

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

February 3, 2014

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 James P. Ford, who called the meeting to order.

COUNCIL MEMBERS PRESENT: Terry Richardson, Doug Hatfield, Joe Johnson, Shelly Steadman and Jenean Keck

OTHERS PRESENT: Kent Hixson, J.T. Klaus, Patty Gerwick, Mike Robinson, Ryan Glessner with Young & Associates, Kevin Baker, Ginger Golden with Derby Informer and Jim Moore

All stood for the Pledge of Allegiance and Invocation led by Mayor Ford.

APPROVAL OF REGULAR MINUTES DATED 1-20-14: MOTION by Hatfield, second by Steadman to approve the Regular minutes dated 1-20-14. MOTION approved unanimously.

CORRESPONDENCE: Mayor Ford and the Council received correspondence concerning legislative action in respect to broadband access. Mayor Ford asked if the Council wanted to take action and they requested time to research the issue before making any decisions. Tabled until the February 17th meeting.

REVIEW AND CLOSING OF THE AGENDA: Table closing of the agenda until after the first item under New Business.

APPOINTMENTS, AWARDS AND CITATIONS: Mayor Ford offered his congratulations and presented Street Superintendent Kevin Baker with a Certificate for his 20 years of service to the City of Mulvane.

OLD BUSINESS

None at this time.

NEW BUSINESS

1. EXECUTIVE SESSION – MATTERS PRIVILEGED UNDER ATTORNEY-CLIENT RELATIONSHIP: City Attorney J.T. Klaus requested an Executive Session. MOTION by Richardson, second by Keck to recess at 7:40 p.m. for a period not to exceed 5 minutes for an executive session to discuss matters privileged under attorney-client relationship with the Mayor, Council, City Administrator and City Attorney to attend. MOTION approved unanimously.

MOTION by Johnson, second by Richardson to return to open session. MOTION approved unanimously. Mayor Ford announced that no binding decisions or agreements were made during the executive session.

CLOSING OF THE AGENDA: MOTION by Keck, second by Richardson to add Item #1a – Consider an offer to sell the City some land. MOTION approved unanimously. Nothing else to add at this time. Mayor Ford then declared the agenda closed.

- 1a. CONSIDERATION OF OFFER TO SELL CITY SOME LAND: Attorney Klaus explained that the Ken and Shasta Webb have offered to sell some property to the City which is located adjacent to the Denny property that the City recently acquired. The purchase price is \$81,900.00 based on the Counties appraised valuation. They have requested a closing date on or before October 1, 2014. MOTION by Keck, second by Richardson to approve the real estate purchase agreement with Shasta & Ken Webb for the purchase of property at 314 N. Second St. and authorize the Mayor to sign. MOTION approved unanimously.
2. CONSIDER OFFER TO BUY CITY LAND: MOTION by Hatfield, second by Richardson to reject the \$129,000 offer from Steve and Becky Wright to purchase the property at 402 N. Second St. MOTION approved unanimously.
3. CITY HALL RENOVATIONS TO BASEMENT – CHANGE ORDER #1: Hixson explained that when we had the sewer line back-up in December there was some damage done to the walls in the basement. We have requested a proposal from VanAsdale Construction to make the necessary repairs while they are here working on the building remodel. MOTION by Keck, second by Johnson to approve the proposal from VanAsdale Construction for the additional work (i.e. Change Order #1) to replace drywall, base trim, ceiling tiles and carpet in the city hall basement in the amount of \$6,737.00. MOTION approved unanimously.
4. KANSAS STAR CASINO – LETTER OF CREDIT: Attorney Klaus explained that the \$880,000 Letter of Credit for the Casino's portion of the new water tower is eligible to be reduced to the amount of \$251,259 which is approximately three years of special assessment payments. MOTION by Richardson, second by Steadman to accept and approve the replacement of the letter of credit from Bank of America in the reduced amount of \$251,259 and authorize the Mayor to sign. MOTION approved unanimously.

RESOLUTIONS AND ORDINANCES

1. CORRECTIVE ANNEXATION ORDINANCE FOR 140TH AVENUE NORTH: Attorney Klaus explained to the Council that Ordinance 1386 was approved by the Council on Jan. 4, 2012 annexing a portion of 140th Street on the south side of the Kansas Star Casino. Corrective Ordinance 1386-A is intended to correct those portions of the original Ordinance so as to refer to the annexed road as "140th Avenue North". Neither the legal description nor the effective date of the annexation should be affected. MOTION by Johnson, second by Hatfield to adopt and approve Corrective Ordinance 1386-A correcting the common name of 140th Avenue North contained in Ordinance No. 1386. MOTION approved unanimously.

ENGINEER'S REPORT – RYAN GLESSNER

1. SCHOOL DISTRICT – ACCEPT EASEMENTS AND COVENANT: Hixson explained that the school district has made improvements to the Primary-Middle School Campus and the Grade School Campus. City Staff requested, and the school district has provided, utility easements and a drainage covenant for the Primary-Middle School Campus and a water and electric line utility easement for the Grade School Campus. These documents allow the City to locate and maintain our utilities on school property. The covenant defines and secures the drainage reserve on the Primary-Middle School campus and insures it is not reduced in size or otherwise altered to the detriment of the surrounding neighborhood. MOTION by Johnson, second by Richardson to accept the Declaration of Restrictive Covenants (regarding drainage) to the Primary School Campus. MOTION approved unanimously. MOTION by Johnson, second by Richardson to accept the Water & Utility Easement to the Primary School Campus. MOTION approved unanimously. MOTION by Johnson, second by Richardson to accept the Utility Easement to the Primary School Campus. MOTION approved unanimously. MOTION by Johnson, second by Richardson to accept the Water & Electric Line & Utility Easement to the Grade School Campus. MOTION approved unanimously.
2. SCHOOL DISTRICT WATER LINE – OVERSIGHT AGREEMENT: Ryan Glessner explained the need for an Engineering plan review and oversight agreement for the water line improvements at the Grade School Campus. MOTION by Steadman, second by Richardson to enter into an agreement with Young & Associates, P.A. in the amount of \$1,700.00 for providing Design Plan Review and Construction Oversight Services for the proposed water main extension to serve the Mulvane Grade School to include amendment to Item #13 stating the Agreement is to be governed by the law of the City of Mulvane, Kansas. MOTION approved unanimously.
3. PROJECTS REVIEW AND UPDATE: Glessner provided updates on active city projects.

CITY CLERK

Nothing at this time.

CITY ADMINISTRATOR

1. 2015-2020 CAPITAL IMPROVEMENTS PLAN DISCUSSION: Hixson presented an updated list of projects for the Capital Improvement Plan ("CIP"). Each item was reviewed and discussed. Discussions will continue at future Council meetings as part of preparing the 2015 Annual Budget.

CITY ATTORNEY

Nothing at this time.

CONSENT AGENDA: MOTION by Richardson, second by Keck to approve the Consent Agenda Items as follows:

1. Employee Payroll dated 1-31-14 (\$182,068.24)
- MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS AND NEXT AGENDA ITEMS:

2-6-14 – Chamber of Commerce Board meeting – Fire Station – 11:30 a.m.

2-8-14 – Sedgwick Co. Assoc. of Cities – 334 N. Mead St. – Wichita – 8:30 a.m.

ADJOURNMENT: MOTION by Richardson, second by Keck to adjourn at 8:25 p.m.
MOTION approved unanimously.

Patty Gerwick
City Clerk