MULVANE CITY COUNCIL

REGULAR MEETING MINUTES

March 21, 2022 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**: Kevin Cardwell, Tim Huntley, Nancy Farber Mottola, Amanda Ford, Brent Allen.

**Others Present:** Mike Robinson, Debra Parker, Joel Pile, Kent Hixson, J.T. Klaus, Gordon Fell, Kevin Baker, Rachael Blackwell.

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

**Approval of Regular Meeting Minutes Dated 3-07-2022:**

MOTION by Allen, second by Mottola to approve the Regular meeting minutes dated 3-07-22.

MOTION approved unanimously.

**Correspondence:**  None

**Review and Closing of the Agenda**: None

**Appointments, Awards and Citations:**

Mayor Steadman read a resolution supporting a State-Owned Mental Health Hospital in Sedgwick County.

**OLD BUSINESS**

None

**NEW BUSINESS**

1. **Municipal Financial Advisor Agreement with Raymond James, Assoc. Inc.:**

The city has identified certain improvements that need to be made which will be financed through the issuance of the Series A, 2022 General Obligation Bonds. The voters approved a sales tax at an election held on January 18, 2022. The sales tax will be used to repay the Series A, 2022 Bonds.

The city has also completed certain improvements in the Hidden Valley, Emerald Valley, USD 263 East Mulvane Street Drainage and Rockwood benefit districts. These improvement projects will be paid from special assessments levied against the property owners in such benefit districts. The assessment proceedings will allow property owners to either prepay their assessment or have it financed and paid over several years. Any assessments that are not prepaid will be financed through the issuance of the Series B, 2022 General Obligation Bonds.

City Staff’s recommendation is for the city to engage Raymond James & Associates as Municipal Advisor for the public sale of the General Obligation Bonds, Series A, 2022 and General Obligation Bonds, Series B, 2022.

MOTION by Mottola, second by Allen to approve the municipal advisory services agreement and engage Raymond James & Associates as Municipal Advisor for the public sale of the City’s General Obligation Bonds, Series A, 2022 and General Obligation Bonds Series B, 2022.

MOTION approved unanimously.

1. **Accept Certification of Total Final Costs and Assessments for Benefit Districts:**

The City Council, by previous action and at the request of a majority of benefited landowners, authorized the construction of certain (i) drainage improvements along East Mulvane Street (the “USD 263 Improvements”) by Resolution No. 2020-2; (ii) water, sanitary sewer, and street and storm water improvements in Emerald Valley Estates by Resolution No. 2021-2 as amended by Resolution No. 2021-6; (iii) water, sanitary sewer, street, and storm water drain improvements in Hidden Valley Additions by Resolution No. 2021-3 as amended by Resolution Nos. 2021-12 and 2021-17; and (iv) sanitary sewer improvements in North Rockwood Heights by Resolution No. 2021-11 (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 Certification of Final Costs has now been finalized and requires the Council’s formal acceptance. Staff will be suggesting a 20-year special assessment period.

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 benefitting property owners of the hearing and proposed assessments.

MOTION by Allen, second by Cardwell to accept and approve the total final costs and proposed assessments for the Improvements.

MOTION approved unanimously.

**ORDINANCES AND RESOLUTIONS**

1. **Resolution Authorizing the Benefit District Public Hearing:**

MOTION by Cardwell, second by Mottola to adopt Resolution No. 2022-2 setting the date, time, and place of the public hearing and providing for the publication of the notice of public hearing in the required newspaper and the mailing of the notice of public hearing to the property owners in the benefit district.

MOTION approved unanimously.

RESOLUTION NO. 2022-2

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. 2020-2, RESOLUTION NO. 2021-2 (AS AMENDED BY RESOLUTION NO. 2021-6), RESOLUTION NO. 2021-3 (AS AMENDED BY RESOLUTION NOS. 2021-12 AND 2021-17), AND RESOLUTION NO. 2021-11; 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.

**2. Ordinance approving Special Use as recommended in Case No. SU-2022-01:**

Mayor Steadman called Ordinances & Resolutions Agenda item #2 which is consideration of an ordinance approving a Special Use.

Mayor Steadman asked the City Council if any of them intend to disqualify themselves from discussing and voting on this Ordinance due to any conflicts of interests or a particular bias on this matter. There were none.

MOTION by Mottola, second by Cardwell to receive and file an excerpt of the unapproved Minutes of the Planning Commission meeting of March 10, 2022, at which PC Case #SU-2022-01 was considered.

MOTION approved unanimously.

Mayor Steadman asked the City Council if any of them have received any ex parte verbal or written communications prior to this meeting which they would like to share with all the members at this time. There were none.

There were no members of the public present to speak on this case.

Mayor Steadman asked if there were any written communications or petitions from the public. There were none. Mayor Steadman asked if any written objections to the petition had been filed with the City Clerk. There were none.

The petitioner was not present to respond to any comments.

Planning & Zoning Director, Joel Pile, answered questions from the council regarding this item. There was no further discussion by the City Council.

MOTION by Mottola, second by Ford to accept the recommendation of the Planning Commission by concurring with their findings approving the requested special use as specified in Case #SU-2022-01, and to approve Ordinance Number 1554.

MOTION approved unanimously.

ORDINANCE NO. 1554

AN ORDINANCE APPROVING A SPECIAL USE TO ALLOW A METAL BUILDING FOR FABRICATION AND STORAGE OF COMMERCIAL SIGNS IN THE A-1 AGRICULTURAL TRANSITION DISTRICT ON CERTAIN LANDS UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY OF MULVANE, KANSAS.

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**3. Resolution fixing time and place and providing notice of a public hearing for property deemed a public nuisance within the Fairview Addition:**

The city has fielded numerous nuisance complaints for the property legally described as Block 6, Lots 13-24 of the Fairview Addition. The property had previously been zoned to allow mobile homes; however, the property is currently zoned R-1 Single-Family Residential. There are a few mobile homes remaining on the property, the remaining mobile homes are classified as nonconforming uses. Any lawfully existing nonconforming use of part or all a structure may be continued, so long as otherwise lawful. On March 4th, 2022, the mobile home addressed at 603 E. Pearl experienced a fire which damaged the exterior of the structure. During an exterior inspection of the property on March 4, 2022, it was determined two of the structures (603 E. Pearl & 602 E. Vine) on the property are unsafe and dangerous. The structures are in a severe state of disrepair and should be made secure or demolished. Securing the property should include securing all points of access including windows and doors. The properties do not have electrical or natural gas connections and are structurally unstable.

Occupancy for the properties has been revoked, no occupancy will be permitted until the exterior and interior of the property has been fully inspected for code compliance.

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 Huntley, second by Cardwell to adopt Resolution No. 2022-3 fixing the 2nd day of May, 2022 at 7:30 p.m. in the City Council room at City Hall as the date, time and place for the owner(s), the owner’s agent(s), any lienholders of record and any occupant(s) of 603 E. Pearl & 602 E. Vine to appear and show cause why such structures should not be condemned and ordered repaired or demolished

MOTION approved unanimously.­­

RESOLUTION NO. 2022-3

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.

**ENGINEER**

**1. Project Review and Update:**

City Engineer, Chris Young, was unable to attend the meeting. Joel Pile reviewed the status of the current projects which included: Main “A” Sanitary Sewer Improvements, Pool Re-Painting, Rock Road Sewer Lift Station Abandonment, Styx Creek Flood Mitigation-BRIC grant, Second St. Pedestrian Crossing at Martha Ave., Rock Road Mill & Overlay.

**City Clerk:** If any councilmember wishes to attend the Governing Body Institute and Mayors Conference in Manhattan in April, the Clerk will get them registered. Mayor Steadman spoke of the advantages of trainings provided by the League.

**City Administrator:**

Capital Improvements Plan Review

City staff reviewed the draft 2023-2027 CIP. Staff answered questions and received suggestions from the council. City Attorney, J.T. Klaus, emphasized the importance of prioritizing and specifying the CIP projects as it pertains to the bond issue. Projects in the CIP that will be funded with the 1% city sales tax need to be adequately described, specified, and priced. Staff will update the CIP per suggested recommendations and bring back for council review.

**City Attorney:** None

**Consent Agenda Item #1:**

MOTION by ­­­­­­­­­­­­Mottola, second by Allen to approve Consent Agenda item #1.

1. Payroll dated 3-18-22 ($214,812.07)

MOTION approved unanimously.­­

**ANNOUNCEMENTS, MEETINGS, AND NEXT AGENDA ITEMS:**

Monday, April 4th - next council meeting @ 7:30 p.m.

Mottola asked if there were any updates from Ron’s Signs regarding the PIX marquee. There are no updates.

**ADJOURNMENT:**

MOTION by Mottola, second by Allen to adjourn the City Council meeting at 8:50 p.m.

MOTION approved unanimously.

Minutes by:

Debra M. Parker, City Clerk