MULVANE CITY COUNCIL

 REGULAR MEETING MINUTES

May 5, 2014 7:30 p.m.

The Mulvane City Council convened at the City Building at 211 N. Second at 7:30 p.m. Presiding was Council President Doug Hatfield, who called the meeting to order.

COUNCIL MEMBERS PRESENT: Terry Richardson, Joe Johnson, Shelly Steadman and Jenean Keck

OTHERS PRESENT: Kent Hixson, Attorney Andrew Kovar, Patty Gerwick, Mike Robinson, Chris Young with Young & Associates, Ray Fleming, Debbie Parker, Rick Wise and Matt Glawatz with Clark Enerson Architect, Karolyn Braun Library Board President, Steve and Becky Wright, Mike Campbell, Monica Turner, Gayra Wright, John Paul Ferris, Jessica Waller, Dale Waller, Eric Wright, Danielle Fells President of Friends of the Library, Larry Mikkelson, Robert King and other interested citizens

All stood for the Pledge of Allegiance and Invocation led by Council President Hatfield.

APPROVAL OF REGULAR MINUTES DATED 4-21-14: MOTION by Johnson, second by Steadman to approve the Regular minutes dated 4-21-14. MOTION approved unanimously.

CORRESPONDENCE: None at this time.

REVIEW AND CLOSING OF THE AGENDA: No changes. Council President Hatfield declared the agenda closed.

APPOINTMENTS, AWARDS AND CITATIONS: None at this time.

**OLD BUSINESS**

REVIEW PROPOSED LIBRARY DESIGN: Rick Wise and Matt Glawatz with Clark Enerson Architect presented the design of the proposed library that was altered to fit within the designated budget and still maintain the functionality that is needed. The square footage has been reduced from 17,600 to 14,000 and the budget has been reduced from $5.4 million to $4.2 million all-in cost. Karolyn Braun, outgoing Library Board President, addressed the council by stating that the Library Design Committee would recommend the Council accept the new library design as presented and call for a special election to allow the citizens to vote on establishing a 1% sales tax to fund a new library to be located on the Denny-Webb property. She then asked if the Council had any further questions. The Council had no further questions or comments about the design of the proposed library. Hixson noted that there were several citizens in attendance that would like to address the Council on this issue in addition to Mr. Campbell and Mrs. Wright. Council President Hatfield stated that we would limit the speaking time to 3 minutes each and we would start with Mr. Campbell and Mrs. Wright. Anyone else wishing to speak could come forward after that.

1. BECKY WRIGHT – COMMENTS ON LIBRARY PROJECT: Mrs. Wright is promoting that the Library should remain downtown and promote visitation to the other businesses currently located there. Locating the new library downtown would show a commitment by the City to improve downtown.
2. MIKE CAMPBELL – COMMENTS ON LIBRARY PROJECT: Mr. Campbell is also promoting the downtown location for the proposed library. He also commented that since the size of build has been reduced there are more options available to build downtown with adequate space for off-street parking. He would like the Design Committee to reconsider the location.

Monica Turner – Stated that she was in support of the new library and the proposed location

Gayra Wright – Glad to hear that a tentative date has been set for a vote. She is concerned about maintaining the integrity of the small downtown appeal if buildings are torn down and replaced with a new modern looking facility. Let the citizens decide.

John Paul Ferris – He is a new Mulvane resident and enjoys downtown as it is. He has no concerns about locating the new library on Second St.

Steve Wright – Just wanted to remind the Council that 50% of downtown is empty buildings or vacant lots.

Jessica Waller – Feels a new modern building would look out of place among the beautiful old buildings. Thinks locating the new library on Second St. would be a nice location.

Dale Waller – People are concerned about keeping a library out of a residential area, Second Street is not a residential area as there are businesses all the way from K-15 to Main Street. Committee has done a great job and a new library will be a real asset to Mulvane.

Eric Wright – There are no plans to tear down any old buildings, just build on existing vacant lots. Feels the architects could design a structure that would “fit-in” with the existing buildings downtown.

Danielle Fells - President of the Friends of the Library, we have had many repetitive discussion about this issue, it’s time to let the people vote if they want a new library.

Council President Hatfield thanked everyone for their comments. Hixson informed the Council that a Resolution will be brought to them for consideration at the May 19th meeting that will Call for an Election for a sales tax. The Council expressed their appreciation for the hard work of the committee and architects.

**NEW BUSINESS**

1. CONSIDERATION OF ZONING CHANGE FROM THE R-1 TO R-3 (612 S. COLLEGE): Ray Fleming, Planning & Zoning Administrator presented a request for a Zone Change on the property located at College & Vine Streets. There are currently four structures located on the property and the owner would like to remove all structures and build one structure containing four dwellings. The Planning Commission held a public hearing on April 10, 2014. The PC is recommending approval of the zone change with two conditions: (1) A site plan must be submitted and approved by the Planning Commission before a zoning permit is issued and (2) If the existing structures are not removed within 6 months of approval, the rezoning becomes null and void.

Council President Hatfield called for Agenda Item New Business #1 which is on Case No. Z-14-1. This is for a rezoning amendment requesting a change from the R-1 Single Family Residential to the R-3 Multiple Family Residential District. He has been informed that no protest petitions have been presented for this case.

Before proceeding, the Council was asked if anyone intended to disqualify themselves from participating in this case because they have conflicts of interest? Council responded NO. We have a quorum of 5 present for the consideration of the case.

Council President Hatfield asked the Council members if they received copies of the unapproved Minutes of the Planning Commission for April 10, 2014 which summarizes the hearing on the case? Council responded – YES. MOTION by Johnson, second by Richardson to receive and file the unapproved PC minutes for our records. MOTION approved 5-0. The Council has received and reviewed a summary of the public hearing. It is understood that by law the Council is not obligated to conduct another public hearing. Council President Hatfield asked the Applicant if there was any new information to be presented to the Council. There was no new information brought forward and no questions of the Applicant, Staff or legal counsel.

Fleming has given his report and presented the recommendation of the Planning Commission. There were no questions for the Zoning Administrator. The Clerk was asked if any written communication was received on this matter? – NO. The Applicant was asked to present any new information – Not Present. The Public was asked to present any new information – NONE.

Seeing no further speakers Council President Hatfield summarized the choices provided under the state statutes for Council action:

1. By majority vote, to accept the recommendation of the PC and approve the case
2. By 2/3 majority vote, to override the PC’s recommendation and disapprove the case with appropriate findings and factors to support the motion.
3. By 2/3 majority vote, to first revise and then approve the recommendation of the PC.
4. By majority vote, to return the recommendation to the PC for reconsideration for specified reasons. When it’s returned, the Council may make any decision they wish by majority vote.
5. By majority vote, to table the case to a specified date for more information as stated.

MOTION by Richardson, second by Keck to adopt the findings and factors and recommendation of the Planning Commission on Case No. Z-14-1 and to approve Ordinance No. 1430 changing the zoning classification from the R-1 Single Family Residential District to the R-3 Multiple Family Residential District. MOTION approved unanimously.

**ORDINANCE NO. 1430**

**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. 1336.**

1. DOWNTOWN REVITALIZATION PROGRAM – GRANT APPLICATION RECOMMENDATIONS: Hixson reviewed the process of developing the Downtown Revitalization Program and the steps for rating the applications for the grants. Another grant application was reviewed and rated by the DRP Review Board. MOTION by Richardson, second by Johnson to approve the DRP grant application from Party Line Liquor for the building at 115 W. Main in the amount of $10,000. MOTION approved 4 Yea (Richardson, Keck, Hatfield, Johnson) 1 Abstention (Steadman) due to conflict of interest.
2. ALCOHOL & DRUG FUND – GRANT PROGRAM DISCUSSION: Hixson explained the background and available uses of the Local Alcohol Tax monies. In 2013, funds were dispersed in support of 4 programs. He asked the Council if they wished to make the funds available again this year. If so, applications will be sent out. It was a consensus of the Council to proceed. Council member Steadman asked if the funds could be used to fund an SRO for the school. Hixson will check to see.

**RESOLUTIONS AND ORDINANCES**

1. ORDINANCE FOR WATER BILL ADJUSTMENTS: Debbie Parker, Utility Billing Clerk presented the Ordinance to the Council for consideration. The ordinance would still allow for water adjustments but would provide a more stringent policy for undetectable leaks. After much discussion, Council President Hatfield called for a Motion. Due to the lack of a Motion, Hatfield declared the issue dead and instructed staff to leave the policy as is.
2. ORDINANCE AMENDING ZONING CODE (R-1 TO R-3): See New Business Item #1

ENGINEER’S REPORT – CHRIS YOUNG

1. Merlin’s Glenn Drainage Issue: Young presented four different options to the Council at the April 21st. meeting. Young and other City Staff will meet with the Merlins Glen residents on Tuesday, May 13th at 7:30 p.m. to review the options and listen to their comments about this issue. Council instructed Young to provide a further break out of costs for the Council to consider at the May 19th meeting.
2. Project Review and Updates: Young provided pictures of the Water Tower and Water Treatment Plant projects. Cornejo & Sons has started work on the KLINK project on K-53.

CITY CLERK

Nothing at this time.

CITY ADMINISTRATOR

Nothing at this time.

CITY ATTORNEY

Andrew Kovar was filling in for J.T. Klaus. Nothing at this time.

CONSENT AGENDA: MOTION by Richardson, second by Keck to approve the Consent Agenda Items as follows:

1. Employee Payroll dated 4-25-14 ($203,500.54)
2. Cedar Brook Addition Streets – Cornejo & Sons Change Order #1 ($220.00)
3. Cedar Brook Addition – Cornejo & Sons Pay App. #3 ($42,427.70)
4. EMS Substation – Pay App. #12 to Walz Harman and Huffman ($64,219.55)

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS AND NEXT AGENDA ITEMS:

5-5-14 – Downtown Business Owners meeting – City Hall at 1:30 p.m.

ADJOURNMENT: MOTION by Richardson, second by Keck to adjourn at 9:25 p.m. MOTION approved unanimously.

 Patty Gerwick

 City Clerk