

MULVANE CITY COUNCIL  
REGULAR MEETING MINUTES

February 4, 2019

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.

**Council Members Present:** Jenean Keck, Nancy Mottola, Kevin Cardwell and Barry Fleming. The Mayor announced that Brent Allen was absent due to illness.

**Others Present:** Kent Hixson, J.T. Klaus, Gordon Fell, Mike Robinson, Joel Pile, Chris Young, Brad Modlin, Kevin Baker, Amy Baker.

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

**Approval of Regular Meeting Minutes Dated 1-21-19:**

MOTION by Mottola, second by Cardwell to approve the Regular meeting minutes dated 1-21-19.

MOTION approved unanimously.

**Correspondence:** None

**Review and Closing of the Agenda:** None

**Appointments, Awards and Citations:**

1. **Twenty-five Year Service Award:** Mayor Steadman presented Public Works Director, Kevin Baker, with a twenty-five-year service award.

**OLD BUSINESS**

None

**NEW BUSINESS**

**1. Transient Guest Tax Distribution- Kansas Star Casino Request for Funds:**

In 2008, the council passed Charter Ordinance # 26 establishing a 5% Transient Guest Tax. In 2011, the council passed Resolution # 2011-9, a policy that defines how the Transient Guest Tax can be used and disbursed. With the construction of the 300 rooms at the Hampton Inn, the Kansas Star has a priority on the first \$3,800,000.

In early 2011, it was determined that in order to properly serve the casino with sanitary sewer, \$14 million in improvements (WWTP, sewer force mains, injection stations, and a new water line across the river) would be necessary. The City asked Peninsula Gaming to pay for those improvements. That \$14 million for these improvements was a surprise to the owners of

Peninsula Gaming. In order to make that expense more palatable, staff received permission from the council to offer the Transient Guest Tax to soften the impact.

The policy is that the Casino must apply to the City (on forms obtained from the City Administrator) for any event or Project which meets the statutory requirements. The City Administrator approves the request and then places it on the city council agenda. Attached is a completed Program/Event Application.

This is a quarterly distribution from the Ks. State Treasurer's Office. *The State charges a 2% distribution fee off the top.* The 2019 budget balance in the TGT fund is \$ 403,743.00.

If approved, for 2019 the City will disburse \$378,000.00 to the Ks. Star Casino. The manager of the Ks. Star Casino, Rick Goldstein, supports promoting of "local events". To that end, Mr. Goldstein has agreed to set aside up to \$25,000 of the TGT funds in 2019 that the City can disburse to support local events and festivals.

Any TGT funds not disbursed to the Kansas Star Casino or through the "local events" program in 2019 must remain in the TGT fund for disbursement next year.

To date, the TGT distributed to the Kansas Star Casino has been;

2014 - \$200,000  
2015 - \$240,000  
2016 - \$300,000  
2017 - \$300,000  
2018 - \$231,000  
2019 - \$378,000  
Total = \$1,649,000

Motion by Keck, second by Fleming to authorize the city administrator to approve the 2019 request from the Kansas Star Casino for Transient Guest Tax funds in the amount of \$378,000. Motion approved unanimously.

## **2. Transient Guest Tax Distribution – Local Program:**

In 2011, the council passed Resolution # 2011-9, a policy that defines how the Transient Guest Tax can be used and disbursed. With the construction of the Hampton Inn, the Kansas Star has a priority on the first \$3,800,000.

The manager of the Ks. Star Casino, Rick Goldstein, supports promoting of "local events". To that end, Mr. Goldstein has agreed to set aside up to \$25,000 of the TGT funds in 2019 that the City can disburse to support local events and festivals.

The funds are available to award these grants from the Transient Guest Tax Fund.

The council reviewed applications received to date.

Motion by Mottola, second by Keck to approve the Transient Guest Tax fund “local events” request for the following applications;

Ks. State High School Rodeo State Finals	\$3,000.00
Collegiate Baseball Team (i.e. The Patriots)	\$3,000.00
Mulvane Old Settlers Celebration	\$3,000.00
Showdown in the Valley Car Show	\$3,000.00
Ks. Assoc. of School Business Officials Conf.	\$2,700.00
Travel Industry Assoc. of Ks. Conf.	\$5,000.00
Mulvane Alumni Assoc. Banquet	\$2,498.00

Motion approved 3-0 with Cardwell abstaining.

Motion by Keck, second by Fleming to approve the Transient Guest Tax fund “local events” request for the following application;

Doc Sunback Film Festival	\$2,000.00
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Motion approved 3-0 with Mottola abstaining.

**3. Sports Complex – New Scoreboard Installation on Baseball Field:**

A new 6’ x 20’ scoreboard for the baseball field was purchased in late 2018. A flag pole was installed in the outfield last summer. City staff got two quotes to help with the installation of the new score board and light the flag pole.

Phillips Southern Electric includes the installation of all flag pole lighting, installing electric underground with meter/breaker box rack, setting the 25’ galvanized beams, assembling and mounting the scoreboard and programming the wireless control box - to be a turn key installation. - \$16,910.00

Westfall Electric includes the installation of all flag pole lighting, installing electric underground, with meter/breaker box rack, with the city utility dept to set the 25’ galvanized beams, assembling, and mounting of the scoreboard, and programming the wireless control box. \$12,570.73.

Funds from the Special Parks Fund can be utilized for the cost of the installation. Currently there is a balance of \$107,000 in the Special Parks Fund. See attached quotes from Phillips Southern Electric Co., Inc. and Iverson Westfall, which shows the pricing breakdown.

Motion by Mottola, second by Cardwell to approve the cost for the installation of all flag pole lighting, installing electric underground, with meter/breaker box rack, with the city utility dept to set the 25’ galvanized beams, assembling, mounting of the scoreboard and programming the wireless control box in the amount of \$12,570.73 by Westfall Electric.

Motion approved unanimously.

#### **4. Rock Road Railroad Overpass – Expansion Joint Repair:**

Bridge abutments and the aprons that attached to the abutting bridge flex and expand with the elements; hot, cold, dry, wet, traffic loads etc. Over time these construction joints can spall (fail) causing material to expand and contract, blowing out of the joint itself. Eventually, when an abutting joint fails an extensive repair is needed. Such has been the case on the Rock Road bridge over the RR tracks. In 2017 the north abutting approach (southbound) failed and required repairing; Donlinger Construction did the repair. Repair was needed in a timely manner; lane closure is immediate when these *blowouts* happen. Recently, we have experienced the same type of failure on the south side (northbound) of the bridge abutting apron, forcing us to close the far east northbound lane.

Donlinger construction specializes in this type of repair and can quickly mobilize a crew to complete the repairs which are needed. Typically, the action taken for a timely repair, is we (the city) allows the contractor to work on a force account paying them for equipment, labor, materials, and mobilization etc. The city will be responsible for all traffic control devices needed.

#### **The repair procedure from Donlinger was presented is as follows:**

- Saw and remove the existing concrete approximately 2' back from the joint.
- Drill and grout rebar into the existing concrete and attach it to the armor angle that has come loose.
- Replace the concrete and allow it to cure so we can do the other lane.
- \*Cost of repair *should* not exceed \$7,500.00
- City will be responsible for traffic control of work area.

*\*The repair on the north side completed in 2017 was \$5,054.62*

Funds from the Special Highway Fund (Rock/Sand/Gravel/Concrete) can be utilized for this repair. Currently there is a balance of over \$48,000 in this fund.

Motion by Fleming, second by Cardwell to approve the repair of the bridge approach expansion joint on Rock Road northbound traffic from Donlinger Construction in the amount not to exceed \$7,500.00.

Motion approved unanimously.

#### **5. Proposal from Foster Design Assoc. for New Signs Article in Zoning Regulations:**

In the case Reed et al. v. Town of Gilbert, Arizona, et al., (No. 13-502, June 18, 2015), the United States Supreme Court ruled 9-0, regulations that categorize signs based on the type of information they convey (e.g. temporary, political and ideological) and then apply different standards to each category are content-based regulations of speech and are not allowed under the First Amendment to the United States Constitution.

Sign regulations must provide reasonable time, place and manner restrictions on the installation and maintenance of signs. Article 7 of the City's current Zoning Regulations is content based in

its regulation of signage. The Planning Commission desires to update the existing Article on signage to be compliant with the findings of the court case.

Article 7 of the current regulations will be reviewed for sections, standards, and district requirements to be retained in the update and rewriting of the sign article. Updating will include regulations for new types of temporary signs, lighting, and electronic message centers. Tables and photos will be used to summarize and exhibit information in the regulations. Drafts and revisions of the sign regulations will be emailed for distribution to Planning Commission members for review in advance of meetings. Revisions up to two times are estimated with this proposal. For a not to exceed amount of \$3,400.

Time is of the essence to make Article 7 of the City's Zoning Regulations compliant with the findings of the court case. The source of funds for the project is the Planning & Development fund within the General Fund.

Motion by Keck, second by Fleming to approve the agreement between the City of Mulvane and Foster Design Associates, LLC for an amount not to exceed \$3,400 to update sign standards and regulations.

Motion approved unanimously.

## **ORDINANCES & RESOLUTIONS**

**None**

## **PUBLIC BUILDING COMMISSION**

Motion by Mottola, second by Keck to recess the City Council meeting and convene the PBC meeting.

MOTION approved unanimously.

Motion by Cardwell, second by Fleming to approve the PBC meeting minutes dated 1-17-19.

MOTION approved unanimously.

Motion by Mottola, second by Fleming to approve Change Order # 2 with Van Asdale Construction for an additional amount of \$2,690.00 for 410 E. Main.

MOTION approved unanimously.

Motion by Keck, second by Cardwell to approve the invoice from Electri-Tech, Inc. in the amount of \$905.00 for extra outside work on 410 E. Main.

MOTION approved unanimously.

Motion by Mottola, second by Keck to adjourn the Public Building Commission meeting of 2-04-19 and reconvene as the Mulvane city council.

MOTION approved unanimously.

**ENGINEER**

**1. Project Review and Update:** Chris Young, City Engineer, reviewed the project report with the Council. English Park and Styx Creek Drainage Improvements, Decommissioning of the Boxelder Power Plant, Water Distribution GIS mapping, Meadow Crossing, Homestead Sr. Living and Sports Complex Maintenance Facility.

Young has been keeping a record of all the times he has contacted the BNSF or the engineer from Ollson and documented the non-reply.

**City Clerk: Nothing**

**City Administrator: Nothing**

**City Attorney: Nothing**

**Consent Agenda Items 1 - 3:**

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

1. Payroll Dated 1-25 -19 (\$205,165.40).
2. Utility Dept. – AMI – Core & Main invoice for software maintenance (\$18,132.87).
3. City Utility Bills \$23,768.40

MOTION approved unanimously.

**ANNOUNCEMENTS, MEETINGS AND NEXT AGENDA ITEMS:**

- Monday, Feb. 18<sup>TH</sup> - Next council meeting @ 7:30 p.m.

**ADJOURNMENT:**

MOTION by Mottola, second by Cardwell to adjourn the City Council meeting at 8:10 p.m.

MOTION approved unanimously.

Minutes by:  
Kent Hixson – Deputy City Clerk