

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

February 15, 2021

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 at 7:30 p.m.

Council Members Present: Terry Richardson, Jenean Keck.

Remote Attendance: Brent Allen, Nancy Farber Mottola, Kevin Cardwell.

Others Present: Kent Hixson, Mike Robinson, Debra Parker, Gordon Fell, Joel Pile, Phil Meyer, Brad Modlin.

Remote Attendance: J.T. Klaus, Chris Young, Greg Vahrenberg.

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

Approval of Regular Meeting Minutes Dated 2-01-2021:

MOTION by Richardson, second by Keck to approve the Regular meeting minutes dated 2-01-2021.

MOTION approved unanimously.

Correspondence: Councilmember Mottola spoke with Jim Spotts regarding the response from residents about a possible one-way street connecting Ridgecrest and Hidden Valley Additions. Mayor Steadman spoke with a citizen clarifying allowable UTV cross points along K-15. Public Safety Director, Gordon Fell, posted a map with the cross points on the City website. A map was also sent to the citizen. Mayor Steadman had a follow-up with the Polo Club and discussed the possibility of applying for Transient Guest Tax Funds.

Review and Closing of the Agenda: Utility Director, Brad Modlin, will update the council on the current status of the energy situation under the City Administrator agenda item.

Appointments, Awards and Citations: None

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OLD BUSINESS

None

NEW BUSINESS

1. Transient Guest Tax Request – Kansas Star Casino:

In 2008, the City passed Charter Ordinance No. 26 which established a 5% Transient Guest Tax (TGT). In 2011, the City passed Resolution No. 2011-9 which defined how the Transient Guest Tax funds can be used and disbursed. With the construction of the 300-room Hampton Inn, the Kansas Star Casino was granted a priority on the first \$3,800,000 of TGT.

The Transient Guest Tax fund has a balance of \$130,000. The Director of Finance of the Casino, Scott Schroeder, has agreed to set aside up to \$20,000 of the TGT funds in 2021 that the City can disburse to support local events and festivals.

MOTION by Mottola, second by Richardson to authorize the City Administrator to approve the 2021 request from the Kansas Star Casino for Transient Guest Tax funds in the amount of \$110,000.00.

MOTION approved unanimously.

2. Transient Guest Tax – Local Events Application Rules Review:

The council reviewed the Transient Guest Tax – Local Events Application. There was discussion about having a date that applications will be made available and accepted. This would allow others to apply and make it fair for all applicants. It is suggested to allow “up to” a \$2,000 limit with a 1 to 1 match. If the applicant has received money in the past, the council would like to know how the money was used and how it benefited their event. It was suggested to include a statement on the application indicating the criteria for how funds will be determined, should the request for funds become competitive. (Ex: New events or events more likely to generate the most overnight stays.) City Attorney, J.T. Klaus, reminded the council the TGT funds are to be used for programs and events that could result in overnight stays at the Hampton Inn. Hixson will work on making the recommended changes to the application.

3. Request for Funds – “The Force” Professional Indoor Football Team:

The council received a letter from Jeff Martin, the Managing Partner for the Force Football Team. The Force will be moving its games to the Kansas Star Arena and are asking for financial support to offset some of the costs the team will incur from the move.

It was the consensus of the council to direct them to apply for Transient Guest Tax funds. Joel Pile will follow up the Mr. Martin and advise him of the council’s suggestion.

ORDINANCES & RESOLUTIONS

1. Hidden Valley Estates: Accept Petitions, Developer’s Agreement, Advisability Resolution and Work Ordinance:

The City has received four petitions and a Developer’s Agreement for water, sanitary sewer, street, and storm water drain improvements to serve the Hidden Valley Addition. The petitions request the Improvements be made by the City and the costs be “specially assessed” against the landowners in the Subdivision.

Bond Counsel has prepared the Resolution determining the advisability of the Improvements and the necessary Ordinance authorizing the construction of the petitioned Improvements for the City’s consideration. The Developer has presented the City with various Letters of Credit to support the City’s undertaking the Project.

The City Council must formally (1) accept the petitions requesting the Improvements to serve the Subdivision, (2) approve the Developer's Agreement for the Improvements, (3) adopt the advisability resolution, and (4) adopt the work ordinance in order to special assess the cost of the Improvements to the benefitted properties.

MOTION by Mottola, second by Cardwell to accept the four petitions for the (i) Water, (ii) Sanitary Sewer, (iii) Street, and (iv) Storm Water Drain Improvements necessary to serve the Hidden Valley Addition.

MOTION approved unanimously.

MOTION by Keck, second by Richardson to accept the Developer's Agreement for the Hidden Valley Addition with Nottingham Estates at Hunters Pointe, LLC and authorize the Mayor to sign.

MOTION approved unanimously.

MOTION by Mottola, second by Allen to adopt Resolution No. 2021-3, determining the advisability of making certain Improvements consisting of (i) Water, (ii) Sanitary Sewer, (iii) Street, and (iv) Storm Water Drain Improvements in the Hidden Valley Addition.

MOTION approved unanimously.

RESOLUTION NO. 2021-3

A RESOLUTION DETERMINING THE ADVISABILITY OF MAKING CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF MULVANE, KANSAS; SETTING FORTH THE GENERAL NATURE OF THE IMPROVEMENTS, THE ESTIMATED OR PROBABLE COSTS THEREOF, THE EXTENT OF THE BENEFIT DISTRICT TO BE ASSESSED FOR THE COSTS THEREOF, THE METHOD OF ASSESSMENT AND THE APPORTIONMENT OF THE COSTS BETWEEN THE BENEFIT DISTRICT AND THE CITY-AT-LARGE; AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH THE FINDINGS OF THE GOVERNING BODY; AND DIRECTING THE PUBLICATION AND RECORDING OF THIS RESOLUTION (HIDDEN VALLEY ADDITION WATER IMPROVEMENTS, HIDDEN VALLEY ADDITION SEWER IMPROVEMENTS, HIDDEN VALLEY ADDITION STREET IMPROVEMENTS, AND HIDDEN VALLEY ADDITION STORM WATER DRAIN IMPROVEMENTS).

MOTION by Cardwell, second by Allen to adopt Ordinance No. 1534, authorizing the construction of (i) Water, (ii) Sanitary Sewer, (iii) Street, and (iv) Storm Water Drain Improvements in the Hidden Valley Addition.

MOTION approved unanimously.

ORDINANCE NO. 1534

AN ORDINANCE AUTHORIZING THE CONSTRUCTION OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF MULVANE, KANSAS, AS

HERETOFORE DETERMINED ADVISABLE AND AUTHORIZED TO BE MADE BY RESOLUTION NO. 2021-3 OF THE CITY, UNDER THE AUTHORITY OF K.S.A. 12-6a01 *ET SEQ.*, AS AMENDED AND SUPPLEMENTED; PROVIDING FOR THE PAYMENT OF THE COSTS OF SAID IMPROVEMENTS; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE PAYMENT OF THE COSTS OF SAID IMPROVEMENTS AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY IMPROVEMENT NOTES FROM TIME TO TIME AS FUNDS ARE NEEDED FOR THE ORDERLY CONSTRUCTION OF SAID IMPROVEMENTS.

2. Resolution Authorizing Temporary Notes:

The proposed resolution authorizes the public sale of not to exceed \$2,015,000 General Obligation Temporary Notes, Series A, 2021 on March 15, 2021, for the purpose of temporarily financing a portion of the (1) Emerald Valley Estates Water Improvements Phase 2, Emerald Valley Estates Sewer Improvements Phase 2, and Emerald Valley Estates Street and Storm Sewer Improvements Phase 2 and (2) Hidden Valley Addition Water Improvements, Hidden Valley Addition Sewer Improvements, Hidden Valley Addition Street Improvements and Hidden Valley Addition Storm Water Drain Improvements.

The Notes will be retired from the proceeds of general obligation bonds which will ultimately be issued to pay the costs of the Emerald Valley Estates Phase 2 Improvements and Hidden Valley Addition Improvements. Special assessments will be levied against the benefited properties in the Emerald Valley Estates and the Hidden Valley Addition, following completion and acceptance of the Improvements to pay all the principal and interest on the bonds.

MOTION by Keck, second by Allen to adopt Resolution No. 2021-4 authorizing the public sale of temporary notes in an amount not to exceed \$2,015,000.

MOTION approved unanimously.

RESOLUTION NO. 2021-4

A RESOLUTION OF THE CITY OF MULVANE, KANSAS, AUTHORIZING AND PROVIDING FOR THE PUBLIC SALE OF THE CITY'S GENERAL OBLIGATION TEMPORARY NOTES, SERIES A, 2021 IN A TOTAL PRINCIPAL AMOUNT OF NOT TO EXCEED \$2,015,000.

3. Municipal Advisors Agreement with Raymond James & Associates:

The Council passed Resolution 2021-4 authorizing the public sale of temporary notes to finance the benefit district improvements for Emerald Valley and Hidden Valley Additions. Greg Vahrenberg, of Raymond James & Associates, was present to review the agreement with the council to serve as Municipal Advisor for the sale of the temporary notes.

MOTION by Allen, second by Mottola to engage Raymond James & Associates as Municipal Advisor for the public sale of the City's Temporary Notes, Series A, 2021.

MOTION approved unanimously.

ENGINEER

1. Engineering and Construcion Oversight Services Agreement – Hidden Valley Estates:

City Engineer, Chris Young, reviewed the Design Plan Review and Construction Oversight Services Agreement for the Hidden Valley Addition with the council.

Design review services will include reviewing preliminary plans, final plans, and specifications prepared by the developer's engineer for sanitary sewer, water line, street, and storm sewer improvements. Plan review will be coordinated with the Street and Utilities Departments, Zoning and Administrative staff, Fire and EMS. Design review fees are estimated not-to-exceed \$22,700.00.

Construction engineering oversight services will include administering construction agreements, monitoring and reporting the status of work completed, reviewing, and coordinating the contractor's payment applications and any necessary change orders, final inspections and preparing as-constructed record drawings. Construction oversight fees are estimated not-to-exceed \$47,400.00.

MOTION by Allen, second by Mottola that the City enter into an agreement with Young & Associates, P.A. for Hidden Valley Addition Infrastructure Design Review and Construction Oversight services and authorize the Mayor to sign.

MOTION approved unanimously.

2. Project Review and Update:

City Engineer, Chris Young, reviewed the project update with the council which included: E. Mulvane Street Drainage, Sanitary Sewer Study Update, Emerald Valley Estates, and Hidden Valley Addition.

MULVANE LAND BANK

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

MOTION approved unanimously.

MOTION by Keck, second by Allen to approve the 1-18-21 Land Bank Board of Trustee meeting minutes.

MOTION approved unanimously.

MOTION by Mottola, second by Allen to pay the invoice from The Mulvane News in the amount of \$71.50 for publication of the Land Bank 2020 Report.

MOTION approved unanimously.

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

MOTION approved unanimously.

City Clerk: None

City Administrator: Utility Director, Brad Modlin, briefed the council on the current energy situation. Due to extremely cold temperatures, the increased demand of natural gas and electric usage is pushing the capacity of the systems and creating a shortage. Evergy has been conducting rolling blackouts. The City is running our engines to produce electricity for the City. Customers have been asked to reduce usage.

The Council expressed its gratitude to staff for how the situation has been handled.

City Attorney: None

Consent Agenda Items 1-6:

MOTION by Richardson, second by Keck to approve Consent Agenda items 1-6.

1. Payroll dated 2/5/21 - (\$210,000.87)
2. Pay the invoice from Core & Main in the amount of \$19,237.20 for 2021 Annual Software as a service fee for Advanced Meter Infrastructure.
3. To accept the low bid from Border States in the amount of \$57,103.55 for twenty (20) – 50 KVA, five (5) – 75 KVA, and five (5) 25 KVA single phase electric distribution transformers.
4. Donate four (4) complete SCBA units to Gueda Springs Fire Department.
5. Donate seven (7) SCBA bottles to Cowley County FD #4.
6. January Warrant Register – (\$1,207,488.03)

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS AND NEXT AGENDA ITEMS:

- Monday, March 1st – next council meeting @ 7:30 p.m.
- Mayor Steadman reminded the council to advise the City Administrator of what format they would be using to attend the meetings since we are using a hybrid method.

ADJOURNMENT:

MOTION by Richardson, second by Cardwell to adjourn the City Council meeting at 8:40 p.m.

MOTION approved unanimously.

Minutes by:
Debra M. Parker, City Clerk