

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

July 7, 2014

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 James P. Ford, who called the meeting to order.

COUNCIL MEMBERS PRESENT: Terry Richardson, Joe Johnson, Shelly Steadman, Doug Hatfield and Jenean Keck arrived at 8:05 p.m.

OTHERS PRESENT: Kent Hixson, Patty Gerwick, J.T. Klaus, Mike Robinson, Cathy Walker, Kevin Baker, Galen Cummins, Brad Modlin, Ray Fleming, Dave Williams, Lowell Ester, Kendra Walls, Mark Detter with Central States, Jeff Lackey with TranSystems, Don Pennington with USD #263 and Greg Olson with Sumner County Mental Health

PLEDGE OF ALLEGIANCE & INVOCATION: All stood for the Pledge of Allegiance and Invocation led by Mayor Ford.

APPROVAL OF REGULAR MINUTES DATED 6-16-14: MOTION by Johnson, second by Steadman to approve the Regular minutes dated 6-16-14. MOTION approved unanimously.

CORRESPONDENCE: None at this time.

REVIEW AND CLOSING OF THE AGENDA: Hixson asked to add Item #1 Executive Session under City Attorney. Mayor Ford then declared the agenda closed.

APPOINTMENTS, AWARDS AND CITATIONS: Employee of the Month – Kevin Stoll. Not present.

OLD BUSINESS

1. SAFE ROUTES TO SCHOOL PROJECT – UPDATE & REVIEW BID: Jeff Lackey with TranSystems gave a brief history of the sidewalk project. Bids were opened on 6-18-14 with Bryant & Bryant Construction being the low bidder with a bid of \$217,958.30. The contractor anticipates starting the project on Aug. 4, 2014. No action necessary.

NEW BUSINESS

1. ALCOHOL & DRUG ABUSE PREVENTION GRANT – REVIEW APPLICATION: Hixson explained that one (1) application was received for this year's grant from USD #263 and Sumner County Mental Health. MOTION by Richardson, second by Hatfield to approve the application from the Mulvane Public School & Sumner County Mental Health Center for the "Increasing Substance Abuse & Mental Health Support in an Academic Environment" program in the amount of \$38,500. MOTION approved unanimously.

2. CONSIDERATION OF AMENDMENTS TO THE ZONING REGULATIONS AND ZONING MAP: Mayor Ford called for Agenda Item #2 under New Business. Mayor Ford asked for a Motion to receive and file the unapproved minutes of the Planning Commission for the June 12, 2014 meeting. MOTION by Johnson, second by Richardson to receive and file the Planning Commission unapproved minutes from June 12, 2014. MOTION approved unanimously.

Mayor Ford then called on Ray Fleming, Zoning Administrator to give his report on the issue. Fleming explained the need to change the zoning on property that has been annexed into the city limits from Sumner County zoning to the City of Mulvane zoning classifications and reviewed the proposed changes to the Zoning Regulations.

Mayor Ford asked if there was anyone present to speak to this matter? – No one present

Mayor Ford asked the City Clerk if there had been any communications to consider – No.

Mayor Ford asked the Council if there was any further discussion – No.

3. ORDINANCE – AMENDMENTS TO THE ZONING REGULATIONS AND ZONING MAP: MOTION by Johnson, second by Richardson to accept the recommendations of the Planning Commission and to approve Ordinance No. 1432 and to direct the City Clerk to publish it. MOTION approved unanimously.

ORDINANCE NO. 1432

AN ORDINANCE ENACTED APPROVING AND INCORPORATING BY REFERENCE CERTAIN ZONING REGULATIONS GOVERNING THE USE OF LAND AND THE LOCATION OF BUILDINGS WITHIN THE CITY OF MULVANE, KANSAS, AND AN EXTRATERRITORIAL JURISDICTION IN SUMNER COUNTY, AS PREPARED AND PUBLISHED AS A MODEL CODE IN BOOK FORM BY THE MULVANE CITY PLANNING COMMISSION PURSUANT TO K.S.A.12-741 ET SEQ., AS AMENDED, 12-715B, 12-736, 12-3009 TO 12-3012 INCLUSIVE, 12-3301 AND 12-3302; ESTABLISHING ZONING DISTRICT BOUNDARIES AND THE CLASSIFICATIONS OF SUCH DISTRICTS; ADOPTING BY REFERENCE OFFICIAL MAPS OF ZONING DISTRICTS; DEFINING CERTAIN TERMS USED IN SAID REGULATIONS; REGULATING THE MAXIMUM DIMENSIONS OF BUILDINGS AND OTHER STRUCTURES THROUGH BULK REGULATIONS AND LOT AREAS; REGULATING THE LOCATION AND SIZE OF SIGNS; PROVIDING FOR AND REGULATING VEHICULAR PARKING SPACE; REESTABLISHING THE BOARD OF ZONING APPEALS AND PRESCRIBING ITS DUTIES; PROVIDING FOR THE APPOINTMENT OF A ZONING ADMINISTRATOR AND PRESCRIBING HIS OR HER DUTIES; PROVIDING FOR FEES TO BE CHARGED FOR ZONING CASES AND ZONING PERMITS; ESTABLISHING A MEANS FOR AMENDING SAID REGULATIONS, MAPS AND ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION OF ITS PROVISIONS AND A MEANS OF ENFORCEMENT; AND REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

4. EMS SUBSTATION – REVIEW CHANGE ORDER #3: Dave Williams, Public Safety Director presented and explained the need for this Change Order in the amount of \$11,458.00 with money available to close out this project. MOTION by Johnson, second by Richardson to approve Change Order #3 in the amount of \$11,458.00. MOTION approved unanimously.

RESOLUTIONS AND ORDINANCES

Council member Keck arrived at 8:05 p.m.

1. MITIGATION PLAN RESOLUTION: Lowell Ester, Fire Captain explained that the City renews this resolution every five (5) years in order to be eligible to apply for and receive any grant funding available to state and local governments. MOTION by Hatfield, second by Steadman to approve Resolution No. 2014-3 adopting the “South-Central Kansas (Homeland Security Region G) Multi-Hazard, Multi-Jurisdictional Mitigation Plan”. MOTION approved unanimously.

RESOLUTION NO. 2014-3

ADOPTING THE SOUTH-CENTRAL KANSAS (HOMELAND SECURITY REGION G) MULTI-HAZARD, MULTI-JURISDICTIONAL MITIGATION PLAN.

2. RESOLUTION SETTING PUBLIC HEARING ON SPECIAL ASSESSMENTS (CEDAR BROOK ADDITION – PHASE 4 & 5): City Attorney J.T. Klaus explained that the improvements to the Cedar Brook Addition are complete and now the Council must accept the total final costs and proposed assessments of the improvements and adopt a Resolution setting the date, time and place of a Public Hearing to receive objections or complaints to the proposed assessments. MOTION by Johnson, second by Richardson to accept and approve the total final cost and proposed assessments for the Improvements. MOTION approved unanimously. MOTION by Johnson, second by Richardson to adopt Resolution 2014-4 setting the date, time and place of the public hearing and providing for the publication of the notice of public hearing in the required newspapers and the mailing of the notice of public hearing to the property owners in the benefit district. MOTION approved unanimously.

RESOLUTION 2014-4

A RESOLUTION SETTING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING TO RECEIVE AND HEAR COMPLAINTS AND OBJECTIONS TO THE PROPOSED SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS IN THE CITY, AS HERETOFORE AUTHORIZED BY RESOLUTION NO. 2013-1 (AS AMENDED BY RESOLUTION NO. 2013-5) AND RESOLUTION NO. 2013-3; DIRECTING PUBLICATION OF A NOTICE OF PUBLIC HEARING AND FURTHER DIRECTING THE MAILING OF A NOTICE OF HEARING AND STATEMENT OF COSTS PROPOSED TO BE ASSESSED TO EACH AND ALL OF THE PROPERTY OWNERS LIABLE FOR SUCH SPECIAL ASSESSMENTS.

3. SALES TAX AUTHORIZING ORDINANCE: City Attorney J.T. Klaus explained that the final step to implementing the 1% Sales Tax is to pass this ordinance. MOTION by Hatfield, second by Richardson to adopt Ordinance 1433 Levying a 1% Retailers Sales Tax. MOTION approved unanimously.

ORDINANCE NO. 1433

AN ORDINANCE LEVYING A RETAILERS' SALES TAX IN THE AMOUNT OF ONE PERCENT (1%) WITHIN THE CITY OF MULVANE, KANSAS, EFFECTIVE OCTOBER 1, 2014.

PUBLIC BUILDING COMMISSION

(Recess City Council and convene as Public Building Commission)

MOTION by Hatfield, second by Richardson to recess the City Council Meeting and convene as the Public Building Commission for a period of 5 minutes. MOTION approved unanimously.

1. RESOLUTION OF INTENT TO ISSUE BONDS (LIBRARY PROJECT): Attorney J.T. Klaus advised the PBC that in order to issue Revenue Bonds to construct the new library it must first pass a Resolution of Intent. MOTION by Johnson, second by Steadman to adopt Resolution PBC-2014-1, determining it necessary and advisable to acquire, construct, equip and furnish the City library and indicating the Commission's intent to issue bonds to finance the costs thereof. MOTION approved unanimously.

RESOLUTION NO. PBC-2014-1

A RESOLUTION DECLARING IT NECESSARY AND ADVISABLE TO ACQUIRE, CONSTRUCT, EQUIP AND FURNISH A CITY LIBRARY; TO ISSUE REVENUE BONDS OF THE CITY OF MULVANE, KANSAS PUBLIC BUILDING COMMISSION IN AN AMOUNT NOT TO EXCEED \$4,200,000 FOR THE PURPOSE OF PAYING THE COSTS OF THE PROJECT; AND TO PROVIDE FOR THE GIVING OF NOTICE OF THE INTENTION OF THE CITY OF MULVANE, KANSAS PUBLIC BUILDING COMMISSION TO ISSUE SAID BONDS.

MOTION by Richardson, second by Johnson to adjourn the Public Building Commission and reconvene the City Council meeting. MOTION approved unanimously.

ENGINEER'S REPORT

1. Project Review and Updates: The Council received a memo with updated information on the Water Tower and Water Treatment Plant projects and an update on the status of the Carr Drainage Easement. Hixson also advised that the Engineer will also begin working on the East Mulvane St. drainage issue.

2015 ANNUAL BUDGET WORKSHOP

City Staff presented and reviewed the proposed 2015 budget. Questions were addressed and changes were made accordingly. The final draft of the 2015 Annual City Budget will be presented to the Council at the July 21, 2014 meeting for final review. The Council will need to set the date for the Public Hearing.

CITY CLERK

Nothing at this time.

CITY ADMINISTRATOR

1. NEW LIBRARY – REVIEW DESIGN AND CONSTRUCTION TIMELINE: Hixson reviewed the timeline for the library construction.

CITY ATTORNEY

1. EXECUTIVE SESSION – MATTERS PRIVILEGED IN ATTORNEY-CLIENT RELATIONSHIP: Attorney J.T. Klaus requested an executive session. MOTION by Richardson, second by Keck to recess at 10:05 p.m. for a period not to exceed 10 minutes with the Mayor, Council, City Administrator and City Attorney Klaus to attend. MOTION approved unanimously.

MOTION by Keck, second by Steadman to return to open session at 10:15 p.m. MOTION approved unanimously. Mayor Ford announced that no binding decisions or agreements were made during the executive session.

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

1. Employee Payroll dated 6-20-14 (\$214,658.14)
2. Employee Payroll dated 7-3-14 (\$210,218.79)
3. Purchase of approx. 5753 gallons of CSS-1h road oil from Vance Bros. in the amount not to exceed \$16,000
4. EMS Substation – Walz, Harmon – Final Pay Application
5. Water Tower – Phoenix Fabricators Pay App. #6 (\$403,518.00)
6. Water Treatment Plant – Lab Equipment – Hach – cost not to exceed \$12,696.24 including shipping and taxes

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS AND NEXT AGENDA ITEMS:

7-10-14 – Chamber of Commerce Board meeting – Fire Station – 11:30 a.m.

ADJOURNMENT: MOTION by Richardson, second by Keck to adjourn at 10:20 p.m.
MOTION approved unanimously.

Patty Gerwick
City Clerk