

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

December 16, 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: Brent Allen, Jenean Keck, Nancy Farber Mottola, Barry Fleming and Kevin Cardwell.

Others Present: Kent Hixson, J.T. Klaus, Mike Robinson, Debra Parker, Gordon Fell, Cathy Walker, Chris Young, Brain Bradshaw, Joel Pile, Brooke Carroll, Ron Keller, Carroll Keller, Ryan Gould.

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

Approval of Regular Meeting Minutes Dated 12-02-19:

Mayor Steadman noted clarification was needed regarding the options of the city council for the recommendation of the planning commission regarding the special use to establish a tattoo & body piercing parlor in B-2 central business district. The section was not clear or in proper sentence form. The City Clerk has made the requested changes to the minutes dated 12-02-19.

MOTION by Fleming, second by Mottola to approve the Regular meeting minutes dated 12-02-19 with the clarification.

MOTION approved unanimously.

Correspondence: None

Review and Closing of the Agenda: None

Appointments, Awards and Citations: None

OLD BUSINESS

None

NEW BUSINESS

1. **George Shaw – 615 Charles – storm drainage concerns:** Not present.

2. **Kansas Power Pool – Financial Scorecard Presentation – Brooke Carroll:**

Brooke Carroll reviewed the 2018 financial scorecard results with the council. She explained the different factors that went into figuring the scorecard and how it related to the score. This scorecard is provided as an illustration of the tolls the KPP uses to review the financial health of

the City. According to the scorecard, the Mulvane Electric utility is in very good financial health. Information only. No action taken.

3. Wastewater Treatment Plant – Sewer Basin Equipment Replacement:

In 2005 the City of Mulvane built a new activated sludge wastewater treatment facility to replace the trickling filter plant that was built in the late 50's. This Schreiber plant has two aeration basins with clarifiers and two digestors. In 2011, with the addition of the Kansas Star Casino, it was determined that the city needed to upgrade the existing plant. The upgrade also added a third basin, an anoxic basin, plus a headworks building and an equalization basin just for the casino. It was also determined that the city put in two chemical injection buildings that would feed chemicals directly into the force main. One building is at the casino site and the other is at the plant site. The chemicals that are used at these sites are ferric chloride for odor control and sodium hydroxide to help maintain the PH after using the ferric. A few great side effects of using ferric chloride is better settling and phosphorus removal required by Kansas Department Health & Environment.

The biggest drawback to using ferric chloride and sodium hydroxide is that they are very corrosive to most metals. After the 8 years of service, the chemicals have taken its toll on the basins causing severe failures in the aeration system. The drop pipes and headers along with the diffusers and the other rigging need to be replaced. All these parts are proprietary to Schreiber. Utility staff will install the new equipment to be purchased.

Schreiber provided three quotes for the repair of the 3 basins. The first quote is for galvanized only equipment for \$170,202.00. The second quote is for galvanized plus epoxy equipment for \$200,142.00. The third quote is for stainless steel equipment for \$384,762.00. Staff is confident that only stainless-steel material will be the least corrosive to the new equipment. We currently have some stainless-steel equipment in the basins now that is unaffected by the ferric chloride or other chemicals. It is staff's recommendation to proceed with the stainless-steel equipment and material. It is anticipated this equipment would last 15 years. The Sewer Plant has budget for this equipment in Sewer Capital Improvements Line Item #513-11-705.

MOTION by Mottola, second by Cardwell to purchase the stainless-steel equipment from Schreiber LLC for \$384,762.00 plus shipping. Equipment to be paid for from Sewer Capital Improvements Line item #513-11-705.

MOTION approved unanimously.

4. Police Dept. – Purchase Auto License Plate Reader:

Gordon Fell, Public Safety Director, reviewed with the council how the Auto License Plate Reader operates and how it would be used. This is a tool that could assist with investigations and crime prevention. It has audible/visual alerts and hot list matches.

MOTION by Allen, second by Fleming to accept the quote from Busch and Associates in the amount of \$23,311.49 for the purchase of a mobile license plate reader for the Mulvane Police Dept.

MOTION approved unanimously. (Keck was not present for this vote).

5. Cost of Living Allowance for City Employees:

The Employee Handbook, Sec. D-2 (b) states, “Annual cost-of-living pay increase *may be given* as approved by the City Council”. Because the city council has consistently improved wages in relationship to inflation, we have kept pace with the cost of living which has held down employee turnover. Experienced employees are familiar with our citizens and know many personally. They provide a better service to our citizens and keep new hire and training cost to a minimum. The wage adjustment/COLA is added to the employee’s base hourly pay therefore it compounds.

Social Security bases its annual COLA on the Labor Department’s third quarter consumer price index. Social Security beneficiaries will receive a 1.6% COLA in 2020. Council asked about adding the COLA to the base rate of the employee versus a bonus type increase.

MOTION by Mottola, second by Fleming to approve a 1.6% COLA for the city employee for 2020.

MOTION approved unanimously.

ORDINANCES & RESOLUTIONS

1. Ordinance Approving a Special Use to Establish a Tattoo & Body Piercing Parlor in B-2 Central Business District – 202 W. Main:

This item is for consideration of an ordinance approving a special use to allow a tattoo and body piercing parlor in the B-2 Central Business District.

Mayor Steadman asked the City Council if any of them intend to disqualify themselves from discussing and voting on this Ordinance due to any conflicts of interest or bias on the matter.

There were none.

The council received and reviewed a copy of the unapproved minutes from the Planning Commission meeting December 12, 2019. During the December 2, 2019 City Council meeting, the City Council voted to return the case to the Planning Commission for additional consideration. The City Council found it was unable to approve or deny the request because it did not contain a specific 180-day lapse in use provision. The City Council requested the Commission consider adding a condition which would nullify and/or otherwise void the special use if the location ceases use as a tattoo & body piercing parlor for any 180-day period before it reconsiders the matter. It was noted the unapproved minutes of the Planning Commission meeting on December 12, 2019 were received and filed.

Mayor Steadman asked the City Council if any of them have received any ex parte verbal or written communications prior to this meeting which they would like to share. Councilmember Mottola has had verbal communication with citizens. Both positive and negative. The exterior of the property was a concern and the perceived value change of surrounding property once the brand is established and the business is opened. There was also support for the business since it will be licensed and inspected, also noting there are clean and well ran tattoo and piercing businesses.

Mayor Steadman asked the City Clerk if any written communications or petitions were received from the public.

There were none.

The property owners, Ron & Carol Keller and the business owner, Ryan Gould were present to address the council's questions. Some items of discussion were business hours along with the exterior appearance of the property, signage, the number of tattoo artists at the business and if other locations in town were considered other than the downtown area.

Council asked the City Attorney for clarification on locating the business in a different part of town and the differences between a B-2 and B-3 zoning district. For this type of a business, a special use is needed to permit the use in the B-2 district. Special uses require approval by the City Council. A conditional use is needed in the B-3 district and only needs approval by the Board of Zoning Appeals. There is a list of permitted uses for all zoning districts. Uses not specifically permitted must be considered as either a special or conditional use.

MOTION by Fleming, second by Cardwell to accept the recommendation of the Planning Commission by concurring with their findings on Case No. SU-2019-01 approving the requested special use to establish a tattoo & body piercing parlor in the B-2 Central Business District, with the condition that if said special use is suspended, abandoned or ceases for more than 180 days, such special use is nullified and/or voided, and to approve Ordinance No. 1521.

MOTION passed 4 – 1 with Allen opposed.

ORDINANCE NO. 1521

AN ORDINANCE APPROVING A SPECIAL USE TO ALLOW A TATTOO AND BODY PIERCING PARLOR IN THE B-2 CENTRAL BUSINESS DISTRICT ON CERTAIN LANDS UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY OF MULVANE, KANSAS.

2. City Boundary Resolution:

The City limits of Mulvane changes periodically as a result of land being annexed into, or de-annexed out of the City. On June 17, 2019 the City Council approved Ordinance No. 1516 requesting the annexation of property east of Autumn Valley in the Gilbert Addition.

The City's boundary description has subsequently been modified to reflect the annexation, and a revised Boundary Resolution has been prepared for Council approval.

MOTION by Mottola, second by Fleming to approve the 2019 Boundary Resolution No. 2019-12 and authorize the Mayor to sign.

MOTION approved unanimously.

RESOLUTION NO. 2019-12

A RESOLUTION DECLARING, ESTABLISHING AND DEFINING THE CITY LIMITS AND BOUNDARIES OF THE CITY OF MULVANE, KANSAS.

ENGINEER

1. Project Review and Update:

Chris Young reviewed the project updates with the council which included the Rock Road Water Line, Flood Mitigation Grant – English Park and Styx Creek Drainage Improvement, Decommissioning the Boxelder Power Plant, Downtown Park/Splash Pad, Homestead Phase 2 and E. Mulvane Street Drainage.

2. Sanitary Sewer System Study Update:

In 2001 the City completed a study analyzing their sanitary sewer (SS) collection system. Recommendations provided in the study ranged from SS main replacement and re-routing, to constructing new SS mains. Since the study was completed in 2001, the City has maintained an annual program of improving old lines by Cured-In-Place (CIP) method. The City has also developed SS design and specification standards (adopted in 2014) to improve the quality and extend the life of sewer mains.

The existing SS collection study is 18 years old and outdated by several “new” residential developments including Cedar Brook, Emerald Valley, Nottingham and Homestead. The City anticipates future residential grow will occur in the northeast area of the City. Wastewater collection personnel have also expressed concerns over the amount of I/I (inflow/infiltration) entering SS mains during wet weather. Accordingly, City staff met with the City Engineer and developed tasks for updating the SS study.

Young & Associates have prepared a breakdown of the scope of work and engineering fees as follows:

Phase 1 - Field Surveys, SS Mapping and Flow Metering Analysis...\$22,495.00

Phase 2 - Update Wastewater Flow Projections and SS Recommendations ... \$17,670.00

Total engineering fees are estimated (not-to-exceed) \$40,165.00 and would be paid through the WWTP operating budget.

MOTION by Cardwell, second by Allen that the City enter into an engineering services agreement with Young & Associates, PA in the amount of \$40,165.00 for updating the City’s 2001 Sanitary Sewer Study and authorize the Mayor to sign. Financing this project will come from the City’s Wastewater Operating Budget.

MOTION approved unanimously.

City Clerk:

1. City Hall Remodel:

Building remodel contractor Jeff VanAsdale was unable to attend the meeting.

2. Transfer Administration Year End Funds to Municipal Equipment Replacement:

In the 2019 Administration Budget, funds were budgeted for the remodel of the entry way and reception desk area at City Hall. This project will not be approved in 2019. The City Clerk requested a transfer of the estimated amount for the project of \$38,000 to Administration Municipal Equipment Replacement allowing the City to have those funds available for the project

in 2020. Funds in Municipal Equipment Replacement are non-budgeted funds. This allows the City to utilize those funds when necessary without having to amend the budget.

MOTION by Mottola, second by Keck to transfer \$38,000 from the 2019 Administration Budget in the General Fund to the Administration Municipal Equipment Replacement Fund.

MOTION approved unanimously.

City Administrator: Councilmember Keck will have some agenda items for the next meeting.

City Attorney: None

Consent Agenda Item 1 - 3:

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

1. Payroll dated 12-13-19 (\$209,769.93)
2. November Warrant Register (\$1,733,961.32)
3. Tennis-Pickle Ball Courts – Invoice from Versa Sport of Ks. (\$64,220.00)

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS AND NEXT AGENDA ITEMS:

- Monday, January 6th - next council meeting @ 7:30 p.m.

ADJOURNMENT:

MOTION by Allen second by Mottola to adjourn the City Council meeting at 9:15 p.m.

MOTION approved unanimously.

Minutes by:
Debra M. Parker, City Clerk