

**MULVANE CITY COUNCIL
REGULAR MEETING MINUTES**

June 17, 2024

6:00 p.m.

The Mulvane City Council convened at the City Building at 211 N. Second at 6:00 p.m. Presiding was Council President, Tim Huntley, who called the meeting to order.

COUNCIL MEMBERS PRESENT: Trish Gerber, Kurtis Westfall, Tim Huntley, Grant Leach, Todd Leeds.

OTHERS PRESENT: Austin St. John, Debra Parker, J. T. Klaus, Doug Hatfield, Chris Young, Joel Pile, Gordon Fell, Nathan Wells, Julie Zeka, Brent Dinkel.

PLEDGE OF ALLEGIANCE: All stood for the Pledge of Allegiance led by President Huntley.

APPROVAL OF REGULAR MEETING MINUTES:

MOTION by Leeds, second by Gerber to approve the Regular meeting minutes dated June 3, 2024. MOTION approved unanimously.

Mayor Brent Allen arrived at 6:01 p.m.

CORRESPONDENCE: Mayor Allen received a call regarding how to apply for residence at Quad County Manor. Until the property is sold, individuals can continue to contact the manager, Carol Roberts.

PUBLIC COMMENTS: None

APPOINTMENTS, AWARDS AND CITIATIONS: None

OLD BUSINESS

None

NEW BUSINESS

1. Request to Reduce/Waive Fireworks Permit Fee and Request for Temporary Zoning Permit – First Baptist Church:

Nathan Wells, First Baptist Student Ministry Committee Chair, is requesting to reduce or waive the Fireworks Stand Fee and grant a temporary zoning permit. The First Baptist Church of Mulvane’s Student Ministry is seeking to run a fireworks tent to raise money for their student ministry. This year FBC will no longer have a fireworks supplier but will be fronting all the money for the fireworks, which means that 100% of the profits will go directly to fund student events. A temporary zoning permit for 1020 N. Second is needed to properly rezone the property to allow for the sale of fireworks.

The council asked what percentage of sales FBC received. Wells advised that last year they received 35% of sales, which was a determining factor in fronting the money this year. Wells advised that they have a storage unit to store any fireworks which are not sold.

MOTION by Huntley, second by Leeds to reduce the \$6,000 fireworks stand permit fee to \$3,000 and grant a temporary zoning permit for First Baptist Church in Mulvane to sell fireworks.
MOTION approved unanimously.

2. Agreement from RDG Planning & Design for the Comprehensive Plan:

Planning and Zoning Director, Joel Pile, reviewed this item with the council. The Comprehensive Plan is Mulvane's policy document for guiding growth and development within the city over a 10-year planning period. The plan's purpose is to provide a policy framework for zoning and land use regulations, demonstrate consistency with regional and statewide goals, rules, and laws, and serve as a cohesive vision for future planning activities.

The Planning Commission solicited Request for Proposals (RFP) for consulting services to facilitate an update of the City's Comprehensive Plan. Three proposals were received. On May 20, 2024, the City Council selected the proposal submitted by RDG Planning & Design and BHC for comprehensive plan preparation and requested an agreement be prepared and presented for consideration.

Mayor Allen asked if the not to exceed amount was for both RDG and BHC. Pile indicated that it was.

MOTION by Leeds, second by Leach to approve the agreement submitted for comprehensive plan preparation with RDG Planning & Design with a cost not to exceed \$72,500.
MOTION approved unanimously.

3. Emerald Valley Addition:

City Attorney, J.T. Klaus, reviewed this item with the council and advised that the Developer is obligated to present the City with Letters of Credit to support the City's undertaking of the Emerald Valley 2nd Addition Improvements.

The City has received six petitions and a Developer's Agreement for water, 12" water transmission line, sewer, street, storm sewer, and mass grading & detention pond improvements to serve a portion of Emerald Valley Estates 2nd Addition. The petition requests the Emerald Valley 2nd Addition Improvements be made by the City and the costs be "specially assessed" against the landowners in the Addition.

General Obligation Bonds will be issued to pay the costs and special assessments will be levied against the benefited properties following completion and acceptance of the Emerald Valley 2nd Addition Improvements. The City-at-Large is expected to pay 5% of the water improvements and 22% of the 12" water transmission lines.

The City Council must formally (1) accept the petitions requesting the Emerald Valley 2nd Addition Improvements to serve the Addition, (2) approve the Developer's Agreement for the Emerald Valley 2nd Addition Improvements, (3) adopt the advisability resolution, and (4) adopt

the work ordinance in order to special assess the cost of the Emerald Valley 2nd Addition Improvements to the benefitted properties.

MOTION by Huntley, second by Leeds to accept the petitions for Emerald Valley 2nd Addition Improvements necessary to serve a portion of Emerald Valley 2nd Addition.

MOTION approved unanimously.

MOTION by Huntley, second by Westfall to accept the Developer's Agreement for Emerald Valley Estates 2nd Addition with Suburban Land Development, LLC and authorize the Mayor to sign.

MOTION approved unanimously.

MOTION by Huntley, second by Gerber to adopt Resolution No. 2024-4 determining the advisability of making Emerald Valley 2nd Addition Improvements in Emerald Valley Estates 2nd Addition.

MOTION approved unanimously.

RESOLUTION NO. 2024-4

A RESOLUTION DETERMINING THE ADVISABILITY OF MAKING CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF MULVANE, KANSAS; SETTING FORTH THE GENERAL NATURE OF THE IMPROVEMENTS, THE ESTIMATED OR PROBABLE COSTS THEREOF, THE EXTENT OF THE BENEFIT DISTRICT TO BE ASSESSED FOR THE COSTS THEREOF, THE METHOD OF ASSESSMENT AND THE APPORTIONMENT OF THE COSTS BETWEEN THE BENEFIT DISTRICT AND THE CITY-AT-LARGE; AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH THE FINDINGS OF THE GOVERNING BODY; AND DIRECTING THE PUBLICATION AND RECORDING OF THIS RESOLUTION (EMERALD VALLEY SECOND WATER LINE IMPROVEMENTS, EMERALD VALLEY SECOND WATER TRANSMISSION LINE IMPROVEMENTS, EMERALD VALLEY SECOND SEWER IMPROVEMENTS, EMERALD VALLEY SECOND STREET IMPROVEMENTS, EMERALD VALLEY SECOND STORM SEWER IMPROVEMENTS, AND EMERALD VALLEY SECOND MASS GRADING & POND IMPROVEMENTS).

MOTION by Huntley, second by Gerber to adopt Ordinance No. 1582 authorizing the construction of Emerald Valley 2nd Addition Improvements in Emerald Valley Estates 2nd Addition.

MOTION approved unanimously.

ORDINANCE NO. 1582

AN ORDINANCE AUTHORIZING THE CONSTRUCTION OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF MULVANE, KANSAS, AS HERETOFORE DETERMINED ADVISABLE AND AUTHORIZED TO BE MADE BY RESOLUTION NO. 2024-4 OF THE CITY, UNDER THE AUTHORITY OF K.S.A. 12-6a01 *ET SEQ.*, AS AMENDED AND

SUPPLEMENTED; PROVIDING FOR THE PAYMENT OF THE COSTS OF SAID IMPROVEMENTS; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE PAYMENT OF THE COSTS OF SAID IMPROVEMENTS AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY IMPROVEMENT NOTES FROM TIME TO TIME AS FUNDS ARE NEEDED FOR THE ORDERLY CONSTRUCTION OF SAID IMPROVEMENTS.

4. Municipal Advisor Agreement:

The City has identified certain improvements in the Harvest Point and Emerald Valley, Second Addition benefit districts that need to be made which will be financed through the issuance of the Series A, 2024 General Obligation Temporary Notes.

These improvement projects will be paid from special assessments levied against the property owners in such benefit districts. The improvements are initially financed through the issuance of temporary notes. Once the improvements are complete, the City will then determine the final project costs and conduct the assessment proceedings. 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 General Obligation Bonds. The proceeds of the General Obligation Bonds will be used to redeem and pay the Temporary Notes.

The City’s Municipal Advisor, Greg Vahrenberg of Raymond James & Associates, has submitted an agreement to provide Municipal Advisory Services for the public sale of the General Obligation Temporary Notes, Series A, 2024. The fees of the Municipal Advisor are contingent upon completion of the note issue.

MOTION by Gerber, second by Leeds to engage Raymond James & Associates as Municipal Advisor for the public sale of the City’s General Obligation Temporary Notes, Series, A, 2024. MOTION approved unanimously.

5. Engineering and Oversight Agreement for Emerald Valley Estates 2nd Addition:

City Engineer, Chris Young, presented a Design Engineering and Construction Oversight Agreement to the council to provide professional engineering services as required for Mass Grading and Detention Pond Improvements, Sanitary Sewer Improvements, Storm Sewer Improvements, Water Line Improvements and Street Improvements, to serve Emerald Valley Estates 2nd Addition. These improvements will serve 36 lots.

Total Design Engineering Services	\$83,120.00
Total Bid Phase Services	\$7,200.00
Total Construction Oversight Services	\$48,700.00

Young pointed out there will be a cost share by the city for the water line. Project costs for the Water Line Improvements petition are shared 95% by the Benefit District and 5% by the City at Large. Project costs for the 12” Water Transmission Line Improvements petition are shared 78% by the Benefit District and 22% by the City at Large. The City’s portion for water improvements is based on up-sizing the proposed water lines from 8” to 12” to serve future growth areas.

MOTION by Huntley, second by Leeds that the City enter into an agreement with Young and Associates, P.A. for “Infrastructure Design, Bidding and Construction Oversight Services” for Emerald Valley Estates 2nd Addition and authorize the Mayor to sign.
MOTION approved unanimously.

ENGINEER

1. Project Review and Update:

Phase 2 Main “A” Sanitary Sewer – The Contractor completed punch-list items and has requested a re-inspection. A Change Order for a deduct is expected for asphalt and pavement work not needed.

GIS Mapping – An agreement has been approved and staff is ready for the kick-off meeting.

Phase 1 Harvest Point Addition Infrastructure – A pre-construction meeting was held June 12th. The contractor anticipates mobilizing the first week of July.

West Main Street Drainage Improvements – Establish a bid date with Public Works after Mulvane Old Settlers.

CITY STAFF

City Clerk: None

City Administrator:

1. Financial Statement:

Review of the Financial Statement for May

City Attorney:

City Attorney, J.T. Klaus, advised the council that we closed on the second portion of the PMIB Loan for this year. So far, we have paid back 2.8 million dollars of the money we are going to owe the Casino for overpaid taxes, but we have borrowed that money. Klaus reminded the council that the money we would have received this year in taxes has been borrowed and will be paid back over the next four years. This will have a ballooning effect, and to be cognizant of the fact moving forward.

CONSENT AGENDA ITEMS:

MOTION by Gerber, second by Westfall to approve consent agenda items 1-4.

1. Payroll Dated 6/7/24 - \$281,382.26
2. May Warrant Register - \$1,221,561.83
3. Purchase of Ferric Chloride from Brenntag - \$12,850.00
4. Additional Charges from FORVIS for Audit Services - \$14,068.00

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS, AND NEXT AGENDA ITEMS:

Council Workshop – Monday, June 24, 2024 – 6:00 p.m. – PIX

Next City Council Meeting – Monday, July 1, 2024 – 6:00 p.m.

ADJOURNMENT:

MOTION by Westfall, second by Leach to adjourn the regular meeting of the Mulvane City Council.

MOTION approved unanimously at 6:33 p.m.

Debra M. Parker

Minutes by:
Debra M. Parker, City Clerk