

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

November 6, 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: Terry Richardson, Joe Johnson, Jenean Keck, Nancy Mottola and Kevin Cardwell.

Others Present: Debbie Parker, Kent Hixson, J.T Klaus, Joel Pile, Brad Modlin, Jeri Myers, Chris Young, Mike Robinson, Barry Fleming, Brent Allen, Duane McDaniel, Monica McDaniel, Kurt McPhail, Taylor Matzek, Josh Matzek and Gordon Fell.

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

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

MOTION by Mottola, second by Richardson to approve the Regular meeting minutes dated 10-16-17 and Special meeting minutes dated 11-01-17.

MOTION approved unanimously.

Correspondence: None

Review and Closing of the Agenda:None

Appointments, Awards and Citations:None

OLD BUSINESS

1. Public Hearing – 424 E. Bridge:

At its September 18th, 2017 meeting, the City Council adopted a Resolution setting a public hearing on November 6th, 2017 at which time the owners, their agents, any lienholders of record and any occupants of the structures located at the premises may appear and show cause why such structures should not be condemned and ordered repaired or demolished. The Zoning Administrator's opinion is that the property at 424 E. Bridge Street constitutes a public nuisance and is unsafe and dangerous.

Mulvane Municipal Code Chapter 520 & K.S.A. 12-1750, et seq. regulates dangerous and unsafe structures. To begin condemnation proceedings the governing body must conduct a public hearing. After the public hearing a resolution may be adopted requiring repairs or demolition. If the property owner does not repair or remove the structure, the City will have to hire the demolition to be completed. The City's costs of demolition will be charged to the property and a lien will be placed thereon, which must be satisfied before the property can be sold.

The proposed Resolution gives the property owner 60 days to have the structure at 424 E. Bridge Street repaired or removed along with other debris on the property contributing to the nuisance. If the owner does not diligently proceed with such repair or removal, the City is authorized to do so and assess the costs thereof against the property.

Public Hearing:

Mayor Steadman: It is 7:32 p.m. and I now call Old Business Agenda item # 1 which is a public hearing on property which has been declared as a public nuisance and an unsafe or dangerous structure. This hearing is for property, legally described as:

Lot 14 of Block 3 of the Hill & Rucker Addition to Mulvane, Sumner County, Kansas. Commonly known as 424 E. Bridge Street.

Mayor Steadman welcomed everyone interested in the hearing and read aloud the following ground rules:

It is important that you present any and all facts or views you have at this hearing so a summary can be made as a basis for the decision by the Governing Body.

I will call upon the property owner or agent (if present) and then we will hear from other interested parties. After all have been heard, each party will have an opportunity for final comments. The hearing will then be closed to public comments; questions from the City Council may be directed to the applicant, the public, the staff or our attorney.

Please make sure to write your name and address on the form in the entryway so we will have a record of who is present and for any future communications if necessary. Anyone wishing to speak must be recognized and shall give their name and address prior to addressing the Governing Body. Please use the podium and speak clearly so your comments may be picked up by the recorder and summarized for the minutes by the City Clerk.

Disqualification Declared and Quorum Determined:

Mayor Steadman asked the City Council if any of them intend to disqualify themselves from hearing, discussing and voting on this petition request. NO

According to the City Clerk, a notice for this hearing was published twice for two consecutive weeks on the same day each week in The Mulvane News on September 21, 2017 and September 28, 2017. Also, a copy of the Resolution was mailed by certified mail to the owner and lienholder. Mayor Steadman declared that proper notification has been given.

Ex Parte Communications:

Mayor Steadman asked the City Council if any of them have received any ex parte verbal or written communications prior to this hearing which they would like to share with all the members. NONE

Evidence by Owner:

Mayor Steadman called upon any owner, agents, lienholders of record or occupants to come forward and show cause why such structure should not be condemned and ordered repaired or demolished as a public nuisance, dangerous or unsafe structure. NONE PRESENT.

Jenean Keck arrived at 7:35 p.m.

Public Comments:

There were no members of the public who wished to speak on this case.

Written Communications:

There were no written communications or petitions from the public.

Applicant's Response to Public Comments:

Not necessary.

Final Public Comments:

Joel Pile, Planning & Zoning Director, briefed the council on the dilapidated condition of the property.

Close the Hearing:

Hearing no further public comments, Mayor Steadman closed the public portion of the hearing.

MOTION by Cardwell, second by Richardson to adopt Resolution No. 2017-19 ordering repair or demolition of 424 E. Bridge Street.

MOTION approved unanimously.

RESOLUTION NO. 2017-19

A RESOLUTION REQUIRING THE REPAIR OR DEMOLITION OF THE STRUCTURE AND REMOVAL OF OBJECTS LOCATED AT 424 E. BRIDGE STREET, MULVANE, KANSAS.

NEW BUSINESS

1. Sedgwick County - Senior Center Agreement for 2018:

Jeri Myers, Senior Center Director, made the presentation. 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 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.

The Mulvane Center has held Senior Center Level 1 for 9 years and can't advance to a Senior Center Level 2 because Sedgwick 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.

MOTION by Richardson, second by Mottola to approve the contract for the Mulvane Senior Center – Senior Center Level I between the City of Mulvane and Sedgwick County.

MOTION approved unanimously.

2. Boxelder Power Plant Decommissioning:

In January of 2017 the City officially abandoned their Boxelder Power Plant and requested the cancellation of their KDHE operating permit. In August of 2017 the City received notification from KDHE confirming the City's Class II Operating Permit was closed and the plant considered an "inactive/closed source".

The process of physically abandoning the Boxelder Plant will begin with moving certain electrical control equipment from the old plant into the Line Building. This will allow the City's "Plant 1 Substation" to stand-alone from the Boxelder Plant. Any remaining salvageable equipment and materials will then be removed by City electrical crews and the plant readied for demolition.

City electrical staff have received proposals from two electrical contractors for replacing and relocating electrical controls from the Boxelder Plant to the Line Building. Proposals, including work scope and fees were obtained from Mid-States Energy Works, Inc. (Salina, KS) and Utility Helpnet, Inc. (Wichita, KS). City electrical staff have reviewed these proposals received and would like to proceed with Mid-States Energy Works.

Mid-States Energy Works proposed not to exceed fee for replacing and relocating electrical controls is \$51,895, plus any applicable taxes. Taxes are estimated not to exceed \$4,700. City staff would like to include a contingency budget of \$5,000 for miscellaneous materials and expenses including assistance from the City Engineer in obtaining geotechnical/environmental proposals. Total costs are estimated not to exceed \$61,600.

MOTION by Richardson, second by Mottola that the City approve a budget of \$61,600 for replacing and relocating electrical controls from the Boxelder Plant to the Line Building and assistance from the City Engineer in obtaining geotechnical/environmental proposals.

MOTION approved unanimously.

MOTION by Richardson, second by Mottola that the City enter into an agreement with Mid-States Energy Works, Inc. in the amount of \$51,895, plus applicable taxes and 1.5% for a payment and performance bond for replacing and relocating electrical controls from the Boxelder Plant to the Line Building and authorize the Mayor to sign.

MOTION approved unanimously.

3. City Hall Copier Machine Maintenance Agreement:

The City has a maintenance agreement with Galaxie Business Equipment. This covers routine maintenance and replacement of parts and consumable supplies.

MOTION by Richardson, second by Cardwell to approve the maintenance agreement with Galaxie Business Equipment for the period covered from October 27, 2017 to October 27, 2018. MOTION approved unanimously.

4. Consideration of Clay Ridge Estates Plat:

The Clay Ridge Estates Plat is a small tract plat of 28.6 acres located in Sumner County West along Greenwich Road on the North side of East 140th Ave. The plat was reviewed by the Subdivision Committee on March 2, 2017 and August 3, 2017, the committee recommended forwarding it to the Planning Commission for consideration and approval. The plat was considered and reviewed by the Planning Commission on August 10, 2017; the commission approved the plat and recommended the city council accept the dedications, if any, shown on the plat.

MOTION by Mottola, second by Johnson to accept all dedications, if any, shown on the plat of the Clay Ridge Estates and authorize the Mayor to sign.

MOTION approved unanimously.

ORDINANCES & RESOLUTIONS

1. Charter Ordinance Regarding Public Building Commission:

The PBC is authorized to issue revenue bonds for government buildings that are then leased to the City or other designated governmental units. If the City ever wanted to use the Public Building Commission to finance buildings that it could lease, but could be used by a community college or as a police station (as an example), the City would want to expand state law so that such financing would be available for buildings for that use.

Adopting the Charter Ordinance for purposes of financing land, buildings or improvements which could be used as a community college or fire station will expand the eligible uses for the PBC in the future. The Charter Ordinance would be subject to a 60-day protest period during which a petition could be circulated in the event that citizens did not want the city acquiring or using such buildings for those purposes. Adopting the Charter Ordinance will mean that the City will not be subject to the 30-day protest period if it pursues such financing in the future, since the Charter Ordinance itself will be subject to a 60-day protest.

MOTION by Richardson, second by Johnson to adopt exempting the City from the provisions of K.S.A. 12-1758, K.S.A. 12-1763, and K.S.A. 12-1767 relating to public building commissions and the issuance of revenue bonds thereby and providing substitute and additional provisions relating thereto, and repealing Charter Ordinance No. 19.

(The Mayor also votes on charter ordinances).

MOTION approved 6-0.

CHARTER ORDINANCE NO. 29

A CHARTER ORDINANCE OF THE CITY OF MULVANE, KANSAS EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A. 12-1758, K.S.A. 12-1763, AND K.S.A. 12-1767 RELATING TO PUBLIC BUILDING COMMISSIONS AND THE ISSUANCE OF REVENUE

BONDS THEREBY AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS RELATING THERETO AND REPEALING CHARTER ORDINANCE NO. 19 OF THE CITY.

LAND BANK

The city council is also the Mulvane Land Bank – Board of Trustees. The Land Bank is being used to acquire land and buildings. All land acquisition, land sales and bills need to be approved by the Land Bank Board of Trustees.

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

MOTION approved unanimously.

MOTION by Johnson, second by Richardson to approve the Land Bank Board of Trustees meeting minutes dated 10-02-17.

MOTION approved unanimously.

MOTION by Johnson, second by Mottola to approve the City utility bills for Land Bank owned properties in the total amount of \$12.89 for 202 W. Main and 209 W. Main.

MOTION approved unanimously.

MOTION by Mottola, second by Cardwell to approve the invoice from Triplett Woolf & Garretson for legal services in the amount of \$1,457.50.

MOTION approved unanimously.

Joel Pile reviewed the land offer proposals.

MOTION by Mottola, second by Richardson to reject the offer from Merle McKee to purchase the vacant lot at 111 E. Prather Street.

MOTION approved unanimously.

MOTION by Richardson, second by Mottola to sell 111 E. Prather to the City and begin process to dedicate as parkland.

MOTION approved unanimously.

Joshua & Taylor Matzek addressed the Board of Trustees to outline their vision for the use of the property at 219 W. Main.

MOTION by Richardson, second by Mottola to table the offer from Joshua & Taylor Matzek to purchase the property at 219 W. Main to allow them time to develop a detailed financial and business plan.

MOTION approved unanimously.

Joel Pile will provide costs to bring the building into full compliance with the building code.

MOTION by Mottola, second by Richardson to accept the offer from Frank Seitz to purchase the property located at 203 W. Main in the amount of \$59,000.00 subject to receiving a signed purchase contract that has been reviewed by the city attorney.

MOTION approved unanimously.

MOTION by Johnson, second by Keck to adjourn the meeting of the Mulvane Land Bank Board of Trustees and reconvene as the Mulvane City Council.

MOTION approved unanimously.

ENGINEER

1. Gilberts Addition – Agreement for Design Engineering & Construction Oversight Services:

MOTION by Richardson, second by Johnson that the City enter into an agreement with Young & Associates, P.A. in the amount of \$11,300.00 for design engineering and oversight services for Storm Sewer and Sanitary Sewer improvements to serve the Gilberts Addition, and authorize the Mayor to sign.

MOTION approved unanimously.

2. Update of Projects:

Chris Young updated the City Council on the following projects: Styx Creek Drainage Study, Nottingham Estates, Emerald Valley Estates, Gilberts Addition, Rock Road water line extension and Villa Maria Senior Housing.

City Clerk: None

City Administrator:

- Attending the annual Chamber of Commerce dinner on Nov. 14th.

City Attorney:

Litigation (Augusta v. Mulvane) – The city attorney updated the council on the 10-25-17 summary judgment decision in the City's favor.

Executive Session #1:

The City Attorney requested an executive session not to exceed fifteen (15) minutes to discuss matters involving land acquisition for the purpose to review an offer to sell property to the City. Said executive session to include the Mayor, City Council, City Administrator and the City Attorney.

MOTION by Keck, second by Johnson to recess for a period not to exceed fifteen (15) minutes to discuss matters involving land acquisition for the purpose to review an offer to sell property to the City. Said executive session to include the Mayor, City Council, City Administrator and the City Attorney to return at 9:45 p.m.

MOTION approved unanimously at 9:30 p.m.

MOTION by Mottola, second by Cardwell to return from executive session at 9:45 p.m.

MOTION approved unanimously.

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

Executive Session #2:

The City Attorney requested an executive session not to exceed fifteen (15) minutes to discuss non-elected personnel related to filling the Public Safety Director position. Said executive session to include the Mayor, City Council, City Administrator and the City Attorney.

MOTION by Mottola second by Johnson to recess for a period not to exceed fifteen (15) minutes to discuss non-elected personnel related to filling the Public Safety Director position. Said executive session to include the Mayor, City Council, City Administrator and the City Attorney to return at 10:05 p.m.

MOTION approved unanimously at 9:50 p.m.

MOTION by Mottola, second by Johnson to return from executive session at 10:10 p.m.

MOTION approved unanimously.

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

Consent Agenda: Items 1 - 4

MOTION by Richardson, second by Keck to approve Consent Agenda items 1 - 4

1. **Payroll:** Dated 10-20-17 (201,002.75) & 11-03-17 (\$198,130.80)
2. **Wastewater Plant** - Purchase of a model 4518 Gardner Denver Duroflow, HR Blower in the amount of \$7,111.00 with additional charges for freight.
3. **City Utility Bills:** (\$18,086.86).
4. **Augusta v. Mulvane** – Legal Fees to Triplett, Woolf & Garretson (\$7,857.80)

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS AND NEXT AGENDA ITEMS:

- Monday, Nov. 20th - Next council meeting @ 7:30 p.m.

ADJOURNMENT:

MOTION by Richardson, second by Cardwell to adjourn the council meeting at 10:11 p.m.

MOTION approved unanimously.

Debra M. Parker, City Clerk