

**MULVANE CITY COUNCIL  
REGULAR MEETING MINUTES**

August 19, 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, Gordon Fell.

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

**APPROVAL OF REGULAR MEETING MINUTES:**

MOTION by Gerber, second by Huntley to approve the Regular meeting minutes dated August 5, 2024.

MOTION approved unanimously.

**CORRESPONDENCE:** None

**PUBLIC COMMENTS:** None

**APPOINTMENTS, AWARDS AND CITATIONS:** None

**OLD BUSINESS**

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

At the 8/5/24 City Council meeting, Kevin Cardwell and Steve Nichols with the Marauders Car Club, presented a request to name the park located in north Country Walk - "Marauders Park". The Car Club has made considerable contributions to the community. It was the consensus of the council to table this item to allow time to consider ideas for a name.

Per the 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. An engraved stone for the park will be provided by the Marauders after a name has been determined. After much discussion, it was decided to name the park "Marauders Park" and include a picture of the car club's logo and the words "Car Club" with the date established below the logo.

MOTION by Huntley, second by Gerber that the park located on E. 103<sup>rd</sup> Street So. in north Country Walk be named Marauders Park and to include the car emblem on the stone with the words "Car Club" at the bottom with the date established.

MOTION approved unanimously.

## **2. Ordinance Amending Time for Utility Reconnects:**

On 8-5-24 the City Council approved new City Hall office hours to begin effective September 2, 2024. 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. There was a motion by council to instruct the City Attorney to review and draft an ordinance to align with city services for utility reconnection.

City Attorney, J.T. Klaus, reviewed the changes with the council. If the 20<sup>th</sup> (“Disconnect Date”) is not a business day, or if it is a Friday or other day on which City Hall closes before 5:00 p.m. disconnection will occur the next business day. There was discussion regarding the after-hours reconnection. The hours were aligned to the Utility Department for reconnection of service. The ordinance was presented with the time of 8:00 a.m. to 3:00 p.m. It was the consensus of the council to change the time to 8:00 a.m. to 2:45 p.m. to allow enough time for the Utility Department to reconnect service before the end of their working day, which is 3:00 p.m.

Payments received after the close of City Hall on any business day shall be deemed to require after-hours reconnection unless such customer specifically requests reconnection to occur between 8:00 a.m. and 2:45 p.m. on the next regular business day. The time of the Utility Same Date Service charge will also be changed to read 8:00 a.m. to 2:45 p.m. It was noted that the after-hours reconnection fee is \$75.00.

MOTION by Huntley, second by Leeds to approve Ordinance No. 1585 amending and restating portions of the City Code for the purpose of amending procedures and fees for discontinuation of utility service with the understanding that the Utility Same Date Service would be changed to 2:45 p.m.

MOTION approved unanimously.

### **ORDINANCE NO. 1585**

AN ORDINANCE AMENDING AND RESTATING TITLE VII, CHAPTER 700, ARTICLE II, SECTION 700.220 AND AMENDING AND RESTATING PORTIONS OF TITLE I, CHAPTER 100, ARTICLE VII ENTITLED MISCELLANEOUS FEES AND CHARGES, SECTION 100.240, ALL OF THE MUNICIPAL CODE OF THE CITY OF MULVANE, KANSAS FOR THE PURPOSE OF AMENDING PROCEDURES AND FEES FOR DISCONTINUATION OF UTILITY SERVICE.

### **NEW BUSINESS**

#### **1. Audit Engagement Letter from FORVIS for 2023 Audit Services:**

City Clerk, Debra Parker, reviewed this item with the council. As per City Council instructions, every four years city staff develops a Scope of Service and Request for Proposal to perform the annual city audit. In May 2022, the RFP was sent to eight (8) CPA firms. One firm submitted a proposal. (FORVIS, LLP)

The proposal requested bids for four years. FORVIS, LLP submitted the following bid:

2022 Audit	\$37,750
2023 Audit	\$40,395
2024 Audit	7% increase (Approx. \$43,220)
2025 Audit	7% increase (Approx. \$46,250)

At the 8/1/22 City Council meeting the council accepted the proposal from FORVIS, LLP to provide annual city audit services through 2025. In accordance with the bid submitted by FORVIS, the fee for the City's 2023 annual audit is \$40,395.00. Funds are available in the Budget and Audit Services line item in Administration, Electric, Water, and Wastewater annual budgets. In order to comply with the cash basis and budget laws of the State of Kansas, annual engagement letters must be signed for these audit services.

MOTION by Leeds, second by Leach to approve the engagement letter from FORVIS Mazars, LLP for the 2023 annual City audit in the amount of \$40,395.00.  
MOTION approved unanimously.

## **2. Voting Delegates for LKM Annual Conference Business Meeting:**

City Clerk, Debra Parker, reviewed this item with the council. The 2024 League Annual Conference will be October 10-12, 2024, in Wichita, Kansas. The Annual Business Meeting & Convention of Voting Delegates will be on Saturday, October 12, 2024.

The League is now collecting registrations for Voting Delegates and Alternates. K.S.A. Supp. 12-1610f provides that "The governing body of each member city may elect city delegates from among the city's officers to represent the city in the conduct and management of the affairs of the League of Kansas Municipalities." A voting delegate or alternate shall qualify by having his or her name, city, title, and address registered with the executive director and shall hold such position while qualified and until a successor is elected and qualified."

The League must have a form on file for each voting delegate and each alternate for their vote to count during the business meeting. Registration is to be completed online by Friday, September 20, 2024, at 5:00 p.m. Designating the voting delegates and alternates must be done by City Council action. The City may have up to two (2) Voting Delegates and two (2) Alternate Delegates.

Councilmember, Kurtis Westfall, requested to be registered for the Conference. The City Clerk will take care of the registration.

MOTION by Leeds, second by Gerber to appoint Austin St. John and Brent Allen as voting delegates at the 2024 League of Kansas Municipalities Annual Conference Business Meeting.  
MOTION approved unanimously.

MOTION by Leeds, second by Gerber to appoint Tim Huntley and Kurtis Westfall as alternate voting delegates at the 2024 League of Kansas Municipalities Annual Conference Business Meeting.  
MOTION approved unanimously.

### **3. Adoption of the 2024 STO & UPOC Ordinances:**

Public Safety Director, Gordon Fell, reviewed this item with the council. In 2006, the City of Mulvane revised the then, Mulvane Criminal and Traffic Code into the Uniform Public Offense Code (UPOC), and the Standard Traffic Ordinance (STO). This change allowed the City to adopt the “incorporating” ordinances each year for the revised UPOC and STO, without corrupting existing provisions of the Municipal Code of the City, some of which are unique to the City.

The UPOC and STO are updated by the League of Kansas Municipalities each year (with some carve outs unique to Mulvane) and are used to standardize the municipal traffic laws and criminal offense code in cities throughout the State. City Attorney, J.T. Klaus, and Public Safety Director, Gordon Fell, reviewed some of the changes with the council. Changes reviewed in the UPOC included Disorderly Conduct, and Possession of Controlled Substances for individuals seeking medical assistance. Councilmember Leeds wanted to verify that the changes to Disorderly Conduct in the UPOC did not conflict with our Noise Ordinance. Changes reviewed in the STO included an individual’s driver’s license can no longer be suspended for failing to comply with certain traffic citations.

MOTION by Leeds, second by Huntley to adopt and approve Ordinance No. 1586 incorporating by reference the Uniform Public Offense Code for Kansas Cities (40<sup>th</sup> Edition), as published by the League of Kansas Municipalities in 2024, with the modifications and supplements contained therein and amending the Code to coincide with the 2024 publication.

MOTION approved unanimously.

#### **ORDINANCE NO. 1586**

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CITY OF MULVANE, KANSAS; INCORPORATING BY REFERENCE THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES (40<sup>TH</sup> EDITION), AS PUBLISHED BY THE LEAGUE OF KANSAS MUNICIPALITIES FOR 2024, WITH CERTAIN AMENDMENTS; AMENDING TITLE II, CHAPTER 210, ARTICLE I, SECTION 210.013 OF THE CODE OF THE CITY OF MULVANE, KANSAS.

MOTION by Leeds, second by Huntley to adopt and approve Ordinance No. 1587 incorporating by reference the Standard Traffic Ordinance for Kansas Cities (51<sup>st</sup> Edition), as published by the League of Kansas Municipalities in 2024, with the modifications and supplements contained therein and amending the Code to coincide with the 2024 publication.

MOTION approved unanimously.

#### **ORDINANCE NO. 1587**

AN ORDINANCE INCORPORATING BY REFERENCE THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES (51<sup>ST</sup> EDITION), AS PUBLISHED BY THE LEAGUE OF KANSAS MUNICIPALITIES FOR 2024; AMENDING TITLE III, CHAPTER 300 OF THE CODE OF THE CITY OF MULVANE, KANSAS.

#### **4. Ordinance Authorizing Electric Utility System Improvements:**

City Attorney, J.T. Klaus, reviewed this item with the council. An ordinance has been prepared authorizing Electric Utility System Improvements. This is to pay for additional costs on the Electrical Substation and to repair and overhaul one of the electric generators. The ordinance further authorizes the issuance of the City's general obligation bonds in the total amount of \$2,870,000 to pay the costs of the Project. The estimated cost of the Project is approximately \$5,325,000 which \$2,000,000 has already been paid for with bonds issued through KPP Energy for a portion of the electric substation, with approximately \$462,940 of which shall be paid from additional bonds allocated to the City by KPP Energy for additional amounts of the electric substation. There will be an amendment to the power purchase contract with KPP Energy to receive the additional \$462,940 to be reviewed by the council at a later date.

MOTION by Leeds, second by Gerber to adopt Ordinance No. 1588, determining it necessary and advisable to make improvements to the Electric Utility System Improvements and potentially finance the costs thereof through general obligation bonds.

MOTION approved unanimously.

#### **ORDINANCE NO. 1588**

AN ORDINANCE OF THE CITY OF MULVANE, KANSAS; AUTHORIZING THE CITY TO MAKE ELECTRIC UTILITY IMPROVEMENTS; AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATION BONDS IN AN AMOUNT OF APPROXIMATELY \$2,870,000 TO PAY THE COSTS OF THE ELECTRIC UTILITY IMPROVEMENTS.

#### **5. Ordinance Authorizing Sanitary Sewer System and Storm Water and Drainage Improvements:**

City Attorney, J.T. Klaus, reviewed this item with the council. An ordinance has been prepared determining it necessary and advisable to make improvements to the Sanitary Sewer System and the Storm Water Drainage System. The Ordinance authorizes the issuance of the City's general obligation bonds in a total amount of \$2,055,000 to pay for the costs of the project. The City is planning on using a portion of the revenues from the 1% sales tax to pay the principal and interest on the bonds for the Storm Water and Drainage Improvements which includes the demo of existing Reinforced Concrete Boxes on Prather Street and constructing new ones. The City has determined it necessary to install extensions to the City's sewer system (the "Sewer Project"). The Sanitary Sewer System Improvements will be for the Main "A" Sanitary Sewer Project Phase 3.

MOTION by Leeds, second by Westfall to adopt Ordinance No. 1589, determining it necessary and advisable to make improvements to the Sanitary Sewer System and Storm Water Drainage System and potentially finance the costs thereof through general obligation bonds.

MOTION approved unanimously.

#### **ORDINANCE NO. 1589**

AN ORDINANCE OF THE CITY OF MULVANE, KANSAS, AUTHORIZING THE CITY TO MAKE CERTAIN SEWER SYSTEM AND STORM WATER SEWER AND DRAINAGE IMPROVEMENTS; AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATION BONDS IN AN ESTIMATED PRINCIPAL

AMOUNT OF \$2,055,000 TO PAY A PORTION OF COSTS OF THE IMPROVEMENTS.

## ENGINEER

### **1. West Main Street Drainage Improvements – Bid Review and Notice of Award:**

The existing storm sewer inlet located at 219 W. Main Street is showing signs of deterioration and in need of repair. The existing storm sewer inlet provides street drainage for W. Main including the paved area lying west of the Empire Taco Building (219 W. Main). The City would like to replace the inlet and improve drainage.

The final approved design plan will replace the existing inlet with a double-sided inlet allowing storm water to enter the north and south sides of the new inlet. A concrete flume will replace the pavements immediately west of the Empire Taco Building (219 W. Main) and direct water into the new inlet. The project will not begin until after the 2024 Mulvane Old Settlers Festival.

Bids for the project were opened on August 13, 2024. The following is a summary of the three (3) bids received:

Wildcat Construction	\$73,869.00
Dondlinger & Sons Construction Co.	\$142,464.00
APEX Excavating, LLC	\$203,270.00

Staff recommends issuing a “Notice of Award” to Wildcat Construction Co.

MOTION by Huntley, second by Westfall that the City issue a Notice of Award to Wildcat Construction Company, Inc., and authorize the City Administrator to sign.

MOTION approved unanimously.

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

Phase 3 Main “A” Sanitary Sewer – Initiated field surveys needed for evaluating reinforced concrete box (RCB) replacement and received proposals from bridge designers for the replacement.

GIS Mapping – SAM continues to work on GIS updates, including website design.

Phase 1 Harvest Point Addition Infrastructure – The contractor has initiated utility work at Webb Rd. and Sapphire Ln. Approximately 430 LF of sanitary sewer pipe has been installed including the boring and encasement under Webb Rd.

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.

## CITY STAFF

**City Clerk:** None

**City Administrator:**

1. Location of EV Charging Stations – With the increased number of electric vehicles, there is a need for public charging stations. The City of Mulvane does not have any available charging stations. KPP Energy is offering two free level 2 charging stations with bollards to the City. These stations would be open to the public and free to use. The level 2 charging stations would only add 25 miles an hour to the vehicle's battery. St. John reviewed four (4) possible locations for the charging stations.

1. City Hall Lower Parking Lot
2. Main Street Park
3. Lot South of E. Mulvane Street
4. Lot East of City Hall

Placing the charging stations in or close to the downtown area would have the potential of attracting customers to the downtown area for shopping and dining.

City staff would install the charging stations, and the city would provide and pay for the electricity used.

The council liked the idea of looking to the future and providing a Level 3 charging station when grant funding is available. Currently Level 3 charging stations are located along a main corridor, and the cost of the stations and transformer could be approximately \$200,000 to \$300,000.

MOTION by Huntley, second by Westfall to approve installation of two level 2 charging stations in the lower parking lot of City Hall.

MOTION approved unanimously.

City staff will stripe the parking lot and provide signage for "EV Parking Only" for the charging stations. The location of the stations can be provided on maps.

2. Finance Report of July – Reviewed the financial report with the council.

3. Sedgwick County Property Tax Meeting – Attended a meeting with the Sedgwick County Commissioners regarding the use of a sales tax to offset property taxes. Sedgwick County would like the support of all cities within the county.

Mayor Allen wanted to make sure that the Utility Fund would be paid back the money that was "borrowed" for the 2025 budget once the Casino tax issue was resolved. City Administrator, Austin St. John, advised that once the PMIB Loans are paid, the City would pay back the Utility Fund. City Attorney, J.T. Klaus, advised we may need to check with our Auditor to see if we need a document in our audit to reflect that we have borrowed money from an Enterprise Fund for general operations that the City is obligated to pay back in the future.

**City Attorney:**

1. Reminded everyone that school is back in session and to observe the 20-mph school zone.
2. Executive Session - City Attorney, J.T. Klaus, requested an Executive Session for the purpose of discussing matters pertaining to the acquisition of land for a period of fifteen (15) minutes.

MOTION by Huntley, second by Leach to recess this meeting to an Executive Session to discuss matters pertaining to the acquisition of real property pursuant to K.S.A. 75-4319(b)(6) for the purpose of discussing acquisition of land for a period not to exceed fifteen (15) minutes to include the Mayor, City Council, City Administrator, and the City Attorney and to reconvene in open session at approximately 7:33 p.m.

MOTION approved unanimously at 7:18 p.m.

MOTION by Leeds, second by Gerber to reconvene the regular meeting of the City Council.

MOTION approved unanimously at 7:38 p.m.

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

**CONSENT AGENDA ITEMS:**

MOTION by Gerber, second by Leeds to approve consent agenda items 1-4.

1. Payroll Dated 8/16/24 - \$259,702.72
2. Warrant Register for July - \$919,912.79
3. Pay Application #1 – McCullough Excavation – Harvest Point Phase 1 - \$117,090.00
4. Invoice to Replace A/C Compressor at Library – MJB Heating & Cooling - \$11,255.00

MOTION approved unanimously.

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

No Council Workshop for August.

Next City Council Meeting – Wednesday, September 4, 2024 – 6:00 p.m.

**ADJOURNMENT:**

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

MOTION approved unanimously at 7:40 p.m.

*Debra M. Parker*

Minutes by:  
Debra M. Parker, City Clerk