

**MULVANE CITY COUNCIL
REGULAR MEETING MINUTES**

December 2, 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: Tim Huntley, Grant Leach, Trish Gerber, Todd Leeds.

OTHERS PRESENT: Austin St. John, Debra Parker, J. T. Klaus, Chris Young, Joel Pile, Gordon Fell, Mike Robinson, Rachael Blackwell, Jacob Coy, Malissa Long, Kande Jones, Andrea Kelly.

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

APPROVAL OF REGULAR MEETING MINUTES:

MOTION by Huntley, second by Leach to approve the Regular meeting minutes dated November 18, 2024.

MOTION approved unanimously.

CORRESPONDENCE: None

PUBLIC COMMENTS: None

APPOINTMENTS, AWARDS AND CITATIONS:

1. Appointment to the All-Star Scholarship Board:

The Kansas All-Star Scholarship Fund is a non-profit organization created for the purpose of supporting education and students in Sumner County and Mulvane, Ks. Students enrolled in grades K-12 receive a \$100 reward card to help with school expenses. Teachers receive \$500 to help purchase supplies for their classrooms. In addition, scholarships are awarded to students enrolled full-time in post-secondary classes following graduation. The 5-member Board of Directors oversees the administration of the Program. The City of Mulvane appoints one person to the Board every two years. The City Council appointed Joe Johnson to the Board in 2011. Johnson has been re-appointed every two years since 2011 and has agreed to be re-appointed for another two-year term.

MOTION by Gerber, second by Leach to re-appoint Joe Johnson to a two-year term to the Kansas All-Star Scholarship Board.

MOTION approved unanimously.

OLD BUSINESS

1. Public Hearing to Amend the 2024 City Budget:

On November 18, 2024, the City Council set a Public Hearing for December 2, 2024, to amend the 2024 City Budget. Expenditures for the Swimming Pool exceeded the approved 2024 budget amount. The City will need to make a larger transfer from the general fund to cover the expenditure.

Mayor Allen opened the Public Hearing and asked if anyone was present to speak. No one was present. Mayor Allen closed the Public Hearing.

MOTION by Huntley, second by Gerber to approve the 2024 amended budget.
MOTION approved unanimously.

2. Agreement with PEC for Downtown Preliminary Engineering Report:

This item was presented to the City Council on November 18, 2024. The council wished to speak to a representative from the Mulvane Community Foundation (MCF) or the Mulvane Recreation Commission (MRC) regarding the program and moved to table the item.

The MCF and MRC have been working on a Community Development Block Grant (CDBG) application to help improve ADA accessibility to community businesses. The grant requires a Preliminary Engineering Report (PER) to be submitted with the application. Professional Engineering Consultants (PEC) submitted a proposal for the PER in the amount of \$13,000. The MCF and MRC are requesting the City fund the \$13,000. The CDBG has a 25% match.

MCF Director, Malissa Long, and MRC Representative, Kande Jones, provided the council with a copy of the notice business owners received explaining the grant program. Long advised that twenty-one (21) businesses are interested in the program. City Attorney, J.T. Klaus, wanted to make sure they have the business owner's consent and pointed out that once the findings report is complete, and the business owner is made aware of the ADA requirements, they must comply. The report would include a review of the property and needs of the building and would not be specific to just door openers. The council was concerned that this would create a burden on business owners. Councilmember Leeds asked if there were any grants available to help business owners with the expense of bringing their businesses into ADA compliance. It was noted that there may be some tax credits available.

The City Council asked if other communities have received this grant and how it affected the business owners. Long advised that Cottonwood Falls participated in the program. Since the application deadline is not until May 25, 2025, the council would like additional information before making any decisions. Long will check on providing more information to the council.

MOTION by Huntley, second by Leeds to remove the Agreement with PEC for a Preliminary Engineering Report from the agenda until further notice.
MOTION approved unanimously.

NEW BUSINESS

1. Elected Official's Cellular Telephone Policy:

City Administrator, Austin St. John, reviewed this item with the council. Mayor Allen requested the use of a city cell phone for city business purposes. The proposed policy provides guidelines for the use of a city cell phone by elected officials. City Attorney, J.T. Klaus, advised that the cell phone is the property of the City and any calls, text messages, etc. will be open record.

MOTION by Huntley, second by Leach to approve the Elected Official's Cellular Telephone Policy.
MOTION approved unanimously.

2. 2025 Employee COLA:

City Administrator, Austin St. John, presented this item to the council. After recently conducting an employee survey, 59% of employees who responded indicated they were not satisfied with their pay. The City budgeted a 3.5% COLA increase for employees in 2025. With the decrease in the health insurance renewal premiums, the City will be below budget should the council wish to grant a COLA above what was budgeted for 2025. St. John reviewed the COLA history for city employees with the council. The council can decide if they wish to grant a COLA to employees in 2025 and if so, what percentage.

There was discussion that some job classifications, specifically Police Officers, are below the starting pay of surrounding communities. This makes it hard to recruit and retain officers. It was noted that there may need to be an adjustment to some job classifications and pay ranges in the future.

MOTION by Huntley, second by Leach to grant a 5% COLA to employees for 2025.
MOTION approved unanimously.

3. Purchase of Mini Excavator:

Public Works Director, Jacob Coy, presented this item to the council. Coy is requesting the purchase of a mini excavator to be shared between departments. A mini excavator is easier to maneuver in tight spaces and can use various attachments, which is beneficial when maintaining steep drainage canals. This will allow crews to work faster, safer, and with less disruption in areas where space is limited, than using a traditional backhoe.

Quotes and demonstrations were received from three (3) dealers as follows:

Bobcat/White Star Machinery	\$65,400.00
Central Power Systems	\$67,797.54
Foley Equipment	\$74,909.78

Coy recommends approving the low bid for a Bobcat E40 R2-Series Bobcat Compact Excavator from White Star Machinery and Supply.

MOTION by Leach, second by Leeds to approve the purchase of the Bobcat E40 Series mini excavator from White Star Machinery for \$65,400.00, with the expense to be shared equally among the Streets, Electric, and Water Divisions.

It was noted that since part of the purchase would come from the Electric Department, that sales tax would apply to the whole amount.

MOTION was not approved with all councilmembers voting No.

MOTION by Leeds, second by Gerber to approve the purchase of the Bobcat E40 Series mini excavator from White Star Machinery for \$65,400.00 to be purchased with ARPA funds.

MOTION approved unanimously.

ENGINEER

1. Main "A" Sanitary Sewer Phase 3 – Accept Bid and Issue Notice of Award:

In November of 2022, the City modified the Main "A" Sanitary Sewer project scope from a single construction installation to multiple project phases. Phase 1 and 2 of the Project have been

completed, and the City is ready to move forward with Phase 3. Phase 3 Improvements will construct a new sewer from south of Prather St. to Ralph Bell Park. Due to the large amount of pavement replacement needed, the City requested bidders provide an “Add Alternate” bid for pavement replacement. Phase 3 bids were received and opened on November 14th. This project is being financed by General Obligation Bonds.

Bids were received from two (2) contractors. (Totals include the base bid plus alternate bid)

Apex Excavating, LLC	\$1,187,155.00
Nowak Construction	\$2,225,113.95

Staff recommends accepting the low bid from Apex Excavating, LLC and issue a Notice of Award.

MOTION by Huntley, second by Gerber that the City accept the low bid submitted by Apex Excavating, LLC in the amount of \$1,187,155.00 for Phase 3 Main “A” Sanitary Sewer Improvements and authorize the issuance of a Notice of Award.

MOTION approved unanimously.

2. Harvest Point Street Improvements – Accept Bid and Issue Notice of Award:

Bids for Harvest Point Street Improvements were received and opened on November 21, 2024.

Bids were received from three (3) contractors.

Kansas Paving	\$515,468.00
Apac-Kansas	\$538,802.03
Pearson Construction	\$552,399.80

Staff recommend accepting the low bid submitted by Kansas Paving and approve a Notice of Award.

MOTION by Gerber, second by Leach that the City accept the bid submitted by Conspec Inc. DBA Kansas Paving in the amount of \$515,468.00 for Street Improvements to serve the Phase 1 Harvest Point Addition and authorize the issuance of a Notice of Award.

MOTION approved unanimously.

3. Emerald Valley 2nd Addition – Notice to Proceed:

On October 3, 2024, the City received sealed bids for Utility and Mass Grading Improvements for Emerald Valley 2nd Addition with the low bid submitted by McCullough Excavation. On October 21, 2024, the council approved a construction agreement with McCullough Excavation pending receipt and approval of amended petitions and developer’s agreement. On November 4, 2024, the council approved the amended documents. Staff recommend approving a Notice to Proceed.

MOTION by Huntley, second by Leeds to approve a Notice to Proceed with McCullough Excavation, Inc. and authorize the Mayor to sign.

MOTION approved unanimously.

4. Project Review and Update:

Main “A” Sanitary Sewer Improvements Phase 3 – Accept bid and Notice of Award to Apex Excavating.

Phase 1 Harvest Point – Accept bid and Notice of Award to Kansas Paving for Street Improvements. The Contractor has completed Sanitary sewer installations. Storm sewer installations are 80% complete and water line installations are approximately 50% complete.

Emerald Valley Estates 2nd Addition – Notice to Proceed issued to McCullough Excavation.

The council had questions about the installation of fiber optics in the new additions. Public Works Director, Jacob Coy, advised they are working with the companies on the installation.

CITY STAFF

City Clerk: Councilmembers will need to sign the Amended 2024 Budget sheet.

City Administrator: There is a Special Meeting Request for the joint Planning Commission and City Council workshop on December 12th. The request will need to be signed by three (3) councilmembers.

City Attorney:

1. Executive Session: City Attorney, J.T. Klaus, requested an Executive Session for a period of fifteen (15) minutes to discuss matters deemed privileged in the attorney-client relationship.

MOTION by Huntley, second by Leach 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 fifteen (15) minutes and to reconvene in open session at approximately 7:35 p.m. to include the Mayor, City Council, City Administrator, and the City Attorney.

MOTION approved unanimously at 7:17 p.m.

MOTION by Gerber, second by Leach to reconvene the City Council meeting.

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 Leach, second by Gerber to approve consent agenda items 1-3.

1. Payroll Dated 11/22/24 - \$243,168.73
2. City Utility Bills for October - \$17,177.53
3. CMB License Renewals for Dillons, Dollar General, Iron Jacket BBQ

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS, AND NEXT AGENDA ITEMS:

Planning Commission Meeting – December 12, 2024, at 7:30 p.m. – Discussion of Comprehensive Plan with RDG. (This will be a joint City Council and Planning Commission Workshop).

City Christmas Party – Friday, December 13, 2024 – 6:30 p.m. at the Kansas Star Casino Event Center.

Next City Council Meeting – Monday, December 16, 2024 – 6:00 p.m.

ADJOURNMENT:

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

MOTION approved unanimously at 7:40 p.m.

Minutes by:

Debra M. Parker

Debra M. Parker, City Clerk

Minutes approved by the City Council on December 18, 2024.