

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

August 1, 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 Mayor Shelly Steadman, who called the meeting to order at 7:30 p.m.

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

Others Present: Mike Robinson, Debra Parker, Kent Hixson, J.T. Klaus, Chris Young, Gordon Fell, Rachael Blackwell, Kyle McClellan, Kevin Baker, Ticia Herd, Catherine Parker, Alex Schonlau, Alicia Gibson, Brittani Forgey.

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

Approval of Regular Meeting Minutes Dated 7-18-2022:

MOTION by Mottola, second by Huntley to approve the Regular meeting minutes dated 7-18-22. MOTION approved unanimously.

Correspondence: Councilmember Mottola was notified by citizens regarding the possible mill levy increase.

Review and Closing of the Agenda: None

Appointments, Awards and Citations: Mayor Steadman presented Kyle McClellan with a 20-year service award and thanked him for his service.

OLD BUSINESS

None

NEW BUSINESS

1. Wine and Beer Festival Resolution:

Brittani Forgey with the Mulvane Recreation Commission reviewed the Wine and Beer Festival with the council and answered questions.

MOTION by Huntley, second by Ford to approve Resolution No. 2022-13 authorizing the issuance of a special event on City property in connection with the 2022 Wine & Beer Festival allowing the sale and service of alcoholic liquor at the Mulvane Sports Complex by the Mulvane Recreation Commission on the evening of September 24, 2022.

MOTION approved unanimously.

RESOLUTION NO. 2022-13

A RESOLUTION OF THE CITY OF MULVANE, KANSAS, AUTHORIZING A SPECIAL EVENT ON CITY PROPERTY IN CONNECTION WITH THE SALE AND SERVICE OF ALCOHOLIC LIQUOR WITHIN THE CITY LIMITS AND STREET CLOSING.

2. Franchising Trash Service - one waste hauler for entire city:

Catherine Parker was present to ask the council to consider franchising solid waste collection in the city. Parker reviewed some benefits to having one trash hauler.

- Reduce the monthly service fee for customers.
- Reduce the wear of city streets from multiple trash trucks.
- City could specify more recycling services from the trash hauler.
- Safety concerns.

Council discussion included - If a trash charge could be put on the customer's monthly utility bill, how it would affect customers current trash contracts, allowing customers to have a choice of provider, promoting small business owners, additional administrative work for staff.

City Attorney, J.T. Klaus, advised if the council wished to proceed, an RFP would be sent to prospective companies indicating the number of residential homes to be included in the contract. The cost per customer would be less, however, this takes a significant amount of legal work.

Mottola and Cardwell did not feel the city should mandate a trash hauler. Huntley liked the idea, and Ford was interested in a lower cost but wanted the customers to have a choice. Mayor Steadman was interested in saving people money and reduce the wear on the streets. It was the consensus of the council to discuss this at the next council meeting with a full council.

3. Property at 1491 N. Broadway – Condemnation of Unsafe Structure:

On June 26th, 2022, the property at 1491 N. Broadway experienced a fire which severely damaged the structure. During an exterior inspection of the property on July 7, 2022, it was determined the structure at 1491 N. Broadway was unsafe and dangerous. The structure is in a severe state of disrepair and should be demolished. Demolition should include knocking down the remaining structure, removal of debris, and leveling of the site.

This property is on the SW corner of Hwy 81 and Hwy 53. This property is in the City limits by virtue of the cooperation of the landowner for the annexation of the Casino. If demolition is undertaken by the city, all costs of the demolition shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Council asked if the city is required to put a lien on the property. City Attorney, J.T. Klaus, indicated this is not a requirement. Public Safety Director, Gordon Fell, indicated that the property owner was not interested in demolishing the property himself, so the City will be responsible for the removal.

MOTION by Mottola, second by Ford to receive and file the report from the Planning & Zoning Administrator.

MOTION approved unanimously.

MOTION by Cardwell, second by Mottola to adopt Resolution No. 2022-14 fixing the 19th day of September, 2022 at 7:30 p.m. in the City Council room at City Hall as the date, time and place for the owner(s), the owner's agent(s), any lienholders of record and any occupant(s) 1491 N. Broadway to appear and show cause why such structure should not be condemned and ordered repaired or demolished.

MOTION approved unanimously.

RESOLUTION NO. 2022-14

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING NOTICE OF A PUBLIC HEARING BEFORE THE GOVERNING BODY OF THE CITY OF MULVANE, KANSAS, AT WHICH THE OWNERS, THEIR AGENTS, ANY LIENHOLDERS OF RECORD AND ANY OCCUPANTS OF THE STRUCTURES LOCATED ON THE PREMISES DESCRIBED HEREIN, MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURES SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A PUBLIC NUISANCE, DANGEROUS OR UNSAFE STRUCTURES.

4. Review proposals for annual city audit:

Every four years city staff develops a Scope of Service and Request for Proposal to perform the annual city audit. In May we sent this information to eight (8) CPA firms. Two (2) firms sent letters declining the opportunity to submit a proposal, five (5) firms did not respond, and one (1) firm (FORVIS, LLP) submitted a proposal. It was noted that an RFP was received from GBN (our current auditor) on July 8th after the June 30th deadline.

The proposal requested bids for four years.

2022 Audit	\$37,750
2023 Audit	\$40,395
2024 Audit	7% increase (Approx. \$43,220)
2025 Audit	7% increase (Approx. \$46,250)

Council asked about how we guard ourselves if they do not meet the expectations of our needs. Termination of service is an option.

MOTION by Huntley, second by Ford to accept the proposal from FORVIS, LLP to provide the annual city audit services through the 2025 annual audit with funds available in the Budget and Audit Services line item in the Administration, Electric, Water and Wastewater annual budgets and authorize the mayor to sign.

MOTION approved unanimously.

City Attorney, J.T. Klaus, advised that FORVIS was formally BKD. The reason the City does not receive many bids is because of the Annual Comprehensive Financial Report (ACFR) reporting. Few auditors will provide this service.

5. Senior Center – Renew Meals on Wheels Agreement with Sedgwick Co. Aging Projects:

Mayor Steadman advised that she is an employee of Sedgwick County. She will receive no financial benefit in connection with any contracts or agreements related to the operation of the Mulvane Senior Center. She will have no comment on the agenda item.

The Mulvane Senior Center provides meals daily, both at the Center and carry-outs for our homebound seniors. The Facility Agreement is between Aging Projects, Inc. Meals on Wheels/Friendship Meals (API) and Mulvane Senior Center. The city provides a place and equipment to use for the Meals on Wheels program. The Center is open every day at a minimum from 10:00 a.m. to 1:00 p.m., excluding holidays as listed in the Agreement.

MOTION by Huntley, second by Cardwell to approve and enter into a Facility Agreement between the Mulvane Senior Center and Aging Projects, Inc. for the 2022-2023 Meals on Wheels/Friendship Meals program and authorize the Mayor and City Clerk to execute.

MOTION approved unanimously.

ENGINEER

1. Rock Road Mill & Overlay:

The Rock Road Mill & Overlay project will rehabilitate an estimated 39,000 SY of existing asphalt pavement. On July 11th bid documents were advertised to local Paving Contractors experienced in asphalt milling & overlay work. Contractor bids were received on July 26th and read aloud at City Hall.

Three bids were submitted as follows:

	<u>Total Bid</u>
Conspec, Inc. (dba Kansas Paving).....	\$ 639,547.50
APAC-Kansas, Inc., LLC.....	\$ 668,153.55
Cornejo & Sons, LLC.....	\$ 746,722.50

In June of 2021, the City contracted with Kansas Paving to construct street and storm sewer improvements in the Emerald Valley Estates subdivision. In the early stage of the project Kansas Paving requested to suspend all work due to storm sewer material delays. City staff was not supportive of the work suspension since there were other items of work that could be performed while waiting on storm sewer materials. The Contractor's response included threatening litigation and pulling equipment off the project. Repeated requests for construction schedules were ignored and the paving work was completed approx. 60-days late.

The Emerald Valley paving project constructed approx. 3,784 SY of 2-lane residential pavement. The proposed Rock Road project will mill & overlay approx. 39,000 SY of 4-lane arterial pavement and is one of the City's main thoroughfares. Due to the high traffic volumes on Rock

Road and overall importance of this transportation route, City staff believes the Contractor's responsiveness, efficiency, and ability to perform the work without delay should be an important consideration in selecting the Contractor.

The second lowest bid was submitted by APAC-Kansas. APAC has performed a number of paving projects in Mulvane, including the recently completed streets in the Hidden Valley subdivision. During the Hidden Valley project APAC provided a number of schedule updates, were responsive to requests for information and completed the project on time.

The bid received from APAC-Kansas is approx. \$97,949.45 under the estimated construction costs for the project. APAC's bid is \$28,606.05 above the low bid submitted by Kansas Paving.

Council discussed the past experiences with Conspec, Inc (dba Kansas Paving). Council discussed the importance of this project and the impact it would have. Scheduling is going to be important and is key to traffic control. Communication is vital. Council felt the length of time to complete this project was important.

City Attorney, J.T. Klaus, reviewed the risks associated with not accepting the low bid. Due to the bad past experience, incomplete bid (no subcontractors listed for previous project), not a good working relationship, they argued from day one - no compromise, wanting to put a stop work order on previous project because of supply chain issues instead of working on other phases of the project, lack of communication, never receiving a work schedule, the late completion of previous work, the city did not assess liquidated damages, staff did not like working with them, and other issues addressed, the council wished to not accept the bid from Conspec, Inc (dba Kansas Paving).

MOTION by Mottola, second by Cardwell that because of points previously presented, that the City issue a Notice of Award to APAC-Kansas, the second lowest bidder, for the Rock Road Mill and Overlay Project and authorize the City Administrator to sign.

MOTION approved unanimously.

2. Project Review and Update:

City Engineer, Chris Young, reviewed the status of the current projects with the council which include – Main "A" Sanitary Sewer Improvements, Rock Road Sewer Lift Station Abandonment, Styx Creek Flood Mitigation, and Rock Road Mill & Overlay.

Main "A" Sanitary Sewer Improvements - Waiting on one easement acquisition.

POWER OUTAGE ALONG K-15:

Public Works Director, Kevin Baker, briefed the council on the power outage that affected some residences and businesses along K-15 over the weekend. Council would like to be briefed on any incident in town. This allows the council to be aware of an incident and provide better information to citizens. The chain of communication was discussed and suggestions made. City Attorney, J.T. Klaus, asked about installing some equipment to help locate a power outage. Baker advised once the problem is found, fixing it is sometimes lengthy. Baker will work on a solution to improve communication and implement a form to track the frequency and location of power outages.

2023 CITY BUDGET – Workshop:

Finance Director, Rachael Blackwell, presented the draft budget to the council. Blackwell reviewed the budget on the state forms and answered questions. Issues that impact the budget are the casino property tax reduction and repayment of the PMIB loan along with inflationary pressures driving the cost of city operations. Council had suggestions to help keep the mill levy down. Staff is recommending a mill levy increase of 10.982 mills (from 46.604 up to 57.586). It was the consensus of the council to proceed with the suggested increase.

City Clerk: None

City Administrator: None

City Attorney: None

Consent agenda items 1 - 5:

MOTION by Mottola, second by Cardwell to approve Consent Agenda items 1 - 5.

1. Payroll dated 7-22-22 (\$247,604.43).
2. Wastewater Treatment Plant – Purchase of Sodium Hydroxide and Ferric Chloride from Brenntag at a total cost of \$25,746.00.
3. Street Dept. – purchase of 5,600 gallons of CSS-1H road oil from Vance Brothers in the amount of \$19,577.75.
4. Purchase of four (4) light poles with arms and all the accompanying hardware from Consolidated Electric in the amount of \$16,177.35.
5. City Utility Bills (\$21,642.73).

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS, AND NEXT AGENDA ITEMS:

Monday, August 15th – next regular council meeting @ 7:30 p.m.

ADJOURNMENT:

MOTION by Mottola, second by Cardwell to adjourn the city council meeting.

MOTION approved unanimously at 9:46 p.m.

Minutes by:
Debra M. Parker, City Clerk