

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

February 19, 2018

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: Brent Allen, Barry Fleming, Nancy Mottola and Kevin Cardwell.

Others Present: Debbie Parker, Kent Hixson, J.T Klaus, Joel Pile, Chris Young, Mike Robinson, Brad Modlin, Gordon Fell, Kevin Baker, Greg Vahrenberg, Corie Rogers, Dustin Billingsley, Carol Irvine, Mike Coates.

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

Approval of Regular Meeting Minutes Dated 2-05-18:

MOTION by Allen, second by Fleming to approve the Regular meeting minutes dated 2-05-18.
MOTION approved unanimously.

Correspondence: Nancy Mottola was contacted by a citizen, Glenda Brown at 617 Ash, regarding debris in the ditches across the railroad tracks going west on K-53 and south. She wanted to be sure the railroad was aware of the debris issues.

Review and Closing of the Agenda: None

Appointments, Awards and Citations:

1. Planning Commission Appointment:

MOTION by Fleming, second by Mottola to approve the appointment of Shawn Ebersole to fill the vacant, unexpired term (City-Sedgwick County) on the Mulvane Planning Commission.
MOTION approved unanimously.

OLD BUSINESS

None

NEW BUSINESS

1. Transient Guest Tax Applications:

MOTION by Mottola, second by Cardwell to approve the Transient Guest Tax fund request from the Mulvane Old Settlers Committee in the amount of \$3,600.00.
MOTION approved unanimously.

Mottola expressed how important Mulvane Old Settlers is to the community but had concerns regarding how some MOS board members treat business owners, the Police Department, Council and Mayor.

2. Audit Engagement Letter With CPA:

MOTION by Mottola, second by Cardwell to approve the engagement letter with George, Bowerman and Noel, P.A., for the 2017 annual City audit in the amount of \$24,790 including expenses.

MOTION approved unanimously.

MOTION by Cardwell, second by Mottola to approve the engagement letter with George, Bowerman and Noel, P.A., for the 2017 annual Mulvane Land Bank audit in the amount of \$1,680 including expenses.

MOTION approved unanimously.

3. Villa Maria – Accept Utility Easement:

The Villa Maria is constructing an addition and doing extensive remodeling to the facility at 116 S. Central. In order to serve the new addition, the City utility department needs an easement through the property. The addition will require electric underground wire and a three phase electric transformer on the south side of the new facility within the property.

MOTION by Allen, second by Fleming to accept the utility easement as prepared for the Villa Maria as described.

MOTION approved unanimously.

4. Utility Dept. – Bids For Power Poles:

MOTION by Fleming, second by Allen to accept the low bid from WESCO in the total amount of \$10,893.40 for twenty 40 foot wood poles and sixteen 45 foot poles.

MOTION approved unanimously.

5. Public Works Dept. – Bid for One-Ton Dump Truck:

MOTION by Mottola, second by Cardwell to approve the purchase of one (1) Ford F550 1 – Ton Truck with dump bed, including (1) one stainless steel Western Sand Spreader as additional equipment from Rusty Eck Ford at a cost of 65,947.00.

MOTION approved unanimously.

6. Stevens Addition Plat – Accept Dedications:

The Stevens Addition Plat is a tract plat of 20 acres located in Sumner County, west along N. Oliver Road on the north side of E. 120th Ave. The plat was reviewed by the Subdivision Committee on February 1, 2018. The committee recommended forwarding it to the Planning Commission for consideration and approval. The plat was considered and reviewed by the Planning Commission on February 8, 2018. The commission approved the plat and recommended the City Council accept the dedications, if any, shown on the plat. The governing body must agree to accept the dedications, if any, shown on the plat or refer the plat back to the Planning Commission. Since the plat is outside the city limits, the Sumner County Commission must also accept the dedications, if any, shown on the plat.

MOTION by Allen, second by Fleming to accept all dedications, if any, shown on the plat of the Stevens Addition and authorize the Mayor to sign the plat.

MOTION approved unanimously.

ORDINANCES & RESOLUTIONS

1. Resolution To Set Public Hearing Date – Repair or Demolish 517 W. Pearl:

The City of Mulvane, Kansas (the “City”) has fielded numerous nuisance complaints for the property located at 517 W. Pearl. During an exterior inspection on February 14, 2018, it was determined the property is unsafe and dangerous. The structure is in a severe state of disrepair and should be made secure or demolished.

According to Sumner County records, the property is legally described as Block 8, Lot W40’ 1-2 of the Riverside Addition (517 W. Pearl St.) owned by Mary Rivera of Mulvane, Kansas.

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.”

If demolition or repairs are undertaken by the city, all costs of such repairs or 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 Cardwell, second by Allen to approve Resolution 2018-1 fixing the time, date and place for the owner(s), the owner’s agent(s), any lienholders of record and any occupant(s) of 517 W. Pearl Street, Mulvane, Kansas to appear and show cause why such structures should not be condemned and ordered repaired or demolished.

MOTION approved unanimously.

RESOLUTION NO. 2018-1

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING NOTICE OF A PUBLIC HEARING BEFORE THE GOVERNING BODY OF THE CITY OF MULVANE, KANSAS, AT WHICH THE OWNERS, THEIR AGENTS, ANY LIENHOLDERS OF RECORD AND ANY OCCUPANTS OF THE STRUCTURES LOCATED ON THE PREMISES DESCRIBED HEREIN, MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURES SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A PUBLIC NUISANCE, DANGEROUS OR UNSAFE STRUCTURES.

PUBLIC BUILDING COMMISSION

MOTION by Mottola, second by Cardwell to recess the City Council meeting and convene the PBC.

MOTION approved unanimously.

MOTION by Mottola, second by Fleming to approve the PBC meeting minutes dated 07/17/2017 and 02/05/2018.

MOTION approved unanimously.

PBC attorney, J.T. Klaus, explained the purpose of the First Amendment Agreement.

MOTION by Mottola, second by Allen to approve the First Amendment Real Estate Purchase Agreement as presented and authorize the Chair to sign the same.

MOTION approved unanimously.

Greg Vahrenberg reviewed the draft financial analysis with the board and explained the rating process as it relates to the tax lid. The PBC will issue the bonds to purchase and remodel 410 E. Main. The PBC will lease the building to the City of Mulvane, Kansas to be used as a police station. City Staff is recommending a ten (10) year issue. The police station debt service will “wrap” around the two outstanding PBC issues (2009 – EMS Station #1 and 2014 – Library). The benefit of “wrapping” the debt is to better avoid large increases in the annual debt service payments.

MOTION by Cardwell, second by Fleming to approve and authorize the Chair to sign the engagement agreement with Piper Jaffray & Co. for financial advisory services related to the Series 2018 Revenue Bonds proposed to be issued by the Public Building Commission.

MOTION approved unanimously.

MOTION by Allen, second by Mottola to approve and authorize the Chair to execute the engagement letter with Triplett Woolf Garretson, LLC for bond counsel services related to the Series 2018 Revenue Bonds proposed to be issued by the Public Building Commission.

MOTION approved unanimously.

MOTION by Cardwell, second by Fleming to adopt Resolution No. PBC-2018-1, authorizing the Project, declaring the Commission’s intent to issue bonds to finance the Project, and authorizing the offering by public sale of such bonds.

MOTION approved unanimously.

RESOLUTION NO. PBC-2018-1

A RESOLUTION DECLARING IT NECESSARY AND ADVISABLE TO ACQUIRE REAL ESTATE AND IMPROVEMENTS THEREON AND CONSTRUCT, EQUIP AND FURNISH CITY FACILITIES; TO ISSUE REVENUE BONDS OF THE CITY OF MULVANE, KANSAS PUBLIC BUILDING COMMISSION IN A PRINCIPAL AMOUNT NOT TO EXCEED \$1,000,000 FOR THE PURPOSE OF PAYING THE COSTS OF THE PROJECT; AUTHORIZING AND PROVIDING FOR THE UNDERWRITING AND OFFERING FOR SALE OF SAID BONDS; AND TO PROVIDE FOR THE GIVING OF NOTICE OF THE INTENTION OF THE CITY OF MULVANE, KANSAS PUBLIC BUILDING COMMISSION TO ISSUE SAID BONDS.

MOTION by Mottola, second by Allen to adjourn the Public Building Commission meeting and reconvene the City Council meeting.

MOTION approved unanimously.

LAND BANK

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

MOTION approved unanimously.

MOTION by Fleming, second by Allen to approve the Land Bank Board of Trustees meeting minutes dated 2-05-18.

MOTION approved unanimously.

MOTION by Cardwell, second by Fleming to approve the invoice from the Mulvane News for publication costs in the amount of \$142.60.

MOTION approved unanimously.

MOTION by Fleming, second by Cardwell to approve the invoice from Reddi Fence for temporary security fence rental for 100 W. Main in the amount \$235.00.

MOTION approved unanimously.

The board would like city staff to get information on purchasing the temporary fence instead of paying a monthly rental fee.

Carol Irvine addressed the board with her plans for the property at 110 W. Main. She would like to open an ice cream and confectionary shop.

MOTION by Mottola, second by Fleming to instruct city staff to prepare and execute a purchase agreement for the property at 110 W. Main subject to recommendations of the city attorney to include items agreed to by the purchaser.

MOTION approved unanimously.

MOTION by Mottola, second by Allen to allow the city administrator to act as the Land Bank duly appointed agent to sign closing documents for the sale of Land Bank property.

MOTION approved unanimously.

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

MOTION approved unanimously.

ENGINEER

1. Gilbert Addition - Change Order:

MOTION by Allen, second by Fleming that the City approve Change Order No. 3 with Duling Construction Co, Inc., for construction of sanitary sewers in the Gilberts Addition, in the added amount of \$143.00 and authorize the Mayor to sign.

MOTION approved unanimously.

2. Emerald Valley Estates – Change Orders:

MOTION by Allen, second by Fleming that the City approve Change Order No. 4 with Duling Construction Co, Inc., for construction of sanitary sewers in Emerald Valley Estates, in the added amount of \$963.60 and authorize the Mayor to sign.

MOTION approved unanimously.

MOTION by Cardwell, second by Allen that the City approve Change Order No. 5 with Duling Construction Co, Inc., for construction of water lines in Emerald Valley Estates, in the deduct amount of \$5,960.00 and authorize the Mayor to sign.

MOTION approved unanimously.

3. Project Review and Update: Chris Young, City Engineer, reviewed several projects: Nottingham Estates, Emerald Valley Estates, Gilberts Addition, English Park Design Survey Drainage Improvements, the Decommissioning of the Boxelder Power Plant and Rock Road water line extension. There is a meeting planned with BNSF on February 20th at 10:00 a.m. at city hall. Young reviewed a draft agenda for the meeting.

It was the concensus of the council to give Chris Young authorization to continue with the storm sewer improvements in the Gilberts Addition.

City Clerk: None

City Administrator:

Special Council Meeting – Tuesday, Feb. 20th at 10:00 a.m. at city hall.

City Attorney:

Executive Session #1:

The City Attorney requested an executive session for a period of five (5) minutes to discuss matters privileged in the attorney-client relationship to include the Mayor, City Council, City Administrator and City Attorney.

MOTION by Mottola, second by Fleming to recess the regular City Council meeting for an executive session for the justification of attorney-client privilege to discuss matters privileged in the attorney-client relationship not to exceed five (5) minutes to include the Mayor, City Council, City Administrator and City Attorney, to return at 9:05 p.m.

MOTION approved unanimously at 9:00 p.m.

MOTION by Cardwell, second by Mottola to reconvene the regular City Council meeting.

MOTION approved unanimously at 9:13 p.m.

The Mayor stated that no decisions were made during the executive session.

The City Attorney advised the council that Terracon will need to drill an additional test hole at the Boxelder Power Plant. There will be an additional charge of \$800.00 to the amount previously approved. This is under the City Administrator's spending authority.

Consent Agenda:

MOTION by Mottola, second by Fleming to approve Consent Agenda items 1 & 2.

1. **Payroll:** Dated 2-09-18 (\$201,596.75)
2. **Emerald Valley Estates** – Pay App. #1 to Duling Const. (\$87,543.90)

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS AND NEXT AGENDA ITEMS:

- Monday, March. 5th - Next council meeting @ 7:30 p.m.

ADJOURNMENT:

MOTION by Mottola, second by Allen to adjourn the council meeting at 9:16 p.m.

MOTION approved unanimously.

Minutes by:
Debra M. Parker, City Clerk