Kent Hixson, J.T. Klaus, Chris Young, William Saguto.

Pledge of Allegiance: All stood for the Pledge of Allegiance led by Council President Allen.

Approval of Regular Meeting Minutes Dated 4-18-2022:

MOTION by Mottola, second by Cardwell to approve the Regular meeting minutes dated 4-18-22.

MOTION approved unanimously.

Mayor Shelly Steadman arrived at 7:34 p.m.

Correspondence: None

Review and Closing of the Agenda: City Administrator, Kent Hixson, will discuss Wi-Fi in some city parks and the feral cat program under City Administrator Section.

Appointments, Awards and Citations:

Mayor Steadman read a proclamation declaring May 2nd as Arbor Day in Mulvane. Nancy Armstrong will be honored at the Arbor Day Celebration on May 3rd at 6:30 p.m. at Fairchild Park.

OLD BUSINESS

1. Public Hearing for Unsafe and Dangerous Structures at 603 E. Pearl and 602 E. Vine:

During the March 21, 2022, City Council Meeting, the council approved Resolution No. 2022-3 establishing May 2, 2022, as the date to conduct a public hearing for the owner(s), the owner's agent(s), and lienholders of record and any occupant(s) of 603 E. Pearl and 602 E. Vine to appear and show cause why such structures should not be condemned and ordered repaired or demolished.

If demolition or repairs are undertaken by the city, all costs of such repairs or demolition, including administration fees shall be charged against the real estate upon which the structure(s) are located and shall be a lien upon such real estate. The City Council must formally hold a public hearing to receive objections or complaints to the removal of unsafe or dangerous structures at 603 E. Pearl

and 602 E. Vine. A Notice of Public Hearing has been published and individual notices were mailed to the property owners of the time, date, and place of the public hearing.

Mayor Steadman asked if there was anyone present who wished to address the council regarding the removal of unsafe or dangerous structures at 603 E. Pearl and 602 E. Vine. The owner of the property, William Saguto, was present.

MOTION by Allen, second by Mottola to recess the 5-02-22 City Council meeting for a period of ten (10) minutes in order to hold a public hearing for the removal of unsafe or dangerous structures at 603 E. Pearl and 602 E. Vine.

MOTION approved unanimously at 7:36 p.m.

Mayor Steadman asked the City Council if any of them intend to disqualify themselves from hearing, discussing, and voting on this matter. There were none.

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

Mayor Steadman asked if the owner was present to show cause why the structures should not be condemned and ordered repaired or demolished. The owner, William Saguto, addressed the council. He agreed to the unsafe condition of the property and is working on removing the structures. Saguto indicated that 604 E. Vine was abandoned and should be removed by the end of May. The tenant at 603 E. Pearl still occupies the structure. Saguto has been trying to make contact with them about relocating. The tenant has been served, and Saguto should have possession of the property on May 9th. Saguto plans to have the structure removed by the end of July.

The council asked for confirmation of the address for 602 E. Vine. Saguto advised that 602 and 604 E. Vine are together. Council asked Saguto to return to council with updates on the removal. The structure at 602 and 604 E. Vine is to be removed by May 31st and Saguto will update the council on June 6th. The structure at 603 E. Pearl is to be removed by July 26th and Saguto will update the council on August 1st.

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

Mayor Steadman asked if any written communications or petitions had been received from the public. There were none.

There being no further comments on this matter, MOTION by Allen, second by Mottola to close the public hearing and reconvene the 5-02-22 City Council meeting.
MOTION approved unanimously.

NEW BUSINESS

1. Consideration of SU-2022-02: Special Use for Communications Tower:

Planning & Zoning Director, Joel Pile, reviewed this item with the Council. This is for a Special Use Permit for Nextlink to construct a 150' communications tower located at 1461 N. Greenwich Road to provide high speed internet service in the A-1 Agricultural Transition District.

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 Allen to receive and file an excerpt of the unapproved Minutes of the Planning Commission meeting of April 13, 2022, at which PC Case #SU-2022-02 was considered. The excerpt of the Minutes constitutes a written summary of the public hearing conducted by the Planning Commission.

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 any written communications or petitions, or written objections to the petition, had been received from the public and filed with the City Clerk. There were none.

The petitioner was not present to speak.

There being no further discussion on the proposed Special Use as specified in Case #SU-2022-02, MOTION by Mottola, second by Cardwell to accept the recommendation of the Planning Commission by concurring with their findings approving the requested special use as specified in Case #SU-2022-02, and to approve Ordinance Number 1559.

MOTION approved unanimously.

ORDINANCE NO. 1559

AN ORDINANCE APPROVING A SPECIAL USE FOR A 150' COMMUNICATIONS TOWER IN THE A-1 AGRICULTURAL TRANSITION DISTRICT ON CERTAIN LANDS UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY OF MULVANE, KANSAS.

2. Accept Dedications of SD-2022-01 - "Oh Hey" Estates Addition:

Planning and Zoning Director, Joel Pile, reviewed this item with the Council. This tract of land is located on the west side of S. Webb Road approximately ¼ mile North of 103rd St. S. in Sedgwick County. The total acreage of the plat is 16 acres with 3 lots. The proposed land use is for development of rural single-family residential homes.

The plat was reviewed by the Subdivision Committee on April 7, 2022, the committee recommended forwarding it to the Planning Commission for consideration and approval. The plat was reviewed by the Planning Commission on April 13, 2022, with action taken to approve the plat and recommend the City Council accept the dedications, if any, shown on the plat.

The governing body must agree to accept the dedications, if any, shown on the plat or refer the plat back to the Planning Commission. The plat will also be required to go before the Sedgwick County Commission for review and acceptance of any dedications.

MOTION by Mottola, second by Allen to accept all dedications shown on the plat of the Oh Hey Estates Addition and authorize the mayor to sign.

MOTION approved unanimously.

3. Accept Dedications of SD-2022-02 - Thomason Country View Addition:

Planning and Zoning Director, Joel Pile, reviewed this item with the Council. This tract of land is located on the east side SE Blvd. (K-15) and ½ mile south of 95th St. S. in Sedgwick County. The total acreage of the plat is 10.67 acres and is 1 lot. The proposed land use is for development of a rural single-family residential home.

The plat was reviewed by the Subdivision Committee on April 7, 2022, the committee recommended forwarding it to the Planning Commission for consideration and approval. The plat was reviewed by the Planning Commission on April 13, 2022, with action taken to approve the plat and recommend the City Council accept the dedications, if any, shown on the plat. Access to this property will be from the frontage road.

The governing body must agree to accept the dedications, if any, shown on the plat or refer the plat back to the Planning Commission. The plat will also be required to go before the Sedgwick County Commission for review and acceptance of any dedications.

MOTION by Cardwell, second by Ford to accept all dedications shown on the plat of the Thomason Country View Addition and authorize the mayor to sign.

MOTION approved unanimously.

4. Transient Guest Tax Application for Ks. High School Rodeo State Finals:

City Administrator, Kent Hixson, reviewed the application and budget with the council.

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

MOTION approved unanimously.

5. Reinstatement and Amendment to T-Mobile (Sprint/PCS) Site Agreement:

It came to the attention of staff that the 1996 PCS Site Agreement expired on April 15, 2021. T-Mobile (the successor in interest to PCS) was notified about the lapse and the parties agreed to reinstate and amend the Agreement. The parties have negotiated and agreed to terms of a Reinstatement and First Amendment to PCS Site Agreement.

T-Mobile equipment is installed on the Mulvane water tower under the Agreement. T-Mobile (Sprint/PCS) has continued to make required rental payments and has made no indication of a desire to remove the equipment at this time. As of April 16, 2021, rent due to the city increased to \$800.00 per month. Each Renewal Term thereafter, the rent will increase by 10%. Additionally, the Amendment adds a termination right for the City where there previously was none and modifies the indemnity provision to align with Kansas law. The City Attorney has negotiated the Amendment and recommends execution.

Council asked about placement of additional equipment on the tower. This is not specified in the agreement, but the lease is broad enough to cover it.

MOTION by Allen, second by Huntley to approve the First Amendment to the PCS Site Agreement and authorize the mayor to sign.

MOTION approved unanimously.

ENGINEER

1. Rock Road Mill and Overlay – Engineering Services Agreement:

City Engineer, Chris Young, reviewed this item with the council. The City of Mulvane owns, maintains, and operates Rock Rd. from just north of 103rd Street South to K-15. This portion of Rock Rd. consists of 4-lanes of asphalt street with curb & gutter and storm sewer inlets. Maintenance of Rock Rd. typically includes pavement patching and crack sealing and periodic asphalt overlays.

Asphalt overlays are performed periodically to extend the life of bituminous pavements. Over time oils in the pavement surface wear away causing aggregates to detach from the pavement mix. Milling and overlaying existing surfaces also improves driving conditions by removing wheel ruts. The Rock Rd. mill & overlay project would rehabilitate an estimated 40,480 SY of existing asphalt pavement.

City staff recommends bidding the work to local paving contractors. Bid documents would include field surveys and mapping to identify the limits of the work, estimate material quantities, and would provide prospective bidders with a Bid form, Bond forms, General and Special Conditions and material specifications.

A preliminary opinion of project costs for the Rock Rd. mill & overlay project is \$973,000. These costs would include construction and materials, traffic control, material testing, construction administration and oversight and the preparation of bid documents. Funding for the project will be from the recently approved sales tax.

Engineering fees proposed total \$60,330, including “Field Surveys and Mapping” (\$26,250) and “Bid Documents, Construction Administration and Oversight” (\$34,080).

Council had questions about closing Rock Rd. This will be addressed in the plans for the project.

MOTION by Mottola, second by Ford that the city enter into an engineering services agreement with Young & Associates, PA. for Design and Construction Oversight for the Rock Road Mill & Overlay project as presented.

MOTION approved unanimously.

2. Sewer Main A – Review Design Alignment and Sewer Easements:

City Engineer, Chris Young, reviewed this item with the Council. Young reviewed the proposed Sanitary Sewer map and answered questions. Sanitary Sewer Main “A” is one of the City’s two primary sewer collection lines serving areas east of Rock Road and north of K-15.

In 2001 the city performed a study of the City’s sanitary sewer collection system. Recommendations were made to increase sewer pipe sizes along Main “A” and to install a sewer by-pass line in Charles St. The 2001 study was updated in 2021 including performance modeling that confirmed the need to make immediate improvements to the sewer collection system. In May of 2021, the city developed a plan to finance Main “A” improvements and directed City staff to initiate the design phase of the project.

Field surveys and design plans have been completed for the project. Plans have been submitted to BNSF representatives for review and permitting of the proposed sewer crossing of the railroad (north of Bridge St.). Preliminary alignments have been approved by BNSF for the crossing, and City Administrative staff is working with BNSF officials on insurance and permit requirements and fees. KDHE is performing a preliminary review of the project as the city completes final bid documents and easements. Final bid plans will be sent to KDHE with the final Sanitary Sewer Extension Permit Application.

The project is divided into two lines; SS Line No. 1 extends from the WWTP to the intersection of K-53 and June Ave; SS Line No. 2 extends from the intersection of K-53 and Boxelder to the north side of the Settlers Addition. Line No. 1 is contained within existing City owned land. Line 2 generally follows the existing sewer alignment but will require crossing (7) private property ownerships.

The alignment will go through Main Street Park. The city will need to unbolt and remove the seats in Main Street Park for this project. Work is anticipated to be from July 2022 to February 2023. Contractors will work around the dates for Mulvane Old Settlers.

Preliminary Sanitary Sewer Easement documents have been prepared based on property ownerships provided from Sedgwick and Sumner County GIS records. City staff recommends obtaining these easements before initiating the bid phase of the project. The current project schedule proposes to begin bidding the project in late May of this year.

In May of 2021, the City Council approved an ordinance authorizing financing for the project at an estimated cost of \$2,825,435. Cost opinions for the project have been updated based on design plans dated, April 25, 2022, at an estimated cost of \$3,045,819 due to price increases in oil, fuel, and materials.

Staff recommends working with the City Attorney to obtain easement agreements as needed. Draft terms and conditions would include provisions for restoring private properties to their original conditions (by Sewer Contractor).

3. Project Review and Update:

City Engineer, Chris Young, reviewed the status of the current projects which include: Pool Re-Painting is complete, Rock Road Sewer Lift Station Abandonment is on hold, Styx Creek Flood Mitigation-BRIC grant is pending.

City Clerk: None

City Administrator: Public Safety Director, Gordon Fell, addressed the council about obtaining Wi-Fi at the Sports Complex and Main Street Park. This could provide streaming service as well as monitoring property. City Administrator, Kent Hixson, reviewed the Feral Cat program with the council. Trapped cats can be brought to City Hall on Monday – Thursday. After being treated at the vet, cats will be returned to the same area they came from.

City Attorney: None

Consent Agenda Items #1 - 3:

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

1. Payroll dated 4-29-22 (\$226,667.83)
2. City Utility Bills (\$22,500.61)
3. Wastewater Treatment - Approve the purchase of 50,000 lbs. of ferric chloride for \$15,832.00 and 50,000 lbs. of sodium hydroxide for \$17,352.00 at a total cost of \$33,184.00 from Brenntag, Inc.

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS, AND NEXT AGENDA ITEMS:

Monday, May 16th - next council meeting @ 7:30 p.m.

ADJOURNMENT:

MOTION by Mottola, second by Allen to adjourn the City Council meeting at 8:52 p.m.

MOTION approved unanimously.

Minutes by:
Debra M. Parker, City Clerk