

**MULVANE CITY COUNCIL
REGULAR MEETING MINUTES**

April 21, 2025

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: Grant Leach, Kurtis Westfall, Trish Gerber, Tim Huntley.

OTHERS PRESENT: Austin St. John, Debbie Parker, J. T. Klaus, Chris Young, Joel Pile, Mike Robinson, Nancy Farber Mottola, Nancy Reed, Leanna Yohe, Sue Shoemaker, Pat Arroyo, Joyce Riecker, Dan Herpolsheimer, Rhyan Borden.

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

APPROVAL OF REGULAR MEETING MINUTES:

MOTION by Westfall, second by Leach to approve the Regular meeting minutes dated April 7, 2025.

MOTION approved unanimously.

CORRESPONDENCE: None

PUBLIC COMMENTS: Tree Board Member, Nancy Reed, invited the City Council to the Arbor Day Celebration tomorrow (April 22nd) at the PIX at 6:30 p.m. They will be honoring Dan Heersche.

APPOINTMENTS, AWARDS AND CITATIONS:

1. Arbor Day Proclamation:

Mayor Allen read the Arbor Day Proclamation proclaiming April 22, 2025, as Arbor Day in the City of Mulvane, Kansas.

OLD BUSINESS

1. Resolution for Public Hearing on Selection of Electric Provider:

City Attorney, J.T. Klaus, reviewed this item with the council. On April 7, 2025, the City Council approved Ordinance 1596 to annex the property at 1337 E. 146th Ave. N. into the City of Mulvane. The electric utility at the property is currently being served by Evergy, Inc. Pursuant to K.S.A. 66-1,176, when a city annexes land located within the certified territory of a retail electric supplier, the city is required to hold a public hearing to consider and evaluate the statutory factors. Because the property in question lies within the certified territory of Evergy, Inc., the city must: (1) Provide written notice of the public hearing to Evergy Inc., as the affected retail electric supplier, at least 30 days in advance of making any selection; (2) Publish notice of the public hearing to allow any interested parties the opportunity to attend and be heard regarding the selection of the retail electric supplier for the annexed property; and (3) Following the public hearing, if the governing body selects a retail electric supplier for the annexed property, it must notify the selected supplier, and

if the selection differs from the affected retail electric supplier, it must also notify the affected supplier of its determination.

(Councilmember Todd Leeds arrived at 6:11 p.m.)

MOTION by Huntley, second by Westfall to adopt and approve Resolution No. 2025-3 setting the date, time, and place of a public hearing regarding selecting a retail electric supplier for the Property annexed by Ordinance 1596.

MOTION approved unanimously.

RESOLUTION NO. 2025-3

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING NOTICE OF A PUBLIC HEARING BEFORE THE GOVERNING BODY OF THE CITY OF MULVANE, KANSAS AT WHICH ALL PERSONS INTERESTED MAY APPEAR AND BE HEARD REGARDING THE ELECTRICITY SERVICE PROVIDER FOR CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE CITY.

NEW BUSINESS

1. Request for Transient Guest Tax Funds – Mulvane Alumni Association:

Nancy Farber Mottola requested TGT funds in the amount of \$1,630.00 for the Mulvane High School Alumni Banquet which will be held on Saturday, May 24, 2025. The City logo will be included on the event flyer.

MOTION by Leach, second by Leeds to authorize the City Administrator to approve the 2025 request from The Mulvane Alumni Association for Transient Guest Tax funds in the amount of \$1,630.00.

MOTION approved unanimously.

ENGINEER

1. Agreement for Street Improvements – Emerald Valley Estates 2nd Addition:

On April 7th, the City Council accepted the bid from Pearson Construction, LLC in the amount of \$379,969.30 for Street Improvements to serve Emerald Valley Estates 2nd Addition and authorized the issuance of a Notice of Award. Pearson Construction has submitted the Construction Agreement, Bond Forms, and Certificate of Insurance for the council's consideration.

MOTION by Gerber, second by Westfall to approve a construction agreement with Pearson Construction, LLC in the amount of \$379,969.30 for Street Improvements to serve Emerald Valley Estates 2nd Addition and authorize the Mayor to sign.

MOTION approved unanimously.

2. Harvest Point Addition – Change Order No. 2 – Kansas Paving:

After some rainfall in early April, surface water was observed ponding near the NW corner of a concrete valley gutter located at the north side of the intersection of Garnet and Quartz. Upon the review of design elevations for the valley gutter, it was determined that one of the spot elevations

was in error, and a corrective plan was prepared. Change Order No. 2 includes removal and replacement of the concrete valley gutter and an additional 10-calendar days to complete the work. The increase in the contract amount due to this change will be \$9,117.50.

MOTION by Leach, second by Leeds to approve Change Order No. 2 with Kansas Paving as presented for Street Improvements to serve Phase 1 Harvest Point Addition and authorize the City Administrator to sign.

MOTION approved unanimously.

3. Engineering Supplemental Agreement – Harvest Point Addition:

The construction contract with McCullough Excavation for Grading and Utility Improvements for Harvest Point had a completion date set at December 30, 2024. (120-day construction timeline). On 3/3/25 Change Order No. 1 was approved, allowing an additional 25 days due to weather conditions. The contract with Kansas Paving for Street Improvements for Harvest Point had a completion date set at February 28, 2025. (90-day construction timeline). On 3/17/25 Change Order No. 1 was approved, allowing an additional 35 days due to weather conditions.

As of April 15th, the Engineering oversight services for Grading and Utility Improvements have exceeded the estimated maximum timeline by 165 days, and Engineering oversight services for Street Improvements have exceeded the estimated maximum timeline by 15 days. Total estimated engineering oversight fees for Phase 1 Harvest Point were exceeded by \$28,894.20. Y&A is requesting supplemental engineering oversight fees in the amount of \$19,770.00.

MOTION by Huntley, second by Leeds to approve supplemental engineering oversight fees with Young and Associates, P.A. in the amount of \$19,770.00 for the Harvest Point Addition Phase 1 infrastructure project and authorize the Mayor to sign.

MOTION approved unanimously.

4. Main A Sewer Phase 3 Change Order No. 1 – Apex Excavating:

Apex Construction is installing a 21" Sanitary Sewer pipe across Styx Creek north of Prather St. Based on existing flow-line elevations in Styx Creek, there will be approximately 2 feet of cover over the top of the proposed SS pipe. To provide additional protection over the new pipe, it is recommended to encase approximately 20 feet of pipe across the creek. The Contractor has requested a change order in the amount of \$1,740.00 for the concrete encasement.

MOTION by Leach, second by Huntley to approve Change Order No. 1 in the amount of \$1,740.00 with Apex Excavating, LLC and authorize the City Administrator to sign.

MOTION approved unanimously.

5. Project Review and Update:

Main "A" Sanitary Sewer Improvements Phase 3 – Traffic has been detoured from Prather St. and Main St. for sanitary sewer installations. Apex has completed SS pipe installation to the northside of the Main St. Park Bandshell seating area. Begin warranty work for pavement repair on First St. and Bridge.

Phase 1 Harvest Point – Kansas Paving has completed the first lift of asphalt pavement and is ready to install the surface lift.

Emerald Valley Estates 2nd Addition – McCullough Excavation is finishing grading work and has completed installing sanitary sewers, storm sewers and water lines. Ready for pipeline testing and final walk-through inspection for Grading and Utility Improvements.

English Park Pedestrian Bridge – Staff met with the structural engineer to review the project and timeline. Ready to prepare bid documents.

Water Distribution System Study – Research of water lines and system operation has been completed, and an existing water model layout has been developed.

CITY STAFF

City Clerk: Statement of Substantial Interest forms should be updated on an annual basis between April 15th and 30th. New forms are available if needed, or acknowledgement forms for no changes are ready for signature.

City Administrator: Financial Report for March was provided for council's review.

City Attorney: City Attorney, J.T. Klaus, advised that Planning and Zoning Director, Joel Pile, notified Toby Kuhn with KDHE that the City did not wish to participate in the Illegal Dump Program for tire removal at 1481 N. Dollar Rd. due to a paragraph in the agreement stating the City would be responsible for the total cost of the clean-up if Federal or State funds were not released for the project. KDHE advised that the paragraph can be removed from the agreement, and they will send a new, signed agreement for council consideration.

CONSENT AGENDA ITEMS:

MOTION by Leach, second by Westfall to approve consent agenda items 1-4.

1. Payroll Dated 4/11/25 - \$271,994.59
2. Warrant Register for March - \$1,674,112.20
3. Pay Appl. #4 – Emerald Valley Estates 2nd Addn. – McCullough Excavation - \$396,578.25
4. EMS Software Annual Renewal Fee – ImageTrend - \$17,387.50

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS, AND NEXT AGENDA ITEMS:

CIP Workshop – Monday, April 28, 2025 – 6:00 p.m. at the PIX.

Next City Council Meeting – Monday, May 5, 2025 – 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 6:36 p.m.

Minutes by:

Debra M. Parker

Debra M. Parker, City Clerk

Minutes approved by the City Council 5/5/25.