

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

January 16, 2017

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: Joe Johnson, Terry Richardson, Jenean Keck and Nancy Mottola.

Others Present: Debbie Parker, Kent Hixson, J.T Klaus, Mike Robinson, Chris Young of Young & Assoc., Deb Miller of KE Miller Eng., Steve Shogren, Sister Fran Schumer, Brent Allen, Dr. Brad Rahe, Jodie Copeland-Baker – USD 263, Jean Brown, Rick Gaskill – Sumner Co. Mental Health Assoc., and Joe Brennan. Brad Modlin arrived at 7:45 p.m.

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

Approval of Regular Meeting Minutes Dated 1-04-17:

MOTION by Johnson, second by Mottola to approve the Regular meeting minutes dated 1-04-17.
MOTION approved unanimously.

Correspondence: None

Review and Closing of the Agenda:

Add to awards and citations, nomination for Employee of the Month.

Appointments, Awards and Citations:

Employee of the Month Nomination:

A resident in the Merlin's Glenn area submitted a letter to Mayor Steadman nominating Kent Hixson for Employee of the Month. Mayor Steadman presented Kent with a certificate for Employee of the Month.

Appoint Mulvane Library Board Member:

April Gardner, Library Board Member, has recently resigned due to a move. She left behind an unfulfilled term on the Library Board, which ends April 2018. The Library and City posted the position for almost a month on social media, websites, the City's cable channel, and in the Mulvane News. Two community members submitted their applications to fill April's unexpired term to the Library for consideration.

The Library Board recommends to the Mayor the applicant Nancy Reece for the unfilled Board Term.

MOTION by Johnson, second by Richardson to accept the Library Board recommendation and appoint Nancy Reece to fill the unexpired term of April Gardner which ends in April, 2018.

MOTION approved unanimously.

OLD BUSINESS

1. Villa Maria Senior Housing Addition – Notice of Award, Approve Water and Sewer Construction Agreement and Notice To Proceed:

MOTION by Johnson, second by Mottola to accept the bid from McCullough Excavation, Inc. to construct Sanitary Sewer and Water Line Improvements for Villa Maria – Phase 1, Mulvane, Kansas for One Hundred and Forty Four Thousand, Four Hundred and Twenty Five Dollars (\$144,425.00) and authorize the Mayor to sign the Notice of Award.

MOTION approved unanimously.

MOTION by Keck, second by Richardson to approve the construction agreement with McCullough Excavation, Inc. for Sanitary Sewer and Water Line Improvements for Villa Maria – Phase 1, Mulvane, Kansas in the amount of One Hundred and Forty Four Thousand, Four Hundred and Twenty Five Dollars (\$144,425.00) and authorize the Mayor to sign.

MOTION approved unanimously

MOTION by Keck, second by Richardson to issue the Notice to Proceed effective 1-17-2017 to McCullough Excavation, Inc. for Villa Maria – Phase 1, Mulvane, Kansas and authorize the Mayor to sign.

MOTION approved unanimously.

NEW BUSINESS

1. Alcohol & Drug Fund – Review Grant Applications:

The State collects a tax on the sale of alcohol in Mulvane. The State Treasurer disburses a portion of this alcohol tax to the City each quarter.

The City received two 2017 grant applications:

1. From USD 263 and Sumner Co. Mental Health. “Increasing Substance Abuse & Mental Health Support in an Academic Environment” Request is \$39,230.00.
2. From the Mental Health Assoc. of South Central Kansas. “Pathways” program in the Mulvane school system. Request \$16,890.00.

The City has funded A & D abuse prevention programs in 2013, 2014, 2015 and 2016 totaling \$161,402.00. USD 263 has directly received over \$151,000.

According to Ks. Statute 79-41a04: (Local alcoholic liquor fund; distribution of moneys) once a city reaches 6,000 in population (Mulvane is 6,287), the Local Alcohol Tax must be distributed evenly into three City funds: The General Fund, Special Parks & Recreation and Special Alcohol & Drug Fund.

Dr. Brad Rahe, Jodie Copeland-Baker, and Jean Brown addressed the council to explain the program and benefits to the students. Council would be interested in tracking the measure of success for the program, and perhaps offering programs for younger students.

MOTION by Mottola, second by Johnson to approve the 2017 application from the Mulvane Public School & Sumner Mental Health Center for the “Increasing Substance Abuse & Mental Health Support in an Academic Environment” program in the amount of \$39,230.00.

MOTION approved unanimously.

MOTION by Mottola, second by Keck to defer action on the application from the Mental Health Assoc. of South Central Kansas for the “Pathways” program.

MOTION approved unanimously.

The council then reviewed how other Kansas counties and cities spend alcohol funds.

Some cities use the funds to help pay for the school resource officer to teach the DARE program.

ORDINANCES AND RESOLUTIONS

1. Ordinance Establishing Qualifications for Candidates for Elected City Offices:

Prior to July 1, 2015, Kansas law (K.S.A. 25-2110) provided that, in cities of the second class with populations between 5,000 and 100,000, any person desiring to become a candidate for city offices elected at large was to submit a statement of candidacy form to the county election officer, together with either a \$10 filing fee or a petition signed by 50 qualified electors of the city or by no less than 1% of the ballots cast and counted at the last general city election, whichever was less. Staff believes candidates have historically almost always just paid the \$10 fee.

On July 1, 2015, K.S.A. 25-2110 and certain other statutes were amended to require a person desiring to become a candidate for elected city offices to file a declaration of candidacy and a \$20 fee. The City is also required to establish “the number of qualified electors of the city required for a valid nomination petition.”

In order to be placed on the ballot for a Mulvane city office, a proposed candidate must file a declaration of candidacy and a \$20 fee with the Sedgwick County election officer. Unfortunately, under the new law, it is unclear under what circumstances a nomination petition is required. However, in the event a nomination petition is required, City staff recommends requiring only 1 signature in order to ensure access to all citizens wanting to run for City office.

MOTION by Keck, second by Richardson to adopt Ordinance No. 1485 establishing qualifications for candidates for elected city offices.

MOTION approved unanimously.

ORDINANCE NO. 1485

AN ORDINANCE REGARDING CANDIDACY FOR CITY OFFICES.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MULVANE, SEDGWICK AND SUMNER COUNTIES, STATE OF KANSAS.

2. Ordinance Establishing A City Land Bank:

The City has the authority to establish a land bank pursuant to K.S.A. 12-5901 *et seq.* This ordinance will establish a City Land Bank, the Board of Trustees of which will consist of the members of the City Council and one non-voting member to be selected by the Mayor, who shall serve as Secretary/Treasurer.

MOTION by Keck, second by Richardson to adopt Ordinance No. 1486 establishing a land bank.

MOTION approved unanimously.

ORDINANCE NO. 1486

AN ORDINANCE ADOPTING TITLE IV, CHAPTER 415 OF THE MUNICIPAL CODE OF THE CITY OF MULVANE, KANSAS, ESTABLISHING A LAND BANK WITHIN THE CITY OF MULVANE, KANSAS.

3. Resolution of Intent – Villa Maria, Inc. – Facility Improvements:

Villa Maria, Inc. (“Villa Maria”) has approached the City of Mulvane with a request for support in the renovation and addition to their existing nursing home (the “Project”), as well as refunding their existing Health Care Facility Refunding Revenue Bonds, Series 2004.

This Project will not include any ad valorem tax abatement because of the available exemption of the Project from ad valorem property taxation by virtue of its operation as a not-for-profit adult care home pursuant to K.S.A. 79-201b *Second*. The Bond Counsel has prepared a Resolution of Intent with respect to this Project which is now up for consideration.

Under Kansas law, a city can issue Bonds to finance or refinance facilities such as Villa Maria proposes because it is a qualified 501(c) (3) organization within the meaning of the Internal Revenue Code. The Villa Maria will anticipate the Bonds be issued as “bank qualified,” which is a designation that is accorded to certain small issues. The City has previously been qualified as a small issuer which issues less than \$10,000,000 per calendar year. City Staff does not foresee a scenario where the City would issue more than \$4,900,000 of other tax-exempt bonds in 2017.

The City is not legally obligated to pay the principal and interest. Villa Maria is a significant private employer and user of municipal services in the City. Villa Maria is not affiliated with the Recent Villa Maria Addition being constructed.

MOTION by Mottola, second by Richardson to adopt Resolution No. 2017-3, indicating the City’s intent to (i) refund certain outstanding the City’s Health Care Facility Revenue Bonds, Series 2004 for Villa Maria and to (ii) construct an addition to and renovate Villa Maria’s existing nursing home.

MOTION approved unanimously.

RESOLUTION NO. 2017-3

A RESOLUTION INDICATING THE INTENT OF THE GOVERNING BODY OF THE CITY OF MULVANE, KANSAS, TO ISSUE CERTAIN HEALTH CARE FACILITY REFUNDING AND IMPROVEMENT REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED FIVE MILLION ONE HUNDRED THOUSAND DOLLARS (\$5,100,000) FOR THE PURPOSE OF (I) CONSTRUCTING AN ADDITION TO AND RENOVATING AN EXISTING NURSING HOME LOCATED IN THE CITY OF MULVANE, KANSAS, (II) REFUNDING PRIOR TO THEIR MATURITY CERTAIN OF THE CITY’S OUTSTANDING HEALTH CARE FACILITY REFUNDING REVENUE BONDS, SERIES 2004 (VILLA MARIA, INC. – MARIA COURT PROJECT) AND (III) PAYING CERTAIN COSTS OF ISSUANCE.

ENGINEERS REPORT

1. Engineer’s Report/Project Review and Update:

Chris Young of Young & Associates updated the Council on the GIS mapping of city utility, E. Mulvane Street drainage project, Cedar Brook 2nd Addition, Hunters Pointe Addition and the Villa Maria Senior Housing Project. The engineer will start working on the footbridge across Styx Creek at Franklin & Charles and in English Park.

City Clerk: None

City Administrator:

Review Utility System Interruption Notification System.

- The notice will be posted on the local TV stations along with local radio stations. City's website, Facebook page and Twitter and City Cable Ch. 7
- *City Messenger System*; With the City's Tyler Tech software system, the City has the ability to call or text our utility customers. This would be through a general notification process. The information (phone numbers) would be pulled from our utility billing system. The cost would be .10 per call or text. The software and maintenance is already included in our current contract. This system has the ability to "Geo-Fence" a section of town for notification of a utility outage. While we want to use the City Messenger System sparingly, we can use it to notify the public about other issues as well.
- *City Cell Phone App*. Staff is looking into creating a "City of Mulvane" app that can be downloaded to a cell phone to better communicate with our citizens.

City Attorney:

The City Attorney requested an executive session not to exceed twenty (20) minutes to discuss matters privileged in the attorney-client relationship. The executive session to include the Mayor, Council, City Administrator and City Attorney.

MOTION by Keck, second by Richardson to recess for a period not to exceed twenty (20) minutes to discuss matters privileged in the attorney-client relationship to include the Mayor, Council, City Administrator and City Attorney. To return at 9:20 p.m.

MOTION approved unanimously at 9:00 p.m.

MOTION by Keck, second by Richardson to return from executive session at 9:23p.m.

MOTION approved unanimously.

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

Consent Agenda:

MOTION by Richardson, second by Keck to approve Consent Agenda items 1 – 3.

1. Payroll dated 1-13-17 (\$198,552.21)
2. Warrant Register for December, 2016 (\$725,829.66)
3. Purchase of 25,000lbs of ferric chloride for \$5,586.00 and 22,500lbs of sodium hydroxide for \$4,398.50 at a total cost of \$9,984.50 from Brenntag, Inc.

MOTION approved unanimously.

Announcements, Meetings and Next Agenda Items:

- Next regular council meeting – Monday, Feb. 6th @ 7:30 p.m.

Adjournment:

MOTION by Richardson, second by Keck to adjourn the council meeting at 9:25 p.m.

MOTION approved unanimously.

Debra M. Parker, City Clerk