

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

July 19, 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 and Kevin Cardwell.

Others Present: Mike Robinson, Debra Parker, Joel Pile, Chris Young, Kent Hixson, J. T. Klaus, Amanda Ford, Erin Manning, Rachael Blackwell, Ticia Herd, Gordon Fell, Maizie Fell, Chris Haney, Mason Coley, Jeff Stos, Peggy Glennie, Kande Jones and other interested citizens.

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

Approval of Regular Meeting Minutes Dated 7-07-2021:

MOTION by Mottola, second by Keck to approve the Regular meeting minutes dated 7-07-2021. MOTION approved unanimously.

Correspondence: Councilmember Mottola has information regarding New Business Item #3 and will discuss this during that agenda item. Mottola was also contacted by an individual that had concerns about the easement behind their house and who was responsible for maintaining it. Mayor Steadman received an email from Mr. Lonergan who has purchased property West of the Mulvane Maintenance Building and is requesting a meeting. Mayor Steadman will arrange a meeting with him and Joel Pile to listen to his concerns.

Review and Closing of the Agenda: None

Appointments, Awards and Citations: None

OLD BUSINESS

1. Pix Events Center – Review Requirements at Events that Provide Alcohol:

At the 7/7/21 City Council meeting, the council requested changes be made to the PIX Building Use Application and Agreement. The requested changes were incorporated and brought back for council's review. City Attorney, J.T. Klaus, explained the changes and the addition of the designated bartender to be "sober".

Council discussed waiving the \$50.00 alcohol fee if special event insurance is required. Also, council would like verification of the individual to be included on the application. It was suggested to confirm the age of the individual by showing a driver's license. Special event insurance must be purchased if a licensed and bonded caterer is not present to serve alcohol. It was suggested that

if it is determined the terms of the agreement were not followed, then the deposit would be forfeited.

The requested changes will be included along with adding the questions – Will alcohol be allowed, who is your identified bartender &/or caterer, and adding a verification line that the Insurance Certificate has been received. Staff will incorporate the requested changes into the application and bring back for council review.

NEW BUSINESS

1. Mulvane Recreation Commission – Request to Use a City Sales Tax to Fund a New Facility:

MRC Director, Ticia Herd, presented the council with information reviewing the need for a new recreation facility. Herd asked the council to allow the MRC to use a city sales tax to fund a new facility. Plans for a new facility were reviewed, which would be done in phases. A new facility would allow the MRC to host various tournaments and have a positive economic impact on the community. Different financing options were discussed along with partnering with the school district.

City Attorney, J.T. Klaus, reviewed financing options with the council. Klaus reviewed financing through the PBC, holding an election, and the issuance of bonds. If bonds were issued, it would go against the City's debt limit. The council was in support of the MRC but felt like a city sales tax should be saved for City projects. Council would be interested in partnering with the School District.

Herd will set up a meeting with the School District and City Staff. Mottola advised that all ways to generate funds should to be discussed.

2. Use of the Basement at City Hall for local organizations offices and a business incubator:

The basement at City Hall has been vacant since the Police Dept. moved out over two years ago. There are seven offices of various dimensions, a meeting room, a common area, restrooms, and several storage closets in the basement.

The basement would need to be cleaned, painted, and made ADA compliant before it would be ready for occupancy. It was suggested to use the space as a small business incubator or as an office for the Mulvane Community Foundation.

Staff will check on the cost to make the space ADA compliant.

3. Trees in the Downtown Area:

The city has planted trees in the downtown area. When the trees get too big for the sidewalk area they are removed and replaced with new smaller trees. Some business owners have raised concerns about the trees blocking their store front and the birds that leave an unsightly mess on the sidewalk.

As mentioned in correspondence, Councilmember Mottola has spoken with property/business owners regarding this issue. Mottola indicated that 17 business owners would like the trees removed, 1 business liked the trees, and 5 did not respond. A lot of the business owners requested something with a light.

Council discussed the tree removal and possible replacement items. Some suggestions for replacement were planters, decorative poles with a light, lighted artwork, or sculptures. There was discussion regarding the care of the planters.

It was the consensus of the council to remove the trees and asked Joel Pile to check on different ideas for replacement items and bring them back for council's review.

4. Hidden Valley Estates – Street Renaming Affidavit:

In December of 2020, the Hidden Valley Addition Final Plat was approved which established right-of-way and names for residential streets to serve the sub-division. If, after recording a final plat, an error is found in subdivision or street names, the applicable City Engineer may file an affidavit with the County Register of Deeds that the error was made.

MOTION by Mottola, second by Cardwell to authorize the mayor to sign the Affidavit changing the street names in the Hidden Valley Addition and instruct the City Clerk to record the affidavit with the Sedgwick County Register of Deeds.

MOTION approved unanimously.

ORDINANCES & RESOLUTIONS

1. Resolution Amendment to Flex-One Cafeteria Plan:

Due to recent Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") updates, certain over the counter medications are now reimbursable under Health Flexible Spending Accounts ("FSA") without requiring prescriptions. Additionally, menstrual care products are reimbursable as an eligible expense. The CARES Act authorizes these changes for expenses incurred on or after January 1, 2020. An amendment to the City's Cafeteria Plan should be adopted accordingly.

MOTION by Mottola, second by Richardson to pass Resolution No. 2021-15, authorizing amendment to the City's Cafeteria Plan to remove the requirement to substantiate certain over-the-counter drugs and medications with a prescription and to add menstrual care products as an eligible expense under the City's Health Flexible Spending Arrangement.

MOTION approved unanimously.

RESOLUTION NO. 2021-15

A RESOLUTION OF THE CITY OF MULVANE, KANSAS AUTHORIZING AMENDMENT TO ITS CAFETERIA PLAN TO REMOVE THE REQUIREMENT TO SUBSTANTIATE CERTAIN OVER-THE-COUNTER DRUGS AND MEDICATIONS WITH A PRESCRIPTION AND TO ADD MENSTRUAL CARE PRODUCTS AS AN

ELIGIBLE EXPENSE UNDER THE HEALTH FLEXIBLE SPENDING
ARRANGEMENT.

2. Resolution of Condemnation - Property at 318 S. Central:

The city has fielded numerous nuisance complaints for the property located at 318 S. Central. During an exterior inspection on July 6, 2021, it was determined the property is unsafe and dangerous. The structure is in a severe state of disrepair and should be made secure or demolished.

The Police Department has received reports of juveniles making unauthorized access to the property and the department is now actively monitoring the location for such activity. Occupancy for the property has been revoked, no occupancy will be permitted until the exterior and interior of the property has been fully inspected for code compliance.

According to the title report, the property is legally described as Block 2, Lot 13 of the Hill & Rucker Addition (318 S. Central) owned by Jacob Shane Baker & Jared Shane Baker.

Mulvane Municipal Code Chapter 520 & K.S.A. 12-1750, et seq. regulates dangerous and unsafe structures. Planning and Zoning Director, Joel Pile, reviewed the process for condemnation with the council. To begin condemnation proceedings the governing body must conduct a public hearing. It was noted that the property owner would have time to make any improvements before the hearing.

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 Richardson, second by Mottola to receive and file the report from the Planning & Zoning Administrator and adopt Resolution No. 2021-16 fixing the Eighth, day of September 2021 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 318 S. Central Ave. to appear and show cause why such structures should not be condemned and ordered repaired or demolished. MOTION approved unanimously

RESOLUTION NO. 2021-16

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.

LAND BANK

MOTION by Mottola, second by Allen to recess the 7-19-21 City Council meeting and convene as the Mulvane Land Bank.

MOTION approved unanimously.

MOTION by Mottola, second by Cardwell to approve the 7-07-21 Land Bank Board of Trustee meeting minutes.

MOTION approved unanimously.

Finance Director, Rachael Blackwell, reviewed the 2022 Land Bank Budget with the Board and answered questions.

MOTION by Mottola, second by Cardwell to set the public hearing date for the Mulvane Land Bank Annual Budget for August 16th, 2021, at 7:30 p.m. at the Mulvane City Hall.

MOTION approved unanimously.

MOTION by Keck, 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. 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.

It was noted that the SWS subcontractor for Emerald Valley Estates Phase 2 is having trouble getting the prefabricated storm sewer inlet structures. The Contractor is requesting a stop work order until the storm sewer structures are delivered. Staff is recommending the Contractor perform other work while the inlet structures are under production.

City Clerk: None

City Administrator: None

City Attorney: Advised the council that the City Building is tax exempt. If the basement is used for profit use, such as a small business incubator, we will lose our tax exemption and the building would be put on the tax rolls.

Consent Agenda Items 1 - 5:

Council asked about Item #5 for Jump Start Stores. This is the new owner of Midway.

MOTION by Mottola, second by Cardwell to approve Consent Agenda items 1 - 5.

1. Payroll dated 7-09-21 (\$228,353.25)
2. Warrant Register for June (\$872,576.65)

3. Purchase of approximately 5,643 gallons of CSS-1h road oil for slurry sealing from Vance Brothers in the amount not to exceed \$15,500.00.
4. Hidden Valley Addition – Pay App. #1 to McCullough Excavating (\$52,194.96)
5. Approve a CMB license for Jump Start Stores Inc.

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS, AND NEXT AGENDA ITEMS:

Monday, August 2nd - next council meeting @ 7:30 p.m.

It was mentioned that the Mulvane PD Team took first place in the pickleball tournament and raised over \$700.00 in donations on behalf of our team.

ADJOURNMENT:

MOTION by Richardson, second by Cardwell to adjourn the City Council meeting at 9:23 p.m.

MOTION approved unanimously.

Minutes by:
Debra M. Parker, City Clerk