

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

December 21, 2015

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 Farber Mottola, Kevin Cardwell, and Jenean Keck.

Others Present: Kent Hixson, Mike Robinson, Debbie Parker, J.T. Klaus, Chris Young of Young & Assoc., Dave Williams, Ray Fleming, Jeff Capps and John Coughlin of the Zayo Group, Kent Munster of CEP Architects, and Brent Allen.

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

Approval of Regular Minutes Dated 12-07-15: Johnson pointed out that the Postage Meter Rental Agreement should state "\$80.50 per month for the next 63 months". With that correction, MOTION by Johnson, second by Richardson to approve the Regular meeting minutes dated 12-07-15.

MOTION approved unanimously.

Correspondence: None

Review and Closing of the Agenda:

Mayor Steadman asked if there were any additions to the agenda?

- City Administrator added Tyler Tech invoice in the amount of \$9,876.22 as item 7 on the Consent Agenda.

Appointments, Awards and Citations: None

Old Business- None

New Business

Pole Attachment Agreement with Zayo Group:*City attorney presented*

On 5-15-15, the City approved a telecommunications franchise agreement from the Zayo Group, LLC ("Zayo"). Zayo provides bandwidth infrastructure to wholesale carriers and enterprises. Zayo does not provide any residential, cable or video service. Under the franchise agreement, Zayo proposes to install, own and operate a fiber optic telecommunications network within the City's public right-of-way. The City grants Zayo a non-exclusive franchise to construct, maintain, extend and operate telecommunications facilities along, across, upon, or under the

City's public right-of-way, (2) for a term of two years for eight automatically renewable terms, and (3) for a franchise fee payable to the City of 5% of all Gross Receipts collected from within the corporate boundaries of the City.

As part of the Franchise Agreement, Zayo has requested a Pole Attachment Agreement governing their rights to attach their fiber to the City's power poles existing within the right-of-way. The terms for pole attachment are that (1) City grants the rights to attach to City poles in accordance with accepted standards/clearances for attachment of other utilities to power poles (2) Rent will be paid annually to the City (currently \$7.50 per pole per year for each attachment)(3) Zayo will have to engineer, construct and install all improvements necessary to attach new wires (bolts, guys and new poles, if necessary) (4) City will provide poles for any necessary work at 1.2 times its cost to the City, and (5) Pole attachment agreement and license will run co-terminus with the franchise.

MOTION by Richardson, second by Johnson to approve the Pole Attachment License Agreement with Zayo Group, LLC and authorize the Mayor to sign.
MOTION approved unanimously.

Public Safety Department – Purchase a new server& equipment for Dispatch Center.

Public Safety Director presented.

MOTION by Mottola, second by Richardson to approve the quote from DELL for a new Power Edge T630 server, networking switch, backup system, and a rack to hold the equipment in the total amount of \$21,616.01.

MOTION approved unanimously.

Alcohol & Drug Grant Program Renewal: *City Administrator presented*

The State collects a tax on the sale of alcohol in Mulvane. The State Treasurer disburses a portion this alcohol tax to the City each quarter. According to Ks. Statute 79-41a04: (Local alcoholic liquor fund; distribution of moneys) once a city reaches 6,000 in population (Mulvane is 6,100), the Local Alcohol Tax must be distributed evenly into three City funds: The General Fund, Special Parks & Recreation and Special Alcohol & Drug Fund.

In 2013, 2014, and 2015 the council approved a program for disbursement the Special Alcohol & Drug Fund monies in the form grants.

MOTION by Johnson, second by Keck to renew the Special Alcohol and Drug fund grant program in 2016 for the purpose of funding alcohol and drug prevention programs in the community and to accept applications for these funds for review by the city council.

MOTION approved unanimously.

Resolutions & Ordinances

Resolution Directing Nuisance Abatement:*Building Inspector & City Attorney presented.*

The mobile homes located at 605 and 609 E. Pearl are abandoned and dilapidated beyond repair. Both are considered uninhabitable and the cost of renovation is well beyond the worth of the homes. The mobile homes are not owned by the property owner, but the property owner is ultimately responsible for the maintenance. No identification numbers can be found on either mobile home. The City has used the Uniform Public Offense Code to require mobile homes to be removed in the past, because they are considered personal property and do not meet the criteria for using the Building codes for condemnation.

Motion by Richardson, second by Johnson to approve Resolution No.2015-16 accepting the Statement of the Building Official and Zoning Administrator and directing the issuance of an order to abate nuisances.

City attorney pointed out that in Section 2, it should read “ten (10) days to remove and abate the nuisance”.

MOTION approved unanimously.

RESOLUTION NO. 2015-16

A RESOLUTION ACCEPTING THE STATEMENT OF THE BUILDING AND ZONING ADMINISTRATOR AND DIRECTING THE ISSUANCE OF AN ORDER TO ABATE A NUISANCE.

Public Building Commission December 21, 2015

MOTION by Mottola, second by Richardson to recess the City Council Meeting and convene as the Mulvane Public Building Commission. MOTION approved unanimously.

MOTION by Mottola second by Richardson to approve the Public Building Commission Meeting Minutes dated 12-07-15. MOTION approved unanimously.

Kent Munster of CEP Architects explained the furnishing bids for the library to the council.

MOTION by Keck, second by Mottola to approve;

1. Approve CEP Invoice # 24 in the amount of \$4,134.13.
2. Approve Terracon Invoice in the amount of \$307.10.
3. Approve Group 1 furnishing bid from John A. Marshall Company including delivery and installation in the amount of \$ 61,177.33.
4. Approve Group 2 furnishing bid, from Scott Rice Office Interiors including delivery and installation in the amount of \$38,095.00.
5. Approve Group 3 furnishing bid from John A. Marshall Company including delivery and installation in the amount of \$135,291.37.

6. Approve Group 4 furnishing bid from Midwest Storage/Southwest Solutions including delivery and installation in the amount of \$113,572.00.
7. Approve authorizing \$1,500 for the purchase of miscellaneous items (trash/recycling containers and wall clocks) directly by the library as part of the furnishings expenditure.

MOTION approved unanimously.

MOTION by Richardson, second by Keck to adjourn the Public Building Commission meeting and reconvene the regular City Council meeting of December 21, 2015. MOTION approved unanimously.

Minutes by Debbie Parker, Secretary

Engineer's Report/Project Review and Update:

Chris Young gave a brief update on city projects.

City Clerk: Nothing at this time.

City Administrator: Nothing at this time.

City Attorney: Nothing at this time.

Consent Agenda:

MOTION by Richardson, second by Keck to approve the Consent Agenda as follows:

1. Employee Payroll dated 12-18- 15 (\$178,756.29).
2. Warrant Register for November (\$977,844.41)
3. Wastewater Treatment Plant – the purchase of 48,000lbs of ferric chloride for \$9,092.50 and 22,500lbs of sodium hydroxide for \$4,390.00 at a total cost of \$13,482.50.
4. Tyler Tech invoice for software conversion - \$5,956.09
5. Tyler Tech invoice for software conversion - \$8,500.00
6. Tyler Tech invoice for software conversion - \$8,971.05
7. Tyler Tech invoice for software conversion - \$9,876.22

MOTION approved unanimously.

Announcements, Meetings and Next Agenda Items:

- City hall will be closed Dec. 24th & 25th.

Adjournment:

MOTION by Richardson, second by Johnson to adjourn at 8:07 p.m. MOTION approved unanimously.

Debbie Parker, City Clerk

