

**MULVANE CITY COUNCIL
REGULAR MEETING MINUTES**

November 4, 2013

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 Ford, who called the meeting to order.

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

OTHERS PRESENT: Kent Hixson, J.T. Klaus, Patty Gerwick, Mike Robinson, Chris Young, Ray Fleming, Kendra Walls, Mark Detter with Central States, David Foster with Rice Foster Associates, Robert & Sandra Blenco and other interested citizens

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

APPROVAL OF REGULAR MINUTES DATED 10-21-13: MOTION by Hatfield, second by Johnson to approve the Regular minutes dated 10-21-13. MOTION approved unanimously.

CORRESPONDENCE: No additional correspondence at this time.

REVIEW AND CLOSING OF THE AGENDA: Mayor Ford declared the agenda closed.

APPOINTMENTS, AWARDS AND CITATIONS: None at this time.

OLD BUSINESS

None at this time.

NEW BUSINESS

1. MERLIN'S GLEN – DRAINAGE ISSUE: Chris Young, City Engineer explained that there is a water ponding issue in Merlins Glen Subdivision at the intersection of Fox Run and Merlins Glen St. He is recommending that the City consider having some field surveys done to determine what the best option would be to correct the situation whether it is additional reconstruction and/or storm sewer improvements. Mr. Blenco, Home Owners Association Representative, addressed the Council about safety concerns with the standing water. It was the consensus of the Council to look at the options and obtain a cost estimate for the possible solutions along with determining the benefit district. No action taken at this time.

2. PARKS DEPT. – PURCHASE OF A MOWER: Kendra Walls, Park Supt. came before the Council asking permission to purchase a new John Deere mower for the Complex. MOTION by Steadman, second by Richardson to approve the purchase of a John Deere 1600 Series II Wam mower from Prairieland Partners in the amount of \$29,000 with trade-in. MOTION approved 4 Yea (Richardson, Keck, Johnson Steadman) 1 Nay (Hatfield)
3. CONSIDERATION OF ADOPTION OF THE 2013-2023 COMPREHENSIVE DEVELOPMENT PLAN: Ray Fleming, Planning & Zoning Administrator along with David Foster with Rice & Foster Associates presented and reviewed the new Comprehensive Development Plan. Fleming explained that the Council has four options available: 1) approve the recommendation of the Planning Commission and approve an ordinance making the document effective; 2) Revise the recommendation of the Planning Commission by a 2/3 majority; 3) Return the recommendation to the Planning Commission based on changes desired in the Plan; or 4) Table the approval of the recommendation until a specified date. Councilmember Steadman had questions about some of the data that is reported in the Plan and how much land in the Industrial Park is currently in the flood plain. Mr. Foster will do some further research on these questions. MOTION by Keck, second by Steadman to TABLE action on the Comprehensive Development Plan until the next Council meeting on November 18, 2013. MOTION approved unanimously.
4. ORDINANCE ADOPTING COMPREHENSIVE PLAN: TABLED until November 18, 2013.
5. CONSIDERATION OF NUISANCE ABATEMENT 607 AND 611 EAST PEARL: Ray Fleming, Planning & Zoning Administrator explained the situation of the abandoned property located at 607 and 611 East Pearl. The City has authority to abate a public nuisance. If the property owner does not remove the nuisance then the City will fund the work and assess all associated costs against the property. The Council must adopt the following Resolution.
6. RESOLUTION IMPLEMENTING NUISANCE ABATEMENT: MOTION by Richardson, second by Steadman to approve Resolution No. 2013-6 accepting the Statement of the Building Official and Zoning Administrator and directing the issuance of an order to abate a nuisance.

RESOLUTION NO. 2013-6

A RESOLUTION ACCEPTING THE STATEMENT OF THE BUILDING AND ZONING ADMINISTRATOR AND DIRECTING THE ISSUANCE OF AN ORDER TO ABATE A NUISANCE.
MOTION approved unanimously.
7. WATER TREATMENT PLANT AND TOWER – GENERAL OBLIGATION BOND SALE: Mark Detter with Central States received and opened the bids for the sale of \$8,225,000 of City General Obligation Bonds for the Water Treatment Plant and Water Tower Improvements. Bids were received from five (5) bidders with BOSC, Inc. being the low bid. MOTION by Steadman, second by Richardson to accept the low bid for the Bonds received from BOSC, Inc. for the purchase of the Series A, 2013 Bonds. MOTION approved unanimously.

J.T. Klaus, Bond Counsel for the City, explained that now that the bids have been accepted, the Council is encouraged to adopt the Bond Ordinance and Supplemental Bond Resolution authorizing Bond Counsel to prepare the Bonds for the Improvements.

RESOLUTIONS AND ORDINANCES

1. BOND ORDINANCE (SERIES A, 2013 GENERAL OBLIGATION BONDS) – WATER TOWER & TREATMENT PLANT: MOTION by Richardson, second by Keck to adopt Ordinance No. 1426, an ordinance authorizing the issuance of General Obligation Bonds, Series A, 2013, all as prepared by Bond Counsel and provided for Council consideration.

ORDINANCE NO. 1426

AN ORDINANCE OF THE CITY OF MULVANE, KANSAS, AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS, SERIES A, 2013, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$8,225,000, FOR THE PURPOSE OF FINANCING THE OTHERWISE UNPAID COSTS OF MULTIPLE CAPITAL IMPROVEMENTS IN 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 approved unanimously.

2. BOND RESOLUTION (SERIES A, 2013 GENERAL OBLIGATION BONDS) – WATER TOWER & TREATMENT PLANT: MOTION by Richardson, second by Keck to adopt Resolution No. 2013-7, a resolution establishing the terms and provisions governing the City's General Obligation Bonds, Series A, 2013 as previously authorized by Ordinance, all as prepared by Bond Counsel and provided for Council consideration.

RESOLUTION NO. 2013-7

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION BONDS, SERIES A, 2013, IN THE TOTAL AGGREGATE PRINCIPAL AMOUNT OF \$8,225,000, OF THE CITY OF MULVANE, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 1426 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.

MOTION approved unanimously.

3. CORRECTIVE ORDINANCE (CONTROLLED SUBSTANCES): J.T. Klaus, City Attorney explained that the Council passed an Ordinance in March, 2013 which made "providing of controlled substances and paraphernalia to minors" a felony. Municipal Court does not have jurisdiction to hear felony cases so the felony offense should be removed from the City Code. MOTION by Keck, second by Richardson to adopt and approve Ordinance No. 1427 amending Title II, Chapter 210, Article IX, Section 210.100 of the Mulvane Municipal Code amending the Code with respect to controlled substances.

ORDINANCE NO. 1427

AN ORDINANCE AMENDING TITLE II, CHAPTER 210, ARTICLE IX, SECTION 210.100 OF THE CODE OF THE CITY OF MULVANE, KANSAS REGARDING CONTROLLED SUBSTANCES.

MOTION approved unanimously.

ENGINEER'S REPORT

1. CEDAR BROOK ADDITION – REVIEW CONSTRUCTION CONTRACTS FOR WATER, SEWER, STREETS AND STORM SEWER: MOTION by Johnson, second by Hatfield to approve the construction contract for the Cedar Brook Addition utilities (Sanitary Sewer, Water Line and Storm Sewer) with Mies Construction in the amount of \$256,191.40 and issue a Notice to Proceed. MOTION approved unanimously. MOTION by Johnson, second by Richardson to approve the construction contract for the Cedar Brook Addition pavement project with Cornejo and Sons in the amount of \$273,238.89 and issue a Notice to Proceed. MOTION approved unanimously.
2. CITY HALL PARKING LOT PAVING – CHANGE ORDER: Chris Young, City Engineer explained to the Council that when Cornejo & Sons began milling the south parking lot at City Hall they discovered that a large portion of the parking lot had less than 4” of asphalt. The Contractor recommended removing all asphalt, compact soft areas with sub-grade material and install a full 5” asphalt mat. This additional work resulted in Change Order No. 1 being issued. Staff also recommends that a “Stop Work Order” be issued based on completing the K-53 mill & overlay work next spring. MOTION by Johnson, second by Richardson to approve Change Order No. 1 with Cornejo & Sons, per Staff recommendation, in the amount of \$17,334.66. MOTION approved unanimously. MOTION by Richardson, second by Keck to approve Stop Work Order No. 1 with Cornejo & Sons per Staff recommendation. MOTION approved unanimously.
3. PROJECTS REVIEW AND UPDATE: Young gave a brief review of the other city projects that are in progress.

CITY CLERK

Nothing at this time.

CITY ADMINISTRATOR

Councilmember Richardson asked if one of the parking lots at the Sports Complex could be opened so people going out there to walk would not have to park on the street. Hixson will talk to the Park Superintendent.

Councilmember Keck asked about the appointment to the Sumner County Economic Development Board. Hixson advised that it would be on the next Council agenda.

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 10-25-13 (\$165,637.25)
2. Bond Issue Rating – Standard & Poor’s Fee (\$12,500.00)

MOTION approved unanimously.

ANNOUNCEMENTS AND NEXT AGENDA ITEMS:

Mayor Ford announced that he would not be at the meeting on 11-18-13

11-04-13 – Downtown Business Owners meeting – City Hall – 11:00 a.m.

11-06-13 - Library Design Committee – City Hall – 5:00 p.m.

11-07-13 – Chamber of Commerce Board Meeting – City Hall – 11:30 a.m.

11-09-13 – Sedg. Co. Assoc. of Cities meeting – 714 N. Main, Wichita – 8:30 a.m.

11-11-13 – Veterans Day – City Hall closed

11-12-13 – Chamber of Commerce – Annual meeting & dinner – Woodfire Grill -KSC

ADJOURNMENT: MOTION by Richardson, second by Keck to adjourn at 9:23 p.m.
MOTION approved unanimously.

Patty Gerwick
City Clerk