

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

December 2, 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, and Kevin Cardwell.

Others Present: Kent Hixson, J.T. Klaus, Mike Robinson, Debra Parker, Gordon Fell, Cathy Walker, Chris Young, David Foster, Kevin Baker, Brad Modlin, Joel Pile, Amanda Ford, Charlie Cadwell, Angela Fox, Chris Ford.

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

Approval of Regular Meeting Minutes Dated 11-18-19:

MOTION by Allen, second by Keck to approve the Regular meeting minutes dated 11-18-19.
MOTION approved unanimously.

Correspondence: None

Review and Closing of the Agenda: None

Appointments, Awards and Citations:

1. 2019 City Budget Amendment – Public Hearing:

MOTION by Mottola, second by Keck to recess the 12-02-19 City Council meeting for a period of three (3) minutes in order to hold a public hearing for the purpose of amending the 2019 budget.
MOTION approved unanimously.

There was no one present to speak at the Public Hearing.

Finance Director, Cathy Walker, reviewed the reasons for amending the budget.

- Due to the bond refunding in the amount of \$8,510,000 the budget authority in the Debt Service Fund needs to be amended in the 2019 Budget.
- There was a cash carry over in 2019 in the Special Alcohol Fund of \$87,976.82. The budget would need amended to authorize spending the money in the Special Alcohol Fund.
- In October of 2019, the Public Building Commission approved redeeming the 2023 and 2024 bonds associated with the Library PBC Revenue Bond. In order to proceed with the bond redemption, the 2019 City Sales Tax Fund's budget must be amended to give the fund the spending authority to redeem these bonds.

MOTION by Mottola, second by Keck to reconvene the City Council meeting.

MOTION approved unanimously.

MOTION by Cardwell, second by Allen to amend the 2019 budget.

MOTION approved unanimously.

Council is thankful for the financial situation of the City and operating within its means.

OLD BUSINESS

None

NEW BUSINESS

1. Mulvane Chamber of Commerce – Annual Subsidy Request:

Chamber Director, Amanda Ford, presented the council with a review of the Chamber events for 2019 and presented a draft 2020 Chamber budget. Ford handed out a Kansas Official Travel Guide and advised Mulvane had six listings under Things to Do and one under Lodging. The Chamber hopes to have a larger ad next year. Ford also thanked the Mayor and Council for the fund raiser challenge. This proved to be a big success with the “Betting on Mulvane” fund raiser. Council thanked Amanda for the good job she was doing.

For information only – No action taken.

2. Public Works Dept: Purchase a new dump truck:

Public Works Director, Kevin Baker, budgeted to replace the 1998 GMC dump truck in 2019. This truck is 21 years old and needs replaced. With the purchase of this truck the Public Works Department will be well positioned for the future. Funds from New Equipment in the General Fund & Special Highway Fund can be utilized for the purchase.

Quotes were received from two vendors for a 2020 F550 1-ton truck with dump bed.

Rusty Eck Ford	\$56,238.00
Don Hattan Ford	\$59,700.00

MOTION by Allen, second by Keck to approve the purchase of one (1) Ford F-550 1-ton truck with dump bed, from Rusty Eck Ford in the amount of 56,238.00.

MOTION approved unanimously.

3. Utility Dept - Electric: Purchase a new Digger Derrick Truck:

The Utility Department currently has a 1996 Altec Digger Derrick Truck. This truck is scheduled to be replaced after 25 years of service. Sealed bids are requested from vendors that offer the most durable and long-lasting equipment that can be purchased. The only two vendors that meet our safety equipment requirements and specifications are Altec and Terex Corporations.

Only one bid was received from Altec Industries Inc. Modlin contacted Terex Utilities and inquired why they did not submit a bid. They indicated *“The City of Mulvane, Ks. has demonstrated to Terex the path they have chosen from previous bid awards, is to always select the low bid. We have chosen at this time to No Bid”*.

Bid received from:

Altec Industries Inc.

2021 Digger Derrick Truck \$330,803.00 - Estimated Delivery: 330-360 Days

*Additional Sales Tax to be paid to the State of Kansas in the year 2021.

MOTION by Keck, second by Mottola to approve the bid from Altec Industries Inc. in the amount of \$330,803.00 for a new 2021 Altec DH48E Digger Derrick Truck to be paid from the Electric Operating Budget fund #511-10-616.

MOTION approved unanimously.

MOTION by Keck, second by Mottola to approve payment of applicable sales tax to the State of Kansas in the year 2021 for the purchase of one 2021 Altec DH48E Digger Derrick Truck.

MOTION approved unanimously.

Council thanked the Utility Dept. for the work they have done on the downtown Christmas lights.

4. Utility Dept: - Kansas Power Pool – Designate Voting Delegates:

In order to vote at the Kansas Power Pool Annual Membership Committee Meeting, the governing body may designate one voting delegate and alternates.

MOTION by Keck, second by Allen to appoint Brad Modlin as the voting delegate and Kent Hixson as the alternate voting delegate to the Kansas Power Pool.

MOTION approved unanimously.

5. Consideration of Dedication(s) Acceptance – Stillman Acres Addition Plat:

Planning and Zoning Director, Joel Pile, reviewed the acceptance of dedications for the Stillman Acres with the council. The plat was reviewed by the Subdivision Committee on 11-07-19. The committee recommended forwarding it to the Planning Commission for consideration and approval. The plat was reviewed by the Planning Commission on 11-14-19, with action taken to approve the plat and recommend the City Council accept the dedications, if any, shown on the plat. This plat is a small tract outside of the city limits, but within three miles of the city limits. The governing body must agree to accept the dedications, if any, shown on the plat or refer the plat back to the Planning Commission.

MOTION by Allen, second by Mottola to accept all dedications shown on the plat of the Stillman Acres Addition and authorize the Mayor to sign.

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 changing the zoning district classification of certain land within the City.

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. Councilmember Mottola is in the notification area. It was determined that she does not need to disqualify herself.

MOTION by Allen, second by Mottola to receive and file an excerpt of the unapproved minutes of the Planning Commission meeting of November 14, 2019 at which PC Case #SU-2019-01 was considered.

MOTION approved unanimously.

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.

There were none.

Mayor Steadman asked if there were any members of the public who wished to speak on the special use for a tattoo and piercing parlor.

There were none.

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

There were none.

The petitioner was not present to make any comments.

The council discussed the proposed Zoning District Classification Change. City Attorney reviewed with the council how the special use works and the options available. Special uses run with the property and there was some question if the zoning permit issued to the business for the special use would become null and void after 180 days if the use is suspended or abandoned for any reason.

Options would be (1) Adopt such recommendation by ordinance in a city or by resolution in a county; (2) override the planning commission's recommendation by a 2/3 majority vote of the membership of the governing body; or (3) return such recommendation to the planning commission with a statement specifying the basis for the governing body's failure to approve or disapprove.

MOTION by Mottola, second by Cardwell to override the Planning Commission's recommendation in the request for the special use to establish a tattoo and body piercing parlor in the B-2 Central Business District as specified in case #SU-2019-01 and attach to the special use

ordinance a restriction of a 180 day period to sunset this special use if the property is not so used for a 180 day period.

MOTION needed a 2/3's vote of the complete body and did not pass. Allen/No, Mayor Steadman/No.

MOTION by Mottola, second by Cardwell to return case #SU-2019-01 back to the Planning Commission with a statement specifying the council wishes to add a condition making the special use null and void if the use is suspended or abandoned for a period of more than 180 days.

MOTION approved unanimously.

2. Ordinance Changing the Zoning District Classification of Certain Lands – 105 N. 3rd St.

This item is for consideration of an ordinance changing the zoning district classification of certain land within the City.

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.

There were none.

MOTION by Allen, second by Mottola to receive and file an excerpt of the unapproved minutes of the Planning Commission meeting of November 14, 2019 at which PC Case #Z-2019-03 was considered.

MOTION approved unanimously.

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.

There were none.

Mayor Steadman asked if there were any members of the public who wished to speak on the zone change.

There were none.

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

There were none.

The petitioner was not present to make any comments.

MOTION by Allen, second by Cardwell to accept the recommendation of the Planning Commission by concurring with their findings approving the proposed zoning district classification change as specified in Case # Z-2019-03, and to approve Ordinance Number 1520.

MOTION approved unanimously.

ORDINANCE NO. 1520

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF CERTAIN LANDS UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS 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, Sanitary Sewer Update, 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.

MULVANE LAND BANK

MOTION by Mottola, second by Allen to recess the City Council meeting and convene as the Mulvane Land Bank Board of Trustees.

MOTION approved unanimously.

MOTION by Allen, second by Mottola to approve the Land Bank Board of Trustees meeting minutes dated 8-19-19.

MOTION approved unanimously.

MOTION by Mottola, second by Cardwell to approve paying the invoice from the Sumner Co. Treasurer in the amount of \$5,554.60 for the 2019 property taxes for the property at 201 W. Main.

MOTION approved unanimously.

MOTION by Allen, second by Mottola to adjourn the meeting of the Mulvane Land Bank Board of Trustees and reconvene as the Mulvane City Council.

MOTION approved unanimously.

City Clerk: None

City Administrator:

1. Downtown Park (corner of Prather and Main St.) Plan Review – Foster Assoc.:

David Foster reviewed updated concept plans incorporating the council's suggestions from the previous meeting. There was additional discussion regarding the fire/water feature, parking on Prather St. and the direction of traffic. Foster pointed out specific details regarding these issues can be addressed later and would not delay moving forward with the project.

City Attorney:

Executive Session:

The City Attorney requested an executive session to discuss matters involving land acquisition for the purpose of discussing potential land acquisition for a period not to exceed ten (10) minutes to include the Mayor, City Council, City Administrator and City Attorney.

MOTION by Mottola, second by Keck to recess the council meeting for a period not to exceed ten (10) minutes to discuss matters involving land acquisition for the purpose of discussing potential land acquisition to include the Mayor, City Council, City Administrator and City Attorney and to reconvene at approximately 9:30 p.m.

MOTION approved unanimously at 9:20 p.m.

MOTION by Mottola, second by Keck to reconvene the City Council meeting.

MOTION approved unanimously at 9:32 p.m.

Mayor Steadman announced that no decisions were made during the Executive Session.

Consent Agenda Item 1 - 4:

MOTION by Keck, second by Allen to approve Consent Agenda items 1-4.

1. Payroll dated 11-29-19 (\$207,199.06)
2. Approve the purchase of 48,000 lbs. of ferric chloride for \$10,383.50 and 48,000 lbs. of sodium hydroxide for \$9,807.50 at a total cost of \$20,191.00 from Brenntag Inc. This price includes insurance surcharge and fuel cost.
3. Rock Road Railroad Bridge/Pavement Repair – Invoice from Dondlinger (\$5,661.99)
4. City Utility Bills - \$20,043.40

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS AND NEXT AGENDA ITEMS:

- Monday, December 16th - next council meeting @ 7:30 p.m.

ADJOURNMENT:

MOTION by Allen second by Keck to adjourn the City Council meeting at 9:34 p.m.

MOTION approved unanimously.

Minutes by:
Debra M. Parker, City Clerk