

MULVANE CITY COUNCIL  
REGULAR MEETING MINUTES

November 7, 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:** Jenean Keck, Joe Johnson, Terry Richardson, Kevin Cardwell and Nancy Mottola.

**Others Present:** Debbie Parker, Kent Hixson, Mike Robinson, J.T Klaus, Jeri Myers, Paul Banzet, Sherry Proctor, Chris Young of Young & Assoc., Diane and Ron Paul, Tom and Mary Fagan.

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

**Approval of Regular Meeting Minutes Dated 10-17-16:**

MOTION by Keck, second by Mottola to approve the Regular meeting minutes dated 10-17-16 as presented.

MOTION approved unanimously.

**Correspondence:** None

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

**Appointments, Awards and Citations:**None

**OLD BUSINESS**

**1. Sale of City Property located at 111<sup>th</sup> & Webb Road (Rivers Property):**

On October 17, 2016, the City Council authorized the City Attorney to prepare a contract for the sale of 40 acres of land to Diane and Ron Paul and Tom and Mary Fagan. The City originally bought 76.25 acres on the northwest corner of 111<sup>th</sup> Street and Webb Road from the Rivers Family in 2004 for \$5,048.93/acre. 4.8 acres is currently used for the municipal swimming pool and parking lot. Since 2007, the City has leased the remaining 71.45 acres to a local farmer. The lease with Ray Patterson pays the City an estimated \$4,270.00/year. The farm lease runs through July 30, 2017 and renews automatically unless terminated. The annual taxes on the property are \$677.64.

The Paul/Fagan offer indicates their intent to develop the property into 90 residential lots. The use of the property for residential development would meet the intent of the City's Comprehensive Plan. The proposal would still allow any part of the remaining approximately 31 acres to be used as a park, if the Council so decided in the future.

The offer was presented to the Council at the August 1, 2016 Council meeting, but no action was taken. On October 17, 2016, the City Attorney was asked to prepare a proper purchase contract. The diagram for the purchase property has been modified slightly from the October meeting. A 100 ft. strip was retained along the North side (north of a proposed drainage lake) to guarantee

the ingress and egress rights to the City's retained property. The south side of the proposed property was also extended to about 111<sup>th</sup> street, as a slight gap existed in the previously presented diagram.

According to the Martens appraisal:

*"The range in market value of \$460,000 to \$540,000 equates to \$6,500 to \$7,500 per acre for the entire 71.45 acre tract of land (vacant commercial land) as one economic unit".*

The Paul-Fagan offer to buy 40 acres for \$280,000 is \$7,000/acre. It is important to note that the property selected by Paul/Fagan is specifically selected for its eligibility to be served by existing gravity sewer. Development on the City's retained property would likely require a lift station.

The City Attorney has prepared the land sales agreement. It includes an optional right of the City to "repurchase" the property if the materials for installing infrastructure for the first phase (pipes, lines, roads etc.) have not been delivered before that date. The City also has an option, if the property is just to be "resold" by Paul/Fagan, to purchase the property back for the same price it paid for it.

The City has the property under Lease. The sale contract discloses that this lease will have to continue until at least July 30, 2017. The costs of closing have generally been split equally between the parties, with the purchaser paying for any necessary survey.

MOTION by Mottola, second by Cardwell approve the sale of 40 acres of land to Paul/Fagan pursuant to the Real Estate Sales and Purchase Contract presented and before the council and authorize the Mayor to sign the same.

MOTION approved unanimously.

## **NEW BUSINESS**

### **1. Mulvane Senior Center – Agreement with Sedgwick County:**

The Mulvane Senior Center is a community focal point where seniors can go for a variety of services, education and social activities for adults age 55 and older. In order to receive County funding, each Senior Center is required to provide certain types of programming based on the level of Senior Center.

The programming requirements fall into three categories:

**BASELINE ACTIVITY:** These are activities that are ongoing, they occur at least monthly. Examples of baseline activities include: crafts, exercise programs, games, potluck/meals or social/support groups.

**SPECIAL EVENT/PROJECTS:** These activities are events that are not scheduled on a regular basis. Examples of special events/projects include: community charities, fundraising, intergenerational programs, dinner events, programs, and musical events.

**EDUCATION:** These activities are designed to provide the older adult with information to improve their life, their health and/or change their behavior. Examples of Educational events include: community education, educational presentations, health presentations/ workshops, advocacy, retirement planning, volunteer service opportunities, educational tours and cultural enrichment activities.

The Mulvane Senior Center is classified as a Senior Center Level 1 and is required to provide at least seven baseline activities annually, 10 special events annually and 35 educational events annually. Senior Centers are more than just a place to serve or distribute meals (which is a separate program). Jeri Myers has done a great job over the years of increasing the type and number of activities at the Center. She has taken the Center from a “club” status to Level I.

The Mulvane Center has held Senior Center Level 1 for 8 years and can't advance to a Senior Center Level 2 because Sedg. Co. has cut the funding. They do the activities for a Senior Center Level 2 and have done so for a long time.

Subject to County appropriation, this Agreement will provide \$18,000 from Sedgwick County to the Center. The Mulvane Senior Center's 2016 total annual operating budget is \$58,260.00.

The City Attorney has reviewed this Agreement. He notes that the City's proof of insurance requirements (including any automobile used) are contained in the contract. Any communication of this signed Contract should disclose that the Mayor of Mulvane is an employee of the County, although she will receive no financial benefit in connection with the operation of the Senior Center.

The Contract requires careful documentation of costs, monthly reporting, and written safeguards against any conflicts or private gain. The City Attorney recommends the City establish a written conflict and anti-nepotism policy for all persons benefitting under this Agreement.

MOTION by Johnson, second by Richardson to approve the contract for the Mulvane Senior Center – Senior Center Level I between the City of Mulvane and Sedgwick County with changes suggested by the City Attorney.

MOTION approved unanimously.

## **ORDINANCES AND RESOLUTIONS**

None

### **1. Engineer's Report/Project Review and Update:**

Chris Young of Young & Associates updated the Council on the GIS mapping of city utility, E. Mulvane Street drainage project, Cedar Brook 2<sup>nd</sup> Addition, Hunters Pointe Addition and the Villa Maria Senior Housing Project.

### **2. Cedar Brook Addition – Phase 5 – Change Order to Kansas Paving, Inc.:**

Change Order No. 1 is a request to add 44 days to the original contract time for street construction. This change order does not request any change in the contract amount.

MOTION by Mottola, second by Cardwell to approve Change Order No. 1 to Kansas Paving for the Cedar Brook Phase 5 Street construction contract to revise the substantial completion date to November 26, 2016.

MOTION approved unanimously.

**City Clerk:** Nothing

### **City Administrator:**

Kent Hixson reminded the Council to register for the Mulvane Chamber of Commerce annual membership dinner held on 11-15-16.

### **City Attorney:**

The City Attorney requested an executive session not to exceed twenty (20) minutes to discuss matters privileged in the attorney-client relationship. The executive session to include the Mayor, Council, City Administrator and City Attorney.

MOTION by Mottola, second by Richardson to recess for a period not to exceed twenty (20) minutes to discuss matters privileged in the attorney-client relationship to include the Mayor, Council, City Administrator and City Attorney. To return at 8:40 p.m.

MOTION approved unanimously at 8:20 p.m.

MOTION by Mottola, second by Johnson to return from executive session at 8:45 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 – 6 as follows:

1. Payroll dated 10-21-16 (\$190,143.43)
2. Payroll dated 11-04-16 (\$185,649.19)
3. City Utility Bills (\$18,030.81)
4. Bond Refinancing – S&P Rating Fee (\$9,350.00)
5. Bond Refinancing – Piper-Jaffray Financial Services (\$17,500.00)
6. Cedar Brook Addition - Payment to Nowak Const. (\$34,495.96)

MOTION approved unanimously.

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

**Adjournment:**

MOTION by Richardson, second by Mottola to adjourn the council meeting at 8:46 p.m.

MOTION approved unanimously.

Debra M. Parker, City Clerk