

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

April 5, 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, Nancy Farber Mottola, Kevin Cardwell.

Others Present: Kent Hixson, Mike Robinson, Debra Parker, Gordon Fell, Joel Pile, Brad Modlin, Kevin Baker, J.T. Klaus, Chris Young, Branden Bohannon, Flint McPeak, Mark Hardison, Marsha Campbell, Steve Nichols, Diane Paul.

Remote Attendance: Rose Mary Saunders, Crystal Hinnen, Cathy Walker.

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

Approval of Regular Meeting Minutes Dated 3-15-2021:

MOTION by Mottola, second by Richardson to approve the Regular meeting minutes dated 3-15-2021.

MOTION approved unanimously.

Correspondence: Mayor Steadman received an invitation from Sumner County inviting the council to the 150th Anniversary of the Sumner County Wheat Festival in July. A time capsule will be opened from 50 years ago.

Review and Closing of the Agenda: None

Appointments, Awards and Citations:

1. **Employee of the Month:** Mayor Steadman presented Police Capt. Flint McPeak and SRO Branden Bohannon with Employee of the Month Awards and thanked them for their service.

2. **Twenty-Five Year Service Award:** Mayor Steadman recognized Loren Duncan for twenty-five years of service to the City. He was not present to receive his award.

3. **Public Library Board Appointments:**

MOTION by Mottola, second by Keck to re-appoint Sara Erb to a four-year term on the Mulvane Public Library Board and appoint Kallie Kimble to a four-year term on the Mulvane Public Library Board.

MOTION approved unanimously.

OLD BUSINESS

1. CDBG Grant No. 20 - CV- 047 – Project Performance Public Hearing:

A public hearing is needed to close out the grant project. Twelve (12) businesses were awarded funds with twenty-three (23) full time jobs and thirty-one (31) part time jobs retained.

MOTION by Mottola, second by Keck to recess the City Council meeting for a period not to exceed two (2) minutes for the purpose of conducting a project performance public hearing regarding CDBG Grant No. 20-CV-047, and to reconvene at approximately 7:42 p.m.

MOTION approved unanimously at 7:40 p.m.

There was no one from the public present to make any comments. Mayor Steadman closed the public hearing.

MOTION by Richardson, second by Keck to reconvene the regular City Council meeting.

MOTION approved unanimously.

MOTION by Mottola, second by Richardson to approve Grant No. 20-CV-047 final pay application (#3) and the invoice from Ranson in the amount of \$3,000.00.

MOTION approved unanimously.

MOTION by Richardson, second by Mottola to authorize the Mayor to sign all final CDBG Grant No. 20-CV-047 Covid Close Out paperwork.

MOTION approved unanimously.

Mayor Steadman thanked Ranson Financial staff for their work on the grant.

2. Transient Guest Tax – Local Event Guest Award:

MOTION by Mottola, second by Cardwell to approve the Transient Guest Tax fund “local event” request for the Mulvane Old Settlers Celebration in the amount of \$2,000.00.

MOTION approved unanimously.

Mark Hardison and Marsha Campbell (MHS Class of 71) reviewed their request with the council. The class has 40 rooms blocked at the Hampton Inn for their 50th class reunion. Several classmates will be coming from out of town and these funds would help to reimburse over-night stays. The class does not receive any funds from the Alumni Association.

Council felt that the TGT funds should be used for events open to the entire community and not a specific group. There was no motion on this item.

NEW BUSINESS

1. Emerald Valley Estates – Phase 2 – Accept Revised Sanitary Sewer Petition:

In 2017, petitions were submitted for the Emerald Valley Estates Phase 2 Sanitary Sewer Improvements. The construction cost opinion at that time was \$114,687. In March of 2021, the

low bid received for Phase 2 Sanitary Sewer Improvements was \$167,822. The differences in costs are primarily due to price increases from 2017 to 2021. The bids included an additional \$4,374.00 for making sewer connection modifications at the pool facility. These costs will be paid by the City, leaving \$163,448 to be paid by the benefit district.

Based on the low bid received and using the 35% project costs, a revised sewer petition has been provided by the developer in the amount of \$220,700.

MOTION by Mottola second by Richardson to accept the revised petition for Phase 2 Sanitary Sewer Improvements to serve the Emerald Valley Estates Addition.

MOTION approved unanimously.

2. Emerald Valley Estates – Phase 2 - Approve Amended Developers Agreement:

This is a companion document to Item #1 (Revised Sanitary Sewer Petition). Since the petition amount for the Emerald Valley Estates Phase 2 Sanitary Sewer was increased, the original developer's agreement must also be amended to reflect the actual estimated cost of the project.

MOTION by Richardson, second by Cardwell to approve the Amended Developer's Agreement for Phase 2 Special Assessment Improvements for the Emerald Valley Addition and authorize the Mayor to sign the Agreement.

MOTION approved unanimously.

ORDINANCES & RESOLUTIONS

1. Emerald Valley Estates – Phase 2 – Adopt Amended Advisability Resolution:

The City Council has accepted the amended petition requesting the changes in the estimated costs for the sanitary sewer improvements. The council must adopt the amending resolution and amending ordinance in order to authorize the improvements and special assess the costs of the improvements to the Addition.

MOTION by Richardson, second by Cardwell to adopt Resolution No. 2021-6, amending Resolution No. 2021-2 regarding the advisability of the Emerald Valley Sewer Improvements Phase 2.

MOTION approved unanimously.

RESOLUTION NO. 2021-6

A RESOLUTION AMENDING RESOLUTION NO. 2021-2 OF THE CITY OF MULVANE, KANSAS.

2. Emerald Valley Estates – Phase 2 – Adopt Amended Work Ordinance:

MOTION by Cardwell, second by Richardson to adopt Ordinance No. 1536, amending Ordinance No. 1533 regarding the construction of the Emerald Valley Estates Sewer Improvements Phase 2.

MOTION approved unanimously.

ORDINANCE NO. 1536

AN ORDINANCE AMENDING ORDINANCE NO. 1533 OF THE CITY OF MULVANE, KANSAS.

3. Ordinance Repealing Local Sales Tax – April 15, 2021:

The proposed ordinance authorizes the repeal of the City's additional 1.00% sales tax authorized by Ordinance No. 1433. The City has projected it will have collected enough sales tax revenue to pay off the remaining principal amount of \$870,000 of the City of Mulvane, Kansas Public Building Commission, Revenue Bonds, Series A, 2014 (Public Library) (the "PBC Bonds"). The PBC Bonds financed the purchasing, acquiring, constructing, furnishing, and equipping of a new public library, along with the land.

The bonds were originally scheduled to pay off on December 1, 2024. The City paid off \$910,000 of the PBC Bonds on December 15, 2019. The 1.00% sales tax was scheduled to expire on September 30, 2024. The sunset of the sales tax will be more than 3 years ahead of that expiration date.

The City must request the Public Building Commission to call the PBC Bonds. The PBC Bonds will be retired from the revenues of the sales tax proceeds on June 1, 2021. The City Council has the authority to adopt the Ordinance to repeal the sales tax and adopt the resolution requesting the redemption of the PBC Bonds.

MOTION by Cardwell, second by Keck to adopt Ordinance No. 1537 authorizing the repeal of the 1.00% sales tax.

MOTION approved unanimously.

ORDINANCE NO. 1537

AN ORDINANCE OF THE CITY OF MULVANE, KANSAS TERMINATING THE CITY'S ADDITIONAL ONE PERCENT (1.00%) RETAILERS' SALES TAX IMPOSED BY ORDINANCE NO. 1433.

4. Resolution – Requesting the Public Building Commission to Redeem Bonds for the Public Library:

MOTION by Mottola, second by Richardson to adopt Resolution No. 2021-7 requesting the redemption of the City of Mulvane, Kansas Public Building Commission, Revenue Bonds, Series A, 2014 (Public Library).

MOTION approved unanimously.

RESOLUTION NO. 2021-7

A RESOLUTION OF THE CITY OF MULVANE, KANSAS REQUESTING THE REDEMPTION OF CERTAIN CITY OF MULVANE, KANSAS PUBLIC BUILDING COMMISSION REVENUE BONDS, SERIES A, 2014 (PUBLIC LIBRARY).

PUBLIC BUILDING COMMISSION

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

MOTION approved unanimously.

MOTION by Mottola, second by Cardwell to approve the PBC meeting minutes dated 11-04-19.

MOTION approved unanimously.

The City has collected enough sales tax revenue to pay off the remaining principal amount of \$870,000 of the City of Mulvane, Kansas Public Building Commission, Revenue Bonds, Series A, 2014 (Public Library). The bonds were originally scheduled to pay off on December 1, 2024. The 1.00% sales tax was scheduled to expire on September 30, 2024. The sunset of the sales tax will be more than 3 years ahead of that expiration date. The PBC has received a copy of the resolution of the City requesting the PBC Bonds be called on June 1, 2021.

MOTION by Keck, second by Mottola to adopt Resolution No. PBC-2021-1 providing notice of the redemption of the City of Mulvane, Kansas Public Building Commission, Revenue Bonds, Series A, 2014 (Public Library) on June 1, 2021.

MOTION approved unanimously.

RESOLUTION NO. PBC-2021-1

**A RESOLUTION DECLARING IT NECESSARY AND ADVISABLE TO
PROVIDE FOR THE GIVING OF NOTICE OF REDEMPTION OF THE
COMMISSION'S REVENUE BONDS, SERIES A, 2014 (PUBLIC LIBRARY).**

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

ENGINEER

1. Emerald Valley Estates Addition – Phase 2 – Sanitary Sewer and Water Line Bids:

City Engineer, Chris Young, reviewed the bid information with the council. On March 24th bids were received for Sanitary Sewer and Water Line Improvements to serve Emerald Valley Estates Addition Phase 2. A summary of bids is as follows:

	Part A – SS	Part B –WL	Total Bid
Mies Construction, Inc.	\$167,822.00	\$106,683.00	\$274,505.00
Dondlinger & Sons Const. Co., Inc.	\$194,814.00	\$116,638.00	\$311,452.00
Nowak Const. Co., Inc.	\$269,579.85	\$140,283.80	\$409,863.65

During design development, the City Utilities Department requested three (3) sewer connection modifications to be made between the new sewer line (in Webb Rd.) and sewer lines serving the pool facility. Separate bid items were listed in the Bid Form for the requested connections. Based

on the low bid received from Mies Construction, and price bid for the City's sewer connections, the sanitary sewer construction costs would be paid for as follows:

Part A – SS	
Phase 2 Benefit District	\$163,448.00
City at Large (paid by Utility Dept.)	\$4,374.00

The water line petition assesses 95.71% of costs to the benefit district and 4.29% to the City at large. City cost sharing was made for upsizing the proposed water line in Webb Rd. from the standard 8" to 12" pipe (for future extension of water along Webb Rd). Based on the low bid received from Mies Construction, the water line construction costs would be paid for as follows:

Part B – WL	
Phase 2 Benefit District	\$102,106.30
City at Large (paid by Utility Dept.)	\$4,576.70

MOTION by Mottola, second by Richardson to accept the low bid from Mies Construction, Inc. in the amount of \$274,505.00 and issuing a Notice of Award to Mies Construction, Inc. and authorizing the City Administrator to sign.
MOTION approved unanimously.

2. Emerald Valley Estates Addition Phase 2 - Drainage Easements:

City Engineer, Chris Young, reviewed the need for three (3) drainage easements with the council. The additional easements are needed to address final grading and storm sewer design. A drainage swale was added to provide an overflow route for surface water and to provide space for constructing storm sewers. The easements would extend 7.5 feet into each side lot line. These lots have a 6 foot side yard setback which would result in reducing the usable lot width by 1.5 feet per lot.

MOTION by Mottola, second by Richardson to accept the drainage easements and authorize the Mayor to sign.
MOTION approved unanimously.

3. Project Review and Update:

City Engineer, Chris Young, reviewed project updates with the council which included: E. Mulvane Street Drainage (Young is doing oversight of this project and not inspections), Sanitary Sewer Study (the final draft has been completed), Hidden Valley Addition, Emerald Valley Estates Phase 2, and Flood Mitigation Grant – English Park and Styx Creek Drainage Improvements.

CAPITAL IMPROVEMENTS PLAN REVIEW

Department Heads reviewed their 2021 – 2026 Capital Improvements Plan with the council and answered questions.

City Clerk: Code updates have been received. The Clerk asked the council to provide their code books so updates can be inserted.

City Administrator: None

City Attorney: None

Executive Session:

Mayor Steadman requested an executive session to discuss matters involving non-elected personnel for the purpose of discussing personnel changes for a period not to exceed ten (10) minutes to include the Mayor, City Council, City Administrator, Public Works Director, and City Attorney.

MOTION by Mottola, second by Richardson to recess the City Council meeting to an Executive Session to discuss matters involving non-elected personnel for the purpose of discussing personnel changes for a period not to exceed ten (10) minutes to include the Mayor, City Council, City Administrator, Public Works Director, and City Attorney and to reconvene at approximately 9:05 p.m.

MOTION approved unanimously at 8:55 p.m.

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

MOTION approved unanimously at 9:05 p.m.

Mayor Steadman advised that no decisions were made during the Executive Session.

Consent Agenda Items 1 - 5:

MOTION by Mottola, second by Keck to approve Consent Agenda items 1 - 5.

1. Payroll dated 3-19-21 (\$207,354.10)
2. Payroll dated 4-02-21 (\$211,721.13)
3. E. Mulvane St. Drainage – Pay App. # 1 to H. Excavating (\$22,254.83)
4. Warrant Register for March (\$775,109.49)
5. City Utility Bills (\$29,153.65)

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS, AND NEXT AGENDA ITEMS:

- Monday, April 19th - next council meeting @ 7:30 p.m.

ADJOURNMENT:

MOTION by Richardson, second by Cardwell to adjourn the City Council meeting at 9:07 p.m.

MOTION approved unanimously.

Minutes by:
Debra M. Parker, City Clerk