MULVANE CITY COUNCIL

REGULAR MEETING MINUTES

September 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, Barry Fleming, Brent Allen, Kevin Cardwell and Nancy Mottola.

**Others Present:** Kent Hixson, J.T. Klaus, Mike Robinson, Joel Pile, Debra Parker, Gordon Fell, Chris Young, Kevin Baker, Doug Roy, David Foster, Debra Foster, Dan Cleaver, Stephanie Cleaver.

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

**Approval of Regular Meeting Minutes Dated 8-19-19:**

MOTION by Mottola, second by Fleming to approve the Regular meeting minutes dated 8-19-19.

MOTION approved unanimously.

**Correspondence**:

Councilmember Fleming spoke with Mr. Ken Cannon regarding the fence issue from the last meeting and explained the process. He indicated the council made a good decision and he was happy. Mayor Steadman indicated an e-mail was received from Mr. McDaniel regarding the Mulvane St. drainage. Mayor Steadman spoke with Merle McKee about an update to the city’s appointment to the Library Board.

**Review and Closing of the Agenda**:

Add item #3 under New Business to discuss waiving the application fee for the rezoning at 105 N. Third.

**Appointments, Awards and Citations:** None

**OLD BUSINESS**

1. **Boxelder Power Plant Decommissioning – GSI Agreement & Power of Attorney:**

In January 2017, the City officially abandoned its Boxelder Power Plant and requested the cancellation of its KDHE operating permit. In August 2017, the KDHE confirmed the City’s Class II Operating Permit was closed, and the plant was considered as an “inactive/closed source”. The City was accepted into the KDHE Storage Tank Release Fund and required to pay a $3,500.00 deductible.

KDHE has contracted GSI Engineering, LLC to perform a Limited Site Assessment on the Boxelder Power Plant site located at 120 S. Boxelder. As part of the scope of this work, the KDHE has requested the installation of soil borings and other environmental activities associated with these tasks. The purpose of the investigation is to determine if soil or groundwater contamination is present at the site.

The next step is for the City to approve Contract with GSI for Limited Site Assessment and the companion document, Limited Power of Attorney. The contract and power of attorney allow GSI to complete the work as outlined in the KDHE bid scope of work. Doug Roy of GSI was available to answer any questions about the contract and power of attorney. The $35,582.00 contract with GSI is paid entirely by KDHE. GSI will invoice KDHE directly.

MOTION by Cardwell, second by Mottola to approve the contract for Limited Site Assessment with GSI Engineering LLC on the Boxelder Power Plant site in the amount of $35,582.00 to be paid for by KDHE and authorize the Mayor to sign.

MOTION approved unanimously.

MOTION by Keck, second by Allen to approve the Limited Power of Attorney with GSI Engineering LLC concerning reimbursement matters relating to KDHE project name “Boxelder Power Plant” and authorize the Mayor to sign.

MOTION approved unanimously.

1. **Downtown Park Concept Plan – Discussion with Foster Design:**

In an effort to enhance the Mulvane Downtown experience, the City has acquired pieces of ground on W. Main Street along Styx Creek for the development of a park. Key elements of the park are proposed to include a water feature, outdoor seating, shade structures and greenspace.

To properly estimate the cost of the total project the city entered into a contract with Foster Design Associates (FDA) to create a park concept plan. On August 26th, FDA met with downtown business & building owners to provide input on the development of the proposed park to be incorporated into the concept plan. The park design will be done in phases.

David Foster and Debra Foster, FDA, were present to discuss concept plans for the park with the council. A slide show was presented showing different features to consider. Items of discussion were – design styles, buffering, safety issues, shade, screening, seating, lighting, traffic and parking. The longevity of the features was also discussed. Foster received input and recommendations from the council. The Council preferred a plaza style splash pad that would appeal to everyone. They were interested in outlets for possible food trucks, landscaping that would be easy to maintain, and the incorporation of a fire element and archway into the plan.

FDA will draft a concept plan and bring it back to council for their review in October.

**NEW BUSINESS**

1. **City Tennis Courts – Discuss Refurbishing vs. New Construction:**

Kevin Baker, Public Works Director, made this presentation. The two tennis courts in Mulvane located in Ralph Bell/Styx Creek Park are roughly 40 years old. The fencing around the tennis courts is severely disfigured, unsightly and needs replaced. The concrete tennis court pad is harshly cracked and deformed in areas. The southeast corner of the court is severely eroded.

Baker asked the council to consider three options for the upgrading of the tennis courts:

**Option I**

Patch surface, low spots and multiple cracks. Grind high/uneven spots followed by coating the existing pad with a coating of primer, acrylic fill, color and install new fencing. Cost approximately $40,000.

**Option II**

Install a 4” concrete cap over existing 4” pad followed by a coat of primer, acrylic, color and install new fencing. Cost approximately $90,000.

**Option III**

Build new tennis/pickle ball courts with new lighting on the large vacant area west of the current tennis courts. Completely remove the existing tennis courts and re-excavate the area. This would eliminate the tennis court setting directly on the corner by centering it on the large open space to the west, and greatly improve the looks of the area and put more distance between any noise and lights on the courts to nearby residents. Cost approx. $115,000.00.

Funds for this project will come from the Park Improvement/Park Impact which has a balance of $157,740.98.

The council liked Option III. Baker will get quotes and bring back for council review.

1. **Employee Handbook Update Review:**

A draft copy of the updated employee handbook was previously sent to the council for their review and comment. Updates to the handbook are reviewed by the city’s personnel attorney, Eric Metz, to insure compliance to any HR laws. A copy of the approved handbook is distributed to each active employee. The employee must sign an acknowledgement form indicating they have received a copy of the handbook. This form is placed in the employees personnel file.

The City Clerk asked the council if they had any questions regarding the proposed changes. The council did not have any questions; however they would like to see the changes bolded so the employees are aware of the changes being made. A bolded electronic copy of the handbook will be sent to the employees in addition to receiving the regular printed version.

**3. Request to Waive the Re-Zoning Application Fee:**

Dan and Stephanie Cleaver purchased the property at 105 N. Third in July 2016. They are in the process of trying to refinance their home and have discovered it is zoned as a commercial property. With the type of loan they are applying for, they are unable to get financing since it is not zoned as a residential property. The re-zoning is something the Planning Commission would need to consider. The Cleavers are asking the council to consider waiving the Re-Zoning Application Fee of $200.00 so they can continue with the refinance.

MOTION by Mottola, second by Cardwell to waive the $200 application fee for the Planning Commission to consider the rezoning of the property at 105 N. Third.

MOTION approved unanimously.

City Attorney gave an explanation of the property being surrounded by commercial property, and the house exists as a non-conforming use. He explained the city would incur the cost of the title search since the fee is waived. Council would like a follow-up report of the findings and facts of the Planning Commission.

**ORDINANCES & RESOLUTIONS**

**1. Resolution Adopting the 2019 Edition of the Employee Handbook:**

MOTION by Mottola, second by Fleming to approve Resolution 2019-8, adopting a manual entitled “City of Mulvane Employee Handbook 2019 Edition.

MOTION approved unanimously.

RESOLUTION NO. 2019-8

A RESOLUTION REPLACING THE CITY’S EMPLOYEE HANDBOOK WITH A MANUAL ENTITLED, “CITY OF MULVANE, EMPLOYEE HANDBOOK, SEPTEMBER 2019 EDITION.”

**2. Ordinance- Zoning Classification Change – Homestead Sr. Housing Phase 2:**

Mulvane Investment LC made application to rezone property located at 120 Rock Road Court from B-3 General Business District to R-3 Multiple-Family Residential.

At the 8-08-19 Planning Commission meeting, the PC held a public hearing on the rezoning request. No one spoke against the rezoning request. Chairman Patterson announced an Ordinance would be prepared and considered by the City Council at the September 4, 2019 meeting and if anyone was aggrieved by the decision, a protest petition could be filed with the City Clerk within 14 days after the date of the conclusion of the Planning Commission’s public hearing and recommendation.

Mayor Steadman called upon Zoning Administrator, Joel Pile, for a presentation on the Zoning Classification Change and to answer questions from the Council.

Mayor Steadman asked if everyone had received a copy of the unapproved minutes of the Planning Commission meeting of August 8, 2019. They had.

It was asked if anyone on the Council wished to disqualify themselves due to any conflict of interest as it relates to this matter. There were none.

It was asked if anyone had received any communications regarding this matter to share with the Council. They have not.

The City Clerk was asked if she had received any protest petitions or petitions associated with this zoning change. She had not.

MOTION by Cardwell, second by Mottola to receive and file the unapproved minutes of the Planning Commission meeting of August 8, 2019 at which these proposed revisions were recommended.

MOTION approved unanimously.

There was no one present to speak on this issue.

MOTION by Mottola, second by Cardwell to accept the Planning Commission’s recommendation for zoning classification change for Homestead Sr. Housing Phase 2.

MOTION approved unanimously.

MOTION by Mottola, second by Fleming to approve Ordinance No. 1517 approving the recommendation of the Mulvane Planning Commission changing the zoning district classification of certain lands located in the City of Mulvane, Kansas, under the authority granted by the Zoning Regulations of the City as originally approved by Ordinance No. 1432.

MOTION approved unanimously.

**ORDINANCE NO. 1517**

**AN ORDINANCE APPROVING THE RECOMMENDATION OF THE MULVANE PLANNING COMMISSION CHANGING THE ZONING DISTRICT CLASSIFICATION OF CERTAIN LANDS LOCATED IN THE CITY OF MULVANE, KANSAS, UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY, AS ORIGINALLY APPROVED BY ORDINANCE NO. 1432.**

**3. Ordinance Revising the Sign Regulations:**

The council had several questions related to revising the sign regulations. After much discussion the council would like to have more time to review the documents.

MOTION by Mottola, second by Fleming to table consideration of the proposed revisions to the Zoning Regulations as a Model Code until October 7, 2019 at the regular City Council meeting at 7:30 p.m.

MOTION approved unanimously.

**ENGINEER**

**1**. **Project Review and Update:**

Chris Young reviewed the project updates with the council which included the FEMA grant related to English Park and Styx Creek Drainage, Decommissioning the Boxelder Power Plant, Rock Road Water Line Extension, Downtown Park/Splash Pad and Homestead Senior Housing Phase 2. There are not updates from BNSF.

**City Clerk:** None

**City Administrator:** None

**City Attorney:** None

**Consent Agenda Items 1 & 2:**

MOTION by Mottola, second by Allen to approve Consent Agenda items 1 & 2.

* + - 1. Payroll Dated 8/23/19 ($219,996.57)
      2. City Utility Bills ($21,345.97)

MOTION approved unanimously.

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

* Monday, September 16th - next council meeting @ 7:30 p.m.
* Mottola will not be present at the next meeting.

**ADJOURNMENT:**

MOTION by Mottola, second by Fleming to adjourn the City Council meeting at 9:50 p.m.

MOTION approved unanimously.

Minutes by:

Debra M. Parker, City Clerk