

MULVANE CITY COUNCIL  
REGULAR MEETING MINUTES

August 1, 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, Jenean Keck, Nancy Mottola and Kevin Cardwell.

**Others Present:** Kent Hixson, Mike Robinson, Dave Williams, Jeri Myers, Shanna Smith, Ray Fleming, Matt Schmidt, J.T. Klaus, Chris Young of Young & Assoc., Amy Houston, Diane & Ron Paul, Tom & Mary Fagan, David Schaffer, Greg Vahrenberg, Billie Allen, Tyler Heffron lawyer from Triplett, Woolf and Garretson). Bruce Simpson and several Mulvane Mobile Home Park residents.

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

**Approval of Regular Meeting Minutes Dated 7-18-16:**

MOTION by Keck, second by Richardson to approve the Regular meeting minutes dated 7-18-16.

MOTION approved unanimously.

**Correspondence:**

City Administrator passed out the brochure for the Kansas Power Pool annual retreat on Sept. 9 – 10 in Wichita.

**Review and Closing of the Agenda:** Nothing to add.

**Appointments, Awards and Citations:** None

**2017 Annual Budget Public Hearing:**

MOTION by Keck, second by Cardwell to recess the city council meeting for a period not to exceed three (3) minutes for the purpose of conducting a public hearing regarding the 2017 proposed annual City budget.

MOTION approved unanimously.

No one from the public spoke on the issue of the 2017 annual city budget.

Given the decrease in assessed valuation, the proposed budget will increase the mill levy from 42.26 to 44.24. 1.5 mills are going to the public library to operate the new building.

MOTION by Mottola, second by Keck to reconvene the regular city council meeting.

MOTION approved unanimously.

MOTION by Johnson, second by Mottola to approve the 2017 annual City budget as provided.  
MOTION approved unanimously.

## **OLD BUSINESS**

### **1. Mulvane Mobile Home Park Sewer Service - Offer from Bruce Simpson:**

Bruce Simpson asked the City to restore sewer service to MMHP.

In order to fulfill the council's fiduciary responsibility to the citizens of the City, the council asked for payment of the \$23,366.22 in unpaid sewer bills and legal bills incurred by the City for just this calendar year. Mr. Simpson refused.

Several residents of the mobile home park spoke asking that the sewer service be restored.

The council did not take any action to restore sewer service to the Mulvane Mobile Home Park.

## **NEW BUSINESS**

### **1. Offer to buy land from the City :**

Diane Paul and Tom Fagan made a written offer to buy forty (40) acres of the city owned property on the northwest corner of 111<sup>th</sup> St. & Webb Road. The offer was for \$7,000/acre. No action was taken on the offer.

### **2. Mulvane Senior Center - Meal on Wheels/Friendship Meals Agreement:**

The Mulvane Senior Center provides meals on a daily basis, both at the Center and carry-outs for our homebound seniors. As of October 2015, Aging Projects, Inc. ("API") provides the meals program for all the Senior Centers in Sedgwick, Harvey and Butler Counties. They have been providing meals for Sumner, Harper, Kingman and Reno Counties for a number of years. Aging Projects, Inc. is the only company that applied to provide meals for the Senior Centers in Sedgwick, Harvey, and Butler.

The Senior Center collects the meal money from our patrons and turn around and gives it to "API" to pay for the cost of the food.

MOTION by Mottola, second by Cardwell to approve and enter into a Facility Agreement between the Mulvane Senior Center and Aging Projects, Inc. for the Meals on Wheels/Friendship Meals program.

MOTION approved unanimously.

## **RESOLUTIONS AND ORDINANCES**

### **1. Consideration of Special Use Case Number SU-2016-1**

The application is a request to allow the outdoor sales of motorcycles, UTV's, Boats, Jet Skis and light farm equipment in the B-3 General Business District. The Planning Commission held the public hearing to consider the case on June 9<sup>th</sup> and voted to continue the public hearing until

the July 14<sup>th</sup> meeting requesting more specific information about the items the applicant requested. The Planning Commission did not feel the light farm equipment would be a desirable item to be displayed in this location. The Planning Commission voted to recommend approval of the modified request of allowing establish the outdoor sales of motorcycles, trailers, UTV's, Boats, Jet Skis in the B-3 General Business District.

David and Brian Schaffer, owners of the property, were present at the council meeting and spoke in favor of allowing motorcycles, UTV's, Boats, and Jet Skis to be sold on the property.

MOTIONby Richardson, second by Mottola to revise the findings and factors and recommendation of the Planning Commission on Case No. SU-2016-1 to adopt with any revisions and/or additions and to approve Ordinance No. 1470 to establish the outdoor sales of motorcycles in the B-3 General Business District.  
MOTION approved unanimously.

### **Ordinance No. 1470**

AN ORDINANCE APPROVING A SPECIAL USE TO ESTABLISH THE OUTDOOR SALES OF MOTORCYCLES IN THE B-3 GENERAL BUSINESS DISTRICT, ON CERTAIN LANDS UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY OF MULVANE, KANSAS, AS ORIGINALLY APPROVED BY ORDINANCE NO. 1432.

### **2. Consideration of Zoning Case Number Z-2016-1**

On July 14<sup>th</sup> the Planning Commission held the public hearing to consider this case. The request is to change the zoning classification from the R-1 Single Family residential to the B-3 general business District. The property is located south of the fireworks building on the east side of Rock Road. The site is about 1.8 acres in size and is unplatted. The applicant wants to construct an O'Reilly'sAutomotive part store on the property. The planning Commission voted to recommend approval to the request subject to two conditions they are:

1. The property shall be platted and the final plat recorded before a zoning permit is issued.
2. A site plan shall be submitted and approved according to the Zoning regulations before a zoning permit is issued.

MOTIONby Richardson, second by Mottola to adopt the findings and factors and recommendation ofthe PlanningCommission on Case No. Z-2016-1 and to approve Ordinance No. 1471 changing the zoning classification from the R-1 Single Family Residential District to the B-3 General Business District  
MOTION approved unanimously.

### **ORDINANCE NO. 1471**

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF CERTAIN LANDS UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY OF MULVANE, KANSAS, AS ORIGINALLY APPROVED BY ORDINANCE NO. 1432.

**3. Review bids for sale of Bonds Series A, 2016. Ordinance authorizing the issuance of G. O. Refunding Bonds, Series A, 2016. Resolution establishing the terms and provisions governing the City's G. O. Refunding Bonds, Series A, 2016**

On June 20, 2016, the City of Mulvane, authorized the public sale of not to exceed \$9,135,000 of the City's General Obligation Refunding Bonds (the "Bonds") to advance refund a portion of the City's General Obligation Bonds, Series A, 2012 (the "Series A, 2012 Bonds") maturing October 1, 2020. At the council meeting, five bids for underwriting of the Bonds were considered by the City Council. A tabulation of the bids received was available at the meeting. Accepting a bid and the adoption of the Bond Ordinance and Bond Resolution are the final steps of the process of authorizing permanent financing for the refunding of the Series A, 2012 Bonds, and issuing the Bonds

Total net cash savings on the new Bonds over the Series A, 2012 Bonds is \$787,036.32. The costs of issuing the new Bonds were included in the Financial Advisor's calculation of the total next cash savings.

MOTION by Mottola, second by Keck that the City accept the low bid for the Bonds received from Wells-Fargo Bank for the purchase of the Series A, 2016 Bonds.  
MOTION approved unanimously.

MOTION by Keck, second by Cardwell to adopt Ordinance No. 1472, an ordinance authorizing the issuance of General Obligation Refunding Bonds, Series A, 2016, all as prepared by Bond Counsel and provided for our consideration.  
MOTION approved unanimously.

ORDINANCE NO. 1472

AN ORDINANCE OF THE CITY OF MULVANE, KANSAS, AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION REFUNDING BONDS, SERIES A, 2016, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$7,930,000, FOR THE PURPOSE OF ADVANCE REFUNDING CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

MOTION by Keck, second by Richardson to adopt Resolution No. 2016-12, a resolution establishing the terms and provisions governing the City's General Obligation Refunding Bonds, Series A, 2016 as previously authorized by Ordinance, all as prepared by Bond Counsel and provided for our consideration.  
MOTION approved unanimously.

RESOLUTION NO. 2016-12

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION REFUNDING BONDS, SERIES A, 2016, IN THE TOTAL

AGGREGATE PRINCIPAL AMOUNT OF \$7,930,000, OF THE CITY OF MULVANE, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 1472 OF THE CITY; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

**Demolish structure at 309 S. 4<sup>th</sup>**

On March 7, 2016, the Council approved Resolution No. 2016-5, which required the property owner of 309 South 4<sup>th</sup> to repair or remove the structure located thereon, to make the property safe and secure, to commence said work within 60 days of the date of Resolution No. 2016-5, and to diligently prosecute the work on or before July 18, 2016. As of August 1<sup>st</sup>, the structure is gutted, a portion of the siding has been removed and debris is scattered around the premises. The owners have been working, but there is a lot of work left to do just to get the structure leveled and the materials hauled off. The first contact for this process was made in August 2015. Staff is asking the Council to pass a Resolution finding that the owner has not diligently prosecuted the work by July 18, authorizing the hiring of a contractor to complete the work, and charging the costs thereof back to the property owner.

The cost to hire a contractor to complete the work would be paid initially by the City but charged to the owner and a lien would be placed against the property for said costs.

Lillian Sweet, daughter of the property owner, was present to ask the council to give them a few more weeks to complete the demolition and removal.

It was the consensus of the council to give the property owners until September 1<sup>st</sup>, 2016 to complete the demolition and removal.

MOTION by Cardwell, second by Keck to table passing a resolution finding that the owner of 309 S. 4<sup>th</sup> has not diligently prosecuted the work by July 18, authorizing the hiring of a contractor to complete the work, and charging the costs thereof back to the property owner was tabled.

MOTION approved unanimously.

**PUBLIC BUILDING COMMISSION**

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

MOTION approved unanimously.

MOTION by Mottola, second by Keck to approve the Public Building Commission meeting minutes dated 7-18-16.

MOTION approved unanimously.

Library director Shanna Smith was present to answer questions.

MOTION by Keck, second by Richardson to approve the invoices totaling \$1,529.89 from John A. Marshall Company for a table and two file cabinets.  
MOTION approved unanimously.

MOTION by Johnson, second by Keck to approve the quote for drilling a water well by Harp Well with costs not to exceed \$3,300.00.  
MOTION approved unanimously.

MOTION by Johnson, second by Mottola to approve the quote for irrigation connection of the water well by Tree Top Nursery with costs not to exceed \$3,000.  
MOTION approved unanimously.

MOTION by Mottola, second by Johnson 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 the GIS mapping of city utility, new library construction progress, E. Mulvane Street drainage project, Cedar Brook 2<sup>nd</sup> Addition, Hunters Pointe Addition and the Villa Maria senior housing project drainage plan review.

**Deputy City Clerk:**

**City Administrator:**

Reviewed job description for Planning, Zoning & Community Development Position.

**City Attorney:**

**Executive Session:**

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 Mayor, Council, City Administrator, City Attorney.

MOTION by Richardson, second by Keck to recess for a period not to exceed fifteen (15) minutes to discuss matters privileged in the attorney-client relationship to include the Mayor, Council, City Administrator, City Attorney. To return at 10:40 p.m.  
MOTION approved unanimously at 10:25 p.m.

MOTION by Mottola, second by Keck to return from executive session at 10:40 p.m.  
MOTION approved unanimously.

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

**Consent Agenda:**

MOTION by Richardson, second by Keck to approve the Consent Agenda items 1 – 5 as follows:

1. Payroll dated 7-29-16 (\$208,766.11)

2. City Utility Bills (\$22,201.45)
3. Legal Fees – Triplett, Woolf & Garretson (\$14,995.55)
4. Public Works – Slurry oil for street sealing - Vance Bros. (\$11,648.60)
5. Liquor License for DLN LLC - Mulvane Liquor

MOTION approved unanimously.

**Announcements, Meetings and Next Agenda Items:** None

**Adjournment:**

MOTION by Keck, second by Richardson to adjourn the council meeting at 10:45 p.m.

MOTION approved unanimously.

Kent Hixson, Deputy City Clerk