

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

November 5, 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, Jenean Keck, Kevin Cardwell, Nancy Mottola and Barry Fleming.

Others Present: Debbie Parker, Kent Hixson, J.T. Klaus, Gordon Fell, Chris Young, Brad Modlin, Mike Robinson, Joel Pile, Lachelle Tootle, Tom Bishop, Dustin Avey, Clayton Kelley, Larry Beck, Cathy Walker, Tony Meek, Andy Matlock.

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

Approval of Regular Meeting Minutes Dated 10-15-18:

MOTION by Mottola, second by Allen to approve the Regular meeting minutes dated 10-15-18. MOTION approved unanimously.

Correspondence: None

Review and Closing of the Agenda: None

Appointments, Awards and Citations:

1. **Employee of the Month:** Mayor Steadman presented Gordon Fell, Public Safety Director, with an Employee of the Month certificate for his services on Band Day.

OLD BUSINESS

1. Pix Center – Review use Policies and Rental Fees:

The council reviewed changes made to the rates and use policy as discussed at the October 15, 2018 council meeting. These changes include:

1. Reduce the required damage/cleaning deposit to \$100.
2. Add language for applicant to consider a voluntary contribution to Pix Marquee Committee.
3. Add a 2-hour Use Rate.
4. Add a non-profit category on the fee schedule.
5. Change to rate schedule.

The council did not wish to put the fees in the City Code, but will keep the fees Administrative.

MOTION by Cardwell, second by Keck to adopt the PIX Community Center Agreement and Use Fees.

MOTION approved, Mottola abstained.

Allen commented how the PIX was a great amenity for the community. Mayor Steadman would like tracking on the number of events which include and pay the alcohol fee in the coming year.

NEW BUSINESS

1. Homestead Housing Phase II Proposal:

Tom Bishop, CEO of the Homestead Housing Company, asked the council to consider passing a resolution in support of an application to KHRC for low income housing tax credits. The 32-36 unit project would be located west of and adjacent to the Phase I development on Rock Road Court. The project would be property tax exempt.

Bishop presented a power point presentation to the Council with plans for a Phase II of the Homestead Senior Housing. Bishop advised the current Senior Housing has about 40 on a waiting list, and felt there was a need for additional units. Council was in support of the plan, but would like some modifications which would decrease the number of units to maintain the frontage lots along Rock Road to allow for future commercial development.

Bishop will provide a revised follow-up layout and resolution for review by the City Attorney and bring the request back to council for consideration.

2. Utility Disconnect Policy – Discuss After Hours Reconnect Policy:

Utility Billing Clerk, Lachelle Tootle, addressed the council with a request to discontinue after hours reconnects for customers who have been disconnected for non-payment, unless a life-threatening emergency exists.

Some items of discussion were:

How many customers are disconnected per month; How long it takes to reconnect a customer; Overtime costs for the utility department; Increasing the reconnect fee; The number of times a customer is notified; The ways available for a customer to pay their bill; Dispatch handling a utility issue and collection of money; Possible schedule changes for employees; Only offer reconnects until a specific time in the evening; Allowing payment till the end of the day on the 20th.

After much discussion, it was decided to have staff research possible solutions and bring back to council.

3. Utility Department: Review New Backhoe Purchase Bids:

The Utility Department currently owns and operates a 2003 JCB 214S backhoe. The backhoe has 2845 hours of service to date. The backhoe is used extensively for installation and repair of water, sewer and electric lines in residential and commercial developments.

Sealed bids for a new backhoe were opened on October 23, 2018. Bids meet the minimum requirements and include trade in of the 2003 JCB 214S backhoe. Bids are as follows:

Murphy Tractor & Equipment	\$126,874.48
Foley Equipment Company	\$130,568.90

MOTION by Keck, second by Cardwell to approve the bid from Murphy Tractor & Equipment Company of Wichita for a 2019 John Deere 310SL HL Backhoe/Loader for the total amount of \$126,874.48.

MOTION approved unanimously.

4. Fire Department – Review Quote for Fire Truck Repair:

Engine 403 is in need of a new motor to allow the truck to be used until a new truck can be purchased and received. This repair will hopefully allow the truck to be used in some compacity for a few years and allow for some value at the time of sale.

MOTION by Mottola, second by Keck to accept a bid from Warner Diesel in the amount of \$5,822.51 to replace the motor in Engine 403.

MOTION approved unanimously.

5. Fire Department – Transfer of Funds for New Fire Truck:

In the 2019 Public Safety Budget, the purchase of a new fire truck was planned for in the Capital Improvement Plan.

An estimated amount of \$425,000 is needed to purchase a new fire truck to replace Engine 403. In the 2019 Budget \$275,000 was budgeted for the purchase of a new fire truck. In the 2018 Budget \$150,000 was anticipated to be available from EMS and Fire Funds to complete the funding for the new fire truck.

MOTION by Keck, second by Fleming to authorize the Fund Transfer of \$150,000 from the 2018 Public Safety Budget to the Municipal Equipment Reserve Fund.

MOTION approved unanimously.

6. Financial Adviser Agreement for General Obligation Bond Issue:

The City Council will be considering an authorizing resolution for the proposed issuance of the Series 2018 General Obligation Bonds. The Bonds will finance project costs for improvements over a 15-year period, which will then be repaid by special assessments levied against properties in each benefit district.

Upon receiving approval to proceed, the Financial Advisor will prepare the draft Preliminary Official Statement, which is the disclosure document provided to investors for the sale of the Bonds. A rating will also be requested and assigned to this issue. The engagement agreement is the document which provides the Financial Advisor with an agreement to proceed with the proposed bond issue and to accept bids from potential underwriters.

MOTION by Mottola, second by Cardwell to authorize the engagement agreement with Piper Jaffray & Co. for financial advisory services in connection with the issuance of the Series 2018 Bonds of the City.

MOTION approved unanimously.

ORDINANCES & RESOLUTIONS

1. Resolution Authorizing Issuance of Temporary Notes:

The costs of the Villa Maria Senior Addition Improvements (water, sewer) were temporarily financed by the City of Mulvane, Kansas General Obligation Temporary Notes, Series A, 2017 (the "Series A, 2017 Notes"). The costs of the Cedar Brook Phase 5 Improvements (water, sewer, street) were temporarily financed by the City of Mulvane, Kansas General Obligation Temporary Notes, Series B, 2017 (the "Series B, 2017 Notes").

The Series A, 2017 Notes and Series B, 2017 Notes (the "Original Notes") have matured or will mature prior to the City's issuance of general obligation bonds to permanently finance the improvements. The City intends to issue renewal temporary notes while awaiting permanent financing at the end of December. Triplett Woolf Garretson, LLC has prepared the Resolution authorizing the issuance of the Notes to renew the temporary financing of the Cedar Brook Phase 5 Improvements and Villa Maria Improvements.

The Notes provide the funds to temporarily renew the Original Notes pending the issuance of the permanent bonds and the Notes will be purchased by the City. The only financial considerations are the costs of issuing the Notes. The Notes will be redeemed and paid upon the issuance of permanent general obligation bonds in December.

MOTION by Mottola, second by Cardwell that the council adopt Resolution No. 2018-4, establishing the terms and provisions governing the City's General Obligation Renewal Notes, Series A, 2018.

MOTION approved unanimously.

RESOLUTION NO. 2018-4

A RESOLUTION PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION RENEWAL NOTES OF THE CITY OF MULVANE, KANSAS, IN THE TOTAL PRINCIPAL AMOUNT OF \$612,000, AS HERETOFORE AUTHORIZED BY ORDINANCE NO. 1473 (AS AMENDED BY ORDINANCE NO. 1484) AND ORDINANCE NO. 1419 (AS AMENDED BY ORDINANCE NO. 146), EACH OF THE CITY, IN ORDER TO PROVIDE FUNDS TO REIMBURSE A PORTION OF THE COSTS OF, AND RENEW THE PRINCIPAL AMOUNT OF THE CITY'S TEMPORARY NOTES PREVIOUSLY ISSUED FOR THE TEMPORARY FINANCING OF THE COSTS OF CONSTRUCTION OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY AUTHORIZED BY SAID ORDINANCE; AND PROVIDING THE TERMS, DETAILS, FORM AND CONDITIONS OF SAID GENERAL OBLIGATION RENEWAL NOTES.

2. Certification of Final Costs – Set Public Hearing:

The City Council, by previous action and at the request of a majority of benefited landowners, authorized the construction of certain (i) water, sewer and street improvements in Cedar Brook Subdivision and Cedar Brook 2nd Subdivision by Resolution No. 2013-2, as amended by Resolution No. 2016-4, (ii) water and sewer improvements in Villa Maria Senior Housing Addition by Resolution No. 2016-14, as amended by Resolution No. 2017-1, (iii) water, sewer, paving and drainage improvements in Nottingham Estates at Hunters Pointe by Resolution No. 2017-8, as amended by Resolution No. 2017-11, (iv) water, sewer, street, storm sewer, mass grading and detention pond improvements in Emerald Valley Estates by Resolution No. 2017-12, and (v) sewer and storm sewer improvements in Gilberts Addition by Resolution No. 2017-14 (collectively, the “Improvements”). The Improvements have been completed and final costs and proposed assessments have been prepared for consideration and approval by the City Council. The next step of the financing process is to (a) approve the total final costs and proposed assessments for the improvements and (b) to call a public hearing to receive complaints or objections to the proposed special assessments.

The City Council must formally accept and approve the total final costs and proposed assessments of the improvements as presented and adopt a Resolution, setting the date, time and place for a public hearing to receive objections or complaints to the proposed assessments against their property for the improvement. A Notice of Public Hearing will be published in the official city newspaper. In addition, individual notices will be mailed to the benefiting property owners of the hearing and proposed assessments.

MOTION by Keck, second by Fleming that the council accept and approve the total final costs and proposed assessments for the Improvements.

MOTION approved unanimously.

MOTION by Keck, second by Mottola to adopt Resolution No. 2018-5 setting the date, time and place of the public hearing and providing for the publication of the notice of public hearing in the required newspapers and the mailing of the notice of public hearing to the property owners in the benefit district.

MOTION approved unanimously.

RESOLUTION NO. 2018-5

A RESOLUTION SETTING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING TO RECEIVE AND HEAR COMPLAINTS AND OBJECTIONS TO THE PROPOSED SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS IN THE CITY, AS HERETOFORE AUTHORIZED BY RESOLUTION NO. 2013-2 (AS AMENDED BY RESOLUTION NO. 2016-4), RESOLUTION NO. 2016-14 (AS AMENDED BY RESOLUTION NO. 2017-01), RESOLUTION NO. 2017-8 (AS AMENDED BY RESOLUTION NO. 2017-11), RESOLUTION NO. 2017-12 AND RESOLUTION NO. 2017-14; DIRECTING PUBLICATION OF A NOTICE OF PUBLIC HEARING; AND FURTHER DIRECTING THE MAILING OF A NOTICE OF HEARING AND STATEMENT OF COSTS PROPOSED TO BE ASSESSED TO EACH AND ALL OF THE PROPERTY OWNERS LIABLE FOR SUCH SPECIAL ASSESSMENTS.

3. Resolution of Public Sale of General Obligation Bonds:

The City Council, by previous action, set a public hearing date for the final costs and proposed assessments for the (i) water, sewer and street improvements in Cedar Brook Subdivision and Cedar Brook 2nd Subdivision by Resolution No. 2013-2, as amended by Resolution No. 2016-4, (ii) water and sewer improvements in Villa Maria Senior Housing Addition by Resolution No. 2016-14, as amended by Resolution No. 2017-1, (iii) water, sewer, paving and drainage improvements in Nottingham Estates at Hunters Pointe by Resolution No. 2017-8, as amended by Resolution No. 2017-11, (iv) water, sewer, street, storm sewer, mass grading and detention pond improvements in Emerald Valley Estates by Resolution No. 2017-12; and (v) sewer and storm sewer improvements in Gilberts Addition by Resolution No. 2017-14 (collectively, the "Improvements"). The pay-in period allowing the property owners to pay their assessments in full will expire on Thursday, December 6, 2018. The balance of the assessments not paid will be included in a bond issue. The proposed resolution authorizes the public sale of those bonds on Monday, December 17, 2018 at the City's meeting and authorizes the publication and sending of the Notice of Bond Sale to prospective bidders of the bonds with an expected closing date for the permanent bonds of December 28, 2018.

MOTION by Mottola, second by Allen to adopt Resolution No. 2018-6 authorizing the public sale of approximately \$2,265,000 in the City's General Obligation Bonds, Series 2018, setting the date, time and place of the sale of the bonds and providing for the publication of the notice of bond sale in the required newspapers.

MOTION approved unanimously.

RESOLUTION NO. 2018-6

A RESOLUTION OF THE CITY OF MULVANE, KANSAS, AUTHORIZING AND PROVIDING FOR THE PUBLIC SALE OF THE CITY'S GENERAL OBLIGATION BONDS, SERIES 2018, IN A TOTAL PRINCIPAL AMOUNT OF APPROXIMATELY \$2,265,000; SETTING FORTH THE DETAILS OF SAID PUBLIC SALE; AND PROVIDING FOR THE GIVING OF NOTICE THEREOF.

MULVANE LAND BANK

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

MOTION approved unanimously.

MOTION by Allen, second by Keck to approve the Land Bank Board of Trustees meeting minutes dated 9-17-18.

MOTION approved unanimously.

MOTION by Mottola, second by Fleming to approve the invoice from Triplett Woolf Garretson, LLC dated 9-24-18 in the amount of \$94.50 for the legal services related to Land Bank business.

MOTION approved unanimously.

MOTION by Keck, second by Fleming to approve the invoice from Triplett Woolf Garretson, LLC dated 10-22-18 in the amount of \$294.00 for the legal services related to Land Bank business.

MOTION approved unanimously.

Joel Pile updated the Board on the progress of repairs at 201 W. Main.

Larry Beck presented an offer to the Board to secure ownership of the buildings at 100 & 102 W. Main. Pile advised the Board that another proposal for the buildings had been received. The Board would like to see the other proposal before making a decision on the buildings.

Beck also reviewed plans for the property at 219 W. Main which he previously purchased from the Land Bank.

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

MOTION approved unanimously.

PUBLIC BUILDING COMMISSION

MOTION by Mottola, second by Fleming to recess the City Council meeting and convene as the Public Building Commission.

MOTION approved unanimously.

MOTION by Fleming, second by Cardwell to approve the PBC meeting minutes dated 10-01-18.
MOTION approved unanimously.

MOTION by Mottola, second by Allen to approve the contract with Van Asdale Construction for the remodel of 410 E. Main in the total amount \$115,400.00.

MOTION approved unanimously.

MOTION by Cardwell, second by Fleming to accept and approve the bid from Galaxie Business Equipment Inc. in an amount not to exceed \$52,000.00, for the purchase of office furniture for 410 E. Main.

MOTION approved unanimously.

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

MOTION approved unanimously.

ENGINEER

Project Review and Update: Chris Young, City Engineer, reviewed several projects: English Park and Styx Creek Drainage Improvements; Decommissioning of the Boxelder Power Plant; Rock Road Water Line, Rock Road Crosswalk updates and Water Distribution GIS mapping.

City Clerk: None

City Administrator:

Annual Chamber of Commerce Dinner:

The administrator reminded the council of the annual Chamber of Commerce Dinner on Tuesday, Nov. 13th. If any council members, plus one, want to attend, they can register directly with the Chamber. The City will pay for the registration.

City Attorney:

Executive Session:

The City Attorney requested an executive session under the justification that allows to have an executive session for possible land acquisition for the purpose of discussing potential land acquisition for a period not to exceed (15) fifteen minutes to reconvene at 10:10 p.m. to include the Mayor, Council, City Administrator and City Attorney.

MOTION by Mottola, second by Cardwell to recess the council meeting for the purpose of discussing potential land acquisition for a period not to exceed (15) fifteen minutes to reconvene at 10:10 p.m. to include the Mayor, City Council, City Administrator and City Attorney.

MOTION approved unanimously at 9:55 p.m.

Mayor Steadman stated she would not be attending the Executive Session and that no binding decisions would be made during the executive session.

MOTION by Allen, second by Cardwell to reconvene the City Council meeting.
MOTION approved unanimously.

Consent Agenda - Items 1 - 10:

MOTION by Keck, second by Allen to approve Consent Agenda items 1 – 10.

1. Payroll dated 10-19-18 (\$197,471.43)
2. Payroll dated 11-02-18 (\$190,847.75)
3. City Utility Bills (\$15,339.01)
4. October Warrant Register (\$1,355,993.58)
5. Wastewater Treatment Plant - Approve the purchase of 30,000 lbs. of caustic soda for \$6,950.50 from Brenntag Southwest, Inc.
6. Approve an on-premise liquor license for Farber-Mottola, LLC.
7. Approve a cereal malt beverage license for Casey's Retail Company.
8. Approve a cereal malt beverage license for the Fastrip Company.
9. Approve a drinking establishment liquor license for the American Legion Post #136.
10. Approve retail liquor off premises license for Partyline Liquor, LLC.

MOTION approved. Mottola abstained.

ANNOUNCEMENTS, MEETINGS AND NEXT AGENDA ITEMS:

- Monday, Nov. 19th - Next council meeting @ 7:30 p.m.

ADJOURNMENT:

MOTION by Keck, second by Allen to adjourn the City Council meeting at 10:20 p.m.

MOTION approved unanimously.

Debra M. Parker

Minutes by:

Debra M. Parker, City Clerk