

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

July 7, 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, Nancy Farber Mottola, Jenean Keck, Brent Allen.

Others Present: Mike Robinson, Debra Parker, Joel Pile, Chris Young, Kent Hixson, Amanda Ford, Erin Manning, Rachael Blackwell, Tom Burkhart.

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

Approval of Regular Meeting Minutes Dated 6-21-2021:

Councilmember Mottola advised that the correspondence noted for New Business Item #1 was not noted in the minutes of 6/21/21. New Business Item #1 was changed to reflect this notation: “The correspondence noted by Councilmember Mottola was that other classes were interested in receiving funds.”

MOTION by Mottola, second by Keck to approve the Regular meeting minutes dated 6-21-2021 with the changes discussed.

MOTION approved unanimously.

Correspondence: Mayor Steadman received correspondence from Van Tarr from the Alumni Association regarding the return of the transient guest tax funds. Mayor Steadman received correspondence from a business owner downtown regarding the possible removal of a tree in the downtown area that was attracting birds, leaving an unsightly appearance, and also blocking the store front. The business owner was encouraged to contact the City Administrator.

Review and Closing of the Agenda: None

Appointments, Awards and Citations: None

OLD BUSINESS

1. Pix Events Center – Review Requirements for a Sworn Police Officer at Events that Provide Alcohol:

As part of the Pix Center being offered to the public for events, the council agreed to allow alcohol to be served. Section 11 of the use policy requires a sworn police officer be present if alcohol is served.

At the 6/21/21 council meeting the City Council discussed having a responsible adult be a designated bartender instead of having a police officer present. If a sworn police officer would not be present, it was recommended that either the bartender or the individual(s) hosting the event provide a special events policy which includes the consumption of alcohol on the premises during the event. Council felt it was unlikely individuals would obtain special event insurance coverage and asked if the City would be able to add this to the City's policy or obtain coverage to include on premise consumption. Staff has checked with our Insurance Agent.

Tom Burkhart, of Carson Insurance Group, advised the council EMC will be adding the appropriate liability code effective 7/6/2021 to the policy to address the liquor liability. This will cost approximately \$150 for the remainder of the policy period. This protects the City and the citizens as taxpayers. Burkhart recommended the City of Mulvane have the individual or group that use the facility, and plan to have alcohol present, purchase a special event policy which would cover the liquor liability. A one-day policy with the maximum number of individuals allowed in the Pix will cost approximately \$250.

If the individual or group are required to provide their own insurance, then the primary liability would fall on them. Burkhart explained the difference between having a bartender serve alcohol or individuals bringing in their own alcohol. The options would be to 1) Hire a licensed bartender who is bonded and insured or 2) The responsible party would need to purchase special event coverage and provide the City a Certificate of Insurance.

It was suggested that if it is determined that the terms of the agreement were not followed, then the deposit would be forfeited. The process for getting the special event coverage and cost was discussed. There was discussion regarding if the form should say "highly recommended" or "required" regarding event insurance. It was the consensus of the council that the form should say event insurance is "required".

Staff will update the form with the suggested changes and bring it back to the council for review. It was asked if any damage to the PIX has occurred. Hixson advised there has been no damage, only normal wear and tear. We have never had to hold a deposit for damages.

NEW BUSINESS

1. Mulvane Senior Center – Meals on Wheels Facility Agreement:

The Mulvane Senior Center provides meals on a daily basis, both at the Center and carry-outs for our homebound seniors. The city has always had an agreement to provide a place and equipment to use for the Meals on Wheels program. We are responsible for having the Center open every day at a minimum from 10:00 a.m. to 1:00 p.m., excluding holidays as listed in the Agreement.

The city collects the money from our patrons for the meals and then pays API for the cost of the food. This is the same agreement from last year, which the city attorney reviewed.

MOTION by Allen, second by Keck to approve and enter into a Facility Agreement between the Mulvane Senior Center and Aging Projects, Inc. for the 2021-2022 Meals on Wheels/Friendship Meals program and authorize the Mayor and City Clerk to execute.

MOTION approved unanimously.

ORDINANCES & RESOLUTIONS

1. Ordinance for the Plan of Financing, through Kansas Power Pool, of the 111th St. Electric Substation Improvements:

On May 3, 2021, the City of Mulvane, Kansas (the “City”) approved having its planned electrical substation project included in the upcoming bond issue of The Kansas Power Pool (“KPP”), a Municipal Energy Agency (the “KPP”). The KPP plans to close on its Bonds on July 13, 2021. As part of the process, it is necessary for the City to adopt an ordinance authorizing the City to execute the necessary documents with KPP for the substation project, including executing a Project Schedule I outlining the terms of the substation project which will be added to the City’s Power Purchase Contract. Financial Considerations: The submitted Project cost was estimated to be \$2,200,000. The city will pay the cost of publishing the ordinance. The City’s proportionate share of the Costs of Issuance of the KPP bond issue will be included in the issue.

MOTION by Mottola, second by Richardson that we adopt Ordinance No. 1543 approving the substation project to be undertaken by the KPP and authorize the execution and delivery of any such necessary documents, including a schedule attachment to the City’s Power Purchase Contract. MOTION approved unanimously.

ORDINANCE NO. 1543

AN ORDINANCE APPROVING A PROJECT TO BE UNDERTAKEN BY THE KANSAS POWER POOL (“KPP”), A MUNICIPAL ENERGY AGENCY FOR THE BENEFIT OF THE CITY OF MULVANE, KANSAS AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH DOCUMENTS AS SHALL BE NECESSARY IN CONNECTION THEREWITH.

At the June 7th meeting the council was interested in the KPP bond rating and the interest compared to the City’s. City Attorney, J.T. Klaus, advised the 15-year interest rate applicable to the City will be 2.28% on this bond issue. Klaus also noted that he will bring a Charter Ordinance to the council in the future so the Council will have more options for financing.

2. Ordinance Rezoning 202 S. 1st Street from R-1 (Single Family) to B-2 (Central business District):

Mayor Steadman called Ordinances & Resolutions Business Agenda Item #2 which is consideration of changing the zoning district classification of certain land within the city and gave opening remarks.

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 Allen, second by Mottola to receive and file excerpts of the June 17, 2021, Mulvane Planning Commission Meeting Minutes which are related to Case # Z-2021-02. The excerpts of the minutes constitute a written summary of the public hearing conducted by the Planning Commission.

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.

Mayor Steadman asked if there were any members of the public who wished to speak on this case. There were none.

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

Mayor Steadman asked if the petitioner wished to respond to the public comments. Petitioner was not present.

No final public comments were needed.

Mayor Steadman asked if any City Council Members wished to discuss any further the proposed Zoning Change as specified in Case # Z-2021-02. Councilmember Allen asked about this property being in the floodplain and asked about the structure being put up. Planning and Zoning Director, Joel Pile, indicated this will be an open carport structure which will be permitted in the floodplain.

Having considered the evidence and the factors to evaluate the zoning change, MOTION by Mottola, second by Richardson that the Governing Body approve Ordinance No. 1544 rezoning property described in Case No. Z-2021-02 from R-1 Single-Family Residential District to B-2 Central Business District.

MOTION approved unanimously.

ORDINANCE NO. 1544

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF CERTAIN LANDS UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY OF MULVANE, KANSAS, AS ORIGINALLY APPROVED BY ORDINANCE NO. 1432.

LAND BANK

MOTION by Mottola, second by Allen to recess the 7/7/21 City Council meeting and convene as the Mulvane Land Bank.

MOTION approved unanimously.

MOTION by Keck, second by Allen to approve the 2-15-21 Land Bank Trustee meeting minutes.
MOTION approved unanimously.

MOTION by Mottola, second by Richardson to renew the general liability insurance and umbrella policies effective 7/27/2021 covering the vacant land at 108 N. 2nd Ave and 115 E. Mulvane St. for a total annual premium cost of \$1,200.00.

MOTION approved unanimously.

It was noted that once the City purchases the land from the Land Bank, this policy will be cancelled, and the premium will be refunded on a pro-rated basis.

MOTION by Mottola, second by Richardson that the Land Bank approve the publication of the Notice of Sale for conveyance of 108 N. 2nd, 115 E. Mulvane St., and the adjacent lot to the City of Mulvane, Kansas and authorize the Chair to execute any and all deeds and other documentation necessary to accomplish the same.

MOTION approved unanimously.

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

MOTION approved unanimously.

ENGINEER

1. Emerald Valley Estates Phase 2: Change Order # 2 with Mies Construction:

In April of 2021, the City contracted with Mies Construction, Inc. to install sanitary sewer improvements for the second phase of the Emerald Valley Estates Development. Construction was initiated on April 19th which included a 10” sewer extension along Emerald Valley Dr., an 8” sewer extension along Sapphire Lane and a 12” sewer extension along the west side of Webb Rd.

Based on the bid price for flowable fill, the Change Order cost for an additional 5 LF is (5.0 x \$425) \$2,125.00. Pending approval of this change order, the final sanitary sewer construction costs will be \$168,947.00.

MOTION by Mottola, second by Richardson to approve Change Order No. 2 to the construction contract with Mies Construction for Phase 2 Sanitary Sewer Improvements to serve the Emerald Valley Estates Addition.

MOTION approved unanimously.

2. Emerald Valley Estates Phase 2: Final Pay Application with Mies Construction:

Mies Construction is doing Sanitary Sewer and Waterline Improvements to serve Emerald Valley Estates, Phase 2.

MOTION by Mottola, second by Allen to approve the final pay application (#3) from Mies Construction in the amount of \$116,973.95 for Sanitary Sewer Improvements to serve the Emerald Valley Estates Addition Phase 2.

MOTION approved unanimously.

3. Project Review and Update:

City Engineer, Chris Young, reviewed project updates with the council which included: E. Mulvane Street Drainage, Hidden Valley Addition, Emerald Valley Estates Phase 2, Main "A" Sanitary Sewer Improvements, and N. Rockwood Heights Sanitary Sewer Extension.

2022 Annual Budget Workshop:

Finance Director, Rachael Blackwell, reviewed the budget revenue definitions and the Funds with a Tax Levy with the council. The Revenue Neutral Rate (RNR) and new budget timeline were reviewed. The RNR is the property tax rate in mills that would generate the same property tax revenue in dollars as levied the previous tax year using the current tax year's total assessed valuation.

During the 2021 legislative session, the tax lid was removed and the legislature enacted SB 13 and HB 2104. This legislation establishes new notice and public hearing requirements if the proposed budget will exceed the property tax levy's revenue neutral rate. If the City does not hold a hearing to exceed the RNR, the City will need to work with the County Clerk to ensure that, when final assessed values are calculated, the City's mill levy does not exceed the RNR. If it does, the city will need to refund any property taxes levied in excess of the RNR.

City Clerk: None

City Administrator: Council asked about tagged UTV's. The City issues tags for UTV's and golf carts. It has been noticed that some UTV's are not tagged. Requirements and limitations were briefly reviewed.

City Attorney: J. T. Klaus reminded the council, that at the meeting this evening, the Land Bank authorized the sale of land located at 108 N. Second and 115 E. Mulvane. At the next meeting, the City Council will have to authorize the purchase of the land for \$1.00 and there are also certain legal considerations. Since this property was originally purchased by the Land Bank, it is not on the tax rolls. Once it is purchased by the City, it will go on the tax rolls and the City Clerk will need to file for a tax exemption for municipal purposes. This purpose would be for a park. Once it is a park you cannot sell it anytime you want because it has greenspace requirements. If the Land Bank does not have any property, we will not want to abolish it, since it is expensive to create.

Consent Agenda Items 1 - 3:

MOTION by Mottola, second by Keck to approve Consent Agenda items 1 - 3.

1. Payroll dated 6-25-21 (\$229,620.75)
2. City Utility Bills – June (\$20,492.57)
3. Approve the Estoppel Certificate for Homestead Senior Residences Phase 2.

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS, AND NEXT AGENDA ITEMS:

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

ADJOURNMENT:

MOTION by Richardson, second by Allen to adjourn the City Council meeting at 9:00 p.m.
MOTION approved unanimously.

Minutes by:
Debra M. Parker, City Clerk