

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

January 18, 2021

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 at 7:30 p.m.

Council Members Present: Terry Richardson, Jenean Keck, Kevin Cardwell.

Remote Attendance: Brent Allen, Nancy Farber Mottola.

Others Present: Kent Hixson, Mike Robinson, Debra Parker, Gordon Fell, Joel Pile.

Remote Attendance: J.T. Klaus, Chris Young, Greg Vahrenberg, Crystal Hinnen.

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

Approval of Regular Meeting Minutes Dated 1-04-2021:

MOTION by Cardwell, second by Richardson to approve the Regular meeting minutes dated 1-04-2021.

MOTION approved unanimously.

Correspondence: Mayor Steadman was contacted by a citizen and received photos of possible code violations in town. The information was forwarded to the Police Dept.

Review and Closing of the Agenda: None

Appointments, Awards and Citations:

1. City Council President Annual Appointment:

Mayor Steadman thanked Nancy Mottola for serving as City Council President for the past two (2) years. Mottola has been very diligent in attending meetings and assisting with appointments and interviews. Mayor Steadman expressed confidence in her abilities and recommended Mottola continue to serve as Council President.

MOTION by Keck, second by Richardson to nominate Nancy Mottola to serve as City Council President.

MOTION approved. Mottola abstained.

OLD BUSINESS

1. CDBG – ED Program:

The City of Mulvane was awarded \$120,000 as part of the Community Development Block Grant (CDBG) special Coronavirus stimulus round of funding also known as CDBG-CV. On 11-16-20, the council awarded CDBG funds to CABCS LLC for \$10,000. The State disqualified CABCS

LLC due to the new owner not owning the business as of the grant application qualifying period date.

MOTION by Mottola, second by Cardwell to rescind the CDBG ED fund award to CABCS LLC for \$10,000, due to State disqualification.

MOTION approved unanimously.

MOTION by Keck, second by Richardson to award \$10,000 of CDBG ED funds to Laurie's Kitchen that is currently qualified.

MOTION approved unanimously.

MOTION by Allen, second by Richardson to approve the CDBG revised payment application #2 which includes funds for two (2) businesses (The Pizza Place, Inc., and Laurie's Kitchen) for \$10,000 each and Ranson Financial invoice.

MOTION approved unanimously.

NEW BUSINESS

None

ORDINANCES AND RESOLUTIONS

1. Bond Refunding – Sale of Bonds:

The City's Municipal Financial Advisor, Greg Vahrenberg of Raymond James, reviewed the bond sale with the Council. On Thursday, January 14, 2021 at 10:00 AM, the City received bids for the competitive sale of the Bonds. The City received eight bids with the best bid submitted by Country Club Bank, Prairie Village, Kansas. The interest rates in the bids ranged from 0.37% to 0.59%. The savings to the City, net of all costs, based upon the best bid is \$202,512.50, which equates to a "present value savings percentage" of 5.30%. The average interest rate on the Series A, 2015 Refunded Bonds is 2.20% and the average interest rate on the Series A, 2021 Refunding Bonds is 0.37%, which results in a reduction of 165 basis points (1.65%). The bid submitted by Country Club Bank included a premium paid to the City in the amount of \$228,728.65, which allows for the principal amount of the Refunding Bonds to be reduced to \$3,780,000. It was also noted that Carson Bank participated in the bid submitted by Country Club Bank and was a key part in their aggressive bid submitted for the City's bond sale.

MOTION by Keck, second by Richardson to ratify and approve the Mayor's and City Clerk's prior acceptance of the low bid for the Bonds received from Country Club Bank, Prairie Village, Kansas for the purchase of the Series A, 2021 Bonds.

MOTION approved unanimously.

MOTION by Keck, second by Cardwell to adopt Ordinance No. 1532, an ordinance authorizing the issuance of General Obligation Refunding Bonds, Series A, 2021, all as prepared by Bond Counsel and provided for our consideration.

MOTION approved unanimously.

ORDINANCE NO. 1532

AN ORDINANCE OF THE CITY OF MULVANE, KANSAS, AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION REFUNDING BONDS, SERIES A, 2021, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$3,780,000, FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING GENERAL OBLIGATION REFUNDING AND IMPROVEMENT 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 Mottola to adopt Resolution No. 2021-1, a resolution establishing the terms and provisions governing the City's General Obligation Refunding Bonds, Series A, 2021 as previously authorized by Ordinance, all as prepared by Bond Counsel and provided for our consideration.

MOTION approved unanimously.

RESOLUTION NO. 2021-1

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION REFUNDING BONDS, SERIES A, 2021, IN THE TOTAL AGGREGATE PRINCIPAL AMOUNT OF \$3,780,000, OF THE CITY OF MULVANE, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 1532 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.

2. Emerald Valley Estates Phases 2 – Advisability Resolution and Work Ordinance:

The City has received three petitions and a Developer's Agreement for (i) Water-Phase 2, (ii) Sewer-Phase 2, and (iii) Street and Storm Sewer-Phase 2 (the "Phase 2 Improvements") to serve the Emerald Valley Estates (the "Subdivision") on August 2, 2017. The petitions were previously accepted by the City Council on August 7, 2017. The Developer is ready to proceed with the Phase 2 Improvements. The petitions request the Phase 2 Improvements be made by the City and the costs be "specially assessed" against the landowners in the Subdivision.

The City Council must formally (1) adopt the advisability resolution for Phase 2 and (2) adopt the work ordinance for Phase 2 in order to authorize the commencement of the Phase 2 Improvements with the intent to special assess the final costs of the Phase 2 Improvements to the benefitted properties.

MOTION by Allen, second by Richardson that the council adopt Resolution No. 2021-2 determining the advisability of making certain Phase 2 Improvements consisting of (i) Water-

Phase 2, (ii) Sewer-Phase 2 and (iii) Street and Storm Sewer-Phase 2 Improvements in the Emerald Valley Estates addition.
MOTION approved unanimously.

RESOLUTION NO. 2021-2

A RESOLUTION DETERMINING THE ADVISABILITY OF MAKING CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF MULVANE, KANSAS; SETTING FORTH THE GENERAL NATURE OF THE IMPROVEMENTS, THE ESTIMATED OR PROBABLE COSTS THEREOF, THE EXTENT OF THE BENEFIT DISTRICT TO BE ASSESSED FOR THE COSTS THEREOF, THE METHOD OF ASSESSMENT AND THE APPORTIONMENT OF THE COSTS BETWEEN THE BENEFIT DISTRICT AND THE CITY-AT-LARGE; AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH THE FINDINGS OF THE GOVERNING BODY; AND DIRECTING THE PUBLICATION AND RECORDING OF THIS RESOLUTION (EMERALD VALLEY ESTATES WATER IMPROVEMENTS PHASE 2, EMERALD VALLEY ESTATES SEWER IMPROVEMENTS PHASE 2, AND EMERALD VALLEY ESTATES STREET AND STORM SEWER IMPROVEMENTS PHASE 2).

MOTION by Keck, second by Cardwell that the council adopt Ordinance No. 1533 authorizing the construction of (i) Water-Phase 2, (ii) Sewer-Phase 2 and (iii) Street and Storm Sewer-Phase 2 Improvements in the Emerald Valley Estates addition.
MOTION approved unanimously.

ORDINANCE NO. 1533

AN ORDINANCE AUTHORIZING THE CONSTRUCTION OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF MULVANE, KANSAS, AS HERETOFORE DETERMINED ADVISABLE AND AUTHORIZED TO BE MADE BY RESOLUTION NO. 2021-2 OF THE CITY, UNDER THE AUTHORITY OF K.S.A. 12-6a01 *ET SEQ.*, AS AMENDED AND SUPPLEMENTED; PROVIDING FOR THE PAYMENT OF THE COSTS OF SAID IMPROVEMENTS; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE PAYMENT OF THE COSTS OF SAID IMPROVEMENTS AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY IMPROVEMENT NOTES FROM TIME TO TIME AS FUNDS ARE NEEDED FOR THE ORDERLY CONSTRUCTION OF SAID IMPROVEMENTS.

ENGINEER

1. Emerald Valley Estates Phase 2 – Agreement for Engineering and Construcion Oversight Services:

In January of 2017 the City sold approx. 40-acres of the “River’s” property to Suburban Land Development, LLC, for use in developing single-family residential lots.

The Phase 2 development area consists of (26) single-family residential lots and will include the extension of Emerald Valley Dr. and the construction of Sapphire Lane connecting to Webb Rd. Phase 2 streets will be constructed per City’s asphalt pavement design standards and will include curb & gutter and storm sewers. Water and sanitary sewer utilities will be constructed per City standards.

Total infrastructure project costs, as outlined in the Phase 2 petitions (dated 8/1/2017), were estimated at \$789,900. The petitions include an adjustment factor of 1% per month, per petition. Therefore, the total current petition value (as of 1/16/2021) is approx. \$1,187,600.

Design engineering services will include the preparation of construction design plans and specifications, the preparation of all necessary KDHE permit applications, coordination with Street and Utilities Departments, Zoning and Administrative Staff and Fire & EMS to obtain plan review and approvals and bidding projects. Design engineering fees are estimated not-to-exceed \$47,000.

Construction engineering oversight services will include administering construction agreements, monitoring and reporting the status of work completed, reviewing, and coordinating the contractor’s payment applications and any necessary change orders, final inspections and preparing as-constructed record drawings. Construction oversight fees are estimated not-to-exceed \$42,100.

MOTION by Mottola, second by Allen that the City enter into an agreement with Young & Associates, P.A. for Emerald Valley Estates Phase 2 – Infrastructure Design and Construction Oversight services and authorize the Mayor to sign.
MOTION approved unanimously.

Council had questions regarding the street connection between Phase 2 and Phase 3. Access to the addition will be on Webb Road.

2. Project Review and Update:

City Engineer, Chris Young, reviewed the project update with the council which included: E. Mulvane Street Drainage, Sanitary Sewer Study Update, Homestead Phase 2 Development, Emerald Valley Estates – Phase 2, and Hidden Valley Addition.

MULVANE LAND BANK

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

MOTION approved unanimously.

MOTION by Mottola, second by Allen to approve the 12-21-20 Land Bank Board of Trustee meeting minutes.

MOTION approved unanimously.

MOTION by Mottola, second by Allen that the Mulvane Land Bank Trustees approve the Mulvane Land Bank Annual Report for 2020.

MOTION approved unanimously.

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

MOTION approved unanimously.

MOTION by Cardwell, second by Richardson to accept and file the Mulvane Land Bank annual report.

MOTION approved unanimously.

City Clerk: None

City Administrator: None

City Attorney: None

Consent Agenda Items 1-2:

MOTION by Richardson second by Cardwell to approve Consent Agenda items 1 & 2.

1. Payroll dated 1-08-21 (\$218,700.66)
2. Warrant Register for December 2020 (\$1,439,551.87)

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS AND NEXT AGENDA ITEMS:

- Monday, February 1st - next council meeting @ 7:30 p.m.

ADJOURNMENT:

MOTION by Richardson, second by Cardwell to adjourn the City Council meeting at 8:10 p.m.

MOTION approved unanimously.

Minutes by:
Debra M. Parker, City Clerk