

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

February 20, 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, Jenean Keck, Kevin Cardwell and Nancy Mottola.

Others Present: Debbie Parker, Kent Hixson, J.T Klaus, Joel Pile, Brad Modlin, Dave Williams, Lowell Ester, Chris Young of Young & Assoc., Mike Robinson, Diane and Ron Paul, Tom and Mary Fagan of Suburban Development, Joyce Harting, Tracy Becker and Kelly Ball of USD 263, Shawna Peters and Shawna Allen of So. Central Ks. Mental Health, Kimberly DeWald, Michael Kasselmann, Brent Hooten of Gridliance, James Ging of Ks. Power Pool.

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

Approval of Regular Meeting Minutes Dated 2-06-17:

MOTION by Johnson, second by Mottola to approve the Regular meeting minutes dated 2-06-17.

MOTION approved unanimously.

Correspondence: Mayor stated there was correspondence in the council packet regarding zoning violation enforcement.

Review and Closing of the Agenda:No changes or additions.

Appointments, Awards and Citations:

1. Mulvane Public Library – received an award from the Associated General Contractors of Kansas on behalf of Harman Huffman Construction for the new public library building.

OLD BUSINESS

1. Alcohol & Drug Fund – Review Grant Applications:

The State collects a tax on the sale of alcohol in Mulvane. The State Treasurer disburses a portion of this alcohol tax to the City each quarter.

The City received a 2017 grant application from the Mental Health Assoc. of South Central Kansas & USD 263 for a school based prevention program in the Mulvane school system. Request \$39,230.

A letter from USD 263 stated the district does support the Mental Health Assoc. application as presented.

MOTION by Johnson, second by Keck to approve the application from the Mental Health Assoc. of South Central Kansas for the school based prevention program based on the letter of support from USD 263 in the amount of \$39,230.00.

MOTION approved unanimously.

2. Suburban Development – Review Rural Water District # 3 Proposal:

Tom Fagan and Diane Paul of Suburban Development met with the RWD # 3 board on 2-14-17. The RWD # 3 attorney provided a letter that stated the RWD # 3 wants a total \$40,281.04 as a service area transfer fee (i.e. compensation for taking over 40 acres of RWD # 3 service area) to develop 91 residential lots.

Diana Paul and Tom Fagan, the developers, were present to discuss this issue. The council agreed to pay half of the \$40,281.04. The developers will pay the other half.

MOTION by Mottola, second by Keck to extend the land purchase agreement closing date for 30 days.

MOTION approved unanimously.

The city attorney will draft a service transfer agreement to be presented to the RWD #3 board.

3. Flood Damaged Homes - Update:

On August 19, 2016 several homes and businesses were damaged by flood. Many of the properties were located in Flood Zone AE. When a property in a special flood hazard area is damaged, the City is required to perform damage estimation in accordance with floodplain regulations contained in Ordinance No. 1336. Based upon the estimates generated by the city, three properties were determined to be substantially damaged; 14 N. Circle Drive, 13 SE Louis Drive and 106 W. Walnut.

Properties are classified as substantially damaged when damage to the building has been determined to be greater than 50% of the properties fair market value. Substantially damaged properties are required to be brought into full compliance with floodplain regulations found in Ordinance No. 1336. Full compliance requires residential structures to be elevated 2 feet above the base flood elevation or removed (demolished) from the floodplain.

During the November 21, 2017 Council Meeting, the City Council had extended time to the three effected property owners in order for them to secure construction estimates for repair, remodel or demolition.

On January 25, 2017, Don Carbon (purchaser of 14 Circle Drive) provided contractor's estimates documenting total repair costs for the property were less than 50% fair market value. Mr. Carbon is scheduled to close on the property in mid-March and was given a deadline of July 1, 2017 to complete all repairs and receive a Certificate of Occupancy for the property. (No active work is being done on the property at this time.)

To date two properties (13 SE Louis Drive & 106 W. Walnut) remain classified as substantially damaged and are considered unsafe.

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. *"12-1752. Same; notice and hearing. Whenever the enforcing officer files with the governing body of the city a statement in writing that any structure, describing the same and where located, is unsafe or dangerous or is abandoned property, the governing body, by resolution, shall fix a time and place at which the owner, the owner's agent, any lienholders of record and any occupant of such structure may appear and show cause why such structure should not be condemned and ordered repaired or demolished in the case of unsafe or dangerous structures or rehabilitated in the case of abandoned property. Such resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail within three days after its first publication to each such owner, agent, lienholder and occupant, at the last known address and shall be marked "deliver to addressee only."*

If demolition is undertaken by the city, all costs of such demolition shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

MOTION by Mottola, second by Keck to have a resolution prepared and presented at the March 6, 2017 City Council Meeting fixing the time, date and place for the owner(s), the owner's agent(s), any lienholders of record and any occupant(s) of 106 W. Walnut, 13 SE Louis Drive and 14 Circle Drive to appear and show cause why such structures should not be condemned and ordered repaired or demolished, based upon the written statement provided by the Planning and Zoning Director.

MOTION approved unanimously.

NEW BUSINESS

1. Transient Guest Tax Funds Request – Steampunkesque :

In 2008, the council passed Charter Ordinance # 26 establishing a 5% Transient Guest Tax.

In 2011, the council passed Resolution # 2011-9, a policy that defines how the Transient Guest Tax can be used and disbursed. The TGT funds should result in overnight stays at the Hampton Inn.

Kimberly DeWald was present to address this issue. The City has received a completed Program/Event Application from the Steampunk-Esque Festival in the amount of \$1,500 for an event to be held on Oct. 7 & 8 in downtown Mulvane.

MOTION by Keck, second by Richardson to authorize the City Administrator to approve the request from the Steampunk-Esque Festival for Transient Guest Tax funds in the amount of \$1,500.00.

MOTION approved unanimously.

2. Annual City Audit – Engagement Letter with CPA:

In order to comply with the cash basis and budget laws of the State of Kansas, annual engagement letters must be signed for annual audit services. In accordance with the bid submitted in 2014 by George, Bowerman and Noel, P.A., the fee for the City’s 2016 annual audit is \$23,610.00.

The fee for the Quad County Manor audit is \$1,800.00 - \$2,400.00. Quad County Manor pays the cost of the audit of that facility.

MOTION by Johnson, second by Mottola to approve the engagement letter with George, Bowerman and Noel, P.A., for the 2016 annual City audit in the amount of \$23,610.00.

MOTION approved unanimously.

MOTION by Mottola, second by Cardwell to approve the engagement letter with George, Bowerman and Noel, P.A., for the Quad County Manor 2016 audit in an amount not to exceed \$2,400.00.

MOTION approved unanimously.

3. Rescue Boat Purchase:

During 2016, the City experienced two floods in a short period of time. Several rescues were performed by our City Fire Department. Many of the rescues required a small boat which we do not have. We had to rely on outside agencies to provide the necessary equipment to complete the rescues. We have two firefighters soon to undergo training for swift water rescues. Their dry-suits and related gear have been purchased. Once trained, they will be able to train other interested firefighters. The only piece of equipment lacking is a rescue boat. Staff researched what is available and came up with an inexpensive solution. This is the same boat the City of Derby is about to purchase. The boat is offered by Inmar Marine in San Diego, CA. The is a 12’5” inflatable boat with a 25 hp 4 cycle motor. Total cost is \$6,286.90. A small trailer may be purchased at a later time.

MOTION by Keck, second by Mottola to approve the purchase from Inmar Marine an inflatable rescue boat with motor as quoted in the amount of \$6,286.90.

MOTION approved unanimously.

ORDINANCES AND RESOLUTIONS

None

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.

City Clerk: None

City Administrator: None

City Attorney:

Executive Session # 1:

The City Attorney requested an executive session not to exceed twenty-five (25) minutes to discuss matters privileged in the attorney-client relationship. The executive session to include the Mayor, Council, City Administrator, City Attorney, Brad Modlin, Brent Hooten of Gridliance, and James Ging of Ks. Power Pool.

MOTION by Richardson, second by Cardwell to recess for a period not to exceed twenty-five (25) minutes to discuss matters privileged in the attorney-client relationship to include the Mayor, Council, City Administrator, City Attorney, Brad Modlin, Brent Hooten of Gridliance, and James Ging of Ks. Power Pool.

To return at 9:32 p.m.

MOTION approved unanimously at 9:07 p.m.

MOTION by Mottola, second by Keck to return from executive session at 9:36 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 ten (10) minutes to discuss matters privileged in the attorney-client relationship related to land acquisition. The executive session to include the Mayor, Council, City Administrator and City Attorney.

MOTION by Keck, second by Mottola to recess for a period not to exceed ten (10) minutes to discuss matters privileged in the attorney-client relationship to include the Mayor, Council, City Administrator and City Attorney. To return at 9:48 p.m.

MOTION approved unanimously at 9:38 p.m.

MOTION by Mottola, second by Cardwell to return from executive session at 9:49 p.m.

MOTION approved unanimously.

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

Consent Agenda:

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

1. Payroll dated 2-10-17 (\$186,577.77)
2. Sports Complex Parking Lot – Surface Protection Service quote to sealcoat the parking lot and restripe the lot for the amount of \$6,948.00.
3. Villa Senior Housing Addition – Pay App. # 1 to McCullough Excavating (\$69,276.60).

MOTION approved unanimously.

Announcements, Meetings and Next Agenda Items:

- The 2016 Annual City Report will be emailed to all council members.
- Next regular council meeting – Monday, March 6th @ 7:30 p.m.

Adjournment:

MOTION by Richardson, second by Keck to adjourn the council meeting at 9:50 p.m.

MOTION approved unanimously.

Debra M. Parker, City Clerk