

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

May 7, 2018

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: Brent Allen, Barry Fleming, Nancy Mottola, Jenean Keck and Kevin Cardwell.

Others Present: Debbie Parker, Kent Hixson, J.T Klaus, Joel Pile, Mike Robinson, Gordon Fell, Chris Young, Ken Cannon, Shanna Smith, DeAnne Heersche, Douglas Wilson, Doug Wilson Jr., Bethany Middendorf, Ariel Cortez, Trenton Burson, Christi Klaus, Susan Bursch, Merle McKee, Joe Johnson, Laken Meyer, Colton Meyer, Elizabeth Thornton, Nancy Reece, Ken Beckwith, Dan Heersche, Josh Mendez, Sara Mendez, Mary Lee, Shawn Ebersole, Richard Ebersole, Lancie Clem, Danielle Fells, Joan Martinez, Garry Steddum, Charlie Morgan, Brittany Kruger, Cathy Walker, Rachael Blackwell and other interested citizens.

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

Approval of Regular Meeting Minutes Dated 4-16-18:

MOTION by Keck, second by Allen to approve the Regular meeting minutes dated 4-16-18.

MOTION approved unanimously.

Correspondence: Mayor Steadman had received an e-mail regarding the fireworks issue, and she will read it at the appropriate time.

Review and Closing of the Agenda: None

Appointments, Awards and Citations: None

OLD BUSINESS

1. Ken Cannon – 1916 N. Country Walk Lane – Fireworks Shooting Concerns:

Mr. Cannon addressed the council once again to reiterate his concerns regarding fireworks. In addition to safety issues, he is concerned about the size, noise, litter, and amount of time allowed to shoot fireworks. He would like to see more limitations.

Representatives from the LEO's and Lions Club were present to let the council know how important the firework sales are to their organization. Those speaking included - DeAnne Heersche, Bethany Middendorf and Douglas Wilson.

Other citizens speaking on the issue were - Ken Beckwith, Rick Ebersole, Brittany Kruger and Sara Mendez. Some of the comments related to limiting the number of days allowed to shoot fireworks. Mayor Steadman read aloud an e-mail she received from Terri Bradshaw supporting the current policy.

There was no action taken.

2. Capital Improvements Plan Adoption:

K.S.A.12-748 requires the CIP to be reviewed by the Planning Commission for conformity to the City Comprehensive Plan. The CIP was reviewed by the Planning Commission on April 12, 2018 and it was affirmed the CIP conforms to the Comprehensive Plan.

MOTION by Mottola, second by Cardwell to adopt the 2019-2023 Capital Improvements Plan.
MOTION approved unanimously.

NEW BUSINESS

1. Garry Steddum – 520 Emery – Sanitary Sewer Billing Concerns:

Mr. Steddum is dissatisfied with the way the City bills residential customers for sewer. He feels the City should have a better way to measure his sewer instead of basing user charges on the average water consumption during the months of December, January and February. He is dissatisfied with how the rate is established and feels the rate for sewer is excessive in comparison to his water rate.

No action was taken.

2. Library – Request for Free Pool Passes:

Shanna Smith, Library Director, requested 1,000 pool passes as prizes for the Library's summer reading program.

MOTION by Keck, second by Fleming to provide 1,000 pool passes to the Mulvane Public Library.

MOTION approved unanimously.

3. Emergency Services Agreement with Sumner County:

In 2015 the City of Mulvane reached an agreement with Sumner County to provide EMS Service to rural Sumner County. The agreement is in the form of a written contract and must be renewed each year.

Subsidies are paid to the City of Mulvane from two governing bodies. Sumner County pays the City of Mulvane \$135,000 to cover the old Sumner County - Mulvane Area and the City of Belle Plaine forwards \$88,000 from Sumner County to cover the old Belle Plaine EMS area. The City of Belle Plaine also contributes \$60,000 to ensure coverage for the City of Belle Plaine. The total amount of subsidies received is \$283,000.

MOTION by Cardwell, second by Fleming to accept and approve the Emergency Medical Service Agreement for the period beginning January 1, 2018 and ending December 31, 2019 between the City of Mulvane and Sumner County, Kansas and authorize the Mayor to sign.

MOTION approved unanimously.

ORDINANCES & RESOLUTIONS

None

LAND BANK

MOTION by Mottola, second by Fleming to recess the City Council meeting and convene as the Mulvane Land Bank.

MOTION approved unanimously.

MOTION by Cardwell, second by Keck to approve the Land Bank Board of Trustees meeting minutes dated 4-16-18.

MOTION approved unanimously.

MOTION by Mottola, second by Allen to approve paying the City utility bill for 209 W. Main in the total amount of \$1.25.

MOTION approved unanimously.

MOTION by Fleming, second by Allen to approve the invoice from the Triplett Woolf Garretson in the amount of \$1,543.50 for legal services.

MOTION approved unanimously.

Joel Pile updated the Board on the status of the Land Bank properties. The City Attorney indicated the Land Bank will close on the property at 219 W. Main on Wednesday May 9th.

MOTION by Fleming, second by Mottola to adjourn the meeting of the Mulvane Land Bank Board of Trustees and reconvene as the Mulvane City Council.

MOTION approved unanimously.

PUBLIC BUILDING COMMISSION

MOTION by Mottola, second by Cardwell to recess the City Council meeting and convene as the Public Building Commission.

MOTION approved unanimously.

MOTION by Mottola, second by Cardwell to approve the PBC meeting minutes dated April 2, 2018.

MOTION approved unanimously.

MOTION by Allen, second by Mottola to approve the proposal from MJC Architecture in the amount of \$6,250.00 to conduct a needs assessment for the renovation of 410 E. Main and authorize the PBC chair to sign.

MOTION approved unanimously.

MOTION by Mottola, second by Allen to adjourn the Public Building Commission meeting and reconvene as the Mulvane City Council.

MOTION approved unanimously.

ENGINEER

1. Rock Road Crosswalk Study:

Chris Young, City Engineer, conducted a traffic study to examine the pedestrian crosswalk on Rock Road located just south of Lockridge, to determine if a signalized crossing or other signage improvements were warranted for the crossing. The study included analysis of traffic count, traffic gap, traffic accident and traffic signage.

The recommendations by the City Engineer are to upgrade the pedestrian crossing signage, relocate the existing “45 MPH” and “35 MPH” speed limit signs to slow traffic through the subject crosswalks and the installation of pedestrian actuated (flashing yellow) warning beacons. The engineer will check on the cost of flashers.

No action taken, for information only.

2. Emerald Valley Street Construction - Street Construction Testing Agreement:

Flint Hills Materials, LLC (FHM) of Wichita, Kansas submitted the low bid for constructing streets and storm sewers in the first phase of the Emerald Valley residential development. This is a relatively new construction company with no history of street work in Mulvane.

To assist the City in managing the quality of work performed and as budgeted in the petition, the City Engineer and Public Works Director have developed a plan for on-site material testing. Y&A contacted GSI and obtained a proposal for testing asphalt materials and compaction for Emerald Valley Dr., Ruby Ct. and Opal Ct., including field and laboratory testing for concrete valley gutters and pavement sub-grade materials.

The proposed total fee for supplemental engineering and geotechnical services is \$5,392.50. All testing costs for the street and storm sewer improvements are paid 100% by the benefit district. The benefit district for this petition includes all platted lots in the Phase 1 development area. FHM’s bid was \$302,324.00 which is \$43,326.00 less than the estimated construction cost (\$345,650.00) budgeted in the Phase 1 Street and Storm Sewer petition.

MOTION by Allen, second by Fleming that the City approve supplemental engineering services for testing street construction for Emerald Valley Estates in the amount of \$5,392.50, with costs to be paid by the Phase 1 Street and Storm Sewer Improvements petition and authorize the Mayor to sign.

MOTION approved unanimously.

3. Project Review and Update: Chris Young, City Engineer, reviewed several projects: Nottingham Estates, Emerald Valley Estates, Gilberts Addition, English Park and Styx Creek Drainage Improvements, Decommissioning of the Boxelder Power Plant, the Rock Road Water Line, Villa Maria Water Line and updates from BNSF.

2019 BUDGET PRESENTATIONS:

Budget presentations were given by Joel Pile - Planning and Zoning, Shanna Smith - Library and Gordon Fell - Public Safety Department.

No action taken, for information and discussion only.

City Clerk:

1. Annual City Audit – Send Out Request for Proposals:

This is the last year for audit services under the City's current agreement. K.S.A. 75-1122 requires the City to have an annual audit performed if the City has over \$500,000 in revenue or outstanding debt. The City Clerk would like to send out RFP's for audit services for the next two to four years. A multi-year agreement provides continuity in the audit process. George Bowerman & Noel has been providing the city annual audit service since 1992. (A copy of the RFP and list of recipients were in the council packets for review). The Clerk advised if there were no changes requested, the RFP's would be mailed out on May 14th.

MOTION by Fleming, second by Cardwell to allow city staff to send out the annual city audit Request for Proposals.

MOTION approved unanimously.

City Administrator: None

City Attorney:

The City Attorney updated the council on the closing of the property at 410 E. Main on May 1, 2018 and the Bond closing the same day. The City Attorney also gave updates on information regarding the sell of beer at the Patriots baseball games. The City will need to check to see how the Sports Complex is deeded before proceeding with this issue. It was also noted that the sale of fireworks was not always legal in the City.

Executive Session #1:

The City Attorney requested an executive session to discuss matters privileged in the attorney/client relationship for the purpose of potential litigation and legal matters, to include the Mayor, City Council, City Administrator and the City Attorney for a period not to exceed 15 (fifteen) minutes.

MOTION by Mottola, second by Fleming to recess the Mulvane City Council meeting for an executive session to discuss matters privileged in the attorney/client relationship for the purpose of potential litigation and legal matters, to include the Mayor, City Council, City Administrator and the City Attorney for a period not to exceed 15 (fifteen) minutes and to return at approximately 10:40 p.m.

MOTION approved unanimously at 10:25 p.m.

MOTION by Mottola, second by Keck to return from executive session and reconvene as the Mulvane City Council.

MOTION approved unanimously at 10:42 p.m.

Mayor Steadman announced that no decisions were made during the Executive Session.

Executive Session #2:

MOTION by Mottola, second by Allen to recess the Mulvane City Council meeting for an executive session to discuss matters privileged in the attorney/client relationship for the purpose of potential litigation and legal matters, to include the Mayor, City Council, City Administrator and the City Attorney for a period not to exceed 5 (five) minutes and to return at approximately 10:50 p.m.

MOTION approved unanimously at 10:45 p.m.

MOTION by Mottola, second by Cardwell to return from executive session and reconvene as the Mulvane City Council.

MOTION approved unanimously at 10:53 p.m.

Mayor Steadman announced that no decisions were made during the Executive Session.

Consent Agenda - Items 1 -7:

MOTION by Mottola, second by Allen to approve Consent Agenda items 1 – 7.

1. **Payroll:** Dated 4-20-18 (\$211,032.41)
2. **Payroll:** Dated 5-04-18 (\$201,755.68)
3. **Electric Utility** - Purchase of 7,021 gallons of low sulfur #2 fuel oil at a cost of \$2.19 per gallon for a total cost of \$15,375.99 from the Mulvane CO-OP. (*Used to run 111th St. Power Plant Engines*).
4. **WWTP** - Purchase of 24,000 lbs. of ferric chloride for \$6,823.50 and 48,000 lbs. of sodium hydroxide for \$9,787.50 at a total cost of \$16,611.00. This price includes insurance, surcharge and fuel cost.
5. **City Utility Bills** - March - (\$21,742.49)
6. **Warrant Register** - March (\$2,041,389.11)
7. **Nottingham Estates** – Street & Storm Sewer Project - Pay App. # 3 (\$41,124.64)

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS AND NEXT AGENDA ITEMS:

- Monday, May 21st - Next council meeting @ 7:30 p.m.

ADJOURNMENT:

MOTION by Keck, second by Allen to adjourn the City Council meeting at 10:55 p.m.

MOTION approved unanimously.

Minutes by:
Debra M. Parker, City Clerk