

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

January 4, 2017

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

Others Present: Debbie Parker, Kent Hixson, J.T Klaus, Joel Pile, Chris Young of Young & Assoc., Kurt Miller, Brent Allen and Amy Houston.

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

Approval of Regular Meeting Minutes Dated 12-19-16:

MOTION by Mottola, second by Richardson to approve the Regular meeting minutes dated 12-19-16.

MOTION approved unanimously.

Correspondence: None

Review and Closing of the Agenda:

In Old business, the items should be listed as 1- Villa Sr. Housing, 2 Rivers Property and 3 Community Room.

Appointments, Awards and Citations:

Appoint Planning Commission Secretary:

Section 9-100 of the City Zoning Regulations requires the Mayor, with the consent of the City Council, appoint a Zoning Administrator to administer and enforce the adopted zoning regulations. Section 9-100A details the specific duties of the Zoning Administrator.

Section 9-100B describes the duties of the Clerk (clerical assistance to Zoning Administrator). In past city practice, the Zoning Administrator and Clerk have been two separate individuals. Upon review, nothing contained in the regulations precludes the positions from being combined and having one individual serve both roles. In an effort to maximize efficiency and minimize expense, the recommendation of staff is to have the Zoning Administrator serve in both capacities.

Mayor Steadman appointed (with consent of the City Council) Joel Pile as Zoning Administrator to serve as both the Zoning Administrator and Zoning Clerk/Secretary.

MOTION by Richardson, second by Keck to appoint Joel Pile as the Mulvane Planning Commission Zoning Administrator and Zoning Clerk/Secretary.
MOTION approved unanimously.

OLD BUSINESS

1. Villa Maria Senior Housing Addition – Amended Water and Sewer Improvements Petitions and Developers Agreement:

The City has received two amended petitions for the Water Improvements and Sanitary Sewer Improvements (collectively, the “Improvements”) to serve the Villa Maria Senior Housing Addition. The amended petitions are necessary to properly reflect all the changes in anticipated costs, generally caused by an increase in cost of the Water Improvements and a decrease in the cost of the Sanitary Sewer Improvements, which bids were not within the engineer’s estimate. Such amended petitions request the improvements be made by the City and the costs “specially assessed” against the landowners in the Addition. An amended Developer’s Agreement was also submitted.

The benefited properties in the petitioned benefit district will be responsible for 100% of the costs associated with the Improvements. The Letter of Credit is still good for the project.

MOTION by Keck, second by Cardwell to accept the amended petitions for the Improvements in the Villa Maria Senior Housing Addition.

MOTION approved unanimously.

MOTION by Keck, second by Richardson to accept the Restated and Amended Developer’s Agreement and authorize the Mayor to sign.

MOTION approved unanimously.

2. Rivers Property Land Sale – Assignment and Assumption Agreement:

On November 7, 2016, the City Council authorized and the Mayor signed a Contract for Purchase and Sale of Real Estate (the “Contract”) for the sale of 40 acres of land located near the northwest corner of 111th Street and Webb Road to Diane and Ron Paul and Tom and Mary Fagan. Diane and Ron Paul and Tom and Mary Fagan have requested that the City approve an Assignment and Assumption Agreement (the “Assignment”) assigning the rights of the Paul’s and Fagan’s as “Purchaser” under the Contract to Suburban Land Development, LLC, a Kansas limited liability company, organized by Diane Paul and Tom Fagan.

The purchase price for the property is \$280,000, or \$7,000 per acre, and the closing is to occur on or before February 7, 2017. If the Assignment is approved and executed, at closing, Suburban Land Development, LLC would pay the purchase price and take title to the property. No other terms of the Contract are proposed to be changed.

The Contract states that no assignment will release or relieve the party assigning from any responsibilities or obligations under the Contract. Despite the change in identity of the purchaser, the Paul’s and Fagan’s will remain liable to perform under the Contract.

MOTION by Mottola, second by Richardson approve the Assignment and Assumption Agreement presented and before the Council and authorize the Mayor to sign the same.

MOTION approved unanimously.

3. Community Room – Review Bids To Remodel:

The flood damage the Community Building sustained left it in a condition not conducive for use as a community facility. During the December 5, 2016 CC Meeting, the council approved a \$67,822 bid from Van Asdale Construction, LLC to remodel the community building. The council also approved a \$14,745 bid from MJB Heating & Cooling for HVAC replacement (MJB Heating & Cooling completed the HVAC replacement the week of Dec. 19th).

The council requested a supplemental bid from Van Asdale Construction for the remodel of the office adjoining the community building (Pix Barbershop), removal/replacement of tile in restrooms, removal/replacement of tile in entry foyer and a tile upgrade from vinyl composite tile (VCT) to luxury vinyl tile (LVT).

“Pix Barbershop” Remodel

Staff recommends remodeling the 450 sq. ft. Pix Barbershop into office space. To avoid ADA compliance issues and the associated expense of installing a new restroom, the old toilet and sink would be removed. In place of the existing restroom, a new doorway would be cut connecting the office to the main community room. The estimated cost to remodel the space is \$16,442.

Staff recommends upgrading to LVT in lieu of VCT flooring in all areas, the estimated cost for LVT flooring is \$15,028.

Ceramic Tile Wainscot in Restrooms

Staff recommends replacement of the ceramic tile wainscot in the men’s and women’s restrooms. Several of the existing tiles are discolored; replacement would allow the ceramic tile to be color coordinated with the new flooring. The estimated cost for new ceramic tile wainscot in both restrooms is \$2,640.

Replacement of Ceramic Tile in Foyer

The estimated cost to remove the ceramic tile in the foyer and replace with vinyl floor tile is \$1,164.

Kitchen Buffet

The existing kitchen area has a single access point, recognizing many of the uses of the community room involve serving food and beverage, staff recommends the kitchen have a buffet counter area installed. The buffet counter would open up the kitchen area to the main room and provide an area for food and beverage service. Cutting a buffet window/counter between the kitchen and main room will involve reconfiguration of the kitchen area (possible relocation of fridge or range oven). Van Asdale Construction was asked to provide a quote for the installation of a minimum of 6’-8’ of 24”-30” counter space between the kitchen and the main room, a detailed quote is not available at this time, but the following response was given: “Without

knowing what electrical changes may need to take place you are looking at a cost range between \$1,300 to \$1,600”.

The funds to do all the work will come from three sources 1) Special Parks, 2) CIP and/ or 3) Contingency.

Joel Pile reviewed the contractor’s quotes and talked about the floor tile. Once the work begins, the contractor thinks it will take about 45 days to complete.

MOTION by Mottola, second by Johnson to accept the supplemental bid dated 12-19-16 from Van Asdale Construction for the total amount, not to exceed, \$35,274 to also include an additional amount, not to exceed, \$1,600 for installation of a buffet window in the community building kitchen.

MOTION approved unanimously.

NEW BUSINESS

1. Sunday Sales of Package Beer & Liquor:

The sale of package beer has been legal (except on Sundays) in Mulvane for decades. The sale of package liquor (except on Sundays) in Mulvane was approved by the voters several years ago. Derby and Wichita allow the Sunday sale of package beer and liquor. Our local stores who sell package beer and liquor are at a disadvantage in this regard.

Mayor Steadman removed herself from the discussion due to a possible conflict of interest. Council president Mottola led the discussion on the issue.

Council member Mottola would like the council to instruct the city attorney to prepare for our consideration, the necessary ordinance that would allow for the Sunday sales of package beer and liquor in Mulvane.

The council instructed the city attorney to draft an ordinance for their review, which would allow the Sunday sales of package beer and liquor.

ORDINANCES AND RESOLUTIONS

1. Amended Resolution of Advisability: Villa Senior Housing Addition

The City has received two amended petitions for the Water Improvements and Sanitary Sewer Improvements (collectively, the “Improvements”) to serve the Villa Maria Senior Housing Addition. Such amended petitions request the improvements be made by the City and the costs “specially assessed” against the landowners in the Addition. Triplett Woolf & Garretson has prepared a Resolution amending Resolution No. 2016-14, which determined the advisability of the Improvements.

MOTION by Richardson, second by Cardwell to adopt Resolution No. 2017-1, amending Resolution No. 2016-14 regarding the advisability of the Improvements in the Villa Maria Senior Housing Addition.

MOTION approved unanimously

RESOLUTION NO. 2017 -1

A RESOLUTION AMENDING RESOLUTION NO. 2016-14 OF THE CITY OF MULVANE, KANSAS.

2. Amended Ordinance Authorizing Work: Villa Senior Housing Addition:

The City has received two amended petitions for the Water Improvements and Sanitary Sewer Improvements (collectively, the “Improvements”) to serve the Villa Maria Senior Housing Addition. Such amended petitions request the improvements be made by the City and the costs “specially assessed” against the landowners in the Addition. Triplett Woolf & Garretson has prepared an amending Ordinance amending Ordinance No. 1473, which authorized the construction of the Improvements for the City’s consideration.

MOTION by Cardwell, second by Mottola to adopt Ordinance No. 1484, amending Ordinance No. 1473 regarding the construction of the Improvements in the Villa Maria Senior Housing Addition.

MOTION approved unanimously

ORDINANCE NO. 1484

AN ORDINANCE AMENDING ORDINANCE NO. 1473 OF THE CITY OF MULVANE, KANSAS.

3. Resolution Authorizing the Public Sale of Temporary Notes: Villa Senior Housing Addition:

The resolution authorizes the public sale of \$175,000 General Obligation Temporary Notes, Series A, 2017 on February 6, 2017, at 10:00 a.m. for the purpose of temporarily financing a portion of the water and sewer improvements for the Villa Maria Senior Housing Addition authorized by Resolution No. 2016-14, as amended by Resolution No. 2017-1 (collectively, the “Improvements”).

The notes will be retired from the proceeds of general obligation bonds which will ultimately be issued to pay the costs of the Improvements. Special Assessments will be levied against the benefited properties in the Villa Maria Senior Housing Addition, following completion and acceptance of the Improvements to pay all the principal and interest on the bonds. The full faith and credit of the City will be pledged to pay the Bonds. Special assessments constitute a “tax lien” on real property that must be discharged or paid before the landowner can realize upon any equity.

MOTION by Mottola, second by Cardwell to adopt Resolution No. 2017-2 authorizing the public sale of \$175,000 of temporary notes.

MOTION approved unanimously.

RESOLUTION NO. 2017-2

A RESOLUTION OF THE CITY OF MULVANE, KANSAS, AUTHORIZING AND PROVIDING FOR THE PUBLIC SALE OF THE CITY'S GENERAL OBLIGATION TEMPORARY NOTES, SERIES A, 2017, IN A TOTAL PRINCIPAL AMOUNT OF \$175,000.

ENGINEERS REPORT

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 2nd Addition, Hunters Pointe Addition and the Villa Maria Senior Housing Project.

2. E. Mulvane Street Drainage – Review Project Progress:

Chris Young reviewed the steps that have been taken to continue on with the project. The City needs to acquire two more easements from property owners on Main Street.

Information Only:

3.O'Reilly's Addition- Engineering Service Agreement:

Construction design plans for the proposed public water main, storm sewers and sanitary sewer will require review and permit approvals from the City and KDHE. Construction inspection and project oversight will be performed by the City to ensure the improvements are installed as approved and permitted.

Project costs for constructing the proposed water main, storm sewers and sanitary sewer improvements are paid 100% by the Developer/Property Owner. Project costs include all engineering design and survey fees, permitting, bidding, City plan review fees and administrative costs and all construction costs, including construction staking, material testing, and inspection and construction oversight.

MOTION by Johnson, second by Richardson that the City enter into an agreement with Young & Associates, P.A. for providing Design Plan Review and Construction Oversight Services for public water main, storm sewers and sanitary sewer to serve the O'Reilly's Addition.

MOTION approved unanimously.

City Clerk: None

City Administrator:

Council member Richardson asked if there is a city law that requires dog owners to pick up after their dog in a park, on a sidewalk or city street. There is a code that requires cleaning up after your dog. Staff will try to raise citizen awareness of that by putting something on the Facebook page and City cable Ch. 7.

City Attorney:

The City Attorney requested 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 and City Attorney.

MOTION by Mottola, second by Cardwell 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 and City Attorney. To return at 9:22 p.m.

MOTION approved unanimously at 9:07p.m.

MOTION by Mottola, second by Cardwell to return from executive session at 9:25 p.m.

MOTION approved unanimously.

Mayor Steadman announced that no decisions were made during the Executive Session.

Consent Agenda:

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

1. Payroll dated 12-30-16 (\$229,397.77)
2. City Utility Bills (\$22,216.77).
3. Tyler Tech invoice (\$26,078.00)

MOTION approved unanimously.

Announcements, Meetings and Next Agenda Items:

Cardwell will not be attending the next council meeting.

Adjournment:

MOTION by Richardson, second by Keck to adjourn the council meeting at 9:26 p.m.

MOTION approved unanimously.

Debra M. Parker, City Clerk