

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

September 8, 2021

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: Terry Richardson, Nancy Farber Mottola, Brent Allen and Kevin Cardwell.

Others Present: Mike Robinson, Debra Parker, Joel Pile, Kent Hixson, J. T. Klaus, Gordon Fell, Amanda Ford, Tim Huntley, Rachael Blackwell, Chris Young.

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

Approval of Regular Meeting Minutes Dated 8-16-2021:

MOTION by Mottola, second by Cardwell to approve the Regular meeting minutes dated 8-16-2021.

MOTION approved unanimously.

Correspondence: Mayor Steadman received an e-mail regarding additional work to be done on improvements to crosswalks which she shared with the Chief of Police. This will be discussed at the next staff meeting. Mayor Steadman also received a notice on behalf of Alzheimer Support requesting information to be placed on the city website. This information was shared with Nancy Mottola for the “Visit Mulvane” site and City Administrator, Kent Hixson.

Review and Closing of the Agenda: None

Appointments, Awards and Citations: Mayor Steadman expressed her appreciation to Jeri Myers as the Senior Center Director. Jeri is retiring and will have a farewell reception Thursday Sept. 9th.

OLD BUSINESS

1. Public Hearing Concerning Unsafe Structure at 318 S. Central:

The structure at 318 S. Central is in a severe state of disrepair and should be made secure or demolished and removed. Securing the property should include removing vegetation growing through the foundation and securing all points of access including windows and doors.

At the July 19th council meeting, the City Council adopted Resolution 2021-16 fixing September 8, 2021, at 7:30 p.m. for a Public Hearing at which time the owner(s), the owner’s agent(s), any lienholders of record and any occupant(s) of 318 S. Central Ave. may appear and show cause why such structures should not be condemned and ordered repaired or demolished.

Conduct the Public Hearing – 7:33 p.m.

Mayor Steadman called Old Business Agenda Item #1 which is a public hearing on property which has been declared as a public nuisance and an unsafe or dangerous structure. This hearing is for property legally described as:

Block 2, Lot 13 of the Hill & Rucker Addition (318 S. Central) owned by Jacob Shane Baker & Jared Shane Baker.

Mayor Steadman welcomed everyone interested in this hearing and reviewed the ground rules.

Mayor Steadman asked the City Council if any of them intend to disqualify themselves from the hearing, discussing, or voting on this matter.

There were none.

Mayor Steadman advised the City Clerk verified a notice for this hearing was published twice for two consecutive weeks on the same day each week in The Mulvane News on July 22, 2021, and July 29, 2021. There being no evidence to the contrary from anyone present, Mayor Steadman declared that proper notification has been given.

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 called upon any owner, agents, lienholders of record or occupants to come forward and show cause why such structure should not be condemned and ordered repaired or demolished as a public nuisance, dangerous or unsafe structure.

There was no one present.

Mayor Steadman asked if there were any members of the public who wished to speak on this case.

There was no one present.

Mayor Steadman asked if there were any written communications or petitions from the public.

There were none.

Mayor Steadman asked if there were any questions from the City Council or staff. Mottola asked what repairs were needed. Planning and Zoning Director, Joel Pile, reviewed the recommendations and concerns which included securing the building to prevent unauthorized entrance and vegetation issues. Allen asked if the property taxes were current and if the owners of the property were local. It was advised the owners are longtime residents of Mulvane.

There being no other comments, the public hearing was closed.

It was the consensus of the council to instruct staff to present a resolution at the next meeting establishing a timeframe of forty-five (45) days to make specified repairs to 318 S. Central Ave.

NEW BUSINESS

1. Police Dept. – Purchase a new patrol vehicle:

In March 2021, the PD staff adjusted the police fleet due to a backlog of vehicle deliveries, due to COVID-19. PD had anticipated purchasing two Chevrolet Tahoe's in March of 2021, however due to a microchip shortage Chevrolet postponed orders to August-September 2021. PD was able to upfit an unmarked Tahoe to a marked unit and purchased a Durango to replace the unmarked vehicle.

PD vehicles are upfitted by SERV (Superior Emergency Response Vehicles) located in Andover. They handle all the installation which includes camera, light bars, spotlight, controllers, etc. Quote #2417 is for \$51,022.90 to purchase and upfit a 2021 Chevrolet Tahoe as a marked Police Unit.

MOTION by Mottola, second by Allen to accept quote #2417 from Superior Emergency Response Vehicles for \$51,022.90 to purchase and upfit a 2021 Chevrolet Tahoe as a marked Police Unit.

MOTION approved unanimously.

ORDINANCES & RESOLUTIONS

1. 2021 Standard Traffic Ordinance:

In 2006, the City revised, and consolidated the then Mulvane Criminal and Traffic Code into the (i) Uniform Public Offense Code ("UPOC") and the (ii) Standard Traffic Ordinance ("STO"). Like most cities, this change allowed the City to adopt the "incorporating" ordinances each year for the revised UPOC and STO, without corrupting existing provisions of the Municipal Code of the City of Mulvane (the "Code"), many of which provisions are unique to the City. Adoption of the UPOC and STO relieve the burden for the City Council to consider whether to change individual Mulvane laws every time Kansas law changes.

The UPOC and STO are produced and updated by the League of Kansas Municipalities each year (with some minor Mulvane specific revisions) and are used to standardize the municipal traffic laws and criminal offense code in cities throughout the State.

Council asked about public access to the STO and UPOC. Citizens can come to City Hall to review.

MOTION by Allen, second by Richardson to adopt and approve Ordinance No. 1547 incorporating by reference the Standard Traffic Ordinance for Kansas Cities (48th Edition), as published by the League of Kansas Municipalities in 2021, with the modifications and supplements contained therein and amending the Code to coincide with the 2021 publication.

MOTION approved unanimously.

ORDINANCE NO. 1547

AN ORDINANCE INCORPORATING BY REFERENCE THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES (48th EDITION), AS PUBLISHED BY THE LEAGUE OF KANSAS MUNICIPALITIES FOR 2021, AMENDING TITLE III, CHAPTER 300, AND CHAPTER 315 OF THE CODE OF THE CITY OF MULVANE, KANSAS.

2. 2021 Uniform Public Offense Code Ordinance:

MOTION by Allen, second by Cardwell to adopt and approve Ordinance No. 1548 incorporating by reference the Uniform Public Offense Code for Kansas Cities (37th Edition), as published by the League of Kansas Municipalities in 2021, with the modifications and supplements contained therein and amending the Code to coincide with the 2021 publication.

MOTION approved unanimously.

ORDINANCE NO. 1548

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CITY OF MULVANE, KANSAS; INCORPORATING BY REFERENCE THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES (37TH EDITION), AS PUBLISHED BY THE LEAGUE OF KANSAS MUNICIPALITIES FOR 2021, WITH CERTAIN AMENDMENTS; AMENDING TITLE II, CHAPTER 210, ARTICLE I, SECTION 210.013 OF THE CODE OF THE CITY OF MULVANE, KANSAS.

BUDGET WORKSHOP

MOTION by Mottola, second by Allen to open a public hearing regarding the revenue neutral rate for the 2022 proposed annual City budget.

MOTION approved unanimously.

Revenue Neutral Rate Defined: “*Is the property tax rate in mills that would generate the same property tax revenue in dollars as levied during the previous tax year using the current tax year’s total assessed valuation*”.

There were no comments from the citizens regarding the revenue neutral rate for the proposed 2022 annual City budget. There was no council discussion.

MOTION by Mottola, second by Cardwell to adopt Resolution No. 2021-19.

MOTION approved unanimously.

RESOLUTION 2021-19

A RESOLUTION OF THE CITY OF MULVANE, KANSAS TO LEVY A PROPERTY TAX RATE EXCEEDING THE REVENUE NEUTRAL RATE.

Mayor Steadman closed the Revenue Neutral Rate Public Hearing after adoption of the Resolution to exceed the Revenue Neutral Rate.

MOTION by Allen, second by Mottola to recess the 09-08-2021 City Council meeting for a period not to exceed two (2) minutes for the purpose of conducting a public hearing regarding the 2022 proposed annual City budget.

MOTION approved unanimously.

There were no comments from the citizens regarding the proposed 2022 annual City budget. Mayor Steadman closed the public hearing. There was no council discussion.

MOTION by Mottola, second by Allen to reconvene the 09-08-2021 regular City Council meeting. MOTION approved unanimously.

MOTION by Richardson, second by Mottola to approve the 2022 annual City budget as provided. MOTION approved unanimously.

ENGINEER

1. E. Mulvane St. Drainage Project Change Order #1:

On January 27, 2020, the city received a signed petition from Unified School District No. 263 requesting the installation of storm sewer and drainage improvements to address outflow from their existing detention pond. On December 7th the City Council approved awarding the construction contract to the low bidder, H. Excavating, LLC.

During construction City staff determined that Bid Item 17 “16.0 LF Concrete Encasement (8” Sanitary Sewer)” was not needed. Accordingly, a (Deduct) Change Order has been prepared based on the Contractor’s bid price of \$272.00.

Based on the low bid of \$141,042.88 submitted by H. Excavating, LLC, and the proposed Change Order No. 1, the total construction costs for the project are \$140,770.88.

MOTION by Cardwell, second by Richardson that the City approve Change Order No. 1 to the contract with H. Excavating, LLC. for the deduct amount of \$272.00 and authorize the mayor to sign.

MOTION approved unanimously.

City Engineer, Chris Young, advised the council that staff has been working on landscape plans for the area and a request for quotes have been sent out. Young has also been in contact with the School District during this drainage project.

2. Hidden Valley Estates – Issue Notice To Proceed to APAC for Street Improvements:

On August 16, 2021, the City Council approved an amended petition, developer’s agreement and associated Ordinance and Resolution for constructing streets for the Hidden Valley Addition. A

Notice of Award and construction agreement with APAC Kansas, Inc. was also approved by the City Council.

A Notice to Proceed has been prepared by the developer's engineer which establishes the contract start and completion dates for the project. Contract time will commence to run on September 9, 2021, and the date of final completion is set for November 4, 2021.

MOTION by Mottola, second by Richardson that the city approve a Notice to Proceed with APAC Kansas, Inc., for the Hidden Valley Street Improvements and authorize the mayor to sign. MOTION approved unanimously.

3. Project Review and Update:

Chris Young, City Engineer, reviewed project updates with the council which included: E. Mulvane Street Drainage, Hidden Valley Addition, Emerald Valley Estates Phase 2, Main "A" Sanitary Sewer Improvements, N. Rockwood Heights Sanitary Sewer Extension, Downtown Streetscaping, City Pool, BRIC Grant (Styx Creek Drainage Improvements), and American Rescue Plan Act funds (Sewer outfall line on Rock Road).

Council would like to form a committee to discuss Downtown Streetscaping plans. Staff/Council will create a list of possible committee members. Staff has made application for a BRIC grant for the Styx Creek Drainage Improvements.

City Clerk: None

City Administrator: Hixson attended a conference call with the Sedgwick Co. Engineering Dept. in response to the pedestrian/car accident on 103rd and Country Walk. Sedgwick Co. Engineers did a traffic study in the area which concluded 2200 cars a day on 103rd traveling east. The County will be installing a flashing yellow crossing light and is also extending the reduced speed limit area.

Councilmember Allen expressed concern regarding the crossing on Second St. just So. of English Street. Staff will look at a possible traffic study for that area and discuss any future plans for the crossing.

City Attorney: None

Consent Agenda Items 1 - 3:

MOTION by Mottola, second by Cardwell to approve Consent Agenda items 1 – 3.

1. Payroll dated 8-20-21 (\$225,931.64)
2. Payroll dated 9-03-21 (\$261,237.50)
3. City Utility Bills (\$22,249.58)

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS, AND NEXT AGENDA ITEMS:

Monday, September 20th - next council meeting @ 7:30 p.m.

ADJOURNMENT:

MOTION by Richardson, second by Mottola to adjourn the City Council meeting at 8:20 p.m.
MOTION approved unanimously.

Minutes by:
Debra M. Parker, City Clerk