

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

May 1, 2023

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: Tim Huntley, Kevin Cardwell, Brent Allen, and Nancy Farber Mottola.

Others Present: Mike Robinson, Debra Parker, Kent Hixson, Chris Young, Joel Pile, J.T. Klaus, Betty Smith, Clay Walker, Tawni Spencer.

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

Approval of Regular Meeting Minutes Dated 4-17-23:

MOTION by Mottola, second by Cardwell to approve the Regular meeting minutes dated 4-17-23.

MOTION approved unanimously.

Correspondence: Councilmember Mottola was contacted by Boyd Gaming to provide a letter of support for the Diamond Jo Casino. Mottola was also contacted by some residents at Quad County. Mayor Steadman was contacted by Boyd Gaming to provide a letter of support for the Diamond Jo Casino and visited with residents at Quad County. Councilmember Cardwell was contacted by some parents of youth soccer players regarding the conditions of one of the soccer fields at the Sports Complex.

Review and Closing of the Agenda: None

Appointments, Awards and Citations: None

OLD BUSINESS

1. Purchase Agreement for 616 W. Bridge:

For many years, the condition of the property located at 616 W. Bridge has prompted nuisance complaints. Early 2021, the owner moved out of the house and has been unable to sell the property due to its location in the floodplain. On March 3, 2023, Ron Pollard and his son David presented the City with an offer to sell the property for \$5,000. H. Excavating, LLC (Jacob Humbolt) has submitted a bid for demolition with a price of \$17,500.

At the March 20, 2023, City Council Meeting, the Council requested staff to prepare a purchase agreement for consideration.

Planning and Zoning Director, Joel Pile, reviewed the property restrictions with the Council. Mulvane Floodplain Regulations prevent new construction in the floodplain and limit the amount which can be spent on a remodel to 50% of the appraised value. If this property ever floods again, the City would be forced to condemn the property.

Councilmember Allen asked about bringing in dirt to level the property and remove it from the floodplain. Pile advised that the property must be two (2) feet above the base flood elevation. This property is 3 - 4 feet below the flood elevation, and with the narrow lot, this would cause the property to be sitting on a hill.

The City participates in the National Flood Insurance Program. Whenever the City takes properties out of the floodplain, it helps reduce the flood insurance rates. Allen asked how many homes were located in the floodplain. Mottola advised the City did not have to condemn any homes in this area of town during the 2016 floods.

As an alternative to purchasing the property, the City could condemn the property and order it repaired or demolished. If the owner fails to abate the structures and associated nuisances, the City could have the work done and levy the costs of abatement as a special tax lien upon the property. If the owner fails to pay the special tax assessment, after 2 years the property would be offered for sale at the Sumner County Sheriffs Tax Sale.

City Attorney, J.T. Klaus, explained that this would not be a Land Bank purchase and the City would pay property taxes, unless articulated as a municipal use.

MOTION by Allen, second by Mottola to approve the Purchase Agreement prepared by counsel for the purchase of the property located at 616 W. Bridge and authorize the mayor to sign; also, authorize city staff to execute all documents necessary to complete the property purchase as described in the Purchase Agreement.

MOTION approved - Allen/Yes, Mottola/Yes, Cardwell/No, Huntley/No, Mayor Steadman/Yes.

Mayor Steadman expressed her disappointment in how this purchase was negotiated. It was the will of the Council to direct our legal counsel to execute this agreement. The Council has invested the money to have the legal work done and she will support the decision that was previously provided when we had a full Council. Mayor Steadman thanked staff for their work.

NEW BUSINESS

None

ENGINEER

1. Project Review and Updates:

Downtown Park: The Contractor has provided a price list for Construction Package No. 1 “Demolition and Utility Improvements”. A construction schedule has been provided indicating a completion date in October. The Contractor will work to improve their schedule.

The Contractor will be meeting with Public Works on-site the week of May 1st to coordinate equipment and material storage sites and begin mobilization for Construction Package No. 1.

Sewer Main “A”: The Contractor is meeting with Public Works on Monday, May 1st to begin looking at material storage sites and plans to begin mobilizing within the next two (2) weeks. The City was not awarded a grant from the Kansas Department of Commerce BASE 2.0 (“Building a Stronger Economy”) grant program. City staff will continue to look for grant opportunities for the project.

Rock Road Lift Station: On April 17, 2023, the City Council approved moving forward with the design and construction of force main modifications that would divert wastewater flows from the Rock Road Lift Station into the Main “B” sewer basin. This project is intended to relieve pressure on the Main “A” basin and provide additional capacity to address development north of K-15/East of Rock Road. To date, field surveys have been completed and a preliminary design alignment has been established for staff review.

MULVANE HOUSING AUTHORITY

The City Council serves as the Mulvane Housing Authority (MHA). The primary purpose of the Housing Authority was to oversee the 23-unit Quad County Manor Housing Complex.

MOTION by Allen, second by Huntley to recess the City Council Meeting and convene as the Mulvane Housing Authority.

MOTION approved unanimously.

MOTION by Allen, second by Cardwell to approve the Mulvane Housing Authority Meeting minutes dated 4-17-23.

MOTION approved unanimously.

The Board thanked Nancy Farber Mottola for her work on the survey. The Board is in the process of reviewing the content of the rental agreements in conjunction with the contract of the Property Manager to determine the responsibilities and obligations needed to fulfill the agreements of the rental.

There was much discussion regarding the survey, including using a large font, the age of the resident, a contact phone number for assistance, hanging the survey on the door or mailing it, and providing a return postage paid envelope. The Board would like the survey returned by May 19th.

City Attorney, J.T. Klaus, reviewed the legal aspect when communicating with residents of Quad County and the separation of authority for the MHA and City Council.

MOTION by Cardwell, second by Allen to adjourn the Mulvane Housing Authority meeting and reconvene the regular City Council meeting 5-01-23.

MOTION approved unanimously.

It was the consensus of the City Council to request the City Administrator, Kent Hixson, to facilitate delivery of the MHA questionnaire.

CITY STAFF

City Clerk: LEAPS has posted the advertisement for the City Administrator position. The advertisement will be posted for 30 days.

City Administrator: None

City Attorney:

1. Executive Session #1 – Possible Litigation:

City Attorney, J.T. Klaus, requested an Executive Session to discuss matters privileged in the attorney-client relationship for approximately ten (10) minutes.

MOTION by Allen, second by Huntley to recess this meeting to an Executive Session to discuss matters deemed privileged in the attorney-client relationship for the purpose of discussing legal matters for a period not to exceed ten (10) minutes and to reconvene in open session at approximately 8:30 p.m. to include the Mayor, City Council, City Administrator, and the City Attorney.

MOTION approved unanimously at 8:20 p.m.

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

MOTION approved unanimously at 8:30 p.m.

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

2. Executive Session #2 – Possible Land Acquisition:

City Attorney, J.T. Klaus, requested an Executive Session to discuss matters involving Land Acquisition for approximately twenty (20) minutes.

MOTION by Allen, second by Huntley to recess this meeting to an Executive Session to discuss matters involving Land Acquisition for the purpose of discussing potential purchase of real estate for a period not to exceed twenty (20) minutes and to reconvene in open session at approximately 8:55 p.m. to include the Mayor, City Council, City Administrator, and the City Attorney.

MOTION approved unanimously at 8:35 p.m.

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

MOTION approved unanimously at 8:55 p.m.

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

Executive Session #3 - Possible Land Acquisition:

MOTION by Cardwell, second by Mottola to recess this meeting to a third Executive Session to discuss matters involving Land Acquisition for the purpose of discussing potential purchase of real

estate for a period not to exceed ten (10) minutes and to reconvene at approximately 9:05 p.m. to include the Mayor, City Council, City Administrator, and the City Attorney.
MOTION approved unanimously at 8:55 p.m.

MOTION by Mottola, second by Cardwell to reconvene the City Council meeting.
MOTION approved unanimously at 9:10 p.m.

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

MOTION by Huntley, second by Cardwell to instruct the City Attorney to exercise the City's one time option to purchase the property at 204 N. Second Ave.
MOTION approved 3 - 1 with Mottola opposed.

City Attorney, J. T. Klaus, advised it was Law Day, which is a day that we celebrate being a Nation of Laws first introduced by Dwight D. Eisenhower and signed into law in 1961 by JFK. It is a day where we celebrate the civil nature of our existence and that we are a nation governed by laws.

CONSENT AGENDA ITEMS 1 - 3:

MOTION by Mottola, second by Huntley to approve consent agenda items 1 - 3.

1. Payroll dated 4-28-23 (\$236,906.15).
2. Purchase of 30,000 lbs. of ferric chloride for \$12,850.00 and 30,000 lbs. of sodium hydroxide for \$12,850.00 at a total cost of \$25,700.00.
3. City Utility Bills (\$19,727.25).

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS, AND NEXT AGENDA ITEMS:

- Next council meeting – Monday, May 15th @ 7:30 p.m.

ADJOURNMENT:

MOTION by Allen, second by Huntley to adjourn the City Council meeting.
MOTION approved unanimously 9:12 p.m.

Debra M. Parker

Minutes by:
Debra M. Parker, City Clerk