

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

April 18, 2016

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, Kevin Cardwell, Nancy Farber Mottola and Jenean Keck.

Others Present: Kent Hixson, Dave Williams, Kevin Baker, Mike Robinson, J.T. Klaus, Brad Modlin, Chris Young of Young & Assoc., Shanna Smith, Library Director, Rick Wise of CEP Architects, Dan Clements and Brian Myer of Burns-McDonnell, Jeremy Gossett, members of Boy Scout Troop 888.

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

Approval of Regular Minutes Dated 4-04-16:

MOTION by Johnson, second by Mottola to approve the Regular meeting minutes dated 4-04-16.
MOTION approved unanimously.

Correspondence: None

Review and Closing of the Agenda:

Mayor Steadman asked if there were any additions to the agenda? No additions.

Appointments, Awards and Citations:

1. Arbor Day Proclamation – Mayor Steadman read the proclamation designating April 19th as Arbor Day in Mulvane
2. John Wells is retiring this month. John was given a Certificate of Appreciation for 23 years of service to the City.

Old Business

Old Library Building – Select Color of Shingles

The old library building will be re-roofed in May. The council needs to select the color of the shingles. Motion by Mottola, second by Keck to select the Desert Sand colored Heritage shingles to reroof the old library building.

MOTION approved unanimously.

New Business

Backyard Beekeeping Special Permit Application – 530 Olive Ct.:

City Code (Section 205.140) allows for the keeping of bees. The owner must obtain a special permit to keep bees. City staff developed regulations, guidelines and an application for a special permit for keeping bees.

Jeremy Gossett was present to request to be allowed to keep bees in one (1) hive at the property at 530 Olive Ct.

Motion by Richardson, second by Mottolato approve the application submitted by Jeremy Gossett for the property at 530 Olive Ct. in Mulvane for the purpose of keeping bees as allowed by City Code (Section 205.140) and in compliance with all City regulations and guidelines.

MOTION approved unanimously

Dedications of Parsons 1st Addition Final Plat:

Sedgwick County has allowed cities to have subdivision authority outside the city limits in a specified area. Mulvane's authority goes east to 127th street at its farthest point. It extends west to Hillside at its furthest point, and north to 95th Street. In this specified area, Mulvane's Subdivision Regulations apply.

The Parson 1st Addition plat is planned to have a single family dwelling constructed on it. It is ten acres in size. It is located north of 103rd St. South. Mulvane's Subdivision Regulations require a property to be platted if a property is going to be used for residential purposes and less than 20 acres in size. With the subject property being outside the city limits, it has to meet the County zoning and sanitary codes, and the structure will be inspected by the County.

The Mulvane Planning Commission approved the plat at the April 14th meeting and it now comes to the Council to accept the dedications. The dedications of a plat can include road rights of way, utility and drainage easements access controls etc. The plat grants the road right of way to the County and utility easements to the utility companies. Once the plat is considered by the Council, it will have to go to the Sedgwick County Commission to accept the dedications as well.

Motion by Keck, second by Richardson to accept the dedications of the Parson 1st Addition Final Plat. MOTION approved unanimously.

Ambulance Service – Revolving and Assistance Fund (KRAF) Grant& Purchase of a Monitor:

With the addition of the fourth ambulance, the EMS needs a fourth monitor to match what EMS currently uses. (Easier to train the medics). Staff submitted a grant request to the Kansas Board of EMS Revolving and Assistance Fund (KRAF). The City was notified on 4-05-16 that we were awarded a grant in the amount of \$19,958.14 for the purchase of a Zoll X Series Manual Monitor.

This grant will reduce City cost to outfit Ambulance 453 that we received from Belle Plaine EMS earlier this year. The Zoll X series will enable paramedics to move from one truck to another with the same equipment on board. No additional training will be necessary.

Total cost for the Zoll monitor is \$34,410.59. The grant will pay \$19,958.14 leaving the city with the remainder of \$14,452.45. Money is available in the EMS budget.

Motion # 1 by Keck, second by Richardson to accept the grant from Kansas Board of EMS Revolving and Assistance Fund (KRAF) in the amount of \$19,958.14.

MOTION approved unanimously.

The purchase of one Zoll X Series Manual Monitor was tabled until the 5-02-16 meeting in order to do more research on other monitoring equipment.

Resolutions & Ordinances

Resolution to Terminate Hydro-Pooling Contract with Kansas Municipal Energy Agency:

Carl Myers of the Kansas Power Pool was present to address these issues.

The City of Mulvane is a hydro power customer of the Southwestern Power Administration (SWPA – a federal hydropower marketing agency). Since 1994, the City's hydropower "allocation" has been incorporated into a hydropower pooling contract between the City and the Kansas Municipal Energy Agency (KMEA). As the administrator of the allocation, KMEA contracted with SWPA for the delivery of the allocations for Mulvane.

The hydropower pooling contract imposes an administration fee (\$3,256.00/yr.) paid to KMEA. That fee can be avoided by allowing the Kansas Power Pool (KPP) to provide future administration of the same allocation held by the City. SWPA is agreeable to the change as.

Charges are paid by KPP and are then socialized among the entire KPP membership. With the changes as contemplated, these charges will be entirely avoided, and will not be substituted with new administrative charges.

The SWPA monthly billing will go to the City and an electronic copy to KPP who will pay the bill on behalf of the City.

Because the City is a party to the KPP Operating Agreement (which pools all Mulvane resources) a hydro pooling agreement is not needed with KPP; however, a power sales contract between the City and SWPA is needed to replace the power sales contract between SWPA and KMEA. These changes as contemplated do not change the mutual obligations with SWPA as they currently exist except that the City will need to alert SWPA that KPP will be the scheduling agent.

Motion # 1: by Mottola, second by Cardwell to approve Resolution No. 2016-6 to terminate the pooling contract with Ks. Municipal Energy Agency.

MOTION approved unanimously.

Motion # 2: by Mottola, second by Keck to approve Resolution No. 2016-7 authorizing the execution of the Power Sales Contract with the Southwestern Power Administration.

MOTION approved unanimously.

Resolution for Special Event and Temporary Liquor License for the Doc Sunback Film Festival:

Nancy Mottola, as the applicant, recused herself from discussion and the vote on this issue due to a conflict of interest.

The Kansas legislature has authorized the issuance of "temporary permits" to sell alcohol in varying capacities since 1987.

The Doc Sunback Film Festival, Inc. has approached the City for a Temporary License to sell liquor in the Cobb Family Historical Park in connection with a community screening event to be held on Saturday, April 30, 2016 from 8 p.m. to 12:00 midnight.

Doc Sunback Film Festival, Inc. has a Temporary License for sale of Liquor at 220 W. Main St. (more properly described as 300 W. Main St.), which is valid during the proposed Special Event.

Consumption of alcohol on City property is illegal in the City, unless the City Council designates an exemption by Special Event. Cobb Family Historical Park is a City park owned by the City. The ABC Director has granted a temporary permit to Doc Sunback Film Festival, Inc. for the proposed Special Event. The City Council can, approve a Special Event and temporary permit, which would make the Special Event “legal” within the meaning of the Code, which currently requires all such operations simply to be designated as Special Events and issued a Temporary License.

A Special Event allowing alcohol to be sold and consumed on City property must be approved by Resolution.

Motion by Keck, second by Richardson to approve Resolution No.2016- 8authorizing the issuance of a special event on City property in connection with the issuance of a Temporary License to sell and serve alcoholic liquor within the City limits to Doc Sunback Film Festival, Inc. to sell and serve alcoholic liquor in Cobb Family Historical Park on the evening of April 30, 2016. For the rain date, a new application must be submitted. Motion approved 4 – 0.

Public Building Commission

Motion # 1 by Mottola, second by Richardson to recess City Council meeting and convene as the Mulvane Public Building Commission.
MOTION approved unanimously.

Motion # 2 by Keck, second by Mottola to approve the Public Building Commission meeting minutes dated 4-04-16
MOTION approved unanimously.

A representative of CEP, Rick Wise, reviewed the proposal for the interior security system.

Motion # 3 by Richardson, second by Mottola to approve Change Order 16 (in the amount of \$1,600.00) which allows WHH to install wiring for addition of interior building intrusion detection and video surveillance system in the new Library.
MOTION approved unanimously.

Motion # 4 by Richardson, second by Mottola to approve Change Order 17 (in the amount of \$8,924.25) which allows WHH to include the addition of interior building intrusion detection, interior building video surveillance system in the new Library and grants the requested additional 21 contract days.
MOTION approved 3-2.

Motion # 5 by Johnson, second by Mottola to approve CEP Architects invoice # 27 in the amount of \$2,555.18 and CEP Invoice # 28 in the amount of \$2,555.18.
MOTION approved unanimously.

Motion # 6 by Johnson, second by Keckto approve Walz-Harman pay application # 12 in the amount of \$288,651.47
MOTION approved unanimously

Motion # 7 by Keck, second by Mottola to approve payment to Awe Digital Learning Solutions for Early Literacy Station in the amount of \$2,700.00

MOTION approved unanimously

Motion # 8 by Cardwell, second by Johnson to approve payment to South Central Kansas Library Systems for Computers & Software in the amount of \$33,628.56.

MOTION approved unanimously

Motion # 9 by Mottola, second by Cardwell to adjourn as the Mulvane Public Building Commission and reconvene the Mulvane City Council meeting.

MOTION approved unanimously

Engineer's Report/Project Review and Update:

Chris Young of Young & Associates updated the council on GIS mapping of city utility, new library construction progress, E. Mulvane Street drainage project, Cedar Brook 2nd Addition, Hunters Pointe Addition and the Villa Maria senior housing project drainage plan review.

Water Well Project:

Daniel Clement of Burns & McDonnell Engineers presented this issue.

The City currently has three water wells on the east side of the Arkansas River (Wells 1 through 3) and two wells located on the west side (Wells 4 and 5). The wells east of the River offer a limited amount of production capacity due to their age. In addition, the quality of water produced from those wells requires that it be blended with other sources. In order to treat the groundwater from Wells 1 through 3, a raw water pipeline would have to be constructed to the City's new Reverse Osmosis water treatment plant (ROWTP) located west of the Arkansas River. This endeavor would involve multiple miles of raw water pipeline, a pipeline boring under the river, repair or reconstruction of existing well houses, and ultimately re-drilling of Wells 1 through 3. This means without restoration of capacity from wells 1 through 3, nearly 145 Million Gallons per Year (MGY) or 70% of the City's existing groundwater rights will be unavailable.

Burns & McDonnell and City staff have developed a scope of work to relocate City Wells 1 through 3 to the west side of the Arkansas River. Long term the City will need additional water rights in excess of the 60MGY from Wells 4 and 5 in order to utilize the ROWTP as a daily supply. Relocation of the water rights to the west side of the river minimizes the required pipeline and infrastructure needed to regain access to the City's full water rights allocation of 205 MGY. A preliminary site investigation has been recommended prior to full scale permitting, design, and construction to validate the viability of the selected well location. The preliminary investigation is likely to include engagement of state regulatory agencies, a physical investigation with test drilling, pump testing, hydrogeologic analysis, and water chemistry testing. A property has already been selected as a primary candidate for the well site.

Burns & McDonnell has provided an Amendment No. 1 to perform services related to water well relocation and water rights assistance for an amount not to exceed \$42,261.

Drilling and pump testing activities to verify potential well yield and facilitate water quality testing has been estimated to be \$19,000 and would be executed through a direct purchase or contract with a water well drilling company.

Water quality testing has been recommended as part of the preliminary well site review process to verify compatibility with the ROWTP and KDHE standards. The anticipated cost for preliminary water quality testing will be \$1,000 to \$2,000.

The City's water rights at wells 4 and 5 are currently insufficient to support the anticipated long term supply needs of the ROWTP. Rather than investing in revitalizing City Wells 1, 2 & 3 on the east side of

the river, it appears the more cost efficient solution is to relocate the City's water rights from 1, 2 & 3 to a new single well location west of the Arkansas River that can be piped to the ROWTP.

Motion No. 1 by Richardson, second by Mottola to approve the Agreement for Professional Engineering Services with Burns & McDonnell for Water Rights Related Tasks in the amount of \$42,261.
MOTION approved unanimously

Motion No. 2 by Richardson, second by Mottola to approve an agreement for water well test drilling and pump testing services with Rosencrantz Bemis Water Well Company in the amount of \$18,292.
MOTION approved unanimously

Deputy City Clerk:

Statement of Substantial Interest:

Pursuant to Kansas law, all "Statements of Substantial Interest" forms that City Council members must complete when filing for office should be updated on an annual basis between April 15th and 30th, if there has been any change in an office-holder's substantial interests.

If there are no changes to such interests, the council members will just need to initial and date at the bottom of the form and staff will return them to the City Clerk's file.

City Administrator:

Capital Improvements Plan (CIP) Review:

Staff reviewed a draft of the CIP (2017-2021)

Motion by Mottola, second by Richardson to accept the 2017 – 2021 Capital Improvements Plan.
MOTION approved unanimously

Building Inspector/P & Z Administrator - retirement:

Ray Fleming informed the administrator that he plans to retire in December of this year.

Building Inspection & Plan Review: Using Sedgwick County - Metropolitan Area Building and Construction Department? With a memorandum of understanding (MOU) with each city, the MABCD does building inspection, codes and plan review with nine Sedgwick County cities and the unincorporated area of Sedgwick County. For the Ks. Star Casino development construction, the City of Mulvane entered into a MOU with MABCD to do plan review and the inspection for all that commercial development. Mulvane paid MABCD half of the building permit fee for that service.

It was the consensus of the council to allow the city administrator to explore entering into a MOU with Metropolitan Area Building and Construction Department to do plan review and building inspections for the City of Mulvane and our ETJ area in Sumner County. The MOU will be presented to the council for consideration.

Administrator will develop a Job Description for the position of Planning and Zoning –Community Development Director for council review.

City Attorney:

Executive Session # 1:

Request an executive session not to exceed fifteen (15) minutes to discuss matters privileged in the attorney-client relationship. The executive session to include the Council, City Administrator and City Attorney.

MOTION by Richardson, second by Mottola to recess for a period not to exceed fifteen (15) minutes to discuss matters privileged in the attorney-client relationship with the Council, City Administrator and City Attorney to return at 10:00 p.m.
MOTION approved unanimously at 9:45 p.m.

MOTION by Johnson second by Mottola to return to regular session at 10:00 p.m.
MOTION approved unanimously.

Mayor Steadman stated that no binding actions were taken in executive session.

Consent Agenda:

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

1. Employee Payroll dated 4-08-16 (\$184,211.79).
2. Warrant register for March (\$2,104,978.27)
3. Approve the purchase of 48,000lbs of ferric chloride for \$9,058.50 and 48,000lbs of sodium hydroxide for \$6,874.50 at a total cost of \$15,933.00 from Brenntag.

MOTION approved unanimously.

Announcements, Meetings and Next Agenda Items: None

Adjournment:

MOTION by Mottola, second by Keck to adjourn at 10:05p.m.
MOTION approved unanimously.

Kent Hixson, Deputy City Clerk