

**MULVANE CITY COUNCIL  
REGULAR MEETING MINUTES**

August 5, 2024

6:00 p.m.

The Mulvane City Council convened at the City Building at 211 N. Second at 6:00 p.m. Presiding was Mayor Brent Allen, who called the meeting to order.

**COUNCIL MEMBERS PRESENT:** Trish Gerber, Tim Huntley, Todd Leeds, Grant Leach, Kurtis Westfall.

**OTHERS PRESENT:** Austin St. John, Debra Parker, J. T. Klaus, Chris Young, Joel Pile, Mike Robinson, Jacob Coy, Steve Nichols, Kevin Cardwell, Chris Smith, Chris Wilson, Dallas Williams, Tyler Miranda.

**PLEDGE OF ALLEGIANCE:** All stood for the Pledge of Allegiance led by Mayor Allen.

**APPROVAL OF REGULAR MEETING MINUTES:**

MOTION by Leeds, second by Gerber to approve the Regular meeting minutes dated July 15, 2024.

MOTION approved unanimously.

**CORRESPONDENCE:** None

**PUBLIC COMMENTS:** Councilmember Todd Leeds spoke as a citizen of Mulvane to acknowledge the Fire, PD, and EMS departments. Leeds is grateful for their sacrifice, dedication to duty, and selflessness, which does not go unnoticed. It is an honor and privilege to have dedicated employees serve the community. Mayor Allen agreed with the comments and advised that we greatly depend on the Fire, PD, and EMS Departments.

**APPOINTMENTS, AWARDS AND CITIATIONS:** None

**OLD BUSINESS**

**1. Public Hearing and Approval of the City of Mulvane 2025 Budget:**

At the July 1, 2024, City Council meeting the Department Heads presented their 2025 budget to the council. The City Council approved the budget hearing date of August 5, 2024, for the 2025 budget of the City of Mulvane.

MOTION by Leeds second by Huntley to recess the City Council meeting for a period not to exceed five (5) minutes for the purpose of conducting a public hearing regarding the 2025 proposed annual City Budget.

MOTION approved unanimously.

There was no one present to speak at the public hearing.

Mayor Allen closed the public hearing.

MOTION by Leeds, second by Leach to reconvene the regular City Council meeting.  
MOTION approved unanimously.

City Administrator, Austin St. John, reviewed the budget with the council. The proposed budget has a flat mill levy of 57.3. This includes an increase to the Library budget from 5 mills to 6.75 mills. The budget also includes a transfer from the electric utility fund of \$550,000 as a mill levy reduction mechanism. These funds will be paid back to the electric utility fund at a later date. The City does not plan to exceed the Revenue Neutral Rate of 71.795.

Mayor Allen commended the City Administrator, Staff, and Council for doing a great job at making decisions and managing tax dollars.

MOTION by Westfall, second by Huntley to approve the 2025 annual City budget as provided.  
MOTION approved unanimously.

**2. Resolution Authorizing a Special Event on City Property:**

Planning and Zoning Director, Joel Pile, reviewed this item with the council. At the July 15, 2024, City Council meeting the City Attorney was instructed to prepare a resolution for consideration which would authorize a Special Event premises on public property in connection with the community's Old Settlers Celebration for the sale and service of alcoholic liquor and cereal malt liquor within the city limits and closes portions of Main Street, 4<sup>th</sup> Street, and Prather Street to vehicular traffic during the specified Special Event.

The Mulvane Chamber of Commerce has made application to the City for a "Special Event" to offer for sale, sell, and serve alcoholic liquor and cereal malt beverages on Friday, August 23, 2024 and Saturday, August 24, 2024 from 12:00 noon to 12:00 midnight each day in a designated area consisting of all of West Main Street (including Main Street east to and including the 4<sup>th</sup> Avenue intersection), Prather Street (from Main Street east to and including the 4<sup>th</sup> Avenue intersection), 4<sup>th</sup> Avenue (from Main Street to Prather), Nessly Auto Park, Main Street Park, and the Cobb Family Historical Park.

The Special Event Premises includes public property (streets, parks, and sidewalks) owned by the City which requires a designation of a "Special Event" to allow the consumption of alcoholic beverages under Section 600.150 and Section 600.180 of the Code of the City of Mulvane.

MOTION by Gerber, second by Westfall to approve Resolution No. 2024-5 authorizing a Special Event Premises on public property in connection with the community's Old Settlers Celebration for the sale and service of alcoholic liquor and cereal malt liquor within the city limits and closing portions of Main Street, 4<sup>th</sup> Street, and Prather Street to vehicular traffic during the specified Special Event.

MOTION approved unanimously.

RESOLUTION 2024-5

A RESOLUTION OF THE CITY OF MULVANE, KANSAS AUTHORIZING A SPECIAL EVENT ON CITY PROPERTY IN CONNECTION WITH THE COMMUNITY'S OLD SETTLERS DAYS CELEBRATION FOR THE SALE

AND SERVICE OF ALCOHOLIC LIQUOR AND CEREAL MALT LIQUOR  
WITHIN THE CITY LIMITS AND STREET CLOSING.

**3. Authorize Prepayment of MHA USDA Loan:**

City Attorney, J.T. Klaus, reviewed this item with the council. On September 6, 2023, the MPHA accepted and approved a proposal from Larry Beck for the purchase of Quad County Manor. As directed by the Chair, the City Attorney prepared a Real Estate Purchase Agreement according to these terms in September. The original agreement is no longer usable for the closing. Obtaining permission to pre-pay the USDA's government loan has been a significant legal undertaking with many delays. Most recently (after granting permission for pre-payment), the USDA indicated the MPHA must provide ten (10) days' notice prior to prepayment, so the USDA can compute the "pay-off" amount. Additional notices were then provided to the residents and another resident meeting has been scheduled. Subsequently, the USDA advised that "the property cannot be transferred until the final payment has been received" and only "once the final payment clears our accounting system, a satisfaction of lien will be provided."

Planning to sell the Property on August 15, the City Attorney notified the USDA that the MPHA would like to pay the loan on August 7, 2024, in hopes that the satisfaction of lien will be provided prior to the August 15, 2024 anticipated sale date. The title company was unwilling to close the transaction while "waiting on the USDA satisfaction."

At closing, the MPHA should receive \$265,000, plus/minus prorations for closing costs, taxes, and rents, and will pay \$55,000 to the buyer for security deposits and to fund a reserve/operating account. The MPHA should net approximately \$210,000 from the sale of Quad County Manor, however, the MPHA cannot fund the prepayment of the USDA loan. The City will need to "front" the MPHA loan pay-off on August 7, in anticipation of the sale (and recuperation of the amount) on August 15. Ending the USDA loan and restrictions is desirable even in the absence of a sale. The USDA has provided a pay-off amount of \$66,130.15.

MOTION by Leeds, second by Leach to retire the Mulvane Public Housing Authority USDA loan using city general funds on August 7, 2024 or as soon thereafter as practicable, with the understanding the MPHA will return those funds if and when the Quad County Manor sale is completed.

MOTION approved unanimously.

**NEW BUSINESS**

**1. Naming of Park Located in Country Walk:**

Kevin Cardwell and Steve Nichols of the Marauders Car Club were present to request the park located in north Country Walk to be named "Marauders Park." If approved by the council, an engraved stone for the park will be provided by the Marauders. In the last ten (10) years the club has donated over \$110,000 to local charities and non-profit organizations, including Mulvane High School, Mulvane American Legion, Blue Sky Ranch, Mulvane Children's Fund, FROG Diner, Toys for Tots, and the PIX Marquee fund.

Per City policy, to name an existing park previously known only by a generic name, a written proposal shall be submitted to the City Administrator outlining the reasons for the suggested name.

The city park shall only be considered for an honorary or philanthropic name, if the individual or group whose name is proposed has made a significant contribution to the facility or to the Mulvane community. A significant contribution may consist of donations of property, financing, or service. Stronger consideration will be given to proposals that include significant contributions over an extended period of time. Regardless of any contribution, proposals for honorary or philanthropic names shall take into consideration the credentials, character, and reputation of the individual or group whose name is proposed.

The Mulvane Tree Board honored the Marauders Car Club with a tree located in the north Country Walk Park, which currently has no official name. Therefore, if there have been no other requests, the car club would like the park to be named “Marauders Park.”

Mayor Allen thanked Cardwell and Nichols for the club giving back to the community. City Attorney, J.T. Klaus, suggested the council may wish to consider other names to distinguish the Marauders as a Car Club. Once a final name is decided, an engraved stone can be made which can include a hot rod. It was also suggested that car-themed park equipment could be provided in the park. It was the consensus of the council to table this item to allow time to consider ideas for a name.

## **2. Electric Generation Motor Repair:**

Public Works/Utility Director, Jacob Coy, presented this item to the council. On February 17th, 2020, the city was notified by the Electric Production Supervisor that the #11 electric generator experienced a crankcase failure explosion. The #10 generating engine continued to operate until KPP (Kansas Power Pool) instructed us to cease generating on February 18th, 2020, at 10:04 a.m.

The cost to add new electric generation is approximately \$1 to \$1.5 million per megawatt. Considering our maximum peak load of around 13 megawatts and a yearly average load of approximately 6 to 8 megawatts, the city would need to invest around \$10 -15 million (for 10 megawatts) to meet peak electric load and \$4 - \$6 million to meet average demand with new generation. Each engine produces 4 megawatts. If the City decides not to rebuild Generator #11, we will forfeit \$28,000 in capacity payments from KPP, reducing our annual capacity payment from \$56,000 to \$28,000. Maintaining both generators ensures operational redundancy and compliance with our contractual obligations to KPP.

The generators are not efficient enough for the SPP market, making it more costly to run them compared to purchasing power. However, they are crucial for our capacity as a pool, especially during outages and extreme weather events. Maintaining this capacity is a key factor in the decisions KPP makes, which directly affects the charges Mulvane and other member cities receive. Keeping our generators operational ensures that the City can be self-reliant in emergency situations, allowing us to generate power independently when the grid is compromised.

Two proposals for the rebuilding of Generator #11 were received. Cooper Machinery Services for \$714,184.00 and Wheeler World's for \$946,762.16. Both proposals cover the necessary inspection, repair, and refurbishment tasks. However, Cooper's proposal provides a more detailed breakdown of tasks, including additional optional services that could benefit our long-term maintenance strategy.

Cooper Machinery Services is the Original Equipment Manufacturer (OEM) representative for the Enterprise motor in our generator. This ensures that the parts and services provided will be of the highest quality and specifically tailored for our equipment. Repairs will be paid with the issuance of bonds. Rebuilding Generator #11 with Cooper will ensure operational redundancy, fulfill our obligations to KPP, and provide long-term benefits for the City's power generation capabilities.

Representatives from Cooper Machinery, Chris Smith and Chris Wilson, were present to answer questions. New parts will be used to rebuild the generator. The turn-around time will be approximately seventeen (17) actual working days with down time between 8 – 12 weeks for shop labor, maintenance, and mobilization points. There will be a one (1) year warranty on parts and labor.

MOTION by Huntley, second by Westfall to authorize the Mayor to sign the agreement with Cooper Machinery Services for the overhaul of Generator #11, with an estimated cost of \$714,184.00.

MOTION approved unanimously.

### **3. Transient Guest Tax Request from the Kansas Star Casino:**

In 2008, the governing body of the City of Mulvane, Kansas passed Charter Ordinance No. 26 which established a 5% Transient Guest Tax (TGT).

In 2011, the City Council adopted a policy that defines how the Transient Guest Tax shall be used and disbursed. As required by State law, the policy specifies tax proceeds shall primarily be spent on convention and tourism promotion primarily on activities and organizations which encourage increased lodging facility occupancy (i.e., stays at the Hampton Inn).

Then in 2022, the City Council amended the “Transient Guest Tax” Resolution. The amendment increased the Transient Guest Tax from 5% to 8% of gross receipts. The amendment restated the city’s intent to grant priority to request funds for convention and tourism to the Kansas Star for the first 5% of annual gross receipts. This priority will remain in effect until use of the Transient Guest Tax Funds by the Kansas Star reaches \$3,800,000. With the 2024 request of \$350,000.00 the total distribution to date is \$3,017,000. City Attorney, J.T. Klaus, advised that this is not a legally binding obligation.

MOTION by Leeds, second by Leach to authorize the City Administrator to approve the 2024 request from the Kansas Star Casino for Transient Guest Tax funds in the amount of \$350,000.00.

MOTION approved unanimously.

### **4. Amending Ordinance Regarding Hours of Operation of City Hall:**

City Administrator, Austin St. John, presented this item to the council. The proposed ordinance would change the office hours at City Hall to 7:00 a.m. to 5:00 p.m. Monday through Thursday and 7:00 a.m. to 11:00 a.m. on Friday. This benefits the citizens to be able to utilize services prior to going to work in the morning along with benefits the staff on a normally slow workday. This also better aligns with the Public Works/Utility Department working hours of 7:00 am to 3:00 pm. If approved, the hours would not take effect until September 2, 2024. This gives the City time to educate the public about the new hours.

It is also recommended to do this on a trial basis to be evaluated on a six-month and yearly basis to determine if it is having the desired effect. Other adjustments will be made to go along with the new hours, including no utility shutoffs on Fridays, and evaluating the phone answering system to make sure citizens are getting the information they need. The proposed ordinance would change the City Code to make this a policy so if in the future City Hall office hours would need to be adjusted, it can be done by a policy change by the City Administrator instead of another Ordinance change.

Mayor Allen asked if there needed to be someone on call for Friday afternoon. City Administrator, Austin St. John, advised that our phone system will be evaluated to make sure citizens are getting information needed for any after-hours service.

The council asked City Attorney, J.T. Klaus, if this change would affect anything in our current City Code. After review, it was determined that this could affect the reconnection of utilities due to cutoffs for non-payment on the 20<sup>th</sup> of the month.

MOTION by Leeds, second by Leach, to instruct the City Attorney to review and draft an ordinance to align with city services for utility reconnection.  
MOTION approved unanimously.

MOTION by Huntley, second by Leach to approve Ordinance No. 1584 amending Title 1, Chapter 115, Section 115.040 regarding hours of operation of City Hall.  
MOTION approved unanimously.

#### ORDINANCE NO. 1584

AN ORDINANCE OF THE CITY OF MULVANE, KANSAS AMENDING  
TITLE I, CHAPTER 115, SECTION 115.040 REGARDING HOURS OF  
OPERATION OF CITY HALL.

MOTION by Huntley, second by Leach to approve Resolution 2024-6 establishing a city hall policy governing the hours of operation for City Hall.  
MOTION approved unanimously.

#### RESOLUTION NO. 2024-6

A RESOLUTION ESTABLISHING A CITY HALL POLICY GOVERNING THE  
HOURS OF OPERATION FOR CITY HALL.

### ENGINEER

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

Phase 3 Main "A" Sanitary Sewer - Distributed a preliminary concept layout and proposed scope of design work for replacing the Styx Creek RCB culvert at Prather St. Coordinated with structural/bridge designers and City staff to review project details and send/receive bridge engineering design proposals.

GIS Mapping – Prepared updated City boundary map for City’s NPDES permit renewal application (KDHE permit expires at the end of 2024).

Phase 1 Harvest Point Addition Infrastructure – The Contractor has initiated utility work at Webb & Sapphire Ln.

Emerald Valley Estates 2<sup>nd</sup> Addition – Prepared final water line design plans and technical specifications to initiate KDHE permit review. Completed preliminary sanitary sewer, storm sewer, mass grading and detention pond design plans. Prepared application documents for KDHE-NOI (storm water pollution prevention permit).

West Main Street Drainage Improvements – Design plans and specifications (bid documents) have been distributed to prospective bidders. Project bids on August 13th.

## **LAND BANK**

MOTION by Huntley, second by Leach to recess the August 5, 2024, City Council meeting and convene as the Mulvane Land Bank.

MOTION approved unanimously.

MOTION by Leach, second by Leeds to approve the 6/3/24 and 7/1/24 Land Bank Trustee meeting minutes.

MOTION approved unanimously.

MOTION by Huntley, second by Leach to recess the Mulvane Land Bank meeting for a period not to exceed five (5) minutes for the purpose of conducting a public hearing regarding the 2025 proposed annual Land Bank Budget.

MOTION approved unanimously.

There was no one present to speak at the public hearing.

Chair Allen closed the public hearing.

MOTION by Leach, second by Leeds to reconvene the August 5, 2024, Regular Land Bank meeting.

MOTION approved unanimously.

MOTION by Leach, second by Huntley to approve the 2025 annual Land Bank budget at provided.

MOTION approved unanimously.

MOTION by Leeds, second by Leach to approve the invoice of \$57.20 for the publication of the budget hearing notification with the Mulvane News.

MOTION approved unanimously.

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

MOTION approved unanimously.

## MULVANE HOUSING AUTHORITY

MOTION by Leach, second by Gerber to recess the City Council Meeting and convene as the Mulvane Housing Authority.

MOTION by Huntley, second by Leach to approve the Mulvane Housing Authority Meeting minutes dated 4/1/24.

MOTION approved unanimously.

City Attorney, J. T. Klaus, reviewed the Real Estate Purchase Agreement with Larry Beck OSM, LLC for the purchase of Quad Co. Manor (605 E. Main). Other documents included are the Legal Description of Land (still working on the legal description for Fairchild Park), Special Warranty Deed, Form of Bill of Sale, Form of Assignment of Leases, Contracts and Intangibles, FIRPTA Certification, Tenant Notice Letter and Easement Agreement for ingress and egress for Swan Drive.

Payment of the loan is scheduled for August 7, 2024 with a closing date of August 15, 2024 provided we receive the satisfaction of lien.

MOTION by Leeds, second by Huntley to approve the Restated and Amended Real Estate Purchase Agreement between Mulvane Public Housing Authority and OSM, LLC for the sale of Quad County Manor property at 605 E. Main in Mulvane; authorize the Chair and Secretary to sign the Real Estate Purchase Agreement, deed, assignments, and all other documents necessary to consummate the sale; and authorize the Chair, Secretary, and City Staff to take all actions necessary to consummate the sale.

MOTION approved unanimously.

MOTION by Huntley, second by Leach to adjourn the Mulvane Housing Authority meeting and reconvene the regular City Council meeting of 8-5-24.

## CITY STAFF

**City Clerk:** None

**City Administrator:** Reminded the council that if anyone wishes to attend the LKM Annual Conference in Wichita on October 10 – 12, 2024 to let staff know and we can get them registered.

**City Attorney:** City Attorney, J.T. Klaus, requested an executive session for a period not to exceed twenty (20) minutes to discuss matters deemed privileged in the attorney-client relationship.

MOTION by Leeds, second by Gerber to recess this meeting to an Executive Session to discuss matters deemed privileged in the attorney-client relationship pursuant to K.S.A. 75-4319(b)(2) for the purpose of consultation with the City Attorney for a period not to exceed twenty (20) minutes and to reconvene at approximately 7:45 p.m. to include the Mayor, City Council, City Administrator, and the City Attorney.

MOTION approved unanimously at 7:25 p.m.



MOTION by Leach, second by Huntley to reconvene the regular meeting of the City Council.  
MOTION approved unanimously at 7:50 p.m.

Mayor Allen advised that no decisions were made during the Executive Session.

City Attorney, J.T. Klaus, reminded council and staff that school will be starting soon and to be aware of the school zones.

**CONSENT AGENDA ITEMS:**

MOTION by Gerber , second by Leeds to approve consent agenda items 1-6.

1. Payroll Dated 7/19/24 - \$267,148.23
2. Payroll Dated 8/2/24 - \$256,220.53
3. City Utility Bills for July - \$24,566.61
4. Chemical Purchase from Brenntag for WWTP - \$39,200.00
5. Purchase of IR Pump from Fluid Equipment for WWTP - \$14,952.02
6. CMB License for Iron Jacket BBQ, LLC

MOTION approved unanimously.

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

Next City Council Meeting – Monday, August 19, 2024 – 6:00 p.m.

An invitation from Friends of McConnell has been extended to fifty (50) people to watch the Blue Angels practice show at McConnell AFB on Friday, August 23, 2024. Ramp doors open at noon with practice between 3:00 p.m. and 4:15 p.m. Anyone interested in going, please let staff know before August 8<sup>th</sup>. Background checks will be done for anyone 16 years or older.

**ADJOURNMENT:**

MOTION by Leeds, second by Westfall to adjourn the regular meeting of the Mulvane City Council.

MOTION approved unanimously at 7:55 p.m.

*Debra M. Parker*

Minutes by:  
Debra M. Parker, City Clerk