

MULVANE CITY COUNCIL  
REGULAR MEETING MINUTES

March 5, 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, Chris Young, Mike Robinson, Gordon Fell, Jim McDaniel, Jennifer McDaniel, Amber Blankenship, Aaron Palmer, Judi Patterson, Fred Heersche, Lowell Ester, Jason Mundell, Joe McDaniel, Mike Fell, Carol Irvin, Mike Coates, Gary Brownlee.

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

**Approval of Regular Meeting Minutes Dated 2-19-18 and Special Council Meeting Minutes Dated 2-20-18:**

MOTION by Fleming, second by Allen to approve the Regular meeting minutes dated 2-19-18 and Special Council meeting minutes dated 2-20-18.

MOTION approved unanimously.

**Correspondence:** Mayor Steadman thanked Chris Young, City Engineer, for conducting the meeting on February 20<sup>th</sup>.

**Review and Closing of the Agenda:** None

**Appointments, Awards and Citations:**

Service Recognition:

Mayor Steadman presented Jim McDaniel with a plaque and certificate for thirty years' service as a fire department volunteer.

**OLD BUSINESS**

None

**NEW BUSINESS**

**1. Villa Maria Improvements – Developers Agreement:**

The Villa Maria is constructing an addition and doing extensive remodeling to the facility at 116 S. Central. The Developer's Agreement is needed because Villa Maria, Inc. desires to make certain public improvements (water main extension) which are necessary to support the development of their property. The developer proposes to make the improvements through private contract at its own cost which is to include all engineering, inspections, testing, construction and any other associated costs of the improvements. The Developer is to provide the

City with good and sufficient sureties in the form of a Letter of Credit for \$40,000 to guarantee completion and payment (LOC released upon project completion and acceptance by the city). The Developer shall also provide a Letter of Credit for \$6,000 to guarantee any costs associated with the correction of any defect in material or workmanship for a period of 18 months.

MOTION by Allen, second by Fleming to approve the Developer's Agreement with Villa Maria, Inc. dated March 1, 2018 and authorize the Mayor to sign the Agreement.

MOTION approved unanimously.

## **ORDINANCES & RESOLUTIONS**

**None**

### **PUBLIC BUILDING COMMISSION**

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

MOTION approved unanimously.

MOTION by Cardwell, second by Fleming to approve the PBC meeting minutes dated 02-19-2018.

MOTION approved unanimously.

MOTION by Mottola, second by Fleming to approve the invoice from American Metropolitan Environmental for the environmental site assessment for 410 E. Main in the amount of \$1,582.50.

MOTION approved unanimously.

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

MOTION approved unanimously.

### **LAND BANK**

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

MOTION approved unanimously.

MOTION by Allen, second by Keck to approve the Land Bank Board of Trustees meeting minutes dated 2-19-18.

MOTION approved unanimously.

MOTION by Mottola, second by Fleming to approve the City utility bills for Land Bank owned properties in the total amount of \$5.38 for 202 W. Main and 209 W. Main.

MOTION approved unanimously.

MOTION by Keck, second by Cardwell to approve the invoice from Triplett Woolf Garretson in the amount of \$1,104.00 for legal services related to Land Bank business.

MOTION approved unanimously.

The Land Bank should provide Fathead, LLC (Frank Seitz) with a check for \$187.50 (Heather Lane's pro-rated rent for February). Seitz is entitled to the rent for the last 7 days of February.

MOTION by Mottola, second by Cardwell to approve the pro-rated rent for the last 7 days of February for 203 W. Main to Fathead, LLC in the amount of \$187.50.

MOTION approved unanimously.

Carol Irvine, DBA Lil' Deuce Scoop, LLC, addressed the Board with some concerns about the Real Estate Purchase Agreement for the property at 110 W. Main. There are still some masonry issues on the front of the building that need addressed and Irvine had some questions regarding the Option Agreement and the cost of investment on repairs. Irvine would like to open for business in June and was concerned about the additional time it would take to get these issues resolved. In order to maintain a possible June opening the Board would like to go ahead with the publication of the Notice of Sale.

MOTION by Allen, second by Keck to instruct the city attorney to prepare and publish the Notice of Intent to sell the building at 110 W. Main.

MOTION approved unanimously.

The Board reviewed a proposal and investment plan from Larry Beck to purchase the building at 219 W. Main.

MOTION by Fleming, second by Cardwell to accept the proposal from Larry Beck to purchase 219 W. Main for \$5,000 and instruct the city attorney to draft a real estate purchase agreement in accordance to the terms of his proposal.

MOTION approved unanimously.

MOTION by Mottola, second by Keck to purchase the fence from Aero Fence as installed at 100 & 102 W. Main for \$2,605.

MOTION approved unanimously.

J.T. Klaus, City Attorney, advised the Board that the final closure notice has been received on all environmental issues associated with the properties purchased.

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

MOTION approved unanimously.

## **ENGINEER**

**1. Project Review and Update:** Chris Young, City Engineer, reviewed several projects: Nottingham Estates, Emerald Valley Estates, Gilberts Addition, English Park Design Survey

Drainage Improvements, the Decommissioning of the Boxelder Power Plant, the meeting with KDEM and FEMA, Rock Road water line extension and the BNSF meeting.

**City Clerk:** None

**City Administrator:** None

**City Attorney:**  
**Executive Session:**

The City Attorney requested an executive session for a period not to exceed ten (10) minutes to discuss matters involving Land Acquisition for the purpose of reviewing legal agreements to include the Mayor, City Council, City Administrator and City Attorney.

MOTION by Fleming, second by Allen to recess the regular City Council meeting for an executive session for a period not to exceed ten (10) minutes to discuss matters involving Land Acquisition for the purpose of reviewing legal agreements to include the Mayor, City Council, City Administrator and City Attorney to return at 8:50 p.m.

MOTION approved unanimously at 8:40 p.m.

MOTION by Fleming, second by Mottola to reconvene the regular City Council meeting.

MOTION approved unanimously at 8:51 p.m.

The Mayor stated that no decisions were made during the executive session.

**Consent Agenda:**

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

1. **Payroll:** Dated 2-23-18 (\$207,329.50)
2. **City Utility Bills** – (\$30,814.61)
3. **Nottingham Estates** – Pay App. # 1 (\$64,881.00)

MOTION approved unanimously.

#### **ANNOUNCEMENTS, MEETINGS AND NEXT AGENDA ITEMS**

- Monday, March. 19th - Next council meeting @ 7:30 p.m.

**ADJOURNMENT:**

MOTION by Keck, second by Allen to adjourn the council meeting at 8:53 p.m.

MOTION approved unanimously.

Minutes by:  
Debra M. Parker, City Clerk